

Southern Planning Committee

Agenda

Date:	Wednesday, 3rd February, 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 - 8)

To approve the minutes of the meeting held on 6 January 2016.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **15/4922N Land Off Nantwich Road, Alraham: Outline Planning Application for a Pavilion, Improved Recreational Facilities and up to 20 Dwellings with all Matters Reserved Except for Access for The Wellcome Trust Ltd (Pages 9 - 24)**

To consider the above planning application.

6. **15/1666N Land at Bowe's Gate Road, Bunbury, Cheshire CW6 9PL: The erection of 11 no. new dwellings including affordable housing for Rural Housing Trust (Pages 25 - 40)**

To consider the above planning application.

7. **15/1437N Holly Cottage, Gauntons Bank, Norbury SY13 4HP: Proposed construction of one dwelling on land adjacent to Holly Cottage for R Lewis (Pages 41 - 50)**

To consider the above planning application.

8. **15/4413N Land Rear Of Woodlands View, 20, Bridge Street, Wybunbury CW5 7NE: Erection of 19 no. dwellings, vehicular access, associated car parking and landscaping (Reserved Matters) for Simon Clutton, Simon Clutton Homes Ltd (Pages 51 - 64)**

To consider the above planning application.

9. **15/4967N Land East Of Rope Lane, Shavington, Crewe, Cheshire: Reserved Matters application seeking consent for appearance, landscaping, layout and scale following the approval of 14/3267N - Construction of up to 53 dwellings including details of access for Wainhomes (North West) Ltd (Pages 65 - 78)**

To consider the above planning application.

10. **15/3099N Land To The Rear Of Sandy Lane Numbers 1 To 16, Sandy Lane, Winterley: Outline application for 1no. or 2no. residential properties, with primary access (single vehicle) off Sandy Lane, private access to the site owned by applicants for Mrs Doris Cooke** (Pages 79 - 90)

To consider the above planning application.

11. **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** (Pages 91 - 116)

To consider the above planning application.

12. **15/3863N Land Adjacent To The Bridge Inn, Broad Street, Crewe, Cheshire: Proposed construction of 14 no. dwellings for John Warters** (Pages 117 - 130)

To consider the above planning application.

13. **15/4119C Land East Of Chells Hill, Church Lawton: Construction of two new dwellings for Marion Donovan** (Pages 131 - 140)

To consider the above planning application.

14. **15/4234C Land Off Manor Lane, Holmes Chapel: Proposed demolition of existing buildings and outline planning permission for up to 65 residential dwellings to include access for Liberty Properties Developments Limited** (Pages 141 - 160)

To consider the above planning application.

15. **15/4892C 4, Needhams Bank, Moston, Sandbach CW11 3PF: Erection of Single Detached Dwelling for Mr Ian Larvin** (Pages 161 - 172)

To consider the above planning application.

16. **15/4903N Land To The North Of Orion Way, Crewe: Proposed 4 number industrial units with class use B1, B2 and B8, with new vehicular access, associated car parking and service yard for Ms Shani Gabbidon, C4 Consulting** (Pages 173 - 184)

To consider the above planning application.

17. **15/5280C Lawton Mere Nurseries, Cherry Lane, Rode Heath, Cheshire ST7 3QX: Demolition of an existing glasshouse building and the construction of six new dwellings for Gary Barratt, Alsager Plant Hire and Groundwork** (Pages 185 - 194)

To consider the above planning application.

18. **15/5425N Fields View, Audlem Road, Hankelow CW3 0JE: Erection of detached bungalow for Mr A D Purton & Miss S Parkes** (Pages 195 - 208)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 6th January, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Paul Hurdus (Highways Development Manager)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor P Groves

Apologies due to Council Business

Councillor D Marren

129 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 15/3897N, Councillor P Butterill
declared that she knew the applicant but had kept an open mind.

Councillor S Davies declared that he had called in application number
15/1437N, which was in his Ward. He would exercise his separate
speaking rights as a Ward Councillor and not take part in the debate or
vote.

All Members of the Committee declared that they had received
correspondence from Councillor D Marren with regard to one of the
applications on the agenda but that they had kept an open mind.

With regard to application number 15/3869N, Councillor S Hogben
declared that he had received correspondence from Councillor D Bailey.

With regard to application number 15/4145C, Councillor G Merry declared that it was in her Ward. She had not discussed this application and had kept an open mind.

130 MINUTES OF PREVIOUS MEETING

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

131 **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**

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

Note: Mr P Miller attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to a s106 agreement to secure £8,000 towards the upgrading of the Queens Park Bowling Green to be paid prior to commencement of development and the following conditions:

1. Time – 3 years or within 2 years 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
14. Construction Management Plan
15. Amended Plan to provide rear garden pedestrian access for each unit

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

the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee 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.

- (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.

132 **15/3869N - BENTLEY MOTOR COMPANY, PYMS 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**

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a s106 agreement making provision for Public Open Space contributions comprising of:

- £48,000 towards the 'James Atkinson Way Play Area
- £8,000 towards Hulme Street Allotments
- Both contributions to be paid prior to commencement of development

and 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, to include a timetable for implementation to be agreed
13. Details of CCTV to be submitted
14. Dust control scheme to be submitted

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

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

133 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 (LLAND) LIMITED & LORNE WALDERMAR, CONRAD PILIP AND DIANE LORRAINE PILIP

Note: The Principal Planning Officer read representations from Councillor D Marren (Ward Councillor) and Parish Councillor G Beadle (on behalf of Haslington Parish Council), who were unable to attend the meeting.

Note: Ms V Webb-Johnson (objector) and Ms A James (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

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development would not promote a strong rural economy and it has not been demonstrated that there would be no detrimental impact upon the supply of employment land or premises in the Borough. The proposed development would be contrary to Policy E.7 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

- (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.

134 **15/1437N - HOLLY COTTAGE, GAUNTONS BANK, NORBURY, SY13 4HP: PROPOSED CONSTRUCTION OF ONE DWELLING ON LAND ADJACENT TO HOLLY COTTAGE FOR R LEWIS**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor J Makin (on behalf of Marbury & District Parish Council) and Mr D Smith (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

135 **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**

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

The Committee considered a report regarding the above planning application.

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

1. 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

136 **15/4145C - LAND ADJACENT 17 ELM TREE LANE, SANDBACH:
VACANT BROWN FIELD PLOT DEVELOPED WITH NEW 4 BEDROOM
HOUSE FOR JOHN WESTERSIDE**

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. Time 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

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

137 **15/4766C - MERE END BARN, HASSALL ROAD, ALSAGER:
OUTLINE SINGLE DWELLING FOR STEVEN HANCOCK**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Time – 3 years or within 2 years 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
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 1.00 pm

Councillor G Merry (Chairman)

This page is intentionally left blank

Application No: 15/4922N

Location: LAND OFF, NANTWICH ROAD, ALPRAHAM

Proposal: Outline Planning Application for a Pavilion, Improved Recreational Facilities and up to 20 Dwellings with all Matters Reserved Except for Access

Applicant: The Wellcome Trust Ltd

Expiry Date: 29-Dec-2015

SUMMARY:

The site is located within the open countryside where under Policy NE2 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 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 market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops. In addition the provision of the pavilion and improved recreational facilities are a social benefit which weigh in favour of the application.

The site is immediately adjacent to an existing settlement with its associated services and facilities and also provides additional community facilities.

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

In this instance, 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 and a Section 106 Agreement to secure education contributions and affordable housing provision

PROPOSAL

Outline planning permission with all matters other than access reserved is sought for the erection a pavilion, improved recreational facilities and up to 20 dwellings.

Although the application is in outline form an **indicative** site layout plan has been submitted showing a play area, pavilion and open space to the south of the A51, with the proposed dwellings arranged in an 'L' shape on the southern and eastern boundaries of the site. Access would be taken from Cinder Lane.

SITE DESCRIPTION

The application site comprises an irregular shaped parcel of land, containing an existing play area situated on the southern side of the A51. There is housing to the north and east of the site and to the west consent has been granted for up to 9 dwellings also taking access from Cinder Lane.

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

RELEVANT HISTORY

11/1247N Village hall and 2 dwellings – Approved 1st August 2011

09/1398N Withdrawn application for village hall

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- PG5 Open Countryside
- EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection.

Environmental Protection:

Request conditions/informatives relating to noise disturbance, lighting, contaminated land and air quality.

Education:

Require a contribution of £49,028.07 towards secondary education.

Housing:

No objection subject to the provision of 30% affordable housing.

Flood Risk Manager:

No objection subject to drainage conditions.

United Utilities:

No objection subject to conditions relating to drainage.

Archaeology:

No further archaeological mitigation is necessary.

Canal & Rivers Trust:

No objection subject to conditions relating to drainage.

Alraham Parish Council:

Alraham Parish Council (APC) supports the proposal 15/4922N based on the community gain offered to current residents in the area. This development will provide a new village centre including an additional village green, community orchard, village hall/pavilion with parking and cycle/pedestrian areas away from the A51. The existing recreation ground and play area are currently not suitable and in need of invigoration. This proposal would also support their enhancement and improve pedestrian and vehicular access to it. We are also pleased to note that type, distribution and housing design will be in keeping with the traditional style of the village as well as acknowledging the Parish Plan identified mix.

A number of sites within the village have recently applied for planning permission and APC has raised the need for community gain with each. This development does provide real community gain. We also note, with concern that, with increasing developments in the villages of Alraham, Calveley and Tilstone Fearnall there is an (as yet unmet) growing need for additional amenities for residents. This proposal does address some of that need and we would hope amenities would be used by residents from all surrounding parishes.

APC feels the development is in line with the future vision of Alraham's development outlined within our Parish Plan and the "Alraham Village – Plan for Our Future" document (see below). There has been wide consultation in the form of a Parish Plan Questionnaire, a parish council consultation event and a consultation event hosted by Bidwells.

APC is keen that developments where possible avoid access directly onto the busy A51 and we would prefer an alternative route here. However, we understand that a nearby proposal has sought and gained approval to access the A51 on condition that it is via Cinder Lane and that that access would be capable of handling both developments. Proposal 15/4922N would therefore appear to fit with a holistic joint access solution through an access point that most likely will occur irrespective of permission being granted in this instance.

Calveley Parish Council:

Calveley Parish Council discussed this application at the meeting last week and consider that there is an issue regarding the way that the Section 106's would be paid from the several local developments and were dissatisfied that any money accrued in this way might

not necessarily be used for the benefit of the immediate area, but could be used anywhere in Cheshire East.

It was the general opinion of the Parish Council that some of the funds should be spent by directing it to the School, which will be impacted by these new developments. Therefore, we would like to formally request some section 106 funding to be provided to Calveley Primary school to accommodate the extra schooling needs this development will generate.

Concern was also expressed regarding the access onto the A51, it was felt that this should be looked at holistically in the context of the other application next to it and the existing access onto the A51 that is Bunbury Lane and also take account of any possible future developments that may take place adjacent to it.

REPRESENTATIONS:

At the time of report writing fifteen representations have been received which can be viewed in full on the Council website. These express concerns about the following issues:

- No need or demand for additional housing in Alpraham
- Alpraham is a small settlement with limited amenities and facilities
- Development on greenfield land
- Dangerous access
- Increase in traffic
- Infrastructure in the area is poor (gas, electricity etc)
- Drainage issues
- Flooding
- Loss of outlook
- Increased noise
- Light pollution
- Loss of privacy
- Over looking
- Impact on wildlife
- Loss of trees
- Lack of compliance with the Village Plan
- The two developments on the A51 should be encouraged to explore the joint building of a village hall
- Application is different than that put forward in public consultation
- Potential for further development
- The area is designated as 'bad building land'

APPRAISAL

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

Principle of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation,

essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

Housing Land Supply

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

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

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

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

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

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

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

This is a material consideration in support of the proposal.

Sustainable Development

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.

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

Open Countryside Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, 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 this case the site is designated as Open Countryside and protected open space in the adopted local plan, but the site consists of an existing play area and surrounding field. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained.

Landscape

The site is situated to the south of Chester Road. Apart from a narrow parcel of land between dwellings on Chester Road, the site is in Open Countryside, outside the Settlement Boundary as defined in the Crewe and Nantwich Local Plan. It has no national landscape designation. There is residential development to the north on the opposite side of the road, residential development along part of the northern boundary and agricultural land to the south, west and east with a track to the east. The northern western part of the site is a designated public open space with established boundaries. A small paddock lies to the north east and the land to the south is open agricultural land with hedges and trees to the west and east.

The application is supported by a Landscape and Visual Assessment (LVIA) and a Landscape Strategy. The former document correctly identifies the site as being in National Character Area 61: Shropshire, Cheshire and Staffordshire Plan. It also references NCA 62: Cheshire Sandstone Ridge and The Cheshire Landscape Character Assessment, placing the site in Character type Rolling Farmland, RF2: Oulton Character Area.

With reference to local landscape character, the report describes Alpraham as a largely linear conurbation formed around the A51- Nantwich Road. It separates the development site into two distinct character areas, the playing fields to the north and the agricultural land to the north east/south.

The Landscape Strategy and an Illustrative Masterplan outline how the landscape of the site could be developed although as an outline application with only access included, the extent to which these proposals would be realised would only become apparent through a reserved matters application.

Design

This is an outline planning application with all matters other than access reserved, therefore the layout drawing is only **indicative**. Should the application be approved, appearance, landscaping and scale would be determined at reserved matters stage.

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

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

The **indicative** layout shows an 'L' shaped form of development surrounding recreational land and community facilities, which would not appear inappropriate in this context, where there are a variety of property designs and sizes in the vicinity.

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

Highways

As stated above the application is in outline form with all matters other than access, reserved for future consideration.

The **indicative** layout shows an access on to the A51 from Cinder Lane, and there is an approval to the west of the site for up to nine dwellings.

A play area, pavilion, sports area and open space are shown to the front of the site, with dwellings wrapping around the south and east boundaries.

The Head of Strategic Infrastructure (HSI) is satisfied that the development can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

The proposal is therefore considered to be acceptable in highway terms and in accordance with Policies BE.3 and BE.5 of the adopted local plan.

Ecology

The submitted Phase One Habitat survey report states that the habits on site have limited potential to support amphibians. The report however fails to acknowledge the presence of two ponds located within 250m of the application site. However, considering the distance between the ponds and the features on site that have potential to support amphibians it is considered that Great Crested Newts are not reasonably likely to be affected by the proposed development.

Based on the submitted tree report it appears that of the trees identified as having potential to support bats only T14 would potentially be affected by the proposed development. No evidence of roosting bats associated with this tree was recorded during the submitted survey, but it is considered that this tree could still potentially be used by bats. The applicants consultant has confirmed that no evidence of barn owls was recorded during the bat survey, however as the tree does not appear to have been climbed as part of the survey it is considered that there remains a significant risk that barn owls may be utilising this tree. The submitted tree report states that T14 would require either significant ground protection measures for it to be retained it or it may have to be removed as part of the development.

To avoid any potential direct impacts upon roosting bats and Barn Owls and the need for further surveys, it is considered that T14 should be retained as part of the indicative layout proposals.

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted layout plan it appears likely that there would be a loss of hedgerows associated with the proposed development. It is considered that the development proposals should seek to retain as much of the existing hedgerows as possible and that replacement hedgerow planting must be included in the detailed design at the reserved matters stage. This matter could be dealt with by means of a suitable worded planning condition if outline consent is granted.

Forestry

The application is supported by an Arboricultural Survey (CBE Consulting dated 19th October 2015) which is broadly in accordance with *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*. The report identifies 16 individual trees (T1-T16) and one Group (TG1) located within or immediately adjacent to the site. Trees have been categorised in accordance with BS5837:2012 with 6 trees assessed as High (A) category; 7 as Moderate (B) category and one individual tree and one group as Low (C) category.

The Council's Nature Conservation Officer has made reference to the Phase One Habitat Survey which refers to Veteran Trees and has asked which trees this refers to. The Arboricultural Report refers to two Veteran Oak (T10, T11) located on the western site boundary which are outside the application site boundary and are therefore unaffected by the proposals. Similarly the habitat reports refer to trees with potential for roosting bats. The Arboricultural Report has identified three trees with moderate bat potential (Oak T4; Oak T5, Oak T14).

One moderate (B) category Beech (T16) and a low (C) category Ash (T15) located adjacent to Cinder Lane have been identified as a direct loss due to access improvements and forward visibility splay requirements.

The widening and access improvements into the site will impact upon the root protection area of two trees a High (A) category Oak (T14) and moderate (B) category Oak (Ash?) (T13). The report suggests that in respect of the former, significant ground protection measures would be necessary to retain this tree, although it is further stated that the tree may have to be removed. With regard to T13, the report states that this is an Ash (para 3.2) and an Oak (Table 4.1).

The report makes a brief reference to a linear group of dense young Ash trees and Hawthorn (TG1) located centrally within the site. The group is categorised as low category and it will be necessary for a section of the group to be removed to facilitate the internal access. The group presents only a limited contribution to the wider amenity of the area and therefore it is not considered that the removal of part of the group will present any major landscape implications.

The loss of the moderate category Beech on the Nantwich Road frontage will have an adverse impact upon the street scene and local landscape character. Whilst the canopy of the tree is slightly unbalanced due to past pruning, this does not overly distract from its contribution to the amenity of the area. However retention of this tree could only realistically be achieved if access was located elsewhere. In the absence of any suitable alternatives, the

loss of the tree could adequately mitigated by replacement planting within the proposed play area.

There are significant concerns regarding the impact of the proposed driveway on Oak (T14). Given the extent of excavations required to bring the access to an appropriate standard it is likely that the tree would require removal. This tree has also been identified as having moderate bat roost potential

Any detailed reserved matters application must be supported by a detailed Arboricultural Impact Assessment (in accordance with BS5837:2012) that addresses the above issues in terms of design.

Flood Risk

The site is within Flood Zone 1, which is at low risk of flooding. The Flood Risk Manager has been consulted and has no objection to the application subject to drainage conditions.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'

The economic benefits of the development need to be balanced against the negative impact due to the loss of open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Alpraham and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for up to 20 dwellings on this site and additional community facilities. Adequate separation distances can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site. The distances to existing residential properties and the properties approved under application number 15/2331N, would be capable of meeting or exceeding the minimum separation distances required.

Should the application be approved, conditions should be imposed relating to piling, lighting, noise and contaminated land. In terms of air quality, a condition should be imposed requiring an electric vehicle charging socket to be provided at each of the dwellings.

The sustainability criteria of this development is considered to be finely balanced. The improved community facilities/pavilion building submitted as part of this application are considered to be of significant benefit in terms of the social arm of the 3 sustainability criteria of the NPPF and it is important that the community facilities are provided as part of the development. Therefore, the proposed community facility should be secured by S106 Agreement.

Subject to the conditions the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

There is a requirement for 30% of the site to be affordable according to the IPS. The IPS states that sites in rural settlements with a population below 3,000, developments will be required to provide 30% affordable housing if the site is for 3 or more units, or greater than 0.2 hectares in size. The IPS also states that the desired split between tenures is 65% social/affordable rent and 35% intermediate, this is based on the evidence from the Strategic Housing Market Assessment Update (SHMA) 2013.

The Strategic Housing Market Assessment (SHMA) Update 2013 shows that for the Bunbury sub-area (in which Alpraham is located) there is a requirement for 18 new affordable units per year between 2013/14 – 2017/18. The unit types required are 18 x 1bed and 1 x 4+bed. The SHMA Update shows an oversupply of 2 bed accommodation. Information taken from Cheshire Homechoice states that 3 applicants have chosen Alpraham as their first choice for rehousing. This is broken down as 1 x 1 bed and 2 x 3 bed accommodation. A rural housing needs survey was carried out for Alpraham in 2013 and the results showed a need in the parish for 9 new affordable homes.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development and that the affordable units will be provided not later than the sale or let of 50% of the open market homes. The external design, comprising elevation, detail and materials should be compatible with open-market

homes on the development. Furthermore the affordable homes transferred to a Registered Provider should be constructed to the Nationally Described Space Standard as outlined by Government in 2015.

This outline application is for up to 20 dwellings. Should this be the number of dwellings to be delivered then there should be provision of 6 affordable units with a split of 4 social/affordable rent and 2 intermediate tenure. Using information from the SHMA there should be some 1 bed units delivered.

The affordable housing should be secured by a Section 106 Agreement.

Education

The development of 20 dwellings is expected to generate:

4 primary children (20 x 0.19)
3 secondary children (20 x 0.15)
0 SEN children (20 x 0.51 x 0.03%)

The development is forecast to increase an existing shortfall for secondary provision in the locality. To alleviate forecast pressures, the following contribution would be required:

$3 \times £17,959 \times 0.91 = £49,028.07$ (secondary)

Total education contribution: £49,028.07

Health

There are four GP surgeries within 5 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

S106 Contributions:

LEVY (CIL) REGULATIONS

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

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

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

Response to Objections

There have been eleven objections to the proposal, expressing concerns about highway safety, lack of infrastructure, loss of open countryside and impact on amenity. These issues are addressed in the main body of the report.

Conclusion – The Planning Balance

The site is located within the open countryside where under policy NE2 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 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. The provision of the community facility is also considered an important benefit to be delivered as part of the scheme.

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

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits by virtue of the loss of open countryside.

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

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement to secure the affordable housing provision, education contribution and community facilities and the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters**
- 3. Approved plans**

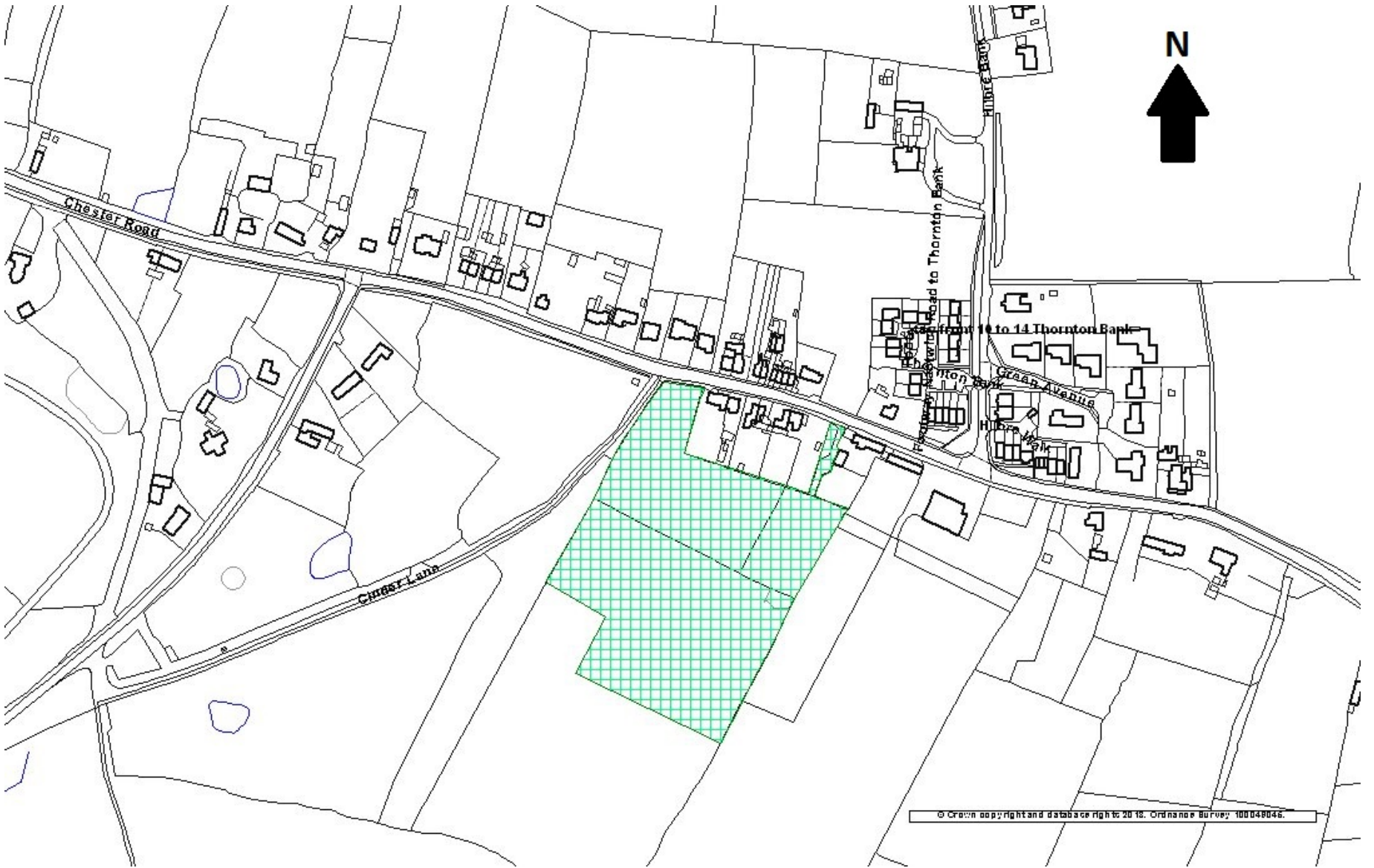
4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no piling on Sundays or Public Holidays
5. Submission of Construction Management Plan
6. Provision of an electric vehicle charging point to each dwelling
7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
8. Submission of tree/hedgerow protection scheme
9. Submission of a Phase II Contaminated Land Report
10. Breeding bird survey for works in the nesting season
11. Reserved matters application to include detailed Arboricultural Impact Assessment
12. Reserved matters to include Noise Mitigation Scheme
13. Reserved matters to include details of external lighting
14. Reserved matters to include features for breeding birds and roosting bats
15. Reserved matters to include details of boundary treatments
16. Reserved matters to include existing and proposed levels.

Heads of Terms:

- Affordable housing – 30% provision comprising 6 affordable units with a tenure split of 4 social/affordable rent and 2 intermediate tenure
- Contribution of £49,028.07 to secondary education provision
- Completion of the pavilion and recreational facilities by the first residential occupation of the 10th dwelling

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.



Application No: 15/1666N

Location: Land at Bowe's Gate Road, Bunbury, Cheshire, CW6 9PL

Proposal: The erection of 11 no. new dwellings including affordable housing

Applicant: Rural Housing Trust

Expiry Date: 10-Jul-2015

SUMMARY

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

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

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

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

The scheme would be well designed and would account for its proximity and relationship to all of the nearby listed buildings (including St Bonifaces Church) as well as the Higher Bunbury the Conservation Area. The access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

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

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

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

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

RECOMMENDATIONS

APPROVE subject to conditions & S106 Agreement

PROPOSAL

This application seeks full planning permission for the erection of 11 dwellings (including affordable housing) on land to the south of Bowe's Gate Road, Bunbury.

SITE DESCRIPTION

This application relates to a paddock situated to the southeast of the Grade I Listed St Bonifaces Church in Higher Bunbury. The site measures approximately 0.9 ha in size and is configured in an 'L' shape where it wraps around the rear of the properties referred to as 'The Old Coachhouse' and 'Birchfield'. The site is to the south of Bowe's Gate Road just outside of the Higher Bunbury Conservation Area, which is located to the west.

The site is bound by hedgerows along most of its perimeter and there are a number of mature trees to the west of the site, some of which are afforded protection under the 'Tree Preservation Order: The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973 (A5 and T36)'. Beyond the southern boundary of the site is the River Gowy. To the east and south are open countryside designated fields. A public footpath runs to the north east and east of the site.

The site is outside of the settlement boundary of the village 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

None

NATIONAL & LOCAL POLICY

National Policy

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

- 14 - Presumption in favour of sustainable development
- 47-50 - Wide choice of quality homes

55 - Isolated dwellings in the countryside
56-68 - Requiring good design
69-78 - Promoting healthy communities
217 Implementation

Development Plan

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

The relevant Saved Policies are:

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Draft Bunbury Neighbourhood Development Plan

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

H1 – Housing Development
H2 - Scale of Housing Development
H3/H4 – Affordable Housing
H5 - Design
LC1 - Built Environment
LC2 – Landscape
ENV2 – Countryside & Open Views

Other Material considerations:

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

CONSULTATIONS

Cheshire Archaeology Planning Advisory Service

No objection subject to a condition requiring submission of a programme of archaeological mitigation.

Environmental Protection

No objection subject to conditions / informatives relating to hours of construction / piling and contaminated land.

Head of Strategic Infrastructure (Highways)

No objection

Natural England

No comment

Public Rights of Way Unit (PROW)

No objection

United Utilities

No objections, subject to conditions relating to foul water and surface water.

Bunbury Parish Council

Bunbury Parish Council has no objections to this application subject to the following conditions:

- That the mill pond at Bunbury Mill be desilted at the cost of the developer before construction begins and any water from the site is discharged into the River Gowy
- That existing hedges/sandstone walls are retained except for the access to the site and any sandstone removed is stored on site for reuse
- That the variegated holly tree in the hedge fronting the site be retained and protected during the development
- That a detailed drainage report for the entire site be prepared, demonstrating how water run off to the River Gowey, which feeds the Bunbury Mill pond, will not be reduced by the construction of the development, before planning permission is granted
- That the affordable homes, plots 1 to 8, will be designated as shared equity homes

REPRESENTATIONS

Over 300 representations (including one from the neighbouring Spurstow Parish Council), and a petition with 25 signatures on has been received objecting to this proposal on the following grounds:

- Principle of the development / outside of village boundary
- Contrary to development plan policies
- Contrary to the Neighbourhood Plan
- Loss of open countryside and greenfield site
- Loss of views
- Will lead to a loss in tourism
- The area has become increasingly popular to visitors following filming of the ITV drama 'Homes Fires'
- Impact on stream that feeds nearby Mill and the Mill Pond
- 3 large dwellings at the rear are not in keeping with the area
- There should be no further expansions
- The site offers recreational amenity for children
- Not appropriate in this rural setting
- Design – Size and scale of development, impact upon local character including conservation area and listed buildings
- Views would be spoilt
- Development not in keeping with area
- Highway Safety – inadequate access off a narrow lane / visibility splays, additional traffic, increased impact upon highway safety, impact upon parking, safety for pedestrians, transport statement inadequate
- Traffic study is misrepresentative
- How will construction vehicles get to the site

- Loss of parking for the church
- Other application in the area have been refused
- There are more preferable sites for housing
- Impact upon the landscape
- Impact upon hedgerows
- Contrary to Bunbury Village Design Statement
- Contrary to Higher Bunbury Conservation Plan, outlined in the Character Appraisal and Management Strategy document of June 2007
- Loss of wildlife / impact on protected species
- Loss of hedgerow
- Impact on protected trees
- Noise and light pollution
- The affordable houses will not be affordable
- Street lighting could prejudice the character of the area
- Lack of infrastructure / services and amenities in the area
- Flooding - sewerage, surface water and drainage can't cope
- Development is unsustainable

APPRAISAL

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply
- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on heritage assets
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage
- Affordable housing
- Residential Amenity

Principle of Development

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

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

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

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

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

Bunbury Neighbourhood Plan

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

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

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

In this case a development of 11 dwellings would be in conformity with the draft neighbourhood plan, namely Policies H2 and H5 which limits development to sites of up to 15 dwellings and there are no developments adjoining the site that would result in 'co-location'. Consequently, it is considered that the scale of this development would not prejudice the outcome of the neighbourhood plan making process.

Housing Land Supply

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

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.

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

The application site is located adjacent to the existing residential development at Higher Bunbury. The proposed housing development will be accessed directly off Bowe's Gate Road. The application site is located in close proximity to a number of facilities including a local primary school, convenience store, public house and post office which are all readily accessible by foot. On the whole, these facilities and amenities are accessible to the proposed development. Given the factors above and the designation of Bunbury as a local service centre, the proposed site it is considered to be locationally sustainable.

Landscape Impact

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

The village of Bunbury is separated into four distinct areas, Bunbury Commons, Bunbury Heath, Upper and Lower Bunbury. The area of the site which is currently undeveloped forms part of an area of land outside of Upper Bunbury. The development of the paddock to the south and east of the St Bonifaces Church would be contained within the existing field boundaries which are delineated by hedgerows. Further, the shape of the site where it wraps around the development to the north east would alter the character of this section of Upper Bunbury but any harm would be minimised and set against the backdrop of the existing development. It would not represent an inappropriate incursion into the landscape.

The development would impact on visual receptors including a number of residential properties, road users and pedestrians on Bowe's Gate Road. However, owing to the existing field boundaries, shape of the site and surrounding features, the proposed development would be relatively contained and as such, any harm would not be significant enough to sustain a refusal on the grounds of landscape impact.

Trees

Some of the tree specimens within and adjacent to the site area protected under the 'Tree Preservation Order: The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973 (A5 and T36)'.

The submitted Arboricultural Report (ACS Consulting dated March 2015) provides a detailed survey of existing trees within the application site which broadly accords with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations* (Sections 4.4-4.6). The report includes a Tree Constraints Plan that identifies Root Protection Areas (RPA's) and a shading diagram; however these were not originally plotted on the proposed layout plan as required by section 5.2.1 of BS5837:2012.

Para 4.02 of the Tree Report states that development should be located outside the RPA of trees and at para 4.04 that Plots should be so located as to avoid excessive shading. This is a full application that requires the project arboriculturist to carry out a detailed arboricultural impact assessment (AIA) in accordance with para 5.4 of BS5837:2012 in order that the impact of the development on existing protected trees can be fully evaluated.

The proposed access and provision of car parking/footpaths appears to conflict with the Root Protection Area (RPA) of a number of protected Chestnut and Sycamore trees within A5 of the TPO (part of G15 of the submitted Tree Report and T13/T14). The Council's Tree Officer has been in discussions with the applicant's Arboriculturist in order to fully understand the extent of the impact of the proposed access (and associated service provision) on the long term health, physiological viability and safe well being of these trees and identify whatever modifications are required that ensures the trees remain viable.

Following discussions, the applicant has submitted further detail regarding the construction techniques where the proposed access road would encroach within the root protection areas of the trees. The Council's Tree Officer is presently considering this detail and will be reported to Members by way of an update.

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 advised that protected species would not be materially harmed by the proposals. The NCO has commented that an oak tree within the site has potential to support roosting bats. However, based upon the submitted layout this tree would be retained as part of the proposed development. As such, it is considered that the proposal would not affect species protected by law and would accord with Policy NE.9 of the Local Plan.

Design Standards

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

The proposed dwellings would be arranged around an 'L' shape with a row of 8 dwellings situated at right angles to Bowe's Gate Road overlooking a greenspace between the site and St Bonifaces Church to the west. The internal road would then turn 90-degrees with a further 3 detached split level dwellings positioned towards the southern boundary of the site.

The corner unit at Plot 1, which would serve as the gateway to the development would be single storey and dual fronted to provide frontage onto Bowe's Gate Road and the internal road to the development. This would begin the row of link detached mews style properties, which would increase in height along its extent from single storey to half dormer style two-storey properties. The design of Plots 1-8 would be successfully broken up with varying design details and alternate roof heights. The detailed design would be high quality and would be respectful to the rural context of the site.

Towards the southern end of the site, the levels drop away. To accommodate the change in levels, the 3 detached units at plots 9-11 would be split level and as viewed within the site, would have the appearance of a single storey dwelling. At the rear, these units would have large gable features with full height glazing overlooking view to the south. They would be contemporary in style and would be well articulated in design terms.

Impact on Heritage Assets

The proposed development would be visible from views into and out of the Higher Bunbury Conservation Area and would have an impact upon existing views of Grade I listed church of St Bonifaces Church and from the Grade II listed Mill/ Mill House and from The Chantry which is a Grade II* listed building.

The front of the site adjacent to the green will be set back from the road and the visually important trees/TPO trees will be retained. The proposed height, design and appearance of the new houses off the access road would be well designed and modest in terms of size and as such, would not impact detrimentally on the setting of the identified heritage assets.

The Conservation Officer has expressed concern regarding the inclusion of photovoltaics / solar panels on the dwellings. These could be excluded from the development by condition. Concern has also been expressed regarding the unbroken roof form of plots 1-8. However, the roof forms are successfully broken up as it steps up and down from single storey to two-storey and as such, would not cause visual harm to views in and out of the conservation area or views of the nearby listed buildings.

With respect to the 3 larger detached units towards the rear southern portion of the site, their modern design will be seen from wider views to the south. However, the impact on the character and appearance of the conservation area and visible listed buildings will not be adverse as they are

well designed and will provide some visual interest between the old and the new. They will not be overly prominent and as such, the impact of the proposals is acceptable.

Highways

Access to the site is to be taken from a new priority controlled junction with Bowe's Gate Road. The Head of Strategic Infrastructure (Highways - HSI) has assessed the application and has confirmed that in terms of junction geometry, layout and visibility the access proposals are considered to be an acceptable solution to serve a development of 11 dwellings and would not give rise to concerns regarding highway safety.

Pedestrian access will be taken from Bowes Gate Road and a new footpath link is proposed from south-west corner of the site, which will connect the site with footpath 11 and 10 of the PROW network, which in turn connect the site to the centre of Bunbury Village. This would improve links between the development and the village and would assist accessibility.

With respect to traffic impact, the commuter peak hour and daily traffic generation associated with the development of 11 dwellings would not be expected to have a material impact on the operation of the adjacent or wider highway network owing to its small scale.

There has been concern expressed regarding existing parking issues in the vicinity of the site. The proposals for access result in the loss of three on-street parking spaces on Bowe's Gate Road opposite the site access. However, following amendments, these are re-provided within the site in close proximity to Bowe's Gate Road. Accordingly, there would not be a loss in provision.

In terms of off-street parking provision for the new dwellings, the proposals are in accordance with CEC's minimum parking standards for residential dwellings.

Based on these conclusions, the HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network. Accordingly, the application is acceptable in terms of highways and parking..

Flood Risk and Drainage

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

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

Whilst comments have been received from both objectors and Bunbury Parish Council about the potential to contribute towards the Mill Pond, this would not be reasonably related to the development to be permitted. Contributions must offset planning harm generated by a proposal. This proposal does not cause planning harm to the Mill Pond.

ECONOMIC ROLE

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would

potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable.

SOCIAL ROLE

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

Affordable Housing

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

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

Residential Amenity

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

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 closest residential properties to the site in question would be the occupiers of the properties to the north, on the opposite side of Bowe's Gate. The nearest proposed dwelling would achieve a minimum separation of some 34 metres, which would be more than sufficient to prevent direct overlooking, visual intrusion and loss of light.

The proposed units would be afforded a sufficient standard of private amenity including 50 metres squared private amenity space in accordance with Development on Backlands and Gardens

Supplementary Planning Document. As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Planning Balance

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

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

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

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

The scheme would be well designed and would account for its proximity and relationship to all of the nearby listed buildings (including St Bonifaces Church) as well as the Higher Bunbury the Conservation Area. The access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

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

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

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

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

RECOMMENDATION

APPROVE subject to S106 Agreement making provision for:

Affordable Housing comprising:

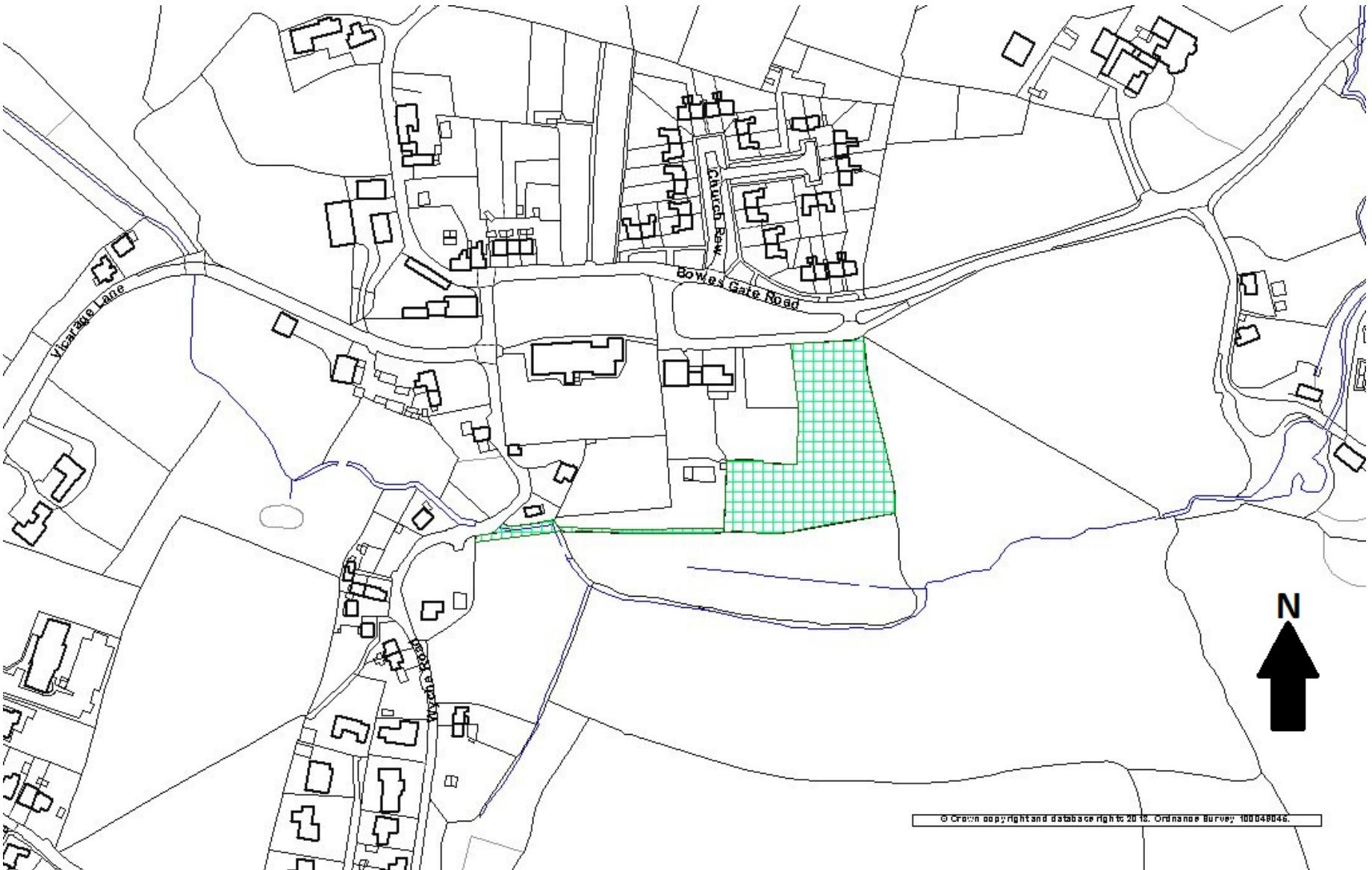
- **4 units on site 2 for social / affordable rent and 2 for intermediate tenure**

and for the following conditions:

- 1. Standard Time Limit (3 Years)**
- 2. Accordance with approved / amended plans**
- 3. Prior submission of facing and roofing material details**
- 4. Prior submission of surfacing material details**
- 5. Submission of details of boundary treatment**
- 6. Tree retention and accordance with submitted AIA**
- 7. Tree protection – Implementation including details of no dig construction**
- 8. Landscaping to be submitted including hedgerow planting to be supplemented**
- 9. Landscaping implementation**
- 10. Survey for nesting birds to be carried out if development is carried out in the bird nesting season**
- 11. Features for breeding birds to be incorporated**
- 12. Access to be constructed in accordance with approved plans**
- 13. Accordance with recommendations of ecological report**
- 14. Prior submission of a piling method statement**
- 15. Prior submission of any external lighting**
- 16. Prior submission of a dust mitigation scheme**
- 17. Drainage to be connected to foul sewer**
- 18. Removal of permitted development rights for gates, walls and fences**
- 19. Removal of permitted development right for extensions and outbuildings (Classes A-E)**
- 20. Submission of a programme of archaeological mitigation**
- 21. Submission of details of bin storage**
- 22. Details of footpath link to be submitted**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the 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.



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’

The application was deferred when taken to committee on 6th January 2016. This was in order to give Members’ the opportunity to conduct a site visit.

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: 15/4413N

Location: LAND REAR OF WOODLANDS VIEW, 20, BRIDGE STREET, WYBUNBURY, CW5 7NE

Proposal: Erection of 19 no. dwellings, vehicular access, associated car parking and landscaping (Reserved Matters)

Applicant: SIMON CLUTTON, SIMON CLUTTON HOMES LTD

Expiry Date: 30-Dec-2015

Summary

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

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

The impact upon infrastructure would be neutral.

Environmental Sustainability

The landscaping details on this site are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications will be subject to an update report.

There are no protected trees on this site and the impact upon trees is considered to be acceptable.

The land level details and the design/amenity impacts will be subject to an update report.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout/parking provision is considered to be acceptable

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

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:

Wybunbury Parish Council and Residents have raised the following comments in relation to alterations to the above planning application:-

1) The section of the road in front of dwellings 9 & 10 is suitably engineered to provide a sufficiently extended turning point for refuse lorries, emergency vehicles etc and as such is welcomed.

However this road continues in what is an over-engineered adjacent section extending in front of dwellings 11, 12 & 13 (which is effectively a cul-de-sac).

In design terms this is out of keeping with other highway termination points on the development which have been finished as 'private drive areas' with complimentary road surfaces.

The road section in front of dwellings 11, 12 & 13 should also be a 'private drive area' reflecting the road design treatments elsewhere in the development.

2) The Parish Council and residents of Willowmead (on Sally Clarke's Lane) remain deeply concerned about the proposed drainage arrangements and their efficiency in maintaining and protecting properties and open space at the lowest, northern perimeter of the site.

Recent weather conditions have resulted in significant drainage problems being exposed in the gardens of the two houses currently being built at the foot of the site.

The garden boundaries collapsed into Sally Clarke's Lane following heavy rainfall in November and despite interim repairs, these have also been eroded each time there is heavy rainfall.

Photographs have been forwarded to Mr Paul Reeves (CEC Flood & Drainage Officer) and he has visited the site on two occasions in December. (Photos available on request)

At the time of writing, there are no revised reports from either CEC Highways Officers or Drainage Officers on the Planning Website and until these are provided with suitable reassurances, this application should be refused.

3) The Parish Council is disappointed that the number of bungalows has been reduced but are pleased that

(i) There are six affordable properties proposed to be 'pepper-potted' throughout this development

(ii) that two bungalows are positioned appropriately behind Willowmead to minimise issues of overlooking created by the steep gradient of the site.

The Parish Council requests that these affordable properties are prioritised for Wybunbury families and Wybunbury residents who have expressed a wish to 'down-size'.

PROPOSAL:

This is a reserved matters application for 19 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single priority junction off Bridge Street. The access was approved as part of the outline application.

The development would consist of 2 to 3 bedroom units. All units would be 2 stories in height. The development would consist of the following mix:

- 2 x two bed bungalows
- 5 x two bed houses
- 12 x three bed houses

SITE DESCRIPTION:

The site of the proposed development extends to 0.80 ha and is located to the west of Bridge Street and to the south of Sally Clarkes Lane. The site is within open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site is residential development (fronting Bridge Street). To the north is Sally Clarkes Lane which includes one dwelling known as Willowmead and a site which has planning permission for two dwellings. To the south of the site is Wybunbury Delves Primary School and to the west of the site is agricultural land.

The land is currently in agricultural use and includes a small car sales garage at the junction with Sally Clarkes Lane. The land levels on the site are uneven with the land level rising to the south of the site.

RELEVANT HISTORY:

13/4635N - Outline application for residential development at 30 dwellings per hectare net with Primary access off Bridge Street and some other matters reserved. Resubmission of 13/1421N – Approved 8th May 2014

13/1421N - Outline application for residential development at 30 dwellings per hectare net with Primary access off Bridge Street and other matters reserved – Refused 17th July 2013

12/3274N - All matters left reserved seeking approval of access, appearance, landscaping, layout and scale for 2no. Dwellings – Approved 18th October 2012

P08/0811 - Outline Application for Two Dwellings – Approved 11th October 2010

P95/0654 - O/A for demolition of repair garage and erection of 4 dwellings – Refused 19th October 1995

7/18456 - Demolition of commercial garage and two dwellings and construction of 11 terraced and 6 detached houses, together with associated roads, footpaths and landscaping – Refused 26th July 1990

7/12763 - Dwelling with integral garage – Refused 6th February 1986

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.

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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:

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

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

CONSULTATIONS:

CEC Flood Risk Manager: There are no details of the drainage for this site. It has become evident that overland surface water flows from this site appear to be causing localised flooding issues off site and notably affecting the highway and adjacent property boundary

United Utilities: No comments received.

CEC Environmental Health: The following conditions are suggested: compliance with the submitted environment management plans, implementation of the noise mitigation measures contained within the submitted acoustic assessment, bin storage and electric vehicle infrastructure. An informative is suggested in relation to hours of operation.

CEC Head of Strategic Infrastructure: No objection subject to the imposition of planning conditions.

CEC Strategic Housing Manager: No objection.

Natural England: No comments to make.

VIEWS OF THE PARISH/TOWN COUNCIL:

Wybunbury Parish Council: Wish to make the following comments:

1. The access to the front of dwellings 9 & 10 is suitably engineered to provide sufficient turning for refuse vehicles. However there remains an over-engineered section to the front of the dwellings on plots 11-13. In design terms this is out of keeping with the other private access drives within the development.
2. The Parish Council remain deeply concerned about the drainage arrangements both for the highways and the dwellings and their efficiency in maintaining and protecting properties and open space at the lowest northern part of the site. Recent weather conditions have resulted in significant drainage problems being exposed in the rear gardens of the two houses currently being constructed. This could be exacerbated once the development is completed due to the incline of the road and the problems in the past (including the water run-off when the garage was at the bottom of the site. The garden boundaries have collapsed into Sally Clarkes Lane following heavy rainfall in November and despite interim repairs, these have been eroded each time there has been heavy rainfall.
3. The PC is disappointed that the number of bungalows has been reduced but are pleased that the 6 affordable units are pepper-potted throughout the site and that the bungalows are sited behind Willowmead to minimise overlooking issues.
4. The type of protective fence is noted on the plan but not mentioned in the written summary on the site fencing section. Also the property marked as No 21 on the plan will suffer from noise at school play times – no mitigation measures have been identified to overcome this and this should be agreed before the application is approved
5. The Parish Council has no objection if items 2 and 4 listed above are addressed before approval is given.

REPRESENTATIONS:

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

Letters of objection has been received from 2 households raising the following points:

- The application is not a true representation of the outline approval
- The type of housing proposed and the layout has altered following the outline approval
- The car parking provision is no longer available to all Bridge Street residents
- The turning circle as part of the outline application has now been removed
- Service and emergency vehicles will find it difficult to manoeuvre within the site
- A drop-off point for primary school pupils was proposed as part of the outline application – this would have alleviated traffic congestion on Bridge Street during school start and finish times
- The proposed road layout discriminates dwellings at 42-46 Bridge Street due to the proposed private driveway to serve plots 19-22
- The site layout has omitted the existing gate sited within the post and rail fence at the rear of 46 Bridge Street
- The development is over dense and the proposed parking area should be deducted from the housing density
- Who will own and maintain the proposed parking spaces
- It is unreasonable/unsafe to expect residents to walk within the carriageway. Footways should be provided throughout the development
- The development would provide an access for the adjacent site
- The acoustic assessment is missing as required by the condition attached to the outline planning permission
- There is no mention of Badgers within the application documents

- The site fails to meet the distances set out within the North West Sustainability Checklist
- There is no information within the application relating to surface water management
- The applicants should have entered into pre-app discussions
- The application does not comply with the outline approval
- There are no bungalows proposed on the application site
- Loss of privacy caused by the 2 dwellings which are under construction
- Bad design
- There should be consultation with all local residents
- Overbearing
- Asbestos contamination
- Smells
- Light pollution
- Noise and disturbance
- Parking problems

An objection has been received from Wybunbury Delves Primary School raising the following points:

- The application raises significant safeguarding issues for children as part of the construction and occupation phase. Proximity of the proposed development to the school boundary and playground
- The acoustic report is missing from the application
- A secure boundary is imperative to the safety of children
- The siting of the school playground means that balls often pass over the boundary fence. The frequency that this occurs is likely to create tension and frustration with local residents
- Potential conflict with future residents should parents decide to park on the proposed development as part of the school run
- The Design and Access Statement refers to 'education impacts' the school completely refute the bland statement that mitigation can be covered by a S106. The impacts created if the application is approved will be complex and beyond the scope of a S106.

A representation has been received from Cllr Clowes raising the following points:

- The outline application demonstrated a site layout and mix of housing stock which responded to a number of important local requirements and received some general support in Wybunbury village. The key elements of the outline design were:
 - The provision of 24 car parking spaces to the existing residential properties fronting Bridge Street. However on the current plans there are 4 residential properties on Bridge Street which do not have spaces behind the dwellings and as a result the benefit will be lost
 - The site steeply slopes and the application included a number of bungalows directly behind the dwelling known as Willowmead to avoid overlooking issues – the reserved matters application does not include the provision of bungalows and due to land level changes the dwellings will have an over-bearing impact upon Willowmead and cause a loss of privacy
 - The application does not include any affordable bungalows. The Wybunbury Housing needs survey identifies the need for 16 bungalows for older people.
 - The applicant has already been working on site in close proximity to a Badger Survey contrary to condition 11 of the outline planning permission
 - Condition 10 of the outline planning permission requires detailed flood and drainage plans – no details have been submitted

- The Primary School are concerned that a detached house 1.5m from the boundary creates potential child safeguarding issues and a potential conflict in terms of noise associated with the school and the impact upon residential amenity. Condition 7 requires an acoustic assessment and this has not been provided together with details of barrier treatment to the school boundary
- The outline application included the provision for a turning circle and this has been omitted and would not comply with highways requirements
- It is requested that the application be refused.

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application 13/4635N.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

Procedural Issues

The description of development as part of the outline application is unusual in that it does not refer to a number of dwellings but a '*residential development at 30 dwellings per hectare*'. One of the letters of objection states that the development does not comply with the outline approval and that the proposed parking area should be excluded when the density is calculated. This is not accepted as the red-edge site area as shown on the location plan submitted as part of the outline application identifies the whole application site. This development has a density of 25 dwellings per hectare and as a result it complies with the outline application.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The development would provide 6 affordable units which equates to 30% provision and accords with the S106 Agreement attached to the outline approval. The affordable housing units would include 4 x two bed houses and 2 x two bed bungalows and the units would be pepper-potted throughout the site.

On this basis the affordable housing officer has raised no objection to this application.

Highways Implications

The wider traffic congestion issues in the locality and the point of access were considered as part of the outline application.

In terms of the proposed layout/internal highways design and parking provision an amended plan has been submitted following negotiations with the Head of Strategic Infrastructure. On this basis there are no highway objections to the proposed development.

Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

- 21 metres between principal elevations
- 13.5 metres between a non-principal and principal elevations

In this case the main property affected by this development would be the dwelling known as Willow Mead which is located to the north of the site. Due to the land level changes and the application site being set at a higher level than Willow Mead amended plans have been secured during the course of this application to secure the provision of two bungalows on plots 3 and 4 which face towards the rear boundary of Willow Mead. This would secure a satisfactory level of amenity given the land level changes and the separation distance of approximately 23.5 metres.

To the east of the site there would be separation distances varying between 27 metres and 36 metres between the front elevation of the proposed dwellings and the rear elevations which front Bridge Street. This relationship is considered to be acceptable.

Light pollution

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

Noise

In accordance with Condition 7 attached to the outline planning permission an Acoustic Assessment Report has been submitted in support of this application.

The report shows that over the survey period the measured noise level was 61dB LAeq which demonstrates a need for mitigation. The design criteria recommended within BS8233:2014 recommend daytime noise in ground floor rooms of 35 dB LAeq in living rooms, 40 dB LAeq in dining rooms, for gardens it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T. The Acoustic Report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the adjacent school.

The mitigation recommended in this report (detailed below) means that the noise impact would be adequately reduced in gardens and habitable rooms without the need for any further mitigation. The mitigation measures below shall be implemented prior to first occupation and can be secured through the imposition of a planning condition:

- A proprietary acoustic timber fence of 2.8m in height shall be installed along the southern boundary of the housing site
- The acoustic fence shall be at least 20mm thick and the boards should have effective double-rebated edges, or cover strips over the joints, to ensure that there are no gaps.
- In relation to the sports field, an acoustic fence shall be installed on the first (southern) part of the western boundary, extending to 25 metres (i.e. to rear of Plots 20-22). This acoustic fence should be 2.5m high to the rear of Plot 22 and 2 metres in height to the rear of Plots 20 and 21. A standard 'reflective' timber acoustic fence would suffice for this boundary.

Disturbance during the construction phase of the development

In this case there are the following conditions attached to the outline approval:

- Hours of construction
- Hours of piling works
- Dust control measures

As part of this reserved matters application an Environment Management Plan has been submitted. This includes air quality impacts, dust and emission control measures, noise, vibration and pollution control. This has been assessed by the Councils Environmental Health Officer who have requested that the compliance with this document is secured through the planning conditions.

It is considered that the suggested condition and the conditions attached to the outline consent would be adequate to protect residential amenity during the construction phase.

Land Levels

Due to the sloping nature of the site there are concerns over the impact of the potential land level changes on this site from an amenity and design point of view. Further information has been provided in relation to this issue and an update will be provided.

Trees and Hedgerows

Concerns have been raised about the impact upon the trees on this site. However it should be noted that none of the trees on the site are covered by a Tree Protection Order and could be removed in any event. On this basis the impact upon the trees on the site is considered to be acceptable subject to the implication of tree protection conditions.

Landscape

A landscaping scheme has been submitted with this application and this has been considered by the Councils Landscape Architect who has stated that the proposed landscaping scheme is acceptable.

Design

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

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

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

The positive and externally orientated perimeter blocks are welcomed with all footpaths, parking areas and highways well overlooked by the proposed dwellings. The density of 23.7 dwellings per hectare is appropriate due to the village fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Wybunbury.

In terms of the detailed design the proposed dwellings include canopies, brick banding, gable detailing, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Wybunbury.

There is a Grade II Listed Building at Wybunbury Delves Primary School to the south of the site. Given the separation distance to this building and the scale of the development it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Ecology

Wybunbury Moss Ramsar, SAC, SSSI

The application site is located within 500m of Wybunbury Moss. However it does not fall within any of the types of development associated with Natural England's impact risk zone associated with this location. Natural England have been consulted on this application but have chosen not to provide any comments.

Other Protected Species

Potential impacts on other protected species associated with the proposed development were identified during the determination of the outline application at this site and an appropriate condition attached to the outline consent. This condition states that:

The proposed development to proceed in strict accordance with the recommendations of the submitted Badgers: addendum to protected species survey and site assessment report number 2013 (14)/VC/01ADD unless varied by a subsequent Natural England license.

The required works will be subject to a Natural England licence and will involve the closure of the existing sett and the provision of a new sett.

Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and a material consideration. The hedgerow located on the western boundary of the site should be retained and enhanced as part of the proposed development.

Public Open Space

The outline application includes a contribution of £23,349.31 towards off-site POS improvements.

Education

This issue of education capacity was dealt with as part of the outline application and the education department determined that no education contribution was required.

In terms of the points raised in the objection from Wybunbury Delves Primary School the amenity/noise issues are dealt within in the amenity section above.

It is not unusual for dwellings to be sited in close proximity to schools across the country and general child safeguarding or balls crossing the boundary could not be used as a reason to resist this development. The siting of the dwellings in relation to the school is considered to be acceptable.

Flood Risk and Drainage

As can be seen from the consultation response from the Councils Flood Risk Manager there are a number of concerns about the surface water run-off impacts of this development and negotiations were continuing at the time of writing this report. An update will be provided in relation to this issue.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approvals on this site.

Social Sustainability

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

The impact upon infrastructure would be neutral.

Environmental Sustainability

The landscaping details on this site are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications will be subject to an update report.

There are no protected trees on this site and the impact upon trees is considered to be acceptable.

The land level details and the design/amenity impacts will be subject to an update report.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout/parking provision is considered to be acceptable

The development of the site would provide a number of economic benefits in the residential use of the site.

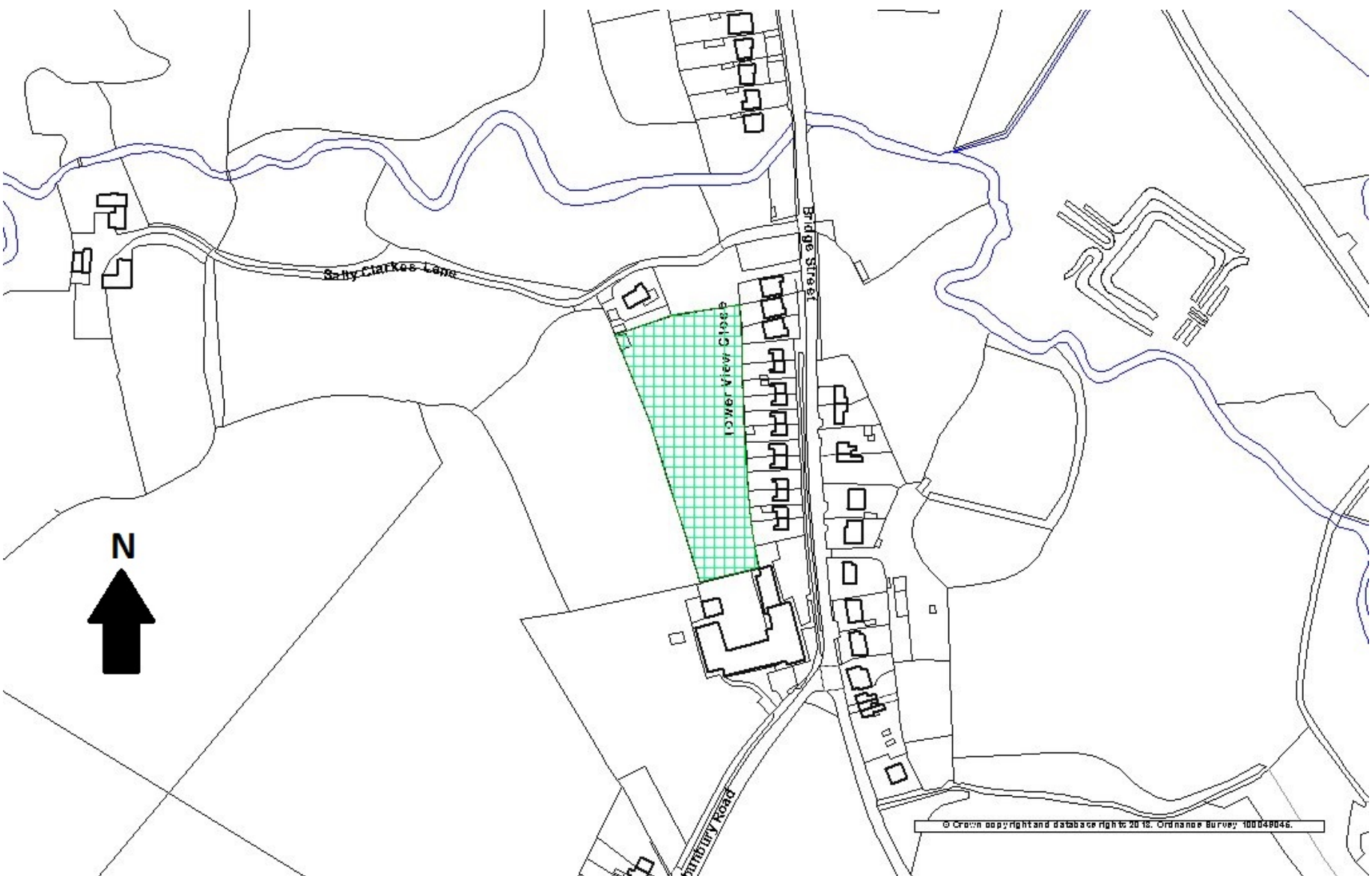
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to the following conditions

1. **Approved Plans**
2. **External Lighting to be submitted to the LPA for approval in writing**
3. **Compliance with the submitted Environment Management Plan**
4. **Materials to be submitted and approved**
5. **Implementation of the approved landscape scheme**
6. **Boundary treatment to be submitted and approved**
7. **Tree Protection**
8. **Arboricultural Method Statement**
9. **Submission and Approval of a Construction Management Plan**
10. **Affordable Housing Details**
11. **Compliance with the mitigation measures contained within the submitted acoustic assessment**
12. **Bin Storage Details to be submitted and approved**
13. **External Lighting details to be submitted and approved**
14. **Remove Permitted Development for plots 3, 4 and 9-13 for extensions and dormer windows**

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



Application No: 15/4967N

Location: Land East Of, Rope Lane, Shavington, Crewe, Cheshire

Proposal: Reserved Matters application seeking consent for appearance, landscaping, layout and scale following the approval of 14/3267N - Construction of up to 53 dwellings including details of access

Applicant: Wainhomes (North West) Ltd

Expiry Date: 08-Feb-2016

Summary

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

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

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable.

Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be

acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

Approve with conditions

PROPOSAL:

This is a reserved matters application for 53 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved development (phase 1) which in turn is accessed off Rope Lane.

The development would consist of 2 to 5 bedroom units. All units would be 2 stories in height. The development would consist of the following mix:

- 18 x two bed units
- 7 x three bed units
- 25 x four bed units
- 3 x five bed units

SITE DESCRIPTION:

The site comprises 3.13ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is described as Phase 2 of a wider development by Wain Homes.

Phase 1 was granted following on from the appeal decisions concerning applications 11/4549N and 13/1021N. Phase 1 lies directly to the south of this site and at the time of the case officer's site visit Phase 1 was under construction and some of the dwellings appear to be occupied.

The site is defined by the A500 to the north and west. A small tree lined brook runs along the eastern boundary with the land beyond in equine and agricultural use. The site is bound by existing hedgerows, some of which contain trees. In addition, there are two hedgerows which project into the site.

Existing residential development lies to the south of the site fronting Rope Lane, Vine Tree Avenue and Northfield Place. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

RELEVANT HISTORY:

14/3267N - Construction of up to 53 dwellings including details of access (outline) – Refused 25th September 2014 – Appeal Lodged – Appeal Allowed 6th August 2015

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20th May 2014

13/2299N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N – Refused 30th May 2013

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission – Appeal Against Non Determination – Appeal Allowed 22nd January 2014

11/4549N - Outline Planning Permission for Erection of Up to 80 Dwellings Including Details of Access Land – Refused 21st March 2012. Appeal Lodged. Appeal Allowed 28th November 2012

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 and Green Gap..

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.4 (Green Gaps)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

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)

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:

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

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

CONSULTATIONS:

Environment Agency: No objection subject to the imposition of planning conditions.

ANSA (Public Open Space): No objections to the landscaping proposals in general. The footpaths need to be bitmac, and the path to the play area needs to be wide enough so as to permit maintenance vehicle access to it. The play area itself needs to be of LEAP standard for a development of this size.

CEC Flood Risk Manager: No objections subject to conditions suggested.

CEC PROW: The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority. If the

routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site.

Pedestrian and cyclist routes should be designed and constructed to best practice in terms of shared use infrastructure and accessibility. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists and pedestrians.

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

United Utilities: No objection subject to the imposition of planning conditions.

CEC Environmental Health: No objection subject to the imposition of planning conditions relating to Environment Management Plan, external lighting, noise mitigation scheme, bin storage and electric vehicle infrastructure.

CEC Head of Strategic Infrastructure: No objection.

Natural England: No objection in relation to statutory nature conservation sites.

CEC Strategic Housing Manager: No objection.

VIEWS OF THE PARISH/TOWN COUNCIL:

Shavington Parish Council: Shavington Parish Council has the following comment to make:

- The CHU houses appear to be set too close together
- If the Churchill design is the social housing/mixed tenure, Members are of the view that these should be 'pepper-potted' throughout the site.

Rope Parish Council: No comments to make on this application.

REPRESENTATIONS:

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

A letter of general observation has been received from one household raising the following points:

- The public footpath will be upgraded and will be used by dog walkers and new residents. It is requested that a six foot fence is erected along the side boundary 21th 1 Vine Tree Avenue to protect from a loss of privacy.

APPRAISAL

The principle of residential development has already been accepted following the approval at appeal of the outline application 14/3267N.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

- Two bedroom – 12 units
- Three bedroom – 13 units
- Four bedroom – 25 units
- Five bedroom – 3 unit

This mix is acceptable as the majority of the development will be smaller family homes and would not be dominated by larger executive dwellings.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

This is a proposed development of 53 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Wybunbury & Shavington is for 2 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 2 and 3 bedroom dwellings therefore a mixture of 2 and 3 bedroom dwellings (with a greater emphasis on 2 bedroom units) on this site would be acceptable. This application is for 12 rented units (all 2 bedrooms) and 4 intermediate units (all 3 bedrooms) which does not meet the requirements of the IPS. However as there is a need for this type of accommodation within the area of the application this would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

In this case the external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable.

In terms of the layout of the affordable housing this is located with three areas of the site (9 dwellings at the centre of the site, a further 5 dwellings to the east of the site and 2 dwellings to the west of the site).

The issue of pepper-potting was disputed as part of the Reserved Matters appeal on Phase 1 where the 24 affordable housing units were located in 3 groups (1 group of eleven dwellings, 1 group of ten dwellings and 1 group of three dwellings). As part of the appeal decision on Phase 1 the Inspector found that the Interim Planning Statement on Affordable Housing does not have

development plan status and there is no reference to 'pepper-potting' as a means of promoting inclusive and mixed communities in the NPPF or in the saved local plan policies.

As a result the Inspector concluded on Phase 1 that;

'On the submitted layout the affordable homes are located on three different cul-de-sacs within the layout where they would share the roads and footpaths with nearby market houses. They form a significant proportion of the new development, so they would not appear to be marginalised or segregated. The proposed distribution would in my view be consistent with the objective in the NPPF of delivering a wide choice of quality homes and the creation of sustainable, inclusive and mixed communities. This benefit would extend beyond the development site to the wider village community'

Highways Implications

The wider traffic congestion issues in the locality and the point of access were considered as part of the outline application. The Unilateral Undertaking submitted as part of the outline application includes a contribution of £80,000 towards the provision of a pedestrian/toucan crossing on Rope Lane.

Given the approval for phase 1, the internal layout follows the same design and there are no objections to the proposal.

Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

21 metres between principal elevations

13.5 metres between a non-principal and principal elevations

In this case the separation distances proposed to the existing dwellings all exceed those set out within the SPD. The separation distances between the proposed dwellings are also considered to be acceptable.

The concerns raised in the letter of representation relate to Shavington-cum-Gresty FP14 which is on the southern edge of Phase 1. As this is not within the red-edge of affected by Phase 2 it is not possible to require an upgrade of the boundary treatment to the adjacent dwelling.

Light pollution

An external lighting scheme has been submitted as part of this application (in accordance with Condition 10 attached to the outline approval) and the Councils Environmental Health Officers have considered that the submitted details are acceptable.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby

properties are not adversely affected by road noise from the A500. The mitigation recommended in this report (standard thermal double glazing and Passive Window Frame Vents, or similar) for living rooms and first floor bedrooms on Plots 93 to 104 inclusive has been considered by the Councils Environmental Health Officer and this will be secured through the use of a planning condition.

Air Quality

An Air Quality Assessment has been submitted with the application which considers the impacts of the siting of a recreational area and several new properties adjacent to the A500. The assessment uses the Design Manual for Roads and Bridges (DMRB) screening method to assess the nitrogen dioxide concentrations for those receptors on site close to the A500.

No local verification of the model was possible due to a lack of monitoring locations near the site. The report concludes that air quality concentrations on site will be well within the air quality objectives for nitrogen dioxide.

There is no consideration of the likely wider air quality impacts and, in particular, those in Crewe and the Nantwich Road Air Quality Management Area (AQMA) where verification would have been possible. Given that the predicted margin of compliance with the national air quality limit values in the locality and the likely small impact in the AQMAs further information will not be requested.

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

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

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

Disturbance during the construction phase of the development

In this case there is a construction management plan attached to the outline approval (condition 13).

Trees and Hedgerows

The submitted Arboricultural Impact Assessment and Method Statement identifies some minor ingress into Root Protection Areas (RPA) in respect of protected trees Oak (T1), Oak (T2), Oak (T3) and Oak (T8). In respect of Oaks T1-T3 the ingress is due to the positioning and available working space for a footpath link adjacent to and to the rear of Plot 89 and adjacent to Plot 80.

The Arboricultural Statement identifies the impact of the ingress as low and that this will be mitigated by the implementation of an Arboricultural Method Statement for a no dig pavement surface adjacent (Phase 5 of the submitted Arboricultural Method Statement).

As the footpath is a link within the proposed public open space, full adopted construction standards are not required and therefore a no dig solution is acceptable in these locations.

The proposed construction of a footpath adjacent to Oak (T8) will likely be required to be to adoptable standard, but is on the edge of the western and north western sections of the root protection area (RPA). The AIA states that the likely impact will be low, but no further detail has been submitted to determine whether this is achievable without impact upon the tree. An initial assessment suggests that the incursion within the RPA will not exceed 20% of existing unsurfaced ground as required by BS5837:2012 (para 7.4.2.3 of BS5837:2012 applies) and that the likely tolerance of the tree to any root disturbance taking into account the trees age, condition and vitality will probably not incur any long term implications for the trees health and safe well being provided additional precautionary protection measures are employed.

The position of the proposed dwellings provide a reasonable relationship/social proximity to retained trees. Accordingly the Council Tree Officer has no objection to the development subject to the imposition of planning conditions.

Landscape

A landscaping scheme has been submitted with this application and this has been considered by the Councils Landscape Architect who has stated that the proposed landscaping scheme is acceptable.

Design

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

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

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

In this case both of the reserved matters applications for Phase 1 were refused on the grounds that the development did not provide a sufficient quality of design in terms of the layout. As part of the appeal decision for application 13/1021N the Inspector did not agree that the layout was unacceptable and found that:

‘Whilst it will always be possible to find ways of improving any scheme, I am satisfied that the present scheme is firmly based on the layout principles advised in Manual for

Streets and is not an example of poor design. It is concluded on the second main issue that the internal layout of the development is designed to an acceptable standard, having regard to the guidance in Manual for Streets'

The proposed layout for Phase 2 follows the layout and house-type design on Phase 1 and as such this reserved matters application is considered to be of an acceptable design.

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 16.9 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Shavington.

The layout plan includes a Country Park which includes additional planting. The Country Park forms a linear area of open space which would be located onto the northern and eastern boundaries of the site. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Tree planting is proposed to reinforce the streets within the site and this is consistent with Phase 1. This is positive in terms of place making and the existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Shavington.

Ecology

Wybunbury Moss Ramsar, SAC, SSSI

The proposed development is located approximately 1.9km from Wybunbury Moss which holds a number of statutory designations for its nature Conservation value. In this case Natural England advise that the proposed development is not likely to effect any statutory designated sites.

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

Other Protected Species

An updated survey has been undertaken this survey has identified three setts around the boundaries of the site. In order to mitigate the risk of the sett being disturbed the submitted report makes a number of recommendations for alterations to the layout of the proposed development. These changes have now been made to the proposed scheme.

An access road is proposed within 15m of Sett 3. The submitted badger report recommends that the excavation of the road be undertaken under the supervision of an ecologist. It should be noted that the sett appears to be in only partially use during the latest survey and the Councils Ecologist advises that the level of mitigation required in respect of this sett would be dependant upon the level of activity at the time that the proposed development was undertaken.

If planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report including a revised mitigation proposals should be submitted to the LPA prior to the commencement of development.

Bats

No trees on site have been identified as having a high potential to support roosting bats. A number of trees have been identified as having lower levels of potential to support bats. These trees appear to be retained as part of the proposed development.

Swill Brook

If planning consent is granted a condition should be attached requiring the provision of an undeveloped buffer of 8m adjacent to Swill Brook. The buffer should be measured from the top of the bank of the brook and should be annotated onto the submitted plans.

Hedgerows

Hedgerows are a UK and local Biodiversity Action Plan (BAP) priority habitat and a material consideration. There is likely to be loss of a number of sections of hedgerow to facilitate site access roads. There is however opportunities for suitable replacement hedgerows to be provided as part of the Countryside Park associated with the proposed scheme.

In this case amended plans have been submitted which provide for replacement hedgerows.

Management plan

If planning consent is granted a condition should be attached requiring the submission of a habitat/landscape management plan for the Countryside park area.

Public Open Space

The amount of open space required as part of this development is 1,855sq.m and the proposed development includes a country park which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision.

The Unilateral Undertaking also secures the provision of a 5 piece LEAP and this would be provided within the proposed country park. Details of the play equipment will be secured through the use of a planning condition.

Education

This issue of education capacity was dealt with as part of the outline application and the education department determined that no education contribution was required.

Flood Risk and Drainage

Part of the application site is located within Flood Zones 2 and 3 along the boundary with Swill Brook with the majority of the site located within Flood Zone 1. This watercourse flows in a north westerly direction towards the A500 where it is culverted beneath the road. The risk of flooding from this source will need to be appropriately mitigated.

In this case the Councils Flood Risk Manager, the Environment Agency and United Utilities have considered the flood risk implications from this development and all have raised no objection to the development subject to the imposition of planning conditions.

As a result the development is considered to be acceptable in terms of the flood risk implications.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site.

Social Sustainability

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

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable.

Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Implementation of the approved landscape scheme**
- 3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority**
- 4. Further notification if any contamination is discovered on the site**
- 5. The site shall be completed in accordance with the submitted Arboricultural Impact Assessment**
- 6. Arboricultural Method Statement for the footpath adjacent to Oak T8**
- 7. Compliance with the submitted scheme of acoustic insulation**
- 8. Compliance with the submitted External Lighting Details**
- 9. Submission and approval of play equipment**
- 10. Provision of an 8m undeveloped buffer zone adjacent to Swill brook and the submission of proposals for the safeguarding of this buffer during the construction phase.**
- 11. Submission of updated badger survey and mitigation proposals prior to commencement.**
- 12. Submission of landscape habitat management plan.**

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



Application No: 15/3099N

Location: Land To The Rear Of Sandy Lane Numbers 1 To 16, SANDY LANE, WINTERLEY

Proposal: Outline application for 1no. or 2no. residential properties, with primary access (single vehicle) off Sandy Lane, private access to the site owned by applicants

Applicant: Mrs Doris Cooke

Expiry Date: 01-Sep-2015

SUMMARY:

The site is located within the open countryside where under policy NE2 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 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

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

In this instance, 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

Outline planning permission with all matters reserved is sought for the erection of up to two dwellings. Although all matters are reserved, access would be taken from an existing track off Sandy Lane.

SITE DESCRIPTION

The application site comprises an irregular parcel of land situated on the south eastern side of Sandy Lane and the north eastern side of Hassall Road, Winterley. It formerly housed a small scale cattle haulage business and there are dilapidated buildings on the site with the remainder having the appearance of an overgrown paddock.

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

RELEVANT HISTORY

No relevant planning history relating to this site.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection subject to there only being one dwelling.

Environmental Protection:

Request conditions/informatives relating to noise disturbance and contaminated land.

Parish Council:

No comments received at the time of report writing.

REPRESENTATIONS:

At the time of report writing nine representations have been received which can be viewed in full on the Council website. These express concerns about the following issues:

- No need or demand for additional housing in Winterley
- Development on greenfield land
- Loss of agricultural land
- Dangerous access
- Highway safety
- Flooding
- Loss of outlook
- Increased noise
- Light pollution

- Loss of privacy
- Over looking
- Impact on wildlife
- Haslington and Winterley will merge into Crewe
- There is no benefit to the local community
- Land contamination

APPRAISAL

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

Principle of Development

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

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

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

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.

Sustainable Development

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.

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.

Having regard to this site, recent appeal decisions in the locality have concluded that Winterley is a sustainable location. In particular, Land North of Pool Lane – 13/4632N, where the Inspector concluded the following:

“The LPA acknowledges that Winterley and the site are sustainable in locational terms. Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location.”

Given the Inspector’s views, it is considered that a refusal on the grounds of locational sustainability could not be defended at appeal.

ENVIRONMENTAL ROLE

Open Countryside Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, 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 this case the site is designated as Open Countryside in the adopted local plan, but the site consists of a small uncultivated field with some development to the north west and south. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained.

Landscape

The site is currently part of an uncultivated field containing some dilapidated buildings, set between existing built development and while its loss would be unfortunate, it is not considered that there would be significant and severe harm to the overall character of the landscape of the area. As such a refusal on landscape impact could not be sustained.

Design

This is an outline planning application with all matters reserved, therefore no layout has been provided. Should the application be approved, access, appearance, landscaping and scale would be determined at reserved matters stage.

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

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

Highways

This is an outline application for the development of up to two residential units on land off Sandy Lane in Winterley. Access to the site is proposed via an existing access track taken from Sandy Lane.

The Head of Strategic Infrastructure (HSI) has reviewed the proposals and notes concerns raised by neighbours regarding the suitability of the access to serve the site for residential purposes; given its narrow width and poor visibility where the access meets Sandy Lane.

Having visited the site, the HSI notes there are a number of buildings on the site including a large Barn that, whilst currently unused, can, without the need for planning permission be brought back into use. The planning application form indicates that the previous use was as a Cattle Haulage Yard for the temporary grazing of Cattle.

Having regard for the potential lawful re-use of the site, as a Cattle Haulage Yard, the HSI considers that the use of the site and its existing access for the development of the site for **one** dwelling would be acceptable.

Ecology

The Council's Principal Nature Conservation Officer has visited the site and concluded that the buildings are not suitable for Barn Owls or roosting bats, therefore a survey for these species is not required.

Having regard to other ecological issues, conditions should be imposed relating to breeding birds, external lighting and features for breeding birds and roosting bats.

Agricultural Land

Local Plan Policy NE.12 has been saved. The National Planning Policy Framework advises that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The application does not contain an Agricultural Land Assessment. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help, albeit in a limited way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Winterley and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for up to two dwellings on this site. The HIS has concluded that the access would only be suitable for one dwelling. A single dwelling could be easily accommodated on this site, without having any significant adverse impact on neighbouring properties in terms of light and privacy. Whilst outlook for other properties would change, it is not considered that this would be a reason for refusal that could be sustained.

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

The application area has a history of light haulage use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A site visit has been undertaken and it is understood the site has previously had a use as an agricultural hauliers, with some limited maintenance also undertaken on site. Although there is an above ground fuel tank, there is no evidence on site of any underground fuel storage tanks. Due to the previous uses on site and the proposed sensitive end use, further assessments with regard to land contamination are required. This will be secured through the use of a planning condition.

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

Response to Objections

There have been nine objections to the proposal, expressing concerns about highway safety, loss of open countryside, impact on wildlife, land contamination and impact on amenity. These issues are addressed in the main body of the report.

Conclusion – The Planning Balance

The site is located within the open countryside where under policy NE2 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 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

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

In this instance, 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 completion of a Section 106 Agreement to secure the affordable housing provision following conditions:

- 1. Standard time**
- 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. Contaminated Land**

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. Reserved matters to include details of boundary treatments
11. Reserved matters to include existing and proposed levels
12. Reserved Matters shall be limited to one dwelling only

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 Chair/Vice Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



© Crown copyright and database right to 2010. Ordnance Survey 100049046.

This page is intentionally left blank

Application No: 15/3394C

Location: OAK FARM, CHURCH LANE, SANDBACH, CHESHIRE, CW11 4ST

Proposal: 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

Applicant: Paul Foden

Expiry Date: 17-Sep-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, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

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

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 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 bring positive planning benefits such as; the provision of a market dwellings, an affordable housing contribution, the provision of a public footpath and a minor boost to the local economy. It is also accepted that part of the site would represent 'previously developed land'.

Balanced against these benefits must be the dis-benefits, which in this case relate to the isolated location of the site with regards to its distance to public facilities and its physical isolation from Sandbach Heath. Furthermore, the proposal would have an adverse impact upon the setting of the nearby listed building.

In this instance, it is considered that these environmental dis-benefits outweigh the social and economic benefits of the scheme.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

Accordingly the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL AND DEFERRAL

The application has been 'called-in' to Southern Planning Committee by Councillor J. Wray for the following reasons;

- *'There is considerable local support for the application as it is considered a brownfield site and the revised plan now gives a significant public benefit by the proposed footpath upgrade to include a cycleway allowing good access to the church.'*
- *New construction on the site, sympathetic to surroundings, would be far better than conversions of the old dilapidated structures.'*

The application was deferred by Southern Planning Committee on the 25th November 2015 in order for;

- Clarification of the footpath link, including location, cost, width and specification
- Re-consideration of the location of the access to serve the site and the impact upon trees

The applicant has subsequently changed the siting of part of the footpath between the nearby church and the motorway bridge from the southern to the northern side of the road. Details of the proposed footpath have been provided.

PROPOSAL

This application seeks outline planning permission to demolish the existing buildings on site and erection up to 5 no. dwelling houses with ancillary facilities and associated infrastructure with access defined.

There is currently 1 large dwelling on site and a number of outbuildings. The proposal would provide a net increase in the number of dwellings on site of 4 units.

Approval of appearance, landscaping, layout and scale are not sought at this stage and are reserved for subsequent approval.

The application is a re-submission of 14/3810C which was refused on the following grounds;

- 1. The proposed residential development is unsustainable because it is located in an isolated location within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and Policy SD2 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework. These seek to ensure that residential development is directed to the right location where it will be expected to provide suitable access to a range of forms of public transport, open space and key services and amenities and to ensure that open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. The benefits of the scheme are substantially and demonstrably outweighed by the site's unsustainable, isolated location with regards to both its distance and accessibility to / from local public facilities and its physical isolation from the built environment, where specific policies of the Framework indicate development should be restricted. For these reasons, the proposal would not represent sustainable development in the context of the Framework's policies and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

The applicant is proposing to address these concerns by offering the provision of a footpath link from the application site to Sandbach Heath along Church Lane.

SITE DESCRIPTION

The site relates to Oak Farm, a detached, two-storey dwelling and its associated outbuildings / curtilage located on the eastern side of Church Lane, Sandbach within Open Countryside.

The application site lies in an elevated position in comparison to Church Lane. On the opposite side of the Road is St John's Church, a grade II listed building. Other than this church, the site is enclosed by fields.

RELEVANT HISTORY

14/3810C - Demolition of existing buildings and erection of up to 5 no. residential dwellings with associated infrastructure and ancillary facilities in Outline with Access defined – Refused 17th February 2015

NATIONAL & LOCAL POLICY

National Policy

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

- 14 - Presumption in favour of sustainable development
- 17 – Countryside
- 47-50 - Wide choice of quality homes
- 55 - Isolated dwellings in the countryside
- 56-68 - Requiring good design
- 126-141 - conserving and enhancing the historic environment

Development Plan

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

The relevant Saved Policies are:

- PS8 - Open Countryside
- BH4 – Listed Buildings – Effect of Proposals
- GR1 New Development
- GR2 Design
- GR4 Landscaping
- GR6 Amenity and Health
- GR9 Accessibility, Servicing and Parking Provision – New development
- GR16 Footpath, Bridleway and Cycleway Networks
- GR20 Public Utilities
- GR21 Flood Prevention
- GR22 Open Space Provision
- NR1 Trees and Woodlands
- NR2 Wildlife and Nature Conservation – Statutory Sites
- H1 Provision of New Housing Development
- H6 Residential Development in the Open Countryside and the Green Belt
- H13 Affordable and low cost-housing.

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG5 - Open Countryside
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 - Developer contributions
SC4 - Residential Mix
SC5 - Affordable Homes
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport
CO4 - Travel plans and transport assessments.

Sandbach Neighbourhood Development Plan (Draft)

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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS

Head of Strategic Infrastructure (HSI) - No objections, subject to a condition stating that the proposed access be completed prior to commencement of development and must be formed and graded to the specification of the Local Planning Authority. Furthermore, a condition stating that any hedgerow, foliage, fence/wall or other obstruction within the Church Lane boundary of the site and falling within or encroaching into the visibility should be cut back or removed to prevent obstruction or maintained at or not exceed 0.9 metre in height relative to the level of the site access is also sought.

An informative stating that the developer will be required to enter into section 278 agreement under the Highways Act 1980 with the Highway Authority for the proposed works, that are within the existing highway boundaries is also sought.

Environmental Protection - No objections subject to a number conditions relating to; pile foundations, noise mitigation, electric vehicle infrastructure and contaminated land.

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

Comments on previous application;

No objections to the provision of an affordable housing contribution. Amount agreed is £83,395 (10th February 2015)

Public Rights of Way – No objections, subject to the applicant being reminded of their responsibilities. Provision of footpath would improve pedestrian safety

Flood Risk Manager – No comments received at time of report

Comments on previous application;

No objections subject to conditions relating to; the prior submission of a surface water drainage scheme and; that the surface water run-off should not exceed the run-off from the undeveloped land (23rd January 2015).

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

Sandbach Town Council – Object on the following grounds:

- development is unsustainable due to the isolated location of the site
- proposed pedestrian path is inadequate and unsafe due to speed of traffic
- poor access with limited visibility for entering/leaving site

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, 4 letters of objection have been received, 1 of which is from a Local Neighbourhood Forum. The main areas of concern raised include;

- Principle of development – loss of Open Countryside, sustainability of the location, isolated nature of the site, site not in the SHLAA
- Design - Impact upon the setting of St John's church, impact of acoustic fencing on the streetscene
- Impact upon the landscape
- Attempt to 'buy' planning permission with the provision of a footpath
- Highway safety – Impact of creation of footpath on existing road, poor visibility, increase in traffic volume
- Impact upon nature conservation
- Alternative of barn conversions and new build – Would be financially viable

A large number of letters of support submitted by the applicant and letters from the local church, the other from the National Cycling Charity have also been received. These letters indicate their

support for the development primarily because of the benefits created by the provision of the proposed footpath link.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- CIL test
- 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 exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

Housing Land Supply

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

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

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

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the

period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

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

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

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

This is a material consideration.

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

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

In order to assess the impact upon the Open Countryside, consideration is in part given to the impact the development would have upon the landscape which is considered within the environmental section below.

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we

will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Public house (1000m) - 400m
- Child care facility (1000m) – 700m
- Bus stop (500m) – 350m
- Public right of way (500m) – 50m
- Primary School (1000m) – 900m
- Outdoor Sports Facility – (1000m) – 600m
- Local meeting place (1000m) – 200m

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

- Amenity open space (500m) – 600m
- Children’s Play space (500m) – 600m
- Bank or Cash Machine (1000m) – 1100m

The following amenities/facilities fail the standard:

- Railway station (2000m) – 3800m
- Any transport node – 3800m
- Post Office (500m) – 1200m
- Convenience Store (500m) – 1100m
- Post Box (500m) – 1000m

- Pharmacy (1000m) – 2000m
- Medical Centre (1000m) – 2000m
- Supermarket (1000m) – 2900m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 2575m
- Secondary School (1000m) – over 3000m

In summary, the site does not comply with the majority of the standards advised by the NWDA toolkit.

It was concluded as part of the previous application that because there were no footpaths leading from the site to any of the facilities listed other than the church on the opposite site of the road that this only resulted in the sites isolation from public facilities being increased.

In attempt to address this concern, the applicant now proposes to provide a public footpath from the application site along Church Lane to the boundary of Sandbach Heath.

Although this proposal would increase connectivity, the closest facilities (other than St John's primary school) are considered to be too far away from the application site for the to be considered to be locationally sustainable. Indeed it is likely that the applicant would have to rely on the use of the car in this location irrespective of the provision of a footpath link.

Although there is a bus stop within walking distance, given the lack of footpaths to the north, it is unlikely that future residents will walk to this stop to access sustainable transport.

As such, it is considered that even with the provision of the footpath link, the site remains locationally unsustainable with regards to its distance from public facilities.

In addition and potentially more importantly, to the isolated nature of the site with regards to its accessibility to public facilities, the application site is also physically removed from the Sandbach settlement. This impact is further demonstrated by the fact that there is no other built form close to the site other than the church across the road. There are fields on 3 sides of the application site which makes the site feel rural and isolated.

Paragraph 55 of the NPPF states that '*...Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...*'

These exceptional circumstances include; the provision of an agricultural workers dwelling; the use of a heritage asset, the re-use of a redundant or disused buildings or of the design is of an innovative nature.

It is not considered that the proposed development would fall into any of these acceptable categories and as such, it is considered that the proposal would be contrary to the NPPF in this regard.

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 located within Open Countryside and comprises a residential dwelling with associated barns in landscaped grounds. There are a significant number of trees present.

The main area of the site is positioned at a higher level than Church Lane with an intervening steep embankment to the west which continues for part of the northern boundary. The Council's Landscape Officer has advised that whilst the site appears to have the capacity to accommodate some development, she has concerns regarding the potential visual impact of a dwelling and garden in the proposed position of plot 5. In addition to the prominent siting of the dwelling, the noise report indicates a 1.8m high perimeter garden fence would be required for noise attenuation.

The Council's Landscape Officer has advised that whilst the additional planting would help to soften the impact of the development when viewed from Church Lane, it would not screen the development completely. As such, it is advised that in the event of approval, fully detailed landscape and boundary treatment proposals would be required.

Given that Landscape details have been reserved for subsequent approval, it is not considered that a condition is necessary in this instance. However, it is concluded that screen planting could overcome the localised landscape concerns with this development.

Trees and Hedgerows

The Council's Tree Officer raises no objections to Option 1 access arrangements as the preferred option (SCP Plan Revision B dated 9/12/2015 provides details of the proposed site access with alterations made to footpath location).

The proposal also seeks the provision of a 1.2 metre wide footpath is for the northern side of Church Lane. The Arboricultural Assessment states that approximately 137 metres of hedgerow and 3 small trees will require removal to allow for the construction of the footpath.

Ongoing discussions have been held between the Council and the applicant's Arboricultural Consultant over the viability of translocation of parts of the hedge and retention of certain sections. Whilst translocation is an option, success can not always be fully guaranteed and the Council's Tree Officer considers that replanting with a new hedge with a greater native species diversity would in the long term, provide greater benefits from an ecological and amenity perspective.

The submitted Arboricultural Report has prepared a proposal for replacement hedgerow planting which shall form the basis of compensation/mitigation.

On the basis of the above, the Council's Tree Officer has raised no objections to the footpath proposal, subject to a condition that; the development shall be carried out in accordance with the Arboricultural Impact Assessment (Ascerta Revision C dated May 2014) including Option A Existing Vehicular Access to be retained and Tree Protection Drawing P.410.14.02 dated 24/4/2014).

In addition, it is recommended that a condition that the development shall be carried out in strict accordance with the submitted Hedgerow Impacts and Replacement Planting Drawing P.410.14.10 dated 14/1/2016, should also be imposed.

Ecology

The nature conservation officer has commented on the application and has considered the submitted Ecological Report.

Bats

There are four buildings present on site and also two trees have been identified as having potential to support roosting bats.

As a result of the surveys completed to date roosting bats were recorded within two of the buildings on site. These are; Building 3 (the barn) which appears likely to support a brown long eared bat feeding perch and possible a minor roost of this species together with potentially a minor roost of a second additional species. Building 4 (outbuilding) which based on the results of the internal inspection is thought likely to support a Pipistrelle maternity roost and is also likely to support a minor roost of a second bat species. These roosts will be lost as a result of the proposed development.

The Council's Nature Conservation Officer has advised that in the absence of mitigation, the proposed development would have a Moderate adverse impact upon bats.

Of the two trees on site identified as having potential to support roosting bats both were originally proposed for removal. Tree (T13) was covered by the bat activity survey and no roosting bats were recorded as being associated with it. The second tree (T15) now appears to be recommended for retention.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The proposed development would allow for the continued presence of bats on site via the provision of bat mitigation measures.

Alternatives

No development on site.

Given that the development proposes bat mitigation measures, it is considered that the provision of additional habitat would be of ecological benefit which would not be achieved should no development take place. Furthermore, the existing buildings could fall into disrepair and eventually collapse resulting in a loss of habitat.

The Council’s Nature Conservation Officer has concluded by advising that in the event that outline planning consent is granted, the proposed bat mitigation is adequate to ensure that the

favourable conservation status of the species of bat concerned would be likely to be maintained.

It is also recommended that a condition be attached to ensure that any future reserved matters application is supported by an updated bat survey and mitigation method statement.

Hedgehogs

This priority species has been recorded in the broad locality of the proposed development. The submitted ecological assessment includes suitable measures to safeguard hedgehogs during the construction process. If planning consent is granted the Council's Nature Conservation Officer recommends that the following condition be attached:

'Any garden or boundary fences erected as part of the development are to incorporate gaps to allow passage of hedgehogs. The gaps to be located at the base of the fence and be measure 10cm by 15cm. These gaps to be provided at least every 5m along each fence.'

Reason to safeguard protected species in accordance with the NPPF.'

Flood Risk and Drainage

The application site is located in an area of EA Flood Zone 1.

A Geo-environmental Report was submitted with the previous application which considered flood risk and drainage. This has not been included as part of this application.

This report advised that the nearest recorded watercourse system is Arclid Brook flowing west to east to the north of the site. This report concludes that ground conditions may well be suitable for soakaways.

The Council's Flood Officer was consulted and advised that whilst he had no objections in principle, no details of the proposed surface water drainage have been provided. However, subject to a surface water drainage condition, they would raise no objections.

United Utilities have advised that they have no objections subject to the addition of a foul water and a surface water drainage scheme and a number of informatives which refer to the provision of a separate metered supply for each unit and that all internal pipe work must comply with the current water supply regulations.

Given that this scheme alters little from the previous application on site (ref: 14/3810C), it is considered that the same conclusions can be drawn.

As such, subject to the implementation of these proposals via conditions and informatives, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Design

The indicative layout shows the provision of 5 new dwellings within the site. Two of the most southern dwellings are proposed largely within or partially forward of the footprint of the existing dwelling on site and would front in a southerly direction.

A third dwelling would be sited behind these dwellings, to the north and would front in a westerly direction. A fourth dwelling would be sited north of this again and would face in a south-westerly direction and a fifth dwelling would be located to the north-west of the site fronting in a southern direction.

The plan shows that these dwellings would be accessed via the existing driveway to the site which is at the southern end of the plot and a driveway would extend to the dwelling at the most northern point.

It is considered that the layout of these dwellings would largely reflect the layout of the existing built form on site other than the proposed 5th dwelling in the north-western corner of the site. This dwelling would extend closer to Church Lane than the existing on-site built form.

Notwithstanding the above, the submitted indicative layout demonstrates that the plot is large enough to accommodate up to 5 dwellings.

Matters of scale and appearance are also reserved for subsequent approval. However, the submitted indicative plans propose 5 detached dwellings, with a mixture of dual-pitched and hipped roofs, a mixture of detached and integral garages and single-storey rear outriggers. No particular objections are raised to these initial scales and appearance.

The indicative design of the development proposal is therefore considered to comply with Policy GR2 the Local Plan.

Setting of Listed Building

Policy BH4 of the Local Plan advises that Planning Permission for proposals affecting the setting of a listed building will only be granted where (amongst other points); the proposal would not adversely affect the setting of the listed building.

On the opposite side of Church Lane to this dwelling is St John's Church, a grade II listed building.

The Council's Heritage Officer has reviewed the proposal and considered the impact of this development upon the setting of this building.

The Heritage Officer has advised;

'At present the site is characterised by its farmstead character situated adjacent to the Church, which in essence is within open countryside; the farm and the church being the only two buildings. The barns to the farm are roughly positioned in parallel with the church on an east-west axis and are located toward the centre of the site.'

The key heritage issue from my perspective is the impact of proposed development upon the setting of the listed church. Setting is often much more than the immediate curtilage of the heritage asset and is defined in national policy and best practice as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” (Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012)

and

“The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape.” (Conservation Principles, English Heritage, 2008, p72)

In this context, the setting of the church is extensive and is relatively unaltered from the time of its construction in 1861 (aside from the degree of maturity of the local landscape). This is evidenced in the historic maps of the area, with the farm buildings evident on all OS maps and pre-dating the Church on the Tithe Map of 1836. The church’s surroundings maintain their sense of openness and rurality, a key landmark within this rural landscape.

The second heritage issue is the loss of the farm buildings themselves. These pre-date the Church and are evident on the Tithe map. They would therefore be considered to be non-designated heritage assets, albeit the farmhouse has been substantially altered and extended. The proposals will result in their loss.

*The proposal is an outline application for 5 dwellings encompassing the entire farmstead site and entailing the demolition of the farm. Parameters information is included with the application in the form of a plan, identifying the developable area and the design and access statement (DAS), follows the CABE template for defining key development characteristics including the scale being 2 storey and it being low density “It is also accepted that within this **urban fringe setting** a lower density solution is more appropriate.” (DAS p3). The proposals also require acoustic fencing to protect gardens from noise nuisance, which will be close boarded fencing, adding to the potentially suburban characteristics of new development.*

The reason I have highlighted the reference to urban fringe is that this site is clearly part of the open countryside, not the urban fringe, and this is important in considering the impact of the development on the rural and generally open setting of the church.

The general intensification of development in an area characterised by its rurality and openness will irreversibly alter the setting of the heritage asset, which will not be experienced in the same way should development proceed. In particular, the plot in the northern part of the site has a more direct relationship to the Church, notwithstanding the landscape along the roadside. This change in relationship will be evident in views from Congleton Road, and potentially within Church Lane itself, particularly during the winter months. Views from the churchyard across the site would also alter. Based upon the details submitted, albeit this is outline, there is the likelihood of a sense of suburbanisation and erosion of the Church’s rural setting. This would result in harm to the heritage asset.

The NPPF requires any harm to a designated heritage asset (including its setting) to be justified and weighed against the public benefit. However a number of appeal and judicial decisions, most notably the Barnwell Manor case reinforce the statutory requirements of section 66 of the Listed Buildings and Conservation Areas Act 1990. The Barnwell Manor Court of Appeal decision stated that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

Therefore in determining this application considerable importance and weight should be given to the desirability of preserving the setting of St John's Church, which it is considered would be adversely affected by the development proposed on the opposite side of Church Lane.

In regard to the local value of the buildings proposed to be demolished, the development would lead to their total loss and therefore result in harm to non-designated heritage assets. This harm needs to be weighed against the public benefits of the scheme, as set out in para 134 of the NPPF.'

The applicant subsequently submitted a detailed Heritage response to this objection. In response, the Council's Heritage Officer has concluded that she stands by her original comments. She considers that this further statement downplays the significance of at least 1 of the barns. The Council's Heritage Officer has advised that;

'The rural/agricultural location is a part of the setting of the church. It has evidential and visual value to the significance of the church. A house has been on that site since before the church was built and I believe the larger barn pre-dates the church, although it has been altered. The relatively unusual setting of the church of this scale in this purposely semi isolated location is part of the history of the church and therefore its significance. The fact that the house is residential and not agricultural does not alter from the fact that its layout retains the agricultural/rural residential feel, the barns and large open garden are an essential part of that. The 1856 map shows the site as being Oak House rather than farm so perhaps it wasn't a farm originally but a house set within its own land with ancillary buildings.

Both David [Hallam – Principal Heritage Officer] and I consider the barn to be a non designated heritage asset as it seems to be in evidence on the tithe maps and evidence in the design/materials of the current building. I believe it to be worthy of retention and believe it could be converted to a dwelling.

As I stated previously the local character and distinctiveness is a rural one. The proposed 'indicative' layout shows an urban layout/design which is not in keeping with the local character and history or the identity and sense of the place. Therefore I fail to see how it will make as positive contribution to the area as per NPPF 131.

The heritage report dismisses the importance of 'less than substantial harm' and argues that the benefits of the scheme outweigh any perceived harm. Less than substantial harm is still harm and has weight in the sustainability argument as defined by the NPPF 132 and 134. What public benefits of the proposal will outweigh this harm? On a sustainability level I fail to see how this outline proposal will preserve or enhance the natural, built or historic environment that surrounds it (NPPF7) and therefore fails on sustainability grounds.

I disagree that the proposed development will only impact on the listed building from a distance. As stated previously setting is about more than views, although those will be impacted at close range by the fences, houses, roads and layout of the indicative scheme too. The scheme faces directly onto the Lychgate which is a part of the listing as a curtilage structure and also a war memorial to WW2. The proposed 1.8m high close boarded acoustic fences will all be roughly parallel with the church (and the motorway behind it).

The church was designed by George Gilbert Scott who also designed the vicarage, the restoration of St Mary's Church in Sandbach, Sandbach School, Sandbach Literary Institution and the Almshouses on Newcastle Road. This was under that patronage of John Armitstead of Cranage Hall. The Armitstead family were vicars of Sandbach from 1828 until 1941 and had a profound influence on running the Town. Therefore this church has significance for the history of Sandbach as well as the immediate locality.'

As a result of this assessment, it is considered that the proposed development would fail to adhere with Policy BH4 of the Local Plan.

Previously Development Land

The applicant considers that the application site represents previously developed land or Brownfield land. Indeed a Certificate of Lawful Existing Use is currently under consideration by the Council.

Paragraph 111 of the NPPF 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."*

Annex 2 of the NPPF defines "Previously developed land" as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

Notwithstanding the outcome of the Certificate assessment, it is accepted that part of the site can be classed as previously developed land. This would include the land on which the dwellinghouse sits and the land on which the detached garage, to the rear sits.

However, it is considered unlikely that the land on which the large 2 barns to the rear of the site lie would fall into this category. This is because they would likely be classified as *'land that has been occupied by agricultural or forestry buildings'*. This is further supported by the fact that the application site is Oak 'Farm'.

As such, it is not accepted that the entire site can be classified as 'previously developed land' in line with the NPPF definition.

Access

It is proposed that the site is accessed via the existing access to the site from Church Lane. The proposed scheme shall provide a shared drive access.

The Council's HSI has advised that the proposals for access are satisfactory and off-street parking provision is in accordance with Cheshire East Council minimum parking standards for residential dwellings with four or more bedrooms.

Furthermore, it is advised that the commuter peak hour and daily traffic generation associated with the development of five dwellings will not have a material impact on the operation of the adjacent or wider highway network.

No issues with regards to the proposed footpath link are raised.

Accordingly, the Head of Strategic Infrastructure has no objection in relation to the above planning application, subject to a number of conditions including; that the proposed access be completed prior to commencement of development and must be formed and graded to the specification of the Local Planning Authority. Furthermore, a condition stating that any hedgerow, foliage, fence/wall or other obstruction within the Church Lane boundary of the site and falling within or encroaching into the visibility should be cut back or removed to prevent obstruction or maintained at or not exceed 0.9 metre in height relative to the level of the site access is also sought.

An informative stating that the developer will be required to enter into section 278 agreement under the Highways Act 1980 with the Highway Authority for the proposed works (including the footpath link), that are within the existing highway boundaries is also sought.

As such, it is considered that the access to the site is acceptable and would adhere with Policy GR9 of the Local Plan.

Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, protected species, highway safety, design, flooding and drainage. It is also accepted that only part of the site can be classified as 'previously developed land'.

However, given the isolated nature of the application site due to the considerable gap between the application site and the existing, established Sandbach Settlement Zone Line to the west, and the limited presence of surrounding built form, it is considered that the proposed development would represent '*isolated homes in the countryside*', which would be contrary to Paragraph 55 of the NPPF. As such, it is not considered that the Settlement Boundary should be flexed in this instance to accommodate the development and the proposed development would remain contrary to Open Countryside policy.

In addition, it is considered that the proposed development would have a detrimental effect upon the setting of the adjacent Grade II Listed Building.

As a result of the above reasons, it is not considered that the proposed development would be environmentally sustainable.

Economic Role

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

It is advised within the submission that the development should secure payment of up to £71,961 for the 'New Homes Bonus' over a 6-year term to contribute towards infrastructure and community facilities. This money could assist the Council in delivering a wide range of infrastructure improvements. The additional council tax provision, according to the submitted application would generate an additional £11,988.65 per annum.

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

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Council's Interim Planning Statement for Affordable Housing states that we will seek provision of 30% on-site affordable housing on sites over 0.4 hectares within settlements of 3000 or more. Furthermore we will seek a tenure split of 65% affordable or social rent and 35% intermediate tenure.

For the provision of 5 dwellings on site, there would be an affordable housing requirement of 1.5 units.

Whilst the provision of this on site would be preferable, the Housing Officer has advised that the applicant's offer of an affordable housing contribution of £83,395 would be acceptable. The applicant has agreed to this contribution which would be secured via a S106 Agreement should the application be approved.

This would be a social benefit to the scheme.

Footpath link

The applicant proposes a footpath link along Church Lane from the site to the edge of Sandbach Heath. It is proposed that this provision be provided directly by the applicant. This can be secured via condition.

The Council's Strategic Highways Manager has reviewed this proposal and advised that he has no objections to this aspect of the proposal, subject to the developer enter into section 278 agreement under the Highways Act 1980 with the Highway Authority for the proposed works, that are within the existing highway boundaries.

If provided, this would offer another social benefit to the scheme.

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.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings would adhere to this standard.

In terms of the separation distances, there are no neighbouring dwellings within 300 metres of the application site. As such, no amenity issues would be created outside of the application site by the proposed development.

Within the site itself, the indicative layout plan shows that the proposed dwellings would largely adhere with the minimum separation standards, detailed within SPD2 which demonstrates that the site is large enough to accommodate 5 dwellings without creating any amenity issue with regards to loss of privacy, light or visual intrusion (subject to the positioning of windows).

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions. These suggested conditions include; including: Hours of piling, the prior submission of a piling method statement, the implementation of noise mitigation measures, the provision of electric vehicle infrastructure, a contaminated land condition and an hours of construction and a contaminated land informative.

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

Public Rights of Way

A Public Footpath lies just outside of the site boundary but follows to eastern boundary.

The Countryside Access officer has reviewed the proposal and advised that they have no objections, subject to the inclusion of an informative reminding the applicant of their responsibilities. They have also confirmed that the provision of a public footpath would improve pedestrian safety.

As such, subject to the recommended informative, it is not considered that the proposal would create any issues with regards to public footpaths.

Social Conclusion

As a result of the provision of market housing and an affordable housing financial provision and the provision of a footpath provision, it is considered that the proposed development would be socially sustainable.

Other Material Considerations

Draft Sandbach Neighbourhood Plan

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

Policy H1 within the Neighbourhood Plan states that future housing will be delivered predominantly on small scale sites of up to 30 houses and designed to meet identified need and achieved at a sustainable “organic” growth rate.

Policy H5 refers to the preferred locations of development. Within the policy it is advised that the redevelopment of brownfield sites will be supported in favour of greenfield locations.

It is accepted that the application proposal would represent a smaller development site generally adhering with Policy H1. However, as advised, it is not accepted that the entire application site (with particular reference to the land on which the 2 on-site barns are located and the private garden) represents brownfield development as insufficient information has been provided to demonstrate this at the time of assessment. As such, it is considered that the proposal is contrary to Policy H5 of the Neighbourhood Plan as it would be providing housing not in a preferred location.

Viability

The applicant has submitted a viability study with the application. This concludes that; *‘The cost of upgrading and rehabilitation of the existing dwelling house, together with the cost of re-constructing the barns to a modern and sustainable standard would exceed the cost of five new building houses at the development.’*

It is advised that the conversion of the existing site would cost between £142,128 and £309,213 more than the erection of 5 new units.

In response, although it may well be more expensive to consider upgrading the exiting site, no indication of the likely profits of the development have been provided in order to demonstrate that the upgrade of the existing site would not be a viable alternative.

As such, no firm conclusions can be drawn from this study other than one option for the site's re-development would be more expensive than the other.

Other application sites / appeals

The applicant has drawn reference to various other appeal sites which he believes are comparable. Below is a brief description as to why these other sites are not considered to be comparable;

- Land of Sandbach Road, Church Lawton (14/2351C) – No decision has been finalised on this application as it is awaiting a S106 Agreement. However, this is an application for a rural exceptions site for 100% affordable housing. Such a proposal is permitted in principle by Local Plan policy. Furthermore, rural exception sites are often isolated by their nature. This application site is also enclosed by development on 3 sides compared to the application site which other than a church on the opposite side of the road, is enclosed by fields. As such, it is not considered that this application or site is comparable to the application proposal.
- Land at New House Farm, Haslington, Crewe (15/2391N) – This application has now been refused.
- Higher House Farm, Knutsford, Cranage (12/4771C) – Approved. This application relates to a previously developed site or brownfield land relating to a former business. Such a proposal, in principle would accord to planning policy. It is not accepted that all of the application site where development is proposed as part of this application can be classified as previously developed land. As such, it is not considered that this application is comparable.

A number of other examples have also been put forward by the applicant in order to justify the application proposal. However, as can be taken from the examples above, each scheme is considered on its own merits as different circumstances apply.

It should also be noted that the Council are aware of appeal decisions which support the application proposal, such as APP/R0660/A/14/2218286 which was dismissed at appeal.

CIL Regulations

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

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

The proposal would make a contribution towards affordable housing of £83,395. The commuted sum to be paid to the Council to spend on affordable housing in the area where there is an identified need.

On this basis the requirements of the s106 agreement are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Planning Balance

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

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

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

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 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 bring positive planning benefits such as; the provision of a market dwellings, an affordable housing contribution, the provision of a public footpath and a minor boost to the local economy. It is also accepted that part of the site would represent ‘previously developed land’.

Balanced against these benefits must be the dis-benefits, which in this case relate to the isolated location of the site with regards to its distance to public facilities and its physical isolation from Sandbach Heath. Furthermore, the proposal would have an adverse impact upon the setting of the nearby listed building.

In this instance, it is considered that these environmental dis-benefits outweigh the social and economic benefits of the scheme.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

Accordingly the application is recommended for refusal.

RECOMMENDATION

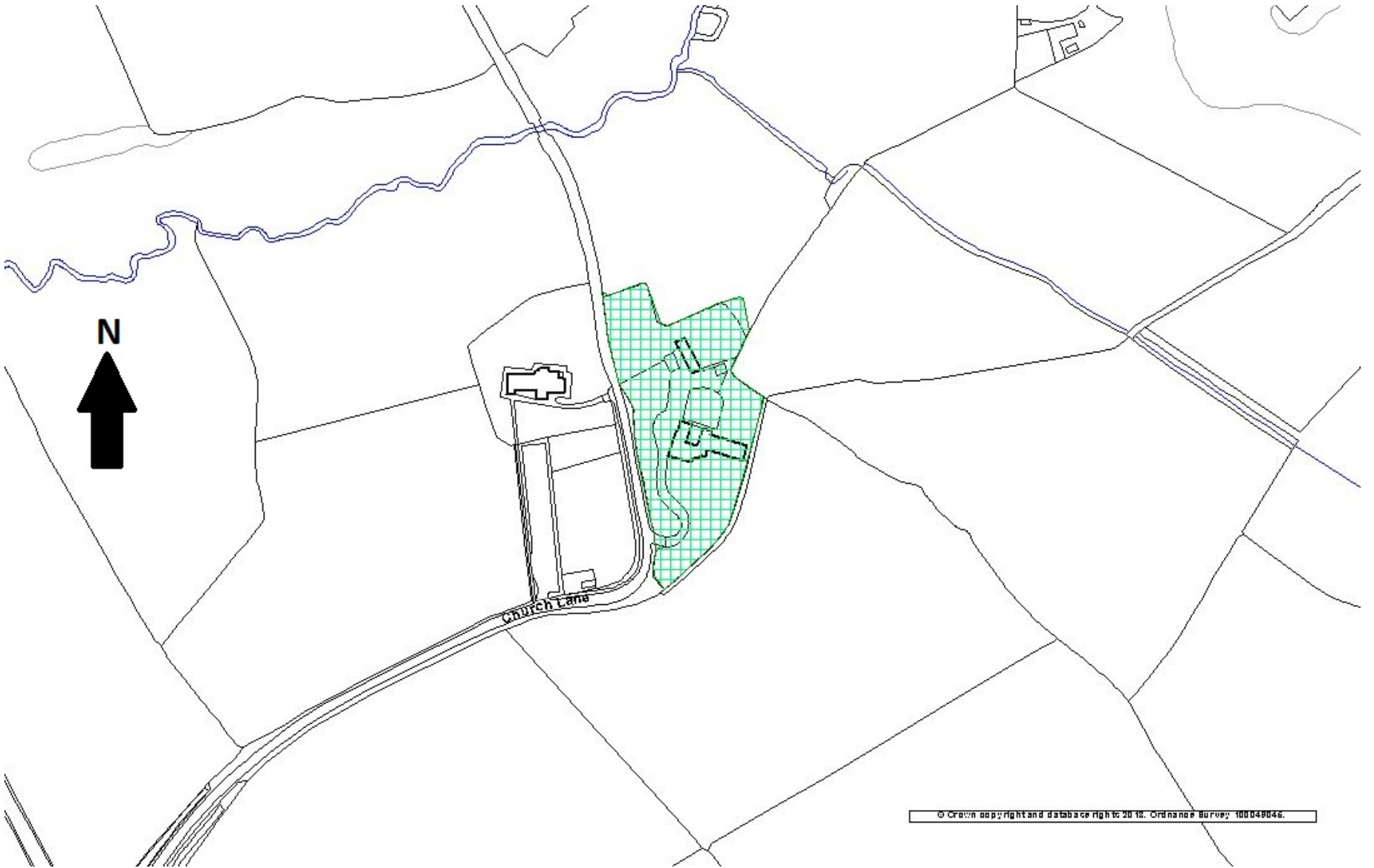
REFUSE

- 1. The proposed development would represent inappropriate development in the Open Countryside and would be contrary to Policies H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review 2005. The proposal would also be contrary to Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan Strategy – Submission Version (CELP) and the NPPF.**
- 2. The proposed development would have an adverse impact upon the setting of St John's Church, a Grade II listed building. The proposal would therefore be contrary to Policy BH4 (Listed Buildings – Effect of Proposal) of the Congleton Borough Local Plan First Review 2005.**
- 3. The proposed development would be located in an isolated location away from public services and other built form resulting in the development being both environmentally and socially unsustainable. It is considered that this dis-benefit in conjunction with the impact of the proposal upon the setting of a grade II listed building outweighs the social and economic benefits of the scheme. As such, the proposal is not considered to represent sustainable development and would therefore be contrary to the NPPF.**

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

Heads of terms;

- 1. A commuted payment of £83,395 towards off-site affordable housing**



Application No: 15/3863N

Location: Land Adjacent To The Bridge Inn, Broad Street, Crewe, Cheshire

Proposal: Proposed construction of 14 no. dwellings

Applicant: John Warters

Expiry Date: 23-Nov-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 acceptable.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the impact upon ecology, flooding and drainage, amenity and the lack of tree information. It is considered that these impacts can be mitigated against by the use of planning conditions.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement to secure a financial contribution towards education provision and conditions

PROPOSAL

Full Planning permission is sought for the erection of 14 dwellings.

Revised plans have been received during the application process which now incorporate further openings and/or dummy openings within elevations highly visible within the streetscene.

SITE DESCRIPTION

The application site is a vacant plot of land to the south of Broad Street and to the east of the Bridge Inn Public House. The area is mainly characterised by two storey dwellings with dwellings fronting Lime Street to the west (the West Coast Main Line lies beyond these properties) with terraced properties fronting Crossway located to the east of the application site. The majority of the site

currently lies overgrown and un-used with a smaller section of the land to the north of the site being used as a beer garden for the Bridge Inn. To the north-west corner of the site a small car-park provides parking for the Bridge Inn.

RELEVANT HISTORY

12/3877N - Extension to Time Limit on Planning Permission 10/0196N: Construction of Old Persons Residential Care Home Comprising 46 Single Bedrooms and 20 Independency Units, of 2 Storeys plus Attic Dormers – Approved 23rd November 2012

10/0196N - Construction of Old Persons Residential Care Home Comprising 46 Single Bedrooms and 20 Independency Units, of 2 Storeys plus Attic Dormers – Approved 21st April 2010

P07/1671 - External Seating Area – Approved 1st February 2008

P07/0983 - Rearrangement of Existing Car Park and Erection of 14 Residential Dwellings – Approved 12th October 2007

7/18209 – First-floor extension (15 Lime Street) – Approved 16th February 1990

7/17912 – First-floor extension (15 Lime Street) – Approved 16th February 1990

7/09510 – Alterations and extensions (15 Lime Street) – Approved 28th October 1982

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development;

17 – Core planning principles,

47-50 - Wide choice of quality homes

56-68 - Requiring good design

Development Plan

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

The relevant Saved Policies are;

RES.2 - Unallocated Housing Sites

RES.3 - Housing Densities,

BE.1 – Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 - Development on Potentially Contaminated Land

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)

IN2 (Developer Contributions)

CONSULTATIONS

Strategic Infrastructure Manager (SIM) – No objections, subject to conditions relating to; the prior submission of a construction method statement and that the approved access shall be constructed prior to commencement of development. In addition, an informative that the developer will enter into a Section 184 Agreement of the Highways Act 1980

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; a restriction over the hours of construction; the provision of Electric Vehicle Charging point for each dwelling and the prior submission of a Phase II contaminated land report. In addition, informatives relating to hours of piling and contaminated land are also sought

Flood Risk Manager (Cheshire East Council) – No objections, subject to the provision of detailed hydraulic calculations that clearly identify agreed discharges and show how the 1 in 100 year plus climate volumes can be safely accommodated.

United Utilities – No objections, subject to the following conditions; that the development's foul and surface water shall be drained on a separate systems; the prior approval of a surface water drainage scheme

Public Rights of Way (Cheshire East Council) - No objections

Education (Cheshire East Council) – No objections, subject to a financial contribution of £32,538.87 towards primary school provision

Housing (Cheshire East Council) – No objections – No affordable housing requirement

Crewe Town Council – No comments received at time of report

REPRESENTATIONS

Letters were sent to the occupiers of the properties adjacent to the application site. In addition, a site notice was erected and the site was advertised in the local newspaper.

In response, 3 neighbouring letters of objection / concern have been received. The main areas of concern raised include;

- Amenity – Loss of privacy, noise, air pollution
- Ecology – Loss of habitat
- Highway safety – Access arrangements
- Public footpath maintenance

APPRAISAL

The key issues are:

- The sustainability of the proposal (Economic, Social and Economic Role)
- Planning 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”

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

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.

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.

As such the principle of housing within Crewe is accepted, subject to its adherence with other relevant Local Plan Policies. Furthermore, the provision of market housing is a social and economic benefit in principle given the Council's Housing Land Supply position.

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 considered that the proposed development would be economically sustainable.

Other social considerations

Affordable Housing

The Council's Housing Officer has reviewed the proposal and advised that the scale of the scheme does not trigger an affordable housing requirement.

Education

The Council's Education Officer has reviewed the proposal and considered the capacity of the closest primary and secondary schools.

It is advised that the development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

The development is forecast to increase an existing shortfall predicted for 2016 and beyond, for primary provision in the immediate locality. To date, the development is forecast to be at no detriment to secondary provision.

To alleviate forecast pressures, the following contribution would be required:

$3 \times £11,919 \times 0.91 = £32,538.87$ (primary)

Total education contribution: £32,538.87

Subject to the provision of this sum, it is considered that the impact upon local education provision would be neutralised.

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 proposed layout plan, the closest residential properties to the proposed dwellings would be; No 175 and 179 Broad Street to the north, No's 55 – 45 Crossway to the east and No's 1 – 16 Lime Street to the east.

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)...

To the north of the site, the closest properties would be Plots 1 and 3 to No's 175 and 179 Broad Street. The side/rear corner of No.175 Broad Street would be located approximately 11.5 metres from the rear/side corner of the dwelling on plot 1 and approximately 13.4 metres from the rear elevation of the dwelling proposed on Plot 3.

Separating these plots is a public footpath and double boundary treatment.

Given the offset relationship between this dwelling and plot 1, it is not considered that the occupiers of this neighbouring dwelling would be detrimentally impacted by the proposed development in terms of loss of privacy, light or visual intrusion.

As the separation distance between the side elevation of No.175 Broad Street and the rear elevation of Plot 3 largely adhere to the minimum separation standards, it is not considered that any significant amenity issues in relation to the above considerations would be created.

To the east, the side elevation of Plot 3 would be located approximately 15.5 metres from the rear elevation of No.55 Crossway. The side elevation of the dwelling proposed on plot 5 would be approximately 13.4 metres away from the rear elevation of No.52 Crossway. The rear elevations of Plots 6-8 would be between 20 and 23 metres away from the rear elevations of 50, 51 and 49 Crossway and the side elevation of plot 9 would be approximately 14.8 metres from the rear elevation of No.47 Crossway.

As such, all of these distances would largely adhere to the recommended separation standards listed in the SPD.

With regards to the impact upon the occupiers of the properties on Lime Street, the rear elevation of plot 14 would be approximately 20 metres from the main two-storey aspect of the rear elevation of No.2 Lime Street. A single-storey aspect would be approximately 17 metres away, but offset.

The rear elevation of plot 13 would be approximately 18 metres from the rear elevation of No.3 Lime Street, but the relationship would be offset.

Due to a combination of offset relationships and the close adherence to the recommended separation standards, it is not considered that the occupiers of the properties on Lime Street would be significantly impacted with regards to loss of privacy, light or visual intrusion.

The proposed dwellings on plots 9-12 would have a rear garden length of 13.5 metres and as such they would not raise any amenity concerns as part of this development.

The properties on Broad Street lie within relatively close proximity to each other, including the front-to-front relationships at a distance short of the recommended standards. As such, there is scope for the application proposal to reflect this local character. Some of the relationships between the proposed dwellings are indeed short of the recommended separation standards. However, due to the character of the area and the relationship between the proposed dwellings, it is not considered that the proposal would create any significant amenity concerns for the future occupiers of the proposed dwellings.

With regards to environmental disturbance, the Council's Environmental Protection Officer has advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; a restriction over the hours of construction; the provision of Electric Vehicle Charging point for each dwelling and the prior submission of a Phase II contaminated land report. In addition, informatives relating to hours of piling and contaminated land are also sought.

As such, subject to the inclusion of the proposed conditions, it is considered that the proposed development would adhere with 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 proposed layout plan shows the erection of 14 new dwellings. The existing wide access to the public house would be narrowed and be taken almost from the front of the pub onto Broad Street and would arc immediately to the east before extending south into and to the end of the site. All of the proposed new dwellings would front onto this new access road and the remaining public house car park.

The scheme would comprise of 3 detached, two-storey dwellings (Plots 3-5), 4 semi-detached, 2 ½ storey properties (Plots 1 – 2 and 13 -14) and 7, 2 ½ story terraced properties (Plots 6-8 and 9-12).

Subject to the inclusion of a landscaping condition to ensure the provision of adequate soft landscaping, it is considered that the layout of the scheme would be acceptable.

Surrounding the application site, this part of Crewe comprises of a mixture of semi-detached and terraced 2-storey properties. There are also occasional detached properties not too far from the application site, namely 20 Lime Street and 159 Broad Street.

As such the mixed form of dwellings sought would not appear incongruous within the area and as such, would be acceptable.

With regards to scale, the proposed dwellings would range in height between 8 and 8.5 metres. This range of heights, would largely respect the heights of the surrounding units.

The dwellings would be of a simple design that would comprise of exposed brickwork finishes, dual-pitched roofs, symmetrical openings and many of the units would include gable features that would respect the dual-pitched design of the dwellings sought.

Following negotiations with the applicant, further design features have been incorporated into many of the original exposed blank elevations.

It is considered that the design of the proposed development would adhere with Policy BE.2 of the Local Plan.

Highway Safety

The internal layout has been the subject of some discussion with the applicant and the Council's Road Adoption Engineer and it was determined that the Highway Authority would be unwilling to adopt the proposed layout; therefore, the applicant has agreed that the internal layout will not be adopted and will be managed and maintained privately.

It is noted that the development proposals will result in a small loss of off-street parking for The Bridge Inn, much of which is frontage parking along Broad Street; the use of which may involve vehicles being reversed into the highway. The HSI considered that the removal of this parking is beneficial from a highway safety perspective, furthermore, the parking loss was considered acceptable under the previous planning consents.

In terms of off-street parking provision, two spaces are provided for each three bedroom dwelling and three spaces are provided for the +4 bedroom dwellings. This level of provision is in accordance with CEC's minimum parking standards for residential dwellings.

Access to the site is taken from a new priority controlled junction with Broad Street;

In terms of junction geometry, layout and visibility the HSI has advised that access proposals are considered to be acceptable to serve a development of 14 dwellings and The Bridge Inn car park in this location.

A development of 14 dwellings would be expected to generate less than 10 two way trips during the morning and evening commuter peak periods; The HSI has advised that on this level of traffic generation, it is not expected that the development would have a material impact on the operation of the adjacent or wider highway network.

The HSI concludes that he is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to conditions relating to; the prior submission of a construction method statement and that the approved access shall be constructed prior to commencement of development. In addition, an informative that the developer will enter into a Section 184 Agreement of the Highways Act 1980

The development is therefore considered to adhere with Policy BE.3 of the Local Plan.

Nature Conservation / Ecology

The Council's Nature Conservation Officer reviewed the original proposal and advised that an Ecological Appraisal of the site was required to allow determination of the potential impacts of the proposed development on nature conservation & protected species.

This appraisal was received during the application process.

The Council's Nature Conservation Officer has reviewed this and advised that he is satisfied that the risk to protected species is small with the exception of breeding birds which could be using trees and scrub on site. It is recommended that a condition to protect the breeding birds is imposed.

Subject to this condition, it is considered that the proposal would adhere to Policy NE.2 of the Local Plan and Policy SE.3 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.

The Council's Flood Risk Officer has reviewed the proposal and advised that he has no objections on flooding grounds, but recommends a condition to seek the prior approval of detailed hydraulic calculations that clearly identify agreed discharges and show how the 1 in 100 year plus climate volumes can be safely accommodated.

United Utilities (UU) were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to the following conditions; that the development's foul and surface water shall be drained on a separate systems; the prior approval of a surface water drainage scheme.

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

Landscape and Trees

The site is located to the south of the Bridge Inn with residential development to the west and east. The site is mainly laid to unmaintained grass with areas of bramble and an overgrown hedge with some trees and damson self sets separating the site from a footpath to the rear of properties in Crossway. There are trees on adjoining land which overhang the site.

Trees

The submission does not provide an existing site survey and no arboricultural information is provided. In this respect the submission does not accord with BS 5837:2012 Trees in relation to design, demolition and construction guidelines and it is not possible to make an assessment of the arboricultural impacts.

In the absence of this information, no assessment as to whether existing trees would be impacted can be made. Therefore, it is considered that the proposal would be contrary to Policy NE.5 of the Local Plan.

Landscape

No issues are created given the urban location of the site.

Environmental Conclusion

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

However, as insufficient information has been provided to assess the impact of the proposed development upon trees.

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

Other Matters

The proposed development is not of a scale which requires an open space 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 proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme, such as the impact upon ecology, flooding and drainage, amenity and the lack of tree information can be mitigated against by the use of planning conditions.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

- 1. £32,538.87 towards primary education provision**

And conditions;

- 1. Time – 3 years**
- 2. Plans**
- 3. Materials – Prior approval**
- 4. Prior submission / approval of a Construction Method Statement**
- 5. The approved access shall be constructed prior to commencement of development**
- 6. The prior submission / approval of a piling method statement**
- 7. The prior submission / approval of a dust mitigation scheme**
- 8. Hours of construction**

9. The provision of Electric Vehicle Charging points
10. The prior submission / approval of a Phase II contaminated land report
11. The prior submission / approval of hydraulic calculations that clearly identify agreed discharges and show how the 1 in 100 year plus climate change volumes can safely be accommodated
12. Foul and surface water shall be drained on a separate systems
13. The prior approval of a surface water drainage scheme
14. Prior submission / approval of Landscaping Scheme
15. Landscaping – Implementation
16. Prior approval of Boundary treatment
17. Prior approval of Breeding Bird details
18. Prior submission of a tree protection scheme

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 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 subject to an appeal approval is given to enter into a S106 Agreement to secure the following:

1. £32,538.87 towards primary education provision



This page is intentionally left blank

Application No: 15/4119C

Location: Land east of, CHELLS HILL, CHURCH LAWTON

Proposal: Construction of two new dwellings.

Applicant: Marion Donovan

Expiry Date: 04-Nov-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, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

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

The proposal would bring positive planning benefits such as a minor boost to the local economy and a social benefit of providing 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. Impacts on neighbouring residential amenity would not be significant enough to warrant refusal and accordingly, the scheme is considered to be acceptable in the social and economic sense.

The impact that the proposals would have on the wider landscape will not be significant given that it would be situated in between an existing row of dwellings. Subject to conditions, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

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

RECOMMENDATIONS

APPROVE subject to conditions

PROPOSAL

This application seeks full planning permission for the construction of two new dwellings on land to the east of Chells Hill, adjoining the settlement of Lawton Heath End, Church Lawton.

SITE DESCRIPTION

The application site is located on the eastern side of Chells Hill, directly in between existing residential properties (no.s 5 and 6 Chells Hill). The site measures approximately 0.14 ha in size. The site forms part of a larger field which runs behind the properties fronting Chells Hill. The site is within the Open Countryside but adjoins the South Cheshire Green Belt to the east as designated in the Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY

30492/3 - CHANGE OF USE FROM AGRICULTURAL LAND TO NEW STABLES (2 NO.) AND GRAZING FOR HORSES FOR PERSONAL USE. – Approved - 30-Nov-1998

32528/1 - ERECTION OF TWO DWELLING HOUSES – Withdrawn 23-Nov-2000

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 and 217 - Implementation.

Development Plan

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

The relevant Saved Policies are:

PS8	Open Countryside
GR1	New Development
GR2	Design
GR4/5	Landscaping
GR9	Accessibility, servicing and provision of parking
GR15	Pedestrian Measures
GR17	Car parking
GR18	Traffic Generation
NR3	Habitats
H6	Residential Development 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:

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

Other Material considerations:

National Planning Policy Framework
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
SHMA Update 2013

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objection subject to a condition the roadside hedgerow is kept to a height of no more than 1 metre.

Environmental Protection

No objection subject to informatives relating to land contamination and construction hours.

Brine Compensation Board:

No objection but comment that the site is within an area that has previously been affected by brine subsidence and therefore the applicant should be advised that any foundations will need to be strengthened.

Parish Council:

No comments received

REPRESENTATIONS

Two letters of representation have been received objecting to this application on the following grounds:

- Principle of the development contrary to Policy
- The existing development is dispersed and not a row of built up development
- Loss of open countryside / greenspace
- Overdevelopment of the site and loss of open aspect
- Out of keeping with the character of the area
- The land is not flat
- Loss of light
- Overlooking, loss of privacy and loss of view
- Poor drainage
- The site is within a brine compensation area
- The area is not predominantly residential it is rural
- There is no extra need for housing in the area
- Other schemes in the area have been refused
- Impact on Green Belt
- Soakaway in field to rear

APPRAISAL

Principle of Development

The site lies in the open countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

As a result, the proposal for a new dwelling constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

Housing Land Supply

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

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

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth. In order to assess the impact upon the Open Countryside, a key consideration is the impact the development would have upon the landscape which is considered and whether the development of the site would amount to sustainable development and thus amount to material considerations that would outweigh the conflict with local plan policy.

In this case it should also be noted that the development would be comply with emerging Policy PG5 of the emerging local plan allows for exceptions *‘where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage’*.

Sustainability

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

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

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

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

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

ENVIRONMENTAL ROLE

Landscape Impact

The proposed dwellings would be sited in-between the existing built up frontage of Chells Hill and accordingly, would serve to bridge the gap between existing properties. It is also considered that this development would constitute in-fill development in accordance with Policy PG5 and the proposal would be viewed within the context of a cluster of existing dwellings. The siting of the proposed dwellings would round off the existing frontage and would not appear intrusive. As such, the landscape impact would not be significant and the impact on openness would be limited.

Design Standards

The dwellings would be sited in between existing buildings and would of a scale and height similar to adjoining properties. Whilst the proposed dwellings would be slightly taller and deeper, the difference in height would not be significant and generous spacing between the side elevations would ease the transition. The 2 units would be slightly different in appearance, with one benefiting from a gable feature on the front elevation and the other without. This would help to provide some variation along the frontage.

The general style of the proposed dwellings would be in keeping with the vernacular being brick built and of traditional appearance. It is considered that the development would be of an acceptable design which would adhere with Policies GR1 and GR2 of the Local Plan and Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Highways

Originally, the proposed dwellings were to continue the front building line of the adjoining properties. However, following concerns expressed by the Head of Strategic Infrastructure (Highways), the dwellings have been set deeper into the site to allow room at the front of each dwelling so that vehicles can enter and leave the site in a forward gear. Each unit would benefit from its own access off Chells Hill and provided that the hedge at front is kept to a height not exceeding 1 metre, the visibility for each has been confirmed as being acceptable. Sufficient off street parking would be provided for each unit. As such, the proposal is acceptable in terms of highway safety and parking provision.

SOCIAL ROLE

The proposal would provide much needed housing (albeit 2 units) near to an existing settlement of dwellings. It is considered that this offers a social benefit in considering the sustainability of the application.

Residential Amenity

Policy GR6 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The closest residential property to the site would be to the south, no. 5 the Cottages, Chells Hill. The nearest plot would be sited part way alongside this neighbouring property's side elevation which contains a number of side facing windows. At ground floor level, there is a window serving a living room area mid way along the original side elevation. At first floor level, there are 2 side facing windows, one serving a bedroom and the second serving a bathroom. The bedroom window is situated directly above the ground floor living room window and the bathroom window is positioned towards the rear of the side elevation.

The occupant of no 5 the Cottages is concerned that the proposal would cause loss of light to the ground floor window. However, the nearest proposed dwelling would achieve a separation of c7 metres with this window and following amendments, would be sited deeper into the site. As such, it would be offset slightly and this would reduce its dominance from both the living room window and upper floor bedroom window. Coupled with this, the said windows face in the direction of north and accordingly, the proposal would not result in a significant loss of light to justify a refusal of planning permission. The bathroom window is not a principal window and the bathroom is also served by a window at the rear and as such, would not be materially harmed. Additionally, the garage window that the neighbour is concerned about is not a principal window.

In terms of overlooking, the objector is also concerned about overlooking. Whilst there is a window proposed in the side facing elevation of the nearest dwelling facing no 5 The Cottages, this would serve a bathroom and as such could be obscured to prevent any direct overlooking. There would be no other upper floor side windows in this elevation and a ground floor utility door would be screened by a garage and boundary treatment.

Turning to the north of the site, the nearest property (no. 6 The Cottages) also benefits from some side facing windows. It benefits from a doorway at ground floor level, a hall / landing window at first floor and a bedroom window at second floor level. The nearest plot facing this neighbour would achieve a separation of over 12 metres with these neighbouring windows. This separation would be

sufficient to ensure that the proposal does not materially harm neighbouring amenity in terms of loss of light and over dominance. The proposed detached double garage would be single storey, modest in terms of height and would also not impact detrimentally on this neighbour's amenity.

With respect to overlooking, any proposed upper floor side facing windows could be obscured by condition. In terms of comments regarding loss of views, there is not 'right to a view' over third party land. This would not sustain a refusal of planning permission. The amenity afforded to the occupants of the proposed dwellings would also be sufficient.

ECONOMIC ROLE

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in the area 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. It is considered that the proposed development would be economically sustainable.

Planning Balance

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

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

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

The proposal would bring positive planning benefits such as a minor boost to the local economy and a social benefit of providing 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. Impacts on neighbouring residential amenity would not be significant enough to warrant refusal and accordingly, the scheme is considered to be acceptable in the social and economic sense.

The impact that the proposals would have on the wider landscape will not be significant given that it would be situated in between an existing row of dwellings. Subject to conditions, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard Time Limit (3 Years)**
- 2. Accordance with approved and amended plans**
- 3. Details of external materials to be submitted**
- 4. Details of boundary treatments to be submitted**
- 5. Details of drainage to be submitted**
- 6. Landscaping scheme to be submitted**
- 7. Implementation of approved landscaping scheme**
- 8. Accesses to be constructed in accordance with approved plans prior to first occupation of the unit to which it relates**
- 9. Survey for nesting birds if development s to be carried out within the bird breeding season**
- 10. Removal of permitted development right (Classes A-E) extensions and outbuildings**
- 11. Upper floor side facing windows to be obscurely glazed**
- 12. Removal of permitted development rights for further openings with upper floor side facing elevations**

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



Application No: 15/4234C

Location: Land Off, MANOR LANE, HOLMES CHAPEL

Proposal: Proposed demolition of existing buildings and outline planning permission for up to 65 residential dwellings to include access.

Applicant: Liberty Properties Developments Limited,

Expiry Date: 15-Dec-2015

SUMMARY

The application site lies within the Holmes settlement boundary where Policy PS5 of the Local Plan advises that within such settlement boundaries there is a presumption in favour of development provided that the site is not allocated for any particular use and is appropriate to the local character in terms of; use, intensity, scale and appearance and does not conflict with other policies in the local plan.

Policy H5 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, it is vacant and given the need for housing in Cheshire East and the location within close proximity of Holmes Chapel village centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the inclusion of public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include; the impact upon the efficiency of the Jodrell Bank Radio Telescope and the loss of trees of amenity value on the site frontage.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement to secure on-site affordable housing, an education contribution and Public Open Space provision and conditions

PROPOSAL

Outline planning permission is sought for the erection of up to 65 dwellings and matters of Access.

Matters of Layout, Scale, Appearance, Landscaping are not sought for approval at this stage and would be subject Reserved Matters applications.

SITE DESCRIPTION

The application site lies to the west of Manor Lane within the Holmes Chapel settlement boundary.

The site is located approximately 0.7 miles to the east of the Holmes Chapel Village centre on the Manor Business Park.

The application site as a whole extends approximately 2.33 hectares and links in to, Manor Lane which links to the A54 and the A535.

The application site and land to the north and west of the site is more land comprising of the former Manor Business Park. The site is vacant as the former buildings on the site have been demolished.

The application site falls partially within a Flood Zone 2 and Flood Zone 3 and the Jodrell Bank Radio Telescope Consultation Zone Line.

RELEVANT HISTORY

10/4464C - Extension to Time Limit. Ref: 08/0528/REM, 07/0604/REM, 06/0721/OUT - Re-design of Two Storey Office Building from 3no. Self-contained Units to 4no. Self-contained Units – Withdrawn 24th January 2011

08/0528/REM - Re-design of two storey office building from 3no. self-contained units to 4no. self-contained units – Approved 22nd May 2008

07/0604/REM - Phase 1 redevelopment of existing business park for mixed commercial use, including B1, B2, and B8 – Approved 13th November 2007

06/0721/OUT - - Redevelopment of existing business park for mixed commercial uses including B1, B2 & B8 – Approved 19th September 2006

36655/3 - Change of use to A3 pizza restaurant/takeaway (from vets) – Approved 18th December 2003

33833/3 - Addition Of 6 Metres Vertical Section & New Head Frame To Existing Structure, New Equipment Cabin & Development Ancillary Thereto, Contained Within Existing Compound, Additional Twelve Antennas – Approved 17th December 2001

30681/3 - To Extend The Existing 12m Mast By 6m. Also To Erect Nine Sector Antennas, One Dish Antennae And One Radio Equipment Housing – Approved 15th March 1999

29728/3 - Change Of Use To Small Animal Veterinary Surgery – Approved 10th February 1998

28735/3 - To Provide A Hot Food Takeaway (Indian) And Delivery Services – Refused 28th January 1997

24620/3 - Post Office Sorting Office – Approve 11th September 1992

22094/6 - Post Office Sorting Office – Approve 24th April 1990

19174/3 - Warehouse For The Storage Of Containers Used In Manufacture – Approved 8th December 1987

17836/6 - To Erect A Radio Equipment Cabin For Use Of A Cellular Radio Telephone System, Within A Fenced Compound – Approve 12th July 1988

16047/3 - Temporary Change Of Use From Offices To Postal Delivery & Sorting Office (Until The Planning Consent Previously Granted For The Portakabins Expires) – Approved 31st July 1984

15679/3 - Change Of Use From Offices To Postal Delivery And Sorting Office – Refused 6th March 1984

14466/6 - Continued Use Of Two Portakabins For Use As Offices – Approved 26th October 1982

13083/3 - Factory Extension For Warehouse Purposes – Approved 6th May 1981

12352/3 - Erection Of A Temporary Building To Provide Storage Space For Goods And Raw Materials – Approved 30th December 1980

12187/3 - Proposed Canteen And Car Park Extension – Approved 30th October 1980

6700/3 - Two 'Portakabins' For Use As Offices – Approved 2nd May 1978

5808/3 - Extension to Existing Light Industrial Unit – Approved 25th October 1977

4333/3 - Extension to Existing Factory – Approved 16th November 1976

0188/3 - Extension to existing factory – Approved 7th January 1975

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development

17 – Core planning principles

47-50 - Wide choice of quality homes

56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS5, as town.

The relevant Saved Policies are;

PS5 (Villages in the Open Countryside and Inset in the Green Belt),

GR1 (New Development),

GR2 and GR3 (Design),

GR6 (Amenity and Health),

GR9 (Accessibility, Servicing and Parking Provision),

GR20 (Public Utilities),

GR21 (Flood Prevention),

H1 (Provision of New Housing Development),

H5 (Residential Development in Villages)

E10 (Re-use or Re-development of Existing Employment Sites)

Supplementary Planning Document 2 (Private Open Space)

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)
IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the provision of a round-a-bout at the junction of Manor Road with Macclesfield Road

Environment Agency – No objections, subject to a condition that the development shall only be carried out in full accordance with the approved revised Flood Risk Assessment and the detailed mitigation measures within this assessment

Strategic Housing Manager (Cheshire East Council) – No objections, subject to the provision of 30% on site affordable housing provision

Flood Risk Manager (Cheshire East Council) – No objections, but recommend that the section of Alum Brook (ordinary watercourse) adjacent to the site be promoted as a designated extension to the statutory main river once the works to the watercourse are completed and subject to the necessary formal drainage consents

Education (Cheshire East Council) – No objections, subject to the applicant agreeing to the provision of £78,185.38 towards Secondary and SEN education.

NHS (England) – No comments received at time of report

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the prior approval of an updated acoustic report and mitigation scheme; the prior approval of an Environmental Management Plan; The provision of a single electric vehicle charging points; the prior approval of a travel plan; the implementation of a dust mitigation scheme; the prior approval of a Phase II contaminated land report and a contaminated land informative

Public Open Space (Cheshire East Council) – No objections, subject to a financial contribution of £22,477 towards the maintenance of the proposed on-site Amenity Green Space, the provision of a LEAP (5 play items/activities incorporating DDA inclusive equipment plus infrastructure), the inclusion of a 20m buffer from residential properties, the provision of £46,566 towards the maintenance sum of Children of Young Persons provision

Network Rail - No objections, subject to a number of conditions including; the prior approval of a Risk and Method Statement (RAMS); the prior approval of a suitable trespass proof fence adjacent to the boundary with the railway; the prior approval of a acoustic fence mitigation scheme; the prior approval of a vibro-impact works risk assessment; the prior approval of a demolition methodology statement; the prior approval of a surface and foul water drainage plan; the prior approval of ground levels, earthworks and excavations; the prior approval of vehicle safety protection measures along the boundary of the railway.

An Informative is sought in relation to the following; limits over the extent of any scaffolding proposed;

United Utilities – No objections subject to a condition that the site must be drained on a separate system unless otherwise agreed and a number of informatives

Public Rights of Way - No objections

Jodrell Bank (University of Manchester) – The proposed development would have a ‘moderate’ impact upon the efficiency of the Jodrell Bank Radio Telescope

Holmes Chapel Parish Council – Object to the proposal on the following grounds;

1. There is very little remaining ‘brownfield’ land in the Parish available for commercial and industrial use. It is recognised that this site has been vacant for some years. A lack of market pressure due to the recent UK wide recession to develop and deliver new premises for commercial and industrial use has been a limiting factor. But this is not a reason for allowing the change of use.
2. The revised draft proposals for the Cheshire East Local Plan show a need for much more land for industrial and commercial use.
3. The Parish has no other identified areas for industrial and commercial use and if further development of this category is required there is only open countryside and greenfields available.
4. The Parish is developing its Neighbourhood Plan and this is expected to be in a position to be formally submitted by Jan/Mar 2016, so we would class the plan as ‘emerging’.
5. There have been detailed housing applications approved since 2010 of 438 dwellings and outline planning permission approved for a further 160 houses on a brownfield site – a total of 598. Of these, only 140 have been built to date.
6. Holmes Chapel is classed as a Local Service Centre (LSC) and in the proposed Local Plan all 13 LSC’s are expected to provide 3,600 houses in the 2010 to 2030 period. Current permissions in LSC’s have already reached 3,200 and there is still 15 years to go in the plan. Holmes Chapel’s share of this total across all LSC’s, 598 out of 3,600, is already 16.6%.
7. Two of the sites that have received detailed planning permission are in very close proximity to this proposed site – within 200 metres. Saltersford Corner for 100 houses and the corner of Manor Lane/Marsh Lane 24 houses. Development at these sites has not started and there is no indication at present that this will happen soon.
8. The additional housing mentioned above, expected to be delivered over the next 5-7 years based on current completion rates, will already place a severe pressure on the existing infrastructure and services provided in the Parish. The issues within the NPPF on sustainable development are not satisfied by this proposal.

9. There has been no consultation between the developer of this proposal and the Parish Council or the Neighbourhood Planning Team, so no consideration of any matters associated with this development that will impact the already overstretched infrastructure of the village.
10. There is no information on the provision of 'affordable homes' although the plan seems to indicate small clusters of these. It is noted that no details are provided on numbers and styles and they are in the most inaccessible areas of the site.
11. The indicated layout of the site seems to concentrate on getting as many dwellings on the land available to the detriment of any provision for adequate green space, landscaping, possible noise abatement due to the proximity of the railway line and road and pavement access. It is acknowledged that many of these would be dealt with in a detailed planning application but by that time it is too late to address the number of dwellings and layout.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected and the application was advertised in the local newspaper. In response, 6 letters of objection have been received from neighbouring premises. The main areas of objection include;

- Principle – large development not in character with village
- Unsustainable location
- Lack of safe cycle and pedestrian linkages to the village
- Highway safety – congestion and lack of parking, visibility
- Amenity – air quality
- Lack of NHS capacity
- Lack of education capacity

Other matters raised which are not material planning considerations include; linkages of the site to a historical telecoms application.

APPRAISAL

The key issues are:

- The sustainability of the proposal considering the environmental, economic and social role of the development. Matter considered include;
- Principle of the development
- Affordable housing provision
- The impact upon education capacity
- Public Open Space provision
- The impact upon amenity
- The impact upon the Jodrell Bank Observatory
- The impact upon the railway
- The acceptability of the design
- The impact upon highway safety
- The impact upon flooding and drainage
- The impact upon ecology
- The impact upon trees

- Planning 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”

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

As the site falls within the Holmes Chapel Settlement Boundary, the proposal is subject to Policy PS5 of the local plan. Policy PS5 advises that within such settlement boundaries there is a presumption in favour of development provided that the site is not allocated for any particular use and is appropriate to the local character in terms of; use, intensity, scale and appearance and does not conflict with other policies in the local plan.

New dwellings

For the erection of new dwellings on site, Policy H5 is the relevant principal policy to assess residential development.

Policy H5 advises that proposals for residential development within village settlement boundaries shall only be permitted if a number of criteria are adhered to. These criteria largely mirror the criteria of Policy include;

- The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- That the development is appropriate to the local character in terms of its use, scale and appearance
- The proposal accords with other relevant local plan policies

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies, particularly design which is considered later in the report.

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.

Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites.

Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

The application site currently comprises primarily of vacant land with 3 buildings partially occupied.

Within the submitted 'Planning Statement incorporating Employment Statement', the applicant has provided the following information;

- The location of the site and the physical nature of the remaining buildings is not attractive for B1, B2 or B8 uses and the majority of the buildings have been demolished and the remaining buildings not fit for purpose.
- The Cheshire East Employment Land Review 2012 did not identify Holmes Chapel as having a shortfall of employment land.
- The application site has been marketed extensively by agents since 2005 using; marketing boards on site, the owners website and the agents website and no serious interest was received.
- There are numerous planning benefits created by the proposal including; the provision of mitigation against noise and air quality; the economic benefits of utilising a vacant brownfield site; the provision of housing; the provision of Public Open Space; sustainability of the location of the site to the Holmes Chapel village and economic benefits

As a result of the vacant nature of this former commercial site and because it has remained vacant for a number of years, and it not allocated for employment purposes, the benefits of permitting an alternative use on this site is considered on its merits.

These merits are considered by its sustainability which is considered below.

Other economic considerations

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Holmes Chapel 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.

Other social considerations

Affordable Housing

The Council's Housing Officer has reviewed the proposal and advised that for a scheme of the scale proposed, there will be a 30% affordable housing provision requirement.

The applicant has requested that the provision be 'up to 30%'. This request has been rejected by the Council's Housing Officer and it would not be policy compliant.

As an agreement has not been made, an objection on these the grounds has been made.

Education

The Council's Education Officer has reviewed the proposal and advised that the development of 65 dwellings is expected to generate:

- 11 primary children (65 x 0.19 – 1 SEN) (Special Educational Need)
- 10 secondary children (65 x 0.15)
- 1 SEN child (65 x 0.51 x 0.03%)

At the date of assessment, the Council's Education Officer has advised that forecasts indicate that the development will not impact primary education provision. Forecasts indicate that 9 secondary pupils can be accommodated in the immediate locality; however, this would leave a shortfall of 1 secondary pupil. The development is forecast to increase existing current pressures and forthcoming for SEN provision.

As a result, to alleviate forecast pressures, the following contributions would be required:

- 2 x £17,959 x 0.91 = £32,685.38 (secondary)
- 1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £78,185.38

Without a secured contribution of £78,185.38, Children's Services raise an objection to this application.

The applicant has subsequently requested that the provision be re-calculated at each phase of the Reserved Matters. The Council's Education Officer has agreed to this clause but reminded the applicant that the need could increase or increase in this event.

Public Open Space

The Council's Public Open Space Officer has advised that having calculated the existing amount of accessible AGS (Amenity Greenspace) within 800m of the site and the existing number of houses which use it, 65 new homes will generate a need for 1,560 sqm new AGS.

The Planning Statement 4.2.2 states 1,900 sqm of public open space is being provided on site.

The Council's Public Open Space Officer has advised that the location of the main area of AGS is not ideal being located adjacent to the main incoming road to the development and have subsequently requested that this be located. As this application is for outline permission with access only, the siting of the Open Space is not fixed or for consideration as part of this application.

Based on 1,900sqm of formal AGS, if this was to be transferred to the Council based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer for maintenance would be; £22,477.00 (25 years).

In consideration of Children and Young Persons Provision, having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, 65 new homes will generate a need for a new LEAP play facility.

As such, the area should include at least 5 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields in Trust Planning and Design for Outdoor Sport and Play with the final layout being agreed with the Council.

In addition to the above, a buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting is sought to assist in the safety of the site.

Due to the complex management required for play facilities and in accordance with policy, the Council's Public Open Space Officer considers that the new children's play facility and amenity green space should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum of £46,566.00.

It is considered that the maintenance of the required Open Space requirements can be secured via a private management company in perpetuity which can be secured via a S106 Agreement, as can the provision of the LEAP.

Subject to the above being secured, it is considered that the POS provision would be acceptable.

Residential 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 via 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. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

No existing properties are within these recommended minimum standards to any of the dwellings proposed according to the indicative layout plan. As such, it is not considered that the development would create any neighbouring amenity concerns with regards to loss of privacy, light or visual intrusion.

With regards to the relationships between the proposed dwellings themselves, a definitive conclusion cannot be made on these grounds as layout is not sought for approval as part of this application. However, the indicative layout does demonstrate that 65 dwellings could be accommodated within the application site whilst adhering to these minimum standards.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior approval of an updated acoustic report and mitigation scheme; the prior approval of an Environmental Management Plan; The provision of a electric vehicle charging points; the prior approval of a travel plan; the implementation of a dust mitigation scheme; the prior approval of a Phase II contaminated land report and a contaminated land informative.

As a result of the above, subject to the recommendations of the Council's Environmental Protection Team, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have advised that the additional potential contribution to the existing level of interference coming from that direction will be 'moderate'. This is a general direction in which there is already significant development close to the telescope.

JB have asked that the planning authority to take this in to account in reaching its decision on this development in order to protect the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment and noting that the cumulative impact of this and other developments is more significant.

As such, the proposed development would be contrary to Policy PS10 of the Local Plan.

Network Rail

The application site lies parallel to the railway and thus Network Rail land to the west of the site.

Network Rail have reviewed the proposal and advised that they have no objections, subject to a number of conditions including; the prior approval of a Risk and Method Statement (RAMS); the prior approval of a suitable trespass proof fence adjacent to the boundary with the railway; the prior approval of a acoustic fence mitigation scheme; the prior approval of a vibro-impact works risk assessment; the prior approval of a demolition methodology statement; the prior approval of a surface and foul water drainage plan; the prior approval of ground levels, earthworks and excavations; the prior approval of vehicle safety protection measures along the boundary of the railway.

An Informative is sought in relation to the following; limits over the extent of any scaffolding proposed;

Social conclusion

The proposed development would bring additional social planning benefits other than the provision of new dwellings including; the provision of on-site affordable housing and the provision of on-site Public Open Space.

The social dis-benefits of the scheme would be the moderate impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope.

Although the Jodrell Bank Observatory is of international significance, it is considered that the social benefits of the scheme, outweigh this dis-benefit. It is therefore considered that the proposal would be socially sustainable.

Environmental role

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The indicative layout plan demonstrates that the proposed 65 new dwellings would be accessed off Manor Lane to the east and a new road would extend westwards into the site to the rear and then split in both a northerly and southerly direction with a number of turning heads being present along the route.

A parcel of 2,500 square metres of public open space is proposed on the site frontage with Manor Lane which would also include an open water course. The closest of the proposed dwellings to Manor Lane are shown as being inset into the site by approximately 18 metres and backing onto the road.

The scheme demonstrates that the 65 dwellings could be made up from a mixture of detached, semi-detached and terraced properties which would all front onto new internal roads.

There are a number of concerns with the layout should it be submitted at reserved matters stage including; the presence of a pumping station on the site frontage, the extent of frontage parking and the lack of pedestrian linkages to the A535 to the north and the proposed supermarket site to the south. However, as layout is not considered as part of this application, these are not for direct consideration at this time. What is important is to be satisfied that 65 dwellings can be accommodated within the site in an acceptable arrangement. It is considered that this can be achieved in this instance.

With regards to form and scale, it is advised within the submitted Design and Access Statement that the proposed housing would be predominantly 2-storeys. However, 2 ½ storey units and a 3 storey block are proposed. Depending on where these taller units are proposed within the site

which is not considered at this stage, this scale and form may be acceptable. Appearance also is not considered at this stage.

Although no aspects of the design are sought for approval at this stage, it is considered that the site is large enough to accommodate a scheme for 65 dwellings of an acceptable design. Therefore the proposal is considered to adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Highway Safety

The application is supported by a Transport Assessment.

The has been reviewed by the Council's Head of Strategic Infrastructure (HSI) who has advised that in regards to the access, the position and designs are acceptable for the amount of development that is proposed.

Access and wider network

The Transport Assessment in support of the application has considered a number of local junctions on the road network but has not considered that any capacity assessments are required based upon the percentage traffic impact of the development on these junctions.

The HSI has advised that whilst the proposed development is not a major scheme in terms of numbers, there are a number of committed developments approved in the vicinity of the site and applications yet to be determined.

There is a cumulative traffic impact of the schemes on the local junctions and the HSI has advised that the majority of the junctions can accommodate the traffic arising from this development without undue levels of queues being formed.

However, the HSI has advised that the junction closest to site at Macclesfield Road/Manor Lane does have capacity problems and is currently a priority junction and with the committed development in place, significant queuing will occur on Manor Lane.

It is noted that a new roundabout junction is proposed at this junction as part of another development approval. With this roundabout in place, the HSI has advised that the traffic impact from this development can be accommodated without undue congestion occurring. However, for the purposes of this application, this is not a consideration as this development may never be constructed.

However, the HSI has confirmed that a 3-armed roundabout can be accommodated exclusively within highways owned land and as such, its prior provision can be conditioned.

Accessibility

In consideration of the accessibility of the site to non-car transport modes, the site is linked to the footpath network that can be used to access the town centre, similarly cycling is an option to access the site. There are some limited bus services that operate on Manor Lane and on London

Road and these can provide alternative sustainable trips to the site. Overall, the HSI has advised that the accessibility of the site can be considered reasonably good.

Summary

The main highway issue of this application relates to the traffic impact on the nearby local junction at Macclesfield Road, this junction currently has capacity problems in its current format. This development would add cumulatively to other development schemes to have an unacceptable impact at this junction. Although a new roundabout junction has been designed that will accommodate this development but has yet to be implemented and may never be implemented.

Therefore, this application can be acceptable subject to a condition that a new roundabout scheme to be provided at the Macclesfield Road/Manor Lane junction or that it cannot be occupied unless the scheme has been constructed.

As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Flood Risk and Drainage

Flooding

The application site falls partially within a Flood Zone 2 and Flood Zone 3 and as such, is supported by a Flood Risk Assessment (FRA) which was updated during the application process on the advice of the Council's Flood Risk Officer and the Environment Agency (EA).

In response to the updated FRA, the Environment Agency have advised that they have no objections, subject to a condition that the development shall only be carried out if full accordance with the approved revised Flood Risk Assessment and the detailed mitigation measures within this assessment.

The Council's Flood Risk Manager has advised on the basis the EA are happy with proposed revisions, he is satisfied with drainage proposals as outlined in the attached FRA 5935 R2 Rev A.

In addition the Council's Flood Risk Manager has recommended that the section of Alum Brook (ordinary Watercourse) adjacent to this site be promoted as a designated extension to statutory main river once the works to watercourse are completed and subject to the necessary formal Land Drainage Consents.

In response to this point, this is not a planning matter and considered under different legislation.

As such, it is not considered that the proposed development would create any significant flooding concerns and would adhere with Policy GR21 of the Local Plan.

Drainage

United utilities have reviewed the proposal and have advised that they have no objections subject to a condition that the site must be drained on a separate system unless otherwise agreed and a number of informatives.

As such, it is not considered that the proposed development would create any significant drainage concerns and would adhere with Policy GR20 of the Local Plan.

Ecology

The Council's Nature Conservation Officer has reviewed the proposal and advised that he does not anticipate there being any significant ecological issues associated with the proposed development. However, if planning consent is granted, it is recommended that a condition be attached to safeguard breeding birds. Subject to this condition, it is considered that the proposed development would adhere with Policy NR2 of the Local Plan.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA) (Ref TEP.5015.002 dated September 2015) which includes a Tree Survey, Tree Constraints drawing and Indicative Removal Plan. The application is also supported by a Proposed Site Plan (Drwg No: 13819-102) showing a new site access of 6 metre width with 1.8 metre footpath on both sides and provision for up to 65 dwellings.

Trees within and immediately adjacent to the site are not currently protected by a Tree Preservation Order. The site is not located within a Conservation Area.

The AIA identifies 20 individual trees; four groups of trees and one hedgerow. With reference to the indicative layout proposal, the assessment identifies that the greatest arboricultural impact will be as a consequence of the point of access into the site. Here, three high (A) category trees, 1 (B) moderate category and one low (C) category tree will be required for removal. The Council's Tree Officer has advised that these trees are prominent features and present a significant contribution to the amenity of the area.

The Council's Tree Officer has requested further clarification on highway and planning reasons for the access in its proposed position and should this be not justified, its position modified to include the retention of trees T8, T14, T15 and T16.

In response, the applicant has advised that the scheme has subsequently been amended in the area of the culvert and point of access which will lead to further landscape amendments and therefore seeks confirmation that any details of tree removal and landscaping are provided as part of a reserved matters application.

As Access arrangements are sought for consideration as part of this application, the siting of this access point and therefore the loss of trees need to be considered as part of this application. The loss of trees results in the standing objection from the Council's Tree Officer. As such, the proposed development would be contrary to Policy NR1 of the Local Plan.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to highway safety, drainage or flooding or ecology subject to mitigation.

However, there would be an issue with regards to the loss of trees of amenity value on the site frontage.

In this instance, it is considered that the mitigation of the highway safety, drainage and flooding and ecology issues would result in a neutral impact. The loss of the trees would result in a negative impact. As such, on balance, it is considered that the proposed development would not be environmentally sustainable.

Levy (CIL) Regulations

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

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

The scale of the development in conjunction with local need will result in the requirement to provide 1560sqm of Amenity Green Space, the provision of a LEAP on an area of a minimum of 400sqm, the provision of a 20m buffer from the LEAP to the closest residential properties and the maintenance of the above in perpetuity. The application proposes 1900sqm of on-site POS. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in the requirement for £45,500 for Special Educational Needs and £32,685.38 towards Secondary education provision. This is considered to be necessary, fair and reasonable in relation to the development.

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

Planning Balance

The application site lies within the Holmes settlement boundary where Policy PS5 of the Local Plan advises that within such settlement boundaries there is a presumption in favour of development provided that the site is not allocated for any particular use and is appropriate to the local character in terms of; use, intensity, scale and appearance and does not conflict with other policies in the local plan.

Policy H5 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site is vacant and given the need for housing in Cheshire East and the site's location within close proximity of Holmes Chapel village centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the inclusion of public open space, an

education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include; the impact upon the efficiency of the Jodrell Bank Radio Telescope and the loss of trees of amenity value on the site frontage.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

- **30% on site affordable housing provision**
- **£78,185.38 towards Secondary and SEN education (to be re-assessed for each phase of the development)**
- **Provision of 1,900sqm of on-site Public Open Space including the provision of a LEAP, the inclusion of a 20m buffer zone from the LEAP to the closest proposed residential dwellings and maintenance of the above in perpetuity**

And conditions;

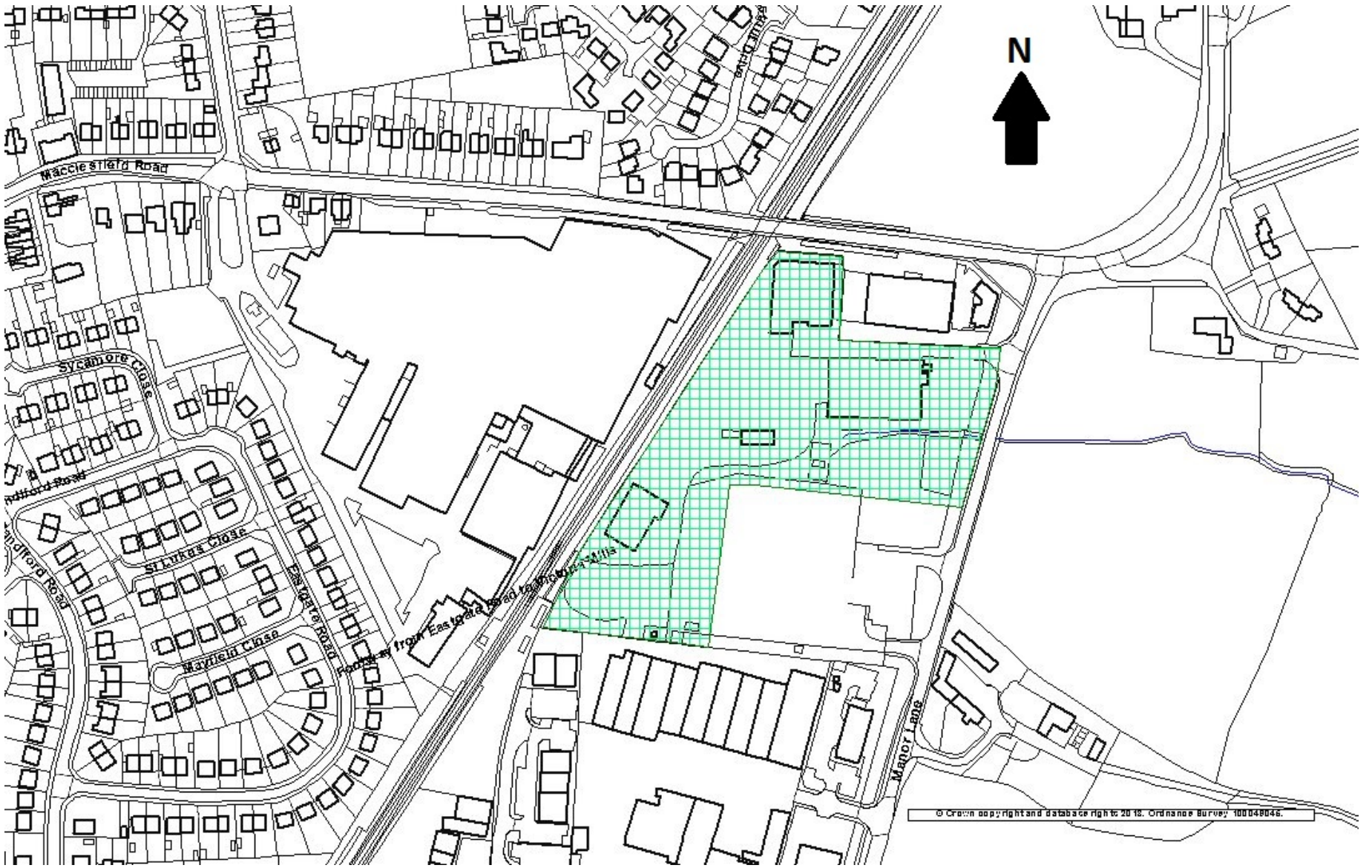
- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved (Phase)**
- 4. Plans**
- 5. Before the completion of the 11th dwelling on site, a roundabout shall provided at the junction of Manor Lane with Macclesfield Road. Details shall be submitted to and approved in writing by the LPA with the submission of the first Reserved Matters phase unless otherwise agreed in writing**
- 6. Prior approval of an updated acoustic report and mitigation scheme to be submitted with each Reserved Matters phase**
- 7. Prior approval of an Environmental Management Plan to be submitted with each Reserved Matters phase**
- 8. The provision of electric vehicle charging points to be submitted with each Reserved Matters phase**
- 9. The prior approval of a travel plan to be submitted with each Reserved Matters phase**
- 10. The implementation of a dust mitigation scheme to be submitted with each Reserved Matters phase**
- 11. The prior approval of a Phase II contaminated land report to be submitted with each Reserved Matters phase**
- 12. Prior approval of a Risk and Method Statement (RAMS) to be submitted with any Reserved Matters phase adjoining the railway**
- 13. Prior approval of a suitable trespass proof fence adjacent to the boundary with the railway to be submitted with any Reserved Matters phase adjoining the railway**
- 14. Prior approval of a acoustic fence mitigation scheme to be submitted with any Reserved Matters phase adjoining the railway**

15. Prior approval of a vibro-impact works risk assessment to be submitted with any Reserved Matters phase adjoining the railway
16. Prior approval of a demolition methodology statement to be submitted with any Reserved Matters phase adjoining the railway
17. Prior approval of a surface and foul water drainage plan to be submitted with any phase Reserved Matters adjoining the railway
18. Prior approval of ground levels, earthworks and excavations to be submitted with any Reserved Matters phase adjoining the railway
19. Prior approval of vehicle safety protection measures along the boundary of the railway to be submitted with any Reserved Matters phase adjoining the railway
20. Site to be drained on a separate system
21. Prior approval of electromagnetic screening measures to be submitted with Reserved Matters each phase
22. Submission of updated tree protection mitigation to be submitted with each Reserved Matters phase
23. Development shall proceed in full accordance with the submitted FRA and its proposed mitigation

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

If the application is subject to an appeal approval is given to enter into a S106 Agreement to secure the following:

- 30% on site affordable housing provision
- £78,185.38 towards Secondary and SEN education (to be re-assessed for each phase of the development)
- Provision of 1,900sqm of on-site Public Open Space including the provision of a LEAP, the inclusion of a 20m buffer zone from the LEAP to the closest proposed residential dwellings and maintenance of the above in perpetuity



Application No: 15/4892C
Location: 4, NEEDHAMS BANK, MOSTON, SANDBACH, CW11 3PF
Proposal: Erection of Single Detached Dwelling
Applicant: Mr Ian Larvin
Expiry Date: 24-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 H.6. 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 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; its locational sustainability, linkages to Sandbach and its associated public facilities, the provision of a market dwelling and a minor boost the local economy.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

The design of the scheme is considered to be acceptable and it would not have a detrimental impact upon the setting of the Conservation Area, amenity of neighbouring properties, ecology, trees or highway safety.

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.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

This application seeks full planning permission to erect a single detached dwelling measuring 11m by 8m with open brick finish, white wooden fenestration under tiled roof with maximum height of 7.6 m and eaves of 4.2 m.

SITE DESCRIPTION

The site relates to a largely triangular parcel of land within what appears to be residential curtilage of no. 4 Needhams Bank.

Needhams bank is located off Red Lane and consists of a small group of 6 dwellings.

The application site falls just within Open Countryside outside the Sandbach Settlement Zone. Immediately to the East of the site is the Trent and Mersey Canal Conservation Area.

RELEVANT HISTORY

None

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside and 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, PS9 – Areas of Special County Value, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR1 - New Development; GR2 - Design, GR4 and GR5 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR16 -

Footpath, Bridleway and Cycleway Networks, GR20 - Public Utilities, GR21 - Flood Prevention, GR22 - Open Space Provision, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory Sites, H1 - Provision of New Housing Development, and 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, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments.

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

Moston Parish Council: Object to proposals for following reasons:

- Damage to Open Countryside
- Road safety
- Residential amenity
- Setting preserved

Environmental Protection: No objection subject to inclusion of contaminated land condition and informative

Brine Board: No objection subject to condition relating to provision of a risk assessment.

Canal & Rivers Trust: No objection subject to inclusion of conditions and informative (submission of Construction Method Statement; Drainage Scheme; Details of facing materials; removal of PD rights).

United Utilities: No objections.

REPRESENTATIONS

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

Two neighbour representations were received objecting to the proposal on the following grounds:

- Intrusion into Open Countryside
- Design and appearance out of keeping

- Scale and layout
- Drainage
- Residential Amenity impacts -
 - loss of light;
 - outlook (oppressive)
 - privacy
- Traffic and access and parking impacts

Appraisal

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability of proposal including; 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 exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

Housing Land Supply

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

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

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

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

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

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

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

This is a material consideration in support of the scheme.

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 in this instance which is considered within the environmental section 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"

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

Leisure Facilities (1000m) – 949m
Public House (1000m) – 430m
Public Park or Village Green (1000m) – 1000m
Public ROW (500m) – adjacent to site

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

Railway station (2000m where geographically possible) – 2090m
Pharmacy (1000m) – 1500m
Bank or Cash machine (1000m) – 1200m
Bus Stop (500m) – 579m

The following amenities/facilities fail the standard:

Post box (500m) – 965m
Post Office (1000m) – 3500m
Convenience Store (500m) – 1400m
Medical Centre (1000m) – 3370m
Child Care Facility (nursery or crèche) (1000m) - 2500m
Playground/ amenity area (500m) – 1000m
Supermarket (1000m) – 3370m
Convenience Store (500m) – 1400m
Leisure Facilities (1000m) – 3000m
Secondary School (1000m) – 3050m

This assessment shows that the site is within the recommended distance of 4 of the 18 criterion, is close to meeting the standards on another 4 criterion and not close to meeting the standards on the remaining 10 criterion.

Notwithstanding the outcome of this assessment, it should also be noted that on the opposite side of the canal to the proposed development, approval has been granted for and 102 Dwellings at Canal Fields 120 dwellings at the former Foden's Factory site. Both sites which were considered to be locationally sustainable.

As a result, it is considered that the application site is in a sustainable location, and as such would adhere to the NPPF.

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

Design & Character of Development

The proposed dwelling would be located within a 'Backland' site to the north of No.4 Needhams bank, to the West lies open pasture land, and to the East and North across the canal lies two large residential developments with nearest dwelling from which is located directly across the canal from the proposed site.

As highlighted above a significant consideration is the impact the development would have upon the landscape and openness of the countryside. This also includes the impact on the adjacent Trent and Mersey Conservation Area.

When viewed from surrounding countryside the proposed dwelling would be set down from the canal and seen within the context of the existing group of dwellings off Needhams Bank and that of the new residential development to the east across the canal.

It is considered that the proposals would represent an appropriate scale form and layout, would have acceptable design and would only have limited impacts upon the openness of the countryside and that of the adjacent Conservation Area.

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the

proposal to neighboring properties, the street scene and to the locality generally. In addition Policy BH9 restrict development that by its design siting and scale would be inappropriate in relation to the setting of a Conservation Area.

Immediately to the East and bounding the site lies the Trent and Mersey Conservation Area. Consultation from the Councils Heritage Officer and Canal and Rivers Trust confirmed that the impact of the proposals is likely to be limited and raised no objection to the proposals subject to the inclusion of a condition requiring facing materials to be approved. Therefore subject to the approval of facing materials the proposals are considered to respect the features of the adjacent Conservation Area.

The proposed development for a single detached dwelling of a height and scale and design is considered commensurate to neighbouring dwellings and is not considered to represent an obtrusive form of development when viewed from the streetscene or locality in general nor, subject to condition, would it be considered to adversely impact on the setting of adjacent Conservation Area. The proposals are therefore considered to accord with Policies GR2 and BH9 of the Congleton Local Plan 2005.

Trees and Hedgerows

The Council's Landscape Tree Officer has advised that on the basis of the arboricultural information, there do not appear to be any significant forestry issues. It is considered that the proposed development would adhere with Policy NR1 of the Local Plan and Policy SE5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Ecology

The Council's Ecologist has advised that they do not anticipate any significant ecological issues associated with the proposed development. As a result the proposals are considered to accord with Policy NR.2 (Wildlife and Nature Conservation) of the Local Plan.

Access

The proposed dwelling would share an existing access off Needhams Bank with no. 4.

It is considered that the increase in traffic from a single new dwelling would not result in significant highways safety impacts on Needhams Bank or Red Lane and that it would not have any significant wider impacts on the wider highway network.

The retention and provision of two parking spaces for no. 4 Needhams Bank and the proposed dwelling would meet the Council's minimum parking requirements.

The proposal would therefore accord with Policy GR9 of the Congleton Local Plan 2005.

Land Stability and Drainage

The application site is immediately adjacent to the west side of the Trent and Mersey Canal.

The Canal and Rivers Trust (CRT) has raised comments with regard to the potential impact upon land stability including the canal embankment and culvert which passes under the canal adjacent to the

application site. In addition the CRT raises concerns as to the surface water drainage and in particular the position of any soakaways on site.

The CRT holds no objection subject to the inclusion of an informative and conditions requiring the approval of construction method statement, surface water drainage scheme, and that Householder Permitted Development rights be removed.

It is considered that subject to appropriate conditions the proposals would accord with Policy GR 21 (Flood Prevention) of the Congleton Borough Local Plan and guidance provided within the NPPF.

Environmental Role Conclusion

Subject to appropriate conditions the proposed development would not create any significant tree, ecology, flooding, drainage, design, land stability or highway safety issues. It is considered that the proposal's impact upon the landscape would be minimal in this case and on balance results in the proposal being considered environmentally sustainable.

Economic Role

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

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

Social Role

The proposed development would provide open market housing which is 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 Guidance 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 with the potential to be impacted by the proposals would be no's 4 and 5 Needhams Bank.

The dwelling at No 5 Needhams Bank is off-set and located to the south-west of the site. The nearest point of the proposed dwelling would be 28 metres from the nearest point of No 5 Needhams Bank which exceeds the requirements of the Councils SPG.

In terms of Number 4 Needhams Bank (which is in the same ownership as the application site) there would be a separation distance of 12 metres to the nearest point of the proposed dwelling. This separation distance is considered to be acceptable as the rear facing elevation of No 4 Needhams Bank contains no principle windows. The orientation/relationship of the proposed dwelling to No 4 is considered to be acceptable.

The Council's Environmental Protection Team have advised that they have no objections on environmental disturbance grounds, subject to conditions relating to; the prior submission of a contamination report. Informative relating to hours of construction and contaminated land are also sought.

In terms of the amenity of the future occupiers of the proposed dwelling and that of no. 4 Needhams Bank, sufficient space would be available for each dwelling to have a private amenity space of at least 65 square metres.

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

Other Matters

A number of objections to the proposals have been received on a number of grounds from amenity, highways impact, and open countryside, from both neighbouring properties and Moston Parish council these issues have been dealt within turn by the above assessment.

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 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; its locational sustainability, linkages to Sandbach and its associated public facilities, the provision of a market dwelling and a minor boost the local economy.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

The design of the scheme is considered to be acceptable and it would not have a detrimental impact upon the setting of the Conservation Area, amenity, ecology, trees or highway safety.

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.

The proposal would also adhere to the NPPF. As such, the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to conditions;

- 1. Time (Standard)**
- 2. Plans**
- 3. Removal of Householder Permitted Development – Extensions and Outbuildings**
- 4. Prior Submission – External Facing and Roofing materials including windows**
- 5. Prior submission of Construction Method Statement**
- 6. Prior submission of Drainage details**
- 7. Contaminated Land – Phase 1**

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



Application No: 15/4903N

Location: Land To The North Of, ORION WAY, CREWE

Proposal: Proposed 4 number industrial units with class use B1, B2 and B8, with new vehicular access, associated car parking and service yard.

Applicant: Ms Shani Gabbidon, C4 Consulting

Expiry Date: 17-Feb-2016

SUMMARY

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

The application site also lies within an area of land allocated for employment use.

Policy E.2.1 advises that within such locations, B1, B2 and B8 uses will be appropriate.

As such, the principle of the development is considered to be acceptable.

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

Balanced against this benefit must be the dis-benefits, which in this case can all be mitigated against with the use of planning conditions.

As a result of the above, it is considered that economic benefit via the creation of jobs on a site outweighs any dis-benefits.

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

RECOMMENDATION

APPROVE subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The application site is on scrubland located to the eastern side of University Way and the north of Orion Way, Crewe within the Crewe Settlement Boundary.

This site is largely triangular in shape and relatively flat and covers an area approximately 1.2 hectares in size. Industrial development encloses the site on 3 sides.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 2 commercial/industrial buildings that would comprise of 3 units of a mixture of B1, B2 uses.

The proposal would provide 5,353sqm of employment use including 85 car parking spaces and 5 HGV loading bays.

Revised plans have been received during the application process. A 3rd detached unit was originally proposed to the south of the site. However, due to the close proximity of this unit to the University Way, which is characterised by its open nature with a landscape buffer, it could not be comfortably accommodated within the site without landscape / design concerns being created.

In addition, a 5-metre landscape buffer strip has now been incorporated on the western boundary of the site and changes have been made to the elevations of the units for design reasons on the recommendation of the Planning Officer.

RELEVANT HISTORY

11/3777N - 1 No. Double sided Free-Standing Internally Illuminated Totem Sign – Approved 5th December 2011

10/4757N - Extension to Time Limit on Application P08/0562 – Approved 3rd February 2011

P08/0562 - Erection of Two Industrial Units – Approved 29th July 2008

P06/1416 - Storage and Distribution Unit (B8) with Ancillary Offices, Parking, Servicing and Landscaping – Approved 9th March 2007

P05/1463 - B2/B8 (General Industry and Storage or Distribution) Development Comprising 4 Units with Ancillary Offices, Roads, Parking, Servicing and Landscaping – Approved 7th February 2006

P04/0489 - Outline Application for B1 Development on Area B, for B2/B8 Development on Plots B C F G H and I on Area C, for Car Showroom/Dealership and Related Activities on Area E1 and Open Space/Landscaping on Areas E2 and E3 Full Application for B2/B8 Development (Including Roads, Parking and Landscaping) on Plots A D and E of Area C – Approved 19th October 2004

P04/0226 - EIA Screening Opinion - Proposed Development of Land for Employment Uses – EIA Not Required – 17th March 2004

P00/0953 - Construction of Crewe Green Link Road (Northern Section) – Approved 4th January 2001

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
- 17 – Core planning principles
- 18-22 Building a strong, competitive economy
- 56-68 – Requiring good design

Development Plan:

For the erection of B1, B2 and B8 development in this location, the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011 would apply;

- E.1 (Existing Employment Allocations)
- E.1.1 (Crewe Business Park/Crewe Green)
- E4 (Development on Existing Employment Areas)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- NE.20 (Flood Prevention)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.6 (Development on potentially contaminated land)
- TRAN.9 (Car Parking Standards)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- PG2 (Settlement Hierarchy)
- PG6 (Spatial Distribution of Development)
- EG3 (Existing and Allocated Employment Sites)
- SD1 (Sustainable Development in Cheshire East)
- SD2 (Sustainable Development Principles)
- SE1 (Design)
- SE2 (Efficient use of Land)
- SE3 (Biodiversity and Geodiversity)
- SE4 (The Landscape)
- SE5 (Trees, Hedgerows and Woodland)
- SE6 (Infrastructure)
- SE8 (Renewable and Low Carbon energy)

SE9 (Energy Efficient Development)
IN1 (Infrastructure)
IN2 (Developer Contributions)

CONSULTATIONS (External to Planning)

United Utilities – No objections, subject to a condition requiring that the site must be drained on a total separate system with only foul drainage connected into the foul sewer and that the surface water discharge to the soakaway/watercourse/surface water sewer should be attenuated to a maximum discharge rate of 10 l/s.

Head of Strategic Infrastructure (HSI) - No objections, subject to conditions including; that the vehicle access into the site off Orion Way should be designed and submitted to Cheshire East Council for approval, and the access be constructed before commencement of construction of the development. In addition, a Construction Management Plan is sought.

An informative advising that the application required a Section 184 Agreement to create the crossing is also sought.

Environmental Protection (Cheshire East Council) – No objections, subject to a condition that a staff travel plan shall be submitted to and approved by the LPA. In addition, informatives in relation to hours of construction and contaminated land are proposed.

Flood Risk Manager (Cheshire East Council) – No objections, subject to conditions including; that the development shall be completed in accordance with the submitted Flood Risk Assessment; the prior submission of a surface water drainage scheme; the prior submission of an assessment into the potential for disposing of surface water in accordance with the principles of sustainable drainage systems and a condition seeking the prior approval of detailed design, management and maintenance of surface water drainage

Crewe Town Council – No comments received at time of report

REPRESENTATIONS:

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

No letters of correspondence have been received.

APPRAISAL:

The key issues are:

- Principle of the development
- Sustainability (Environmental, Social and Economic)
- Planning balance

Principle of Development

Local Plan

The application site lies within land designated as land 'East of Quakers Coppice, Crewe' by the Borough of Crewe and Nantwich Replacement Local Plan 2011 under Policy E.2.1.

Policy E.2.1 advises that within such locations, B1, B2 and B8 uses will be appropriate.

It is also advised that the Council will need to ensure that the boundary and setting of the Historic Park and Garden adjacent to the site allocation (Crewe Hall) is given the appropriate landscape treatment through the use of a planning obligation.

In response, the application proposes all of the appropriate uses deemed as acceptable by this policy in this location.

Furthermore, given that the application site lies on the western edge of the allocation and is separated from the Historic Park and Garden by existing industrial development, it is not considered that the proposal would have a detrimental impact upon the setting of this heritage feature.

Paragraph 17 of the NPPF states that planning should;

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

Policy EG3 (Existing and Allocated Employment Sites) from the emerging Cheshire East Local Plan Strategy – Submission Version, which is a material consideration, advises that; *'Existing employment sites will be protected for employment use'*.

As such, the principal of the proposal is considered to be acceptable.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

Environmental Role

Landscape, Hedgerows and Trees

Landscape

On the site, an existing semi-mature hedge and tree planting with a post and rail fence, forms part of the road corridor planting along the University Way frontage. This appears to be outside the site edged red. A belt of young tree planting lies to the north beyond a fence line. To the north east there is a wire mesh fence with recent planting beyond and a knee rail runs along the Orion Way frontage.

Existing development along this section of University Way is set back from the road and benefits from varying depths of landscape buffer which provides a soft edge/ setting and helps to assimilate the developments in the landscape. To respect this, the applicant has amended their scheme to include a 5-metre landscape buffer along the western boundary of the site.

The applicant has also agreed to reduce the width of Unit 1 (closest to University Way), to accommodate a larger landscape buffer to the north-western corner to accommodate taller vegetation.

As a result of these amendments, subject to a condition seeking the prior approval of the landscaping details and a boundary treatment conditions, it is not considered that the proposed development would have a significant impact upon the landscape.

Forestry

The Council's Tree Officer has advised that she has not identified any forestry issues.

Design

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

The revised proposal seeks the erection of 2 large commercial/industrial units, one of which would be subdivided into 2. The applicant seeks that these units have a mixed B1, B2 and B8 Use.

These buildings would be sited close to and parallel with the north-eastern boundary of the site and span the full width. They would lie at an approximate 45 degree angle to University Way and would front in a south-westerly direction towards Orion Way.

Forward of the units would be a large parcel of hardstanding that would accommodate 85 parking spaces and 5 HGV loading bays. It is proposed that access to the site will be taken from Orion Way to the south. It is considered that the general layout of the proposed development would not appear incongruous within its setting.

In relation to scale, the 2 proposed units would each be approximately 11 metres in height. Unit 1 and Unit 2 which would form one building would be approximately 71.5 metres in width and 39.5 metres in depth. Unit 3 would be approximately 51.8 metres in width and 39.5 metres in depth.

It is advised within the application form that the walls of the buildings would be constructed from horizontal profiled insulated cladding, powder coated in 4 colours – White, light grey, medium grey and dark grey. The roof would comprise of insulated profiled roof cladding panels with GRP roof lights and the openings would comprise of double-glazed openings.

The applicant has agreed to introduce a canopy on the principal elevation and double-fronted glazing over 2 storeys on the highly visible corner of unit 1 close to University Way. These design amendments provide a degree of interest and represent a design improvement.

As a result of the above, it is considered that the layout, form, scale and appearance of the proposal would be acceptable and would adhere with Policy BE.2 of the Local Plan.

Highways Implications

Pedestrians would arrive to the site via University Way and Orion Way, both of which provide footways of good standard and suitable widths with associated dropped kerbs and tactile paving. The proposed footways into the site will have widths of 2m and the Council's Head of Strategic Infrastructure (HSI) considers this appropriate. The HSI also advises that the pedestrian footways from the site to the nearest bus stops are of also good quality.

Traffic free walking and cycling routes exist along University Way and into Crewe and Crewe railway station. The proposed site will include parking for 16 cycles, in accordance with Cheshire East Council parking standards.

The HSI has advised that adequate visibility has been demonstrated. The HSI further advises that over the last 10 years, there have been no recorded traffic accidents on Orion Way and only 1 on University Way off Orion Way Industrial Park.

Swept paths of a 10m rigid vehicle and a 16.5m articulated vehicle have been provided, demonstrating that that HGVs can safely enter and exit the proposed access. Swept paths of the same vehicles have also shown that HGVs can safely enter and exit each of the loading bays of each of the units.

A trip generation exercise has been carried out, using the industry standard TRICS software, to determine the trip rates of other existing industrial estates in the UK. These trip rates have been applied to the proposed development and have shown that approximately 1 vehicle per minute would enter or exit the site in the AM peak hour and likewise during the PM peak hour. Approximately 5 HGVs would enter or exit the site during the AM or PM peak hours. The HSI has advised that once these trips are distributed throughout the road network, their traffic impact on the surrounding area would be minimal.

Cheshire East Council parking standards for this development would require a total of 99 car parking spaces. Although the proposal incorporates 85 spaces, a car parking accumulation exercise, using trip rate data of comparable sites from TRICS, has been carried out which has demonstrated that 85 spaces will be adequate and not result in parking over spill onto Orion Way.

As a result of the above, the HSI has raised no objections, subject to conditions that; prior approval should be sought for detailed drawings of the proposed access onto Orion Way and the prior submission of a Construction Management Plan. In addition, an informative is sought advising the developer that a S184 licence to create the new vehicle access will also be required.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey.

In response to this, the Council's Nature Conservation Officer has advised that having reviewed this, he concurs that the impact of the development upon protected species, habitats and wildlife sites would be low.

Flood Risk/Drainage

The application is supported by a Flood Risk Assessment.

United Utilities have advised that they raise no objections, subject to a condition requiring that the site must be drained on a total separate system with only foul drainage connected into the foul sewer and that the surface water discharge to the soakaway/watercourse/surface water sewer should be attenuated to a maximum discharge rate of 10 l/s.

The Council's Flood Risk Manager has advised that he has no objections, subject to conditions including; that the development shall be completed in accordance with the submitted Flood Risk Assessment; the prior submission of a surface water drainage scheme; the prior submission of an assessment into the potential for disposing of surface water in accordance with the principles of sustainable drainage systems and a condition seeking the prior approval of detailed design, management and maintenance of surface water drainage.

Environmental Conclusion

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

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

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

Social Role

A significant social benefit of the proposed scheme would be the job creation that the erection of the B1, B2 and B8 units would create. In addition;

Amenity

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

Given the location of the application site in an industrial / university area of Crewe, there are no nearby neighbouring dwellings that could be impacted. As such, it is not envisaged that the development would create any amenity issues with regards to loss of privacy, light or visual intrusion.

In relation to environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a condition that a staff travel plan shall be submitted and approved. In addition, informatives in relation to hours of construction and contaminated land are proposed.

As a result of the job creation benefits of the scheme, it is considered that the development would be socially sustainable.

Economic Role

The proposed development of 5,353sqm of B1, B2 and B8 uses would bring significant job benefits.

In addition, it is accepted that the construction of an industrial 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.

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

Planning Balance

The application site lies entirely within the Crewe Settlement boundary as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The application site also lies within an area of land allocated for employment use.

Policy E.2.1 advises that within such locations, B1, B2 and B8 uses will be appropriate. As such, the principle of the development is considered to be acceptable.

The development would bring positive planning benefits such as; the creation of new employment opportunities. Balanced against this benefit must be the dis-benefits, which in this case can all be mitigated against with the use of planning conditions.

As a result of the above, it is considered that economic benefit via the creation of jobs on a site outweighs any dis-benefits.

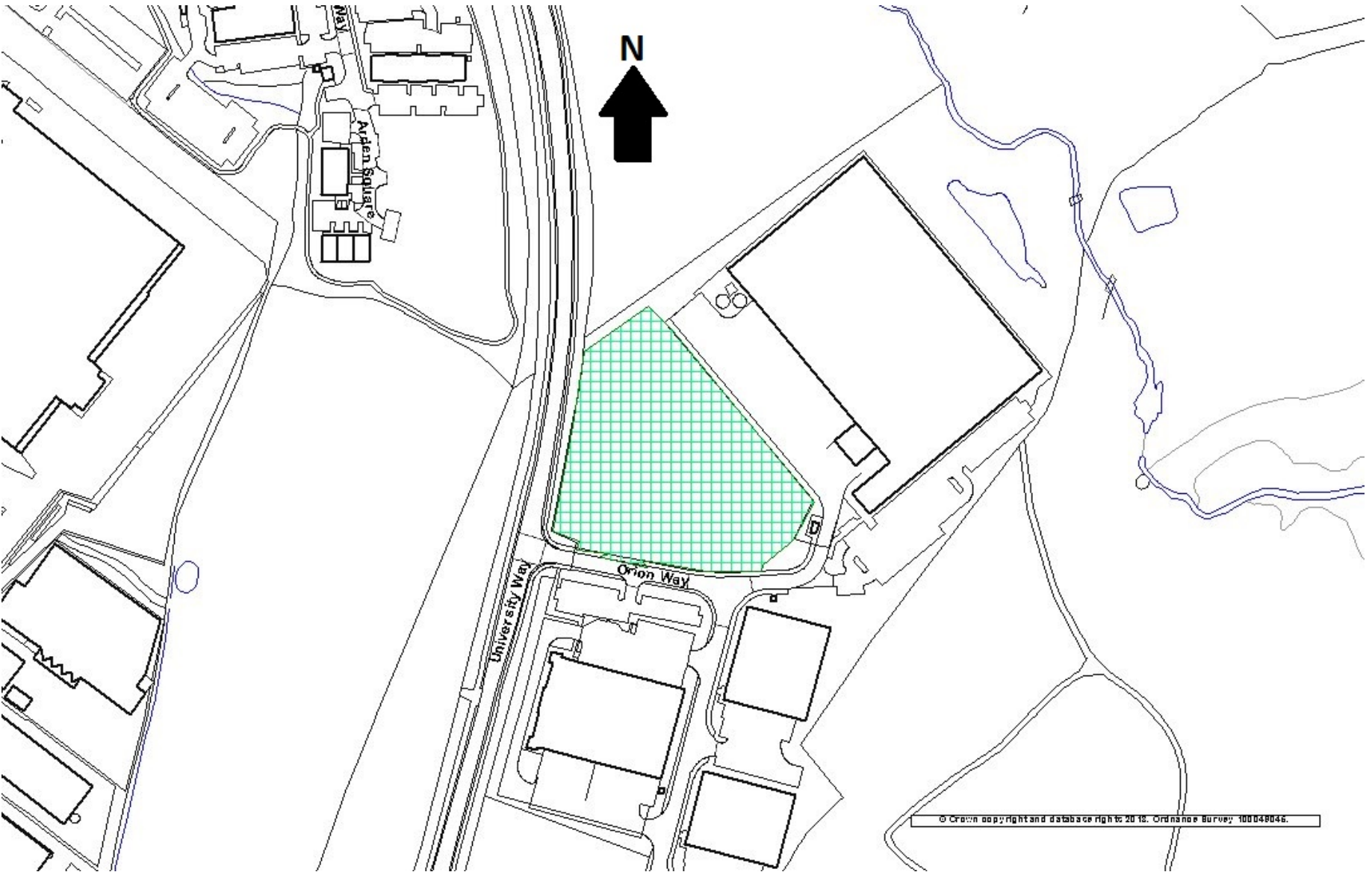
On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Site must be drained on a total separate system with only foul drainage connected into the foul sewer**
- 5. Surface water discharge to the soakaway/watercourse/surface water sewer should be attenuated to a maximum discharge rate of 10 l/s**
- 6. Development shall be completed in accordance with the submitted Flood Risk Assessment**
- 7. Prior submission of a surface water drainage scheme**
- 8. Prior submission of an assessment into the potential for disposing of surface water in accordance with the principles of sustainable drainage systems**
- 9. Prior approval of detailed design, management and maintenance of surface water drainage**
- 10. Prior submission / approval of vehicle access details onto Orion Way**
- 11. The access be constructed before commencement of construction of the development**
- 12. Prior submission / approval of staff travel plan**
- 13. Landscape – Details**
- 14. Landscape – Implementation**
- 15. Boundary treatment - Details**

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 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.



This page is intentionally left blank

Application No: 15/5280C

Location: Lawton Mere Nurseries, Cherry Lane, Rode Heath, Cheshire, ST7 3QX

Proposal: Demolition of an existing glasshouse building and the construction of six new dwellings

Applicant: Gary Barratt, Alsager Plant Hire and Groundwork

Expiry Date: 22-Jan-2016

SUMMARY:

The site is situated within the South Cheshire Green Belt and is currently in use as horticulture. It therefore does not fall within the definition of previously developed land and housing on the site would be unacceptable in principle.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon amenity, landscape, trees and design. However the development is unacceptable in principle due to it representing inappropriate development within the Green Belt. The development is therefore recommended for refusal.

RECOMMENDATION:

Refuse

CALL IN

The application has been called in to Southern Planning Committee by Cllr Rhoda Bailey on the following grounds:

"I have been contacted on behalf of residents who would like the opportunity to make direct representations to the committee in relation to their views on overdevelopment of the site and highways issues in relation to the proposal."

PROPOSAL

The application proposes the demolition of existing glasshouse buildings and the construction of six new dwellings.

The application is in outline form with all matters apart from access. However there are indications within the supporting documentation that the development would consist of bungalows.

SITE DESCRIPTION

The application relates to an existing horticultural nursery. It is situated on the northern side of Cherry Lane, which is within the South Cheshire Green Belt. To the south east of the site is the Grade II Listed Lawton Mere Cottage.

RELEVANT HISTORY

15/1583C Change of use of existing glasshouse to storage and distribution – Approved June 2015.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14, 79-92 and 47.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are;

PS7 Green Belt
GR1 General Requirements
GR2 Design
GR6 Amenity
GR9 Access and Parking
H6 Housing
E.6 Employment Development in Green Belt
BH4 Listed Buildings

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
PG 1 Overall Development Strategy
PG 3 Green Belt
EG1 Economic Prosperity

EG2 Rural Economy
SE7 The Historic Environment

CONSULTATIONS:

United Utilities: No objection subject to conditions.

Cheshire Brine Subsidence Board: Request a condition relating to brine subsidence on the site.

Environmental Protection: Request conditions/informatives relating to piling, noise and land contamination.

CEC Strategic Housing Manager: Object to the proposal.

CEC Head of Strategic Infrastructure: Request further information relating to visibility, layout and access for refuse vehicles.

Church Lawton Parish Council: Object on the grounds of development on Green Belt, lack of affordable housing, access and highway safety and sustainability.

REPRESENTATIONS:

At the time of report writing, four representations and a petition with 21 signatures have been received. These can be viewed in full on the Council's website. They express the following concerns:

- Highway Safety
- Impact on the Listed Building
- Impact on Green Belt
- Impact on toads and newts
- Impact on neighbouring cattery
- Not starter homes
- Back door way of securing planning permission

APPRAISAL

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

Principle of Development/Green Belt

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;

- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

The NPPF in paragraph 89 allows for *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The supporting information submitted with the application states that the approval for *“change of use of existing glasshouse to storage and distribution associated with the existing plant hire business.”* (15/1583C), means that the land is now classified as ‘previously developed’ as defined in the NPPF.

However, following the Officers site visit, it was clear that this use has not as yet been implemented and the glasshouse is still being used for horticultural purposes. As such the site cannot be accepted as previously developed land as the definition of previously developed land within the NPPF excludes amongst other things *‘land that is or has been occupied by agricultural or forestry buildings’*.

The proposal therefore comprises inappropriate development in the Green Belt as set out in the NPPF and Policies PS7 and H6 of the adopted local plan and no ‘very special circumstances’ have not been identified in this case.

The proposal is therefore considered to be unacceptable in principle.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

The application is accompanied with a Sustainability Statement that sets out the following distances to services and facilities:

Services & Facilities	Description	Distance from Application Site (Km)
Public Transport	Bus Stop	0.50

	Public Right of Way	0.20
	Railway Station	1.60
Services & Amenities	Convenience Store	0.45
	Supermarket	1.30
	Post Box	0.45
	Post Office	0.45
	Primary School	0.75
	Secondary School	1.70
	Medical Centre	1.50
	Local Meeting Place – Village Hall	0.60
	Public House	0.50
	Child Care Facility – Pre-School	0.75

Sustainability has three roles:

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

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

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

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

ENVIRONMENTAL ROLE

Trees and Hedgerows

The site is well screened by existing trees and hedgerows and whilst the proposal is submitted in outline form an indicative layout has been submitted with the application. This shows a development of six bungalows within the site. The indicative layout shows that the

boundary hedges and trees would be retained, meaning that the extensive, existing screening of the site would be maintained.

It is considered that, should planning permission be granted, a condition should be imposed relating to tree/hedgerow retention and protection.

Highways

The Head of Strategic Infrastructure (HSI) originally assessed the application and requested further information relating to visibility, layout and access for refuse vehicles. This information has now been submitted and is being assessed by the HSI. An update on this matter will be provided to Members prior to the meeting.

Ecology

The application was accompanied by a Great Crested Newt Scoping Survey. This survey has been assessed by the Council's Principal Nature Conservation Officer, who has concluded that there would be no adverse impact on Great Crested Newts from the development. This is subject to a condition that the recommendations contained within the GCN Scoping Survey be complied with.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction. However it would lead to the loss of a small employment site within the borough.

SOCIAL SUSTAINABILITY

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or less that 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 or larger than 0.2 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 6 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 2 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Alsager Rural is for 1 bedroom dwellings. The majority of the demand on Cheshire Homechoice is shared equally between 1, 2 and 3 bedroom dwellings therefore the Council would like to see some 1 bedroom units on this site. One of the affordable units should be provided as Affordable rent and one unit as Intermediate tenure. Although the submitted Planning Statement makes reference to the requirement for affordable housing provision as stated in the IPS, the application does not actually include any affordable units and for this reason the development does not meet the requirements of current policy.

Heritage

There is a Grade II Listed building adjacent to the site and in the original submission no Heritage Assessment had been submitted. This information has now been provided and an update on the impact on this heritage asset will be provided to Members prior to the meeting.

Amenity

Whilst the submitted layout plan is indicative only, it does demonstrate that six dwellings could be accommodated within the site and they would meet the minimum separation distances and be able to provide adequate private amenity space.

In order protect the amenity of neighbouring properties, should permission be granted, a condition relating to piling operations should be imposed.

Response to Observations

The representations of the members of the public have been given careful consideration in the assessment of this application including and the issues raised are addressed within the individual sections of the report including the impact on the green belt, amenity and privacy. The matter of disturbance to the neighbouring cattery is not something that could form a reason for refusal of the application. These issues have all been weighed in the planning balance.

Conclusion – The Planning Balance

The site is situated within the South Cheshire Green Belt and is currently in use as horticulture. It therefore does not fall within the definition of previously developed land and housing on the site would be unacceptable in principle.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon amenity, landscape, trees and design. However the development is unacceptable in principle due to it representing inappropriate development within the Green Belt and there is insufficient information relating to the provision of affordable housing. The development is therefore recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

- 1. The proposed residential development, by virtue of its location within the South Cheshire Green Belt is inappropriate development and no very special circumstances have been demonstrated to indicate why the development should be approved. The proposal is therefore contrary to Policies PS7 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and the requirements of the National Planning Policy Framework.**
- 2. Local Planning Authority considers that insufficient information has been submitted in relation to affordable housing provision of the site. In this case there no detail in relation to the proportion of affordable housing on the site, tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local connection. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy H13 (Affordable Housing) of the adopted Congleton Borough Local Plan First Review 2005 and the National Planning Policy Framework.**

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



© Crown copyright and database right to 2010. Ordnance Survey 100049046.

This page is intentionally left blank

Application No: 15/5425N
Location: FIELDS VIEW, AUDLEM ROAD, HANKELOW, CW3 0JE
Proposal: Erection of detached bungalow
Applicant: Mr A D Purton & Miss S Parkes
Expiry Date: 26-Jan-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Crewe and Nantwich Local Plan 2011.

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, 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 negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant

In this instance, 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

The proposal seeks full planning permission for the erection of a bungalow dwelling and a single detached garage both to be finished in open brick under tiled roof and associated new access off the A529 (Audlem Road).

SITE DESCRIPTION

The application site is a side garden, of a dwelling known as 'Fields View', Hankelow which fronts onto the A529 (Audlem Road). The site is within Open Countryside as designated within the Crewe and Nantwich Local Plan 2012.

Within the supporting design and access statement it is stated that the site has been previously developed for residential use.

The site forms the end of the broken strip of residential development extending from Hankelow village. A short row of detached dwellings lie to the south-west of the site whilst agricultural style buildings are located immediately to the north west. Brookfield Golf Course lies to the South whilst properties and Hankelow village green lie to the west.

A line of trees borders the rear and eastern boundary of the site.

RELEVANT HISTORY

10/4016N – Planning permission was refused for the re-modeling of the existing bungalow and alterations to existing roof on 10th December 2010.

7/15031 – Planning permission was approved for the formation of a new access on 25th January 1988.

7/10407 – Planning permission was approved for a new access on 27th October 1983.

7/09653 – Planning permission was approved to form an extension to form study

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, 49 & 55

Development Plan:

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

The relevant Saved Policies are: -

NE.2 - Open Countryside

NE.5 – Nature Conservation

NE.12 – Agricultural Land Quality

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.5 - Housing in the Open Countryside

TRAN.9 - Car Parking Standards

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 5 - Open Countryside

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy EG 2 - Rural Economy

Policy SE 1 – Design

Policy SE 2 – Efficient Use of Land

Policy SE 4 - The Landscape

Policy SE 5 - Trees, Hedgerows and Woodland

Supplementary Planning Documents:

SPD - 'Development on Backland and Gardens'

CONSULTATIONS:

Highway Authority: No objection subject to condition for access details.

Environmental Health: No objection subject to informative.

Hankelow Parish Council: No comments received at the time of report writing

REPRESENTATIONS:

No representations 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 within the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

Housing Land Supply

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

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

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

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

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

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

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

This is a material consideration in support of the proposal.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North and the Gables in Spurstow, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

Sustainability

Sustainability of Location

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.

Although a locational sustainability assessment has not been provided by the applicant for this scheme, the application site is located approximately 390m east of Hankelow Settlement Boundary.

A recent appeal decision made on 5th February 2014 for the provision of 10 no. dwellings on a site approximately 150m West of the application site was allowed (LPA Ref: 12/2309N/PINS Ref: PP/R0660/A/13/2190651), with the Inspector concluding in paragraph 14 that in locational terms, the site appeared to be *“reasonably accessible for a rural settlement.”*

This application site is only located marginally further from the village and its facilities than the site allowed at the above appeal. The site lies within 700m north east of the nearest bus stops, public house and village green and Hankelow Methodist Church. Audlem Road forms part of the National Cycle Network.

Audlem village centre, which has a greater range of facilities including a primary school and surgery is located approximately 2km south of the site.

The Inspector accepted in the previous decision that *“whilst the use of the car is likely to predominate, there are viable alternative modes of transport”*, and concluded that *“In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement.”*

As a result, it is considered that the application site is in a sustainable location, and as such would adhere to the NPPF.

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 – Open Countryside

Within application design an access statement it is stated that the site has been previously been developed for a residential dwelling and is considered to be 'brown field'. The definition of previously developed land in the NPPF excludes land in built up areas such as private residential gardens and land where the remains of the permanent structure have blended into the landscape. As the site is a private residential garden and the remains of the permanent structure no longer clearly visible in the landscape the site is not considered to represent 'previously developed land' as defined within the NPPF.

Notwithstanding the above, as the site is located within an existing residential curtilage it is considered to make only a minimal contribution to its intrinsic character and beauty of the surrounding countryside. In addition, with regards the impact of the proposed development on the openness of the surrounding countryside. The site forms the end of a row of dwellings, is well screened from surrounding countryside by a bank of trees to the east, an outbuilding to the north and the A527 to the south, and it is therefore considered that any impacts upon the surrounding countryside by the proposed dwelling would be limited.

The proposed landscaping with the retention of road side boundary hedge and replacement native hedging to the rear would help further screen the site and help the proposals sit within the areas semi-rural landscape.

In this particular case the harm to Open Countryside as defined under Local Plan Policy NE.2 is considered minimal due to the current its residential use together with its setting and screening, as such it is considered that low weight should be given to the impacts of the proposals on openness of the surrounding countryside.

Design

Policy BE.2 and RES.5 of the Local Plan advises that proposals for new residential development within the Open Countryside will be permitted provided that they achieve a high standard of design, respect the character and form of the surroundings, and would not adversely affect the streetscene or rural character of the area by reason of its form, scale, height, proportions or materials used.

The proposed bungalow would measure approximately 12.4m by 11.2m, to be finished with brick / render and white uPVC fenestration under a tiled roof with maximum ridge height of 5.4m and eaves of 2.4m. The dwelling house would be set back from the neighbouring building line and approximately 11m from the highway.

The proposed garage would measure 7m x 4.2m to be finished with brick under tiled dual pitch roof with maximum height of 4m.

The surrounding area is considered to be semi-rural in nature with near by residential properties constituting a mixture of medium sized bungalows, and detached dwellings with mixture of curtilage sizes.

The proposed plot and dwelling size and garage would respect that of neighbouring properties and of the semi-rural character in general. The development would also respect the form of the immediate surrounding properties.

The design and scale of the proposals would not appear incongruous within a site which other than from the road is relatively well screened from surrounding countryside.

Subject to a condition to agree finishing materials the design of the proposed bungalow and detached garage with open brick finish with under tiled roof would be considered to be acceptable.

As a result of the above, it is considered that the proposed new dwelling would not have a detrimental impact upon the character of the dwelling, surrounding area, rural character or street scene and would adhere with Policy BE.2, RES.5 of the Local Plan and advice advocated within the SPD – ‘Development on Backland and Gardens’.

Access

The proposal seeks the creation of a new access on to the A529 (Audlem Road). Immediately adjacent the proposed access, on the road verge, is change of speed sign which would be affected by the proposals. The applicant has provided a plan layout indicating the access to the development but no visibility splay information or speed data.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and has stated that although no speed or visibility data has been provided by the applicant it has been noted above that the proposed access is located on the speed limit change from 30/60mph. As a result the speeds in this location are not excessive and the road has wide verges allowing a suitable setback from the highway edge for visibility splays. In addition, nearby dwellings have similar access points to the road network and the latest recorded accident at those locations appears to have been back in 2006 (slight in severity involving two vehicles). It is therefore considered that the proposed access will be safe and suitable.

However, in order to construct the proposed site access the speed limit sign positioned in the verge is likely to need to be moved. It will therefore be necessary to condition the moving of this sign and the twin speed limit sign opposite.

Parking provision for the proposed bungalow would accord with Crewe and Nantwich Local Plan policy guidelines, with two spaces.

The Head of Strategic Infrastructure has no objection to this planning application subject to condition requiring the submission of scheme showing the repositioning of the speed signage (on both sides of the road) and visibility splays.

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

Trees and Hedgerows

The site constitutes a lawned area with isolated fruit trees and a group of mature trees including holly, it is bound by leylandii hedge to the rear and native hedge to the frontage.

The proposals would remove a number of isolated trees within the site and the leylandii hedge to the rear. The landscaping plan shows the retention of the native hedge to the frontage replacement native hedge planting to the rear boundary. It also shows the position of temporary fencing to protect the hedgerow and group of trees to the east.

Consultation with the Councils Forestry officer confirmed that there are no significant Arboricultural implications associated with this application. The trees on the site to be removed are all low value Category C specimens the loss of which will have limited impact on the amenity of the immediate area and the wider landscape.

Removal of a section of road side hedging to facilitate access cannot be considered in terms of the 1997 hedgerow regulations the hedge forms part of a domestic garden curtilage.

Ecology

The councils ecologist has not raised any ecological issues as a result of the proposals provided that a condition be attached to protect breeding birds from the propose works to the hedgerows and trees.

Therefore subject to the inclusion of conditions the proposals would accord with Local Plan Policy NE.9 (Protected Species).

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.

Subject to the prior approval of a surface water drainage scheme it is considered that the proposed development would adhere with Policies BE4 of the Local Plan.

Environmental Conclusion

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

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

Economic Role

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Audlem 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 BE.1 (Amenity) 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. The Supplementary Planning Document on Extensions and Householder Development 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 property to the application site with the potential to be affected by the proposals would be the occupiers of the neighbouring property 'Fields View', at its closet point would be approximately 17 metres from the side elevation of the proposed unit. This would satisfy all required separation standards and therefore would not raise any significant residential amenity concerns.

The Council's Environmental Protection Team has advised that they have no objections to the development subject to informatives on hours of construction and a contaminated land.

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 50 square metres. There would also be sufficient private amenity space retained for the existing dwelling (170sq.m).

As such, it is considered that a detached dwelling and a garage would not result in any significant amenity concerns. The proposal is therefore considered to adhere to Policy BE.1 of the Local Plan.

Neighbourhood Plan

In this case approval has been given to designate a Hankelow Neighbourhood Plan Area. To date a questionnaire has been undertaken and the Hankelow Neighbouring Plan Steering Group are currently applying to Cheshire East for assistance in the production of a draft plan.

Other Matters

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

Planning Balance & Conclusion

The application site lies entirely within the Open Countryside as determined by the 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 Policies NE.2 and RES.5. 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 negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant.

Given the site’s location adjacent to the Hankelow Settlement Boundary and adjacent to an established form of residential development as well as its proximity to services and facilities in nearby settlements, and the recent appeal decision north of the site, it is not considered that the incursion into open countryside and loss of residential garden is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

RECOMMENDATION

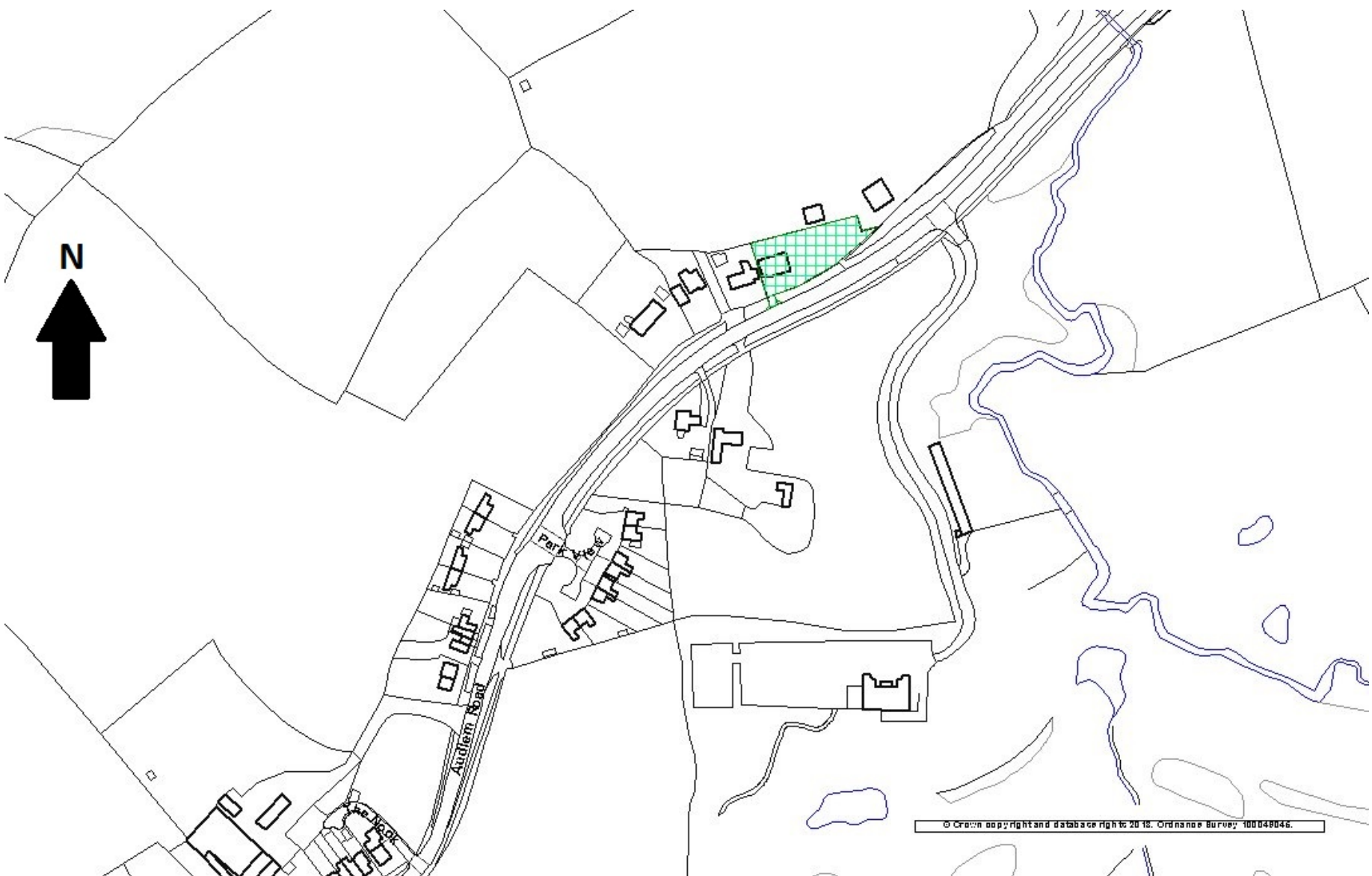
APPROVE subject to the following conditions:

- 1. Commencement of Development**
- 2. Plans**
- 3. Submission of materials detail**
- 4. Nesting birds**
- 5. Submission / Approval of a Surface Water Disposal Scheme**
- 6. Submission / Approval of Access Details**
- 7. Removal of Permitted development Rights – Extensions, Outbuildings and Dormer windows**

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

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.



This page is intentionally left blank