

Southern Planning Committee

Agenda

Date:	Wednesday, 30th March, 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 - 10)

To approve the minutes of the meeting held on 2 March 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. **15/5425N - Fields View, Audlem Road, Hankelow CW3 0JE: Erection of detached bungalow for Mr A D Purton and Miss S Parkes (Pages 11 - 24)**

To consider the above planning application.

6. **15/5683N - Land North of Parkers Road, Leighton: Application to vary condition 3 (approved plans) to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date for Mr Jordan Clarke, Bloor Homes North West (Pages 25 - 34)**

To consider the above planning application.

7. **15/1249N - Grenson Motor Co Ltd, Middlewich Road, Minshull Vernon, Cheshire CW1 4RA: Proposed construction of 10 No. Dwelling complete with access, associated parking and landscaping for Sean Pattinson, Grenson Ltd (Pages 35 - 46)**

To consider the above planning application.

8. **15/3979N - Heathcote, Sandy Lane, Aston CW5 8DG: Outline Planning Application for the demolition of existing house and the construction of an access road with residential development on existing garden area and paddock Land for John Carter (Pages 47 - 60)**

To consider the above planning application.

9. **15/5259C - Land to the North of 24 Church Lane, Sandbach: Erection of 12 dwellings for Chelmere Homes Ltd** (Pages 61 - 82)

To consider the above planning application.

10. **15/5329C - Land at Erf Way, Middlewich, Cheshire: Gas fuelled capacity mechanism embedded generation plant to support the National Grid for Mr David Sheppard** (Pages 83 - 92)

To consider the above planning application.

11. **15/5508C - Land Adjacent 23, Sandbach Road, Church Lawton, Cheshire East, ST7 3DW: Two Dwellings at House Plot Numbers 19 and 21 Sandbach Road, Church Lawton for Mr Anthony Chadwick** (Pages 93 - 106)

To consider the above planning application.

12. **15/5846C - Tall Ash Farm Triangle, Buxton Road, Congleton, Cheshire CW12 2DY: Construction of three new residential dwellings (Resubmission of Application Reference 12/4082C) for Mr Peter Hudson** (Pages 107 - 120)

To consider the above planning application.

13. **16/0105N - Cherry Tree Cottage, Chester Road, Alpraham, Cheshire, CW6 9JA: Outline application for proposed detached cottage for Mr Alistair Newsome** (Pages 121 - 134)

To consider the above planning application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 2nd March, 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, A Kolker, D Marren, J Rhodes, B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor L Gilbert

OFFICERS PRESENT

Patricia Evans (Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Neil Jones (Principal Development Officer - Highways)
Sue Orrell (Principal Planning Officer)
Paul Reeves (Flood Risk Manager)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors P Groves and S Hogben

156 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 14/5608N, Councillor S Davies declared that he knew the applicant. He had not discussed this application and had kept an open mind.

With regard to application number 15/4967N, Councillor S Edgar declared that it was in his Ward but that he had kept an open mind.

With regard to application number 15/5683N, Councillor D Bebbington declared that it was in his Ward. He had not discussed this application and had kept an open mind.

157 **MINUTES OF PREVIOUS MEETING**

RESOLVED

- (a) That the minutes of the meeting held on 3 February 2016 be approved as a correct record and signed by the Chairman.
- (b) That it be recorded that the statement regarding a site visit in the last paragraph of minute 139 should have referred to agenda item 5 (Land Off Nantwich Road, Alpraham) and not agenda item 8 (Land Rear Of Woodlands View, 20, Bridge Street, Wybunbury).

158 **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**

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Standard 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
- (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/Vice-Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

159 **14/5608N LAND TO THE SOUTH EAST OF HANKELow MANOR,
LAND ADJACENT TO HANKELow MANOR, HANKELow LANE,
HANKELow, CHESHIRE: INFILL DEVELOPMENT OF TWO, TWO
STOREY, DETACHED RESIDENTIAL DWELLINGS FOR MR HUME**

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

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Commencement
 2. Approved plans
 3. Materials to be submitted
 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
 5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
 6. Submission of details of any external lighting.
 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
 8. Tree retention
 9. Tree and hedgerow protection measures
 10. Method Statement/Construction Specification for no dig driveway between trees T3 and T5
 11. Method Statement/construction Specification for temporary ground protection between trees T3 and T5
 12. Submission of landscaping scheme
 13. Implementation of landscaping scheme
 14. Submission of details of boundary treatments
 15. Breeding bird survey for works in the nesting season
 16. Submission of details of features to be included in the development for breeding birds, including House Sparrow
 17. Provision of electric vehicle charging point for each dwelling
 18. Boundary Treatment (low post and rail fence position and design to be submitted and approved)
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee,

provided that the changes do not exceed the substantive nature of the Committee's decision.

- 160 **15/4089C FORMER SUTHERLAND WORKS, BROMLEY ROAD, CONGLETON, CHESHIRE: RESIDENTIAL DEVELOPMENT (USE CLASS C3) COMPRISING 84 NO. NEW AFFORDABLE DWELLINGS COMPRISING 33 NO. THREE BED HOUSES, 27 NO. TWO BED HOUSES, 12 NO. ONE BED APARTMENTS AND 12 NO. TWO BED APARTMENTS WITH ASSOCIATED INFRASTRUCTURE INCLUDING A NEW ESTATE ACCESS OFF BROMLEY ROAD FOR MR ANDREW GARNETT**

Note: Mr W Fulster attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED – That the application be DEFERRED for further information on the following:

- housing needs for affordable rent and social rent in this area (need for older persons, people with disabilities, single people and family sized units);
- where the children from the development will be educated and how the financial mitigation shortfall will be mitigated;
- internal room size standards.

- 161 **15/4060N NEW START PARK, WETTENHALL ROAD, REASEHEATH: REMOVAL OF CONDITION 1 ON APPLICATION 09/4331N TO MAKE PERMISSION PERMANENT FOR MR T HAMILTON**

Note: Councillor P Butterill declared that she knew Parish Councillor H Dutton but that she had kept an open mind.

Note: Parish Councillor H Dutton (on behalf of Worleston and District Parish Council), Ms A McGourlay (objector) and Mr T Hamilton (applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That the application be granted for a further temporary period of three years, subject to the following conditions:
1. Time period
 2. Occupation of the site
 3. Amount of pitches

4. Vehicle tonnage
 5. Commercial activities
 6. Environment Improvement
 7. Environment Improvement Implementation
 8. Landscape implementation
 9. Remedial measures
 10. Ecological Impact Assessment
- (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 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.
- (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.

162 **15/5454N LAND OFF BESWICK DRIVE, CREWE: VARIATION OF
CONDITION 14 (OPENING TIMES) ON APPROVAL 15/2007N FOR MR
DAVID SMYTH, SWANSWAY GARAGES LIMITED**

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 from 28 Oct 2015)
 2. Plans
 3. Materials as per application
 4. Landscape - Details
 5. Landscape – Implementation
 6. Protection of breeding birds
 7. Nesting features for birds – As per discharge
 8. Surface water storage and drainage scheme – As per discharge
 9. Drainage on separate system
 10. Hours of piling – As per discharge
 11. Piling method statement – As per discharge
 12. Floor floating method statement – As per discharge
 13. Lighting details - As per discharge
 14. Hours of operation
 15. Electric vehicle charging infrastructure - As per discharge
 16. Dust mitigation scheme - As per discharge

17. Phase 1 and Phase 2 Contaminated Land Report - As per discharge

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

163 **15/5844C LAND AT MANOR LANE, HOLMES CHAPEL: VARIATION OF CONDITION 17 (HOURS OF OPERATION) AND REMOVAL OF CONDITION 24 (DUST MITIGATION MEASURES) ON APPROVAL 15/3673C - ERECTION OF A FOODSTORE (USE CLASS A1), TOGETHER WITH ASSOCIATED SERVICE AREA, CAR PARKING, LANDSCAPING AND ACCESS FOR LIBERTY PROPERTIES DEVELOPMENTS LIMITED**

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

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Time – Works to commence before 21st December 2018
 2. Plans
 3. Prior approval of facing and roofing material details
 4. Prior approval of surfacing materials
 5. Landscape – Prior approval of details
 6. Landscape – Implementation
 7. Boundary treatment – Prior approval
 8. Prior approval of site hoarding details which will demarcate a construction exclusion zone around the site periphery
 9. Prior approval of a plan to demonstrate how access is reserved for servicing vehicles
 10. Protection of breeding birds
 11. Prior approval of a remediation strategy to deal with the risks associated with the contamination

12. The submission of a verification report prior to the first occupation of the site
 13. No infiltration of surface water drainage into the ground shall be permitted where adverse concentrations of land contamination are present
 14. No piling or other foundation designs without the written consent of the LPA
 15. Proceed in accordance with submitted Flood Risk Assessment
 16. Site to be drained on a separate system
 17. Hours of operation - Monday to Saturday 08:00 – 22:00, Sundays 10:00 – 16:00 and Bank Holidays 08:00 – 22.00
 18. Deliveries (including unloading) to the food store shall not be undertaken except between the following times 06.00 to 23.00 hours on Monday to Saturday and 09:00 – 17:00 on Sundays for the first 12 months from the date of this decision notice. These delivery hours shall be discontinued on or before that date and shall revert to 07:00 to 22.00 hours on Monday to Saturday and 10.00 to 16.00 on Sundays and unless further permission to amend those opening hours has first been granted on application to the Local Planning Authority.
 19. Prior approval of acoustic specification and locations of any fixed plant equipment;
 20. Prior approval of a dust mitigation scheme;
 21. Prior approval of a floor floating method statement;
 22. The provision of 2 fast (7Kv) electric vehicle charge points
 23. Prior approval of a staff travel plan;
 24. The submission of the results of a watching brief for contamination prior to the first use of the site
 25. The submission of a verification report to demonstrate that the soil forming materials for use of landscaping is contamination free.
 26. Prior approval of a risk assessment detailing the use of any vibro-compaction machinery/piling machinery
 27. Prior approval of bus stop details
 28. Implementation of bus stop prior to first use of food store
 29. Prior approval of Electromagnetic Screening Measures (Jodrell Bank)
 30. Hours of construction
- (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 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.

164 **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**

Note: Mr S Harris attended the meeting and addressed the Committee on behalf of the applicant.

Councillor S Edgar requested that his questions to Mr Harris be minuted. He asked Mr Harris how he defined the open space on the site in terms of size, and Mr Harris responded that it was just the right size. Councillor Edgar also asked about a footpath at the eastern boundary of the site. Mr Harris responded that it was not intended to give access to a bridge, and that there would be no linkage between this site and any possible future site on the other side of the brook.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Approved Plans
 - 2. 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. Electric Vehicle Infrastructure details to be submitted for approval
 - 10. Submission and approval of play equipment
 - 11. 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.
 - 12. Submission of updated badger survey and mitigation proposals prior to commencement.
 - 13. Submission of landscape habitat management plan.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to Head of Planning (Regulation) in consultation with the

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

- 165 **15/5683N LAND NORTH OF PARKERS ROAD, LEIGHTON: APPLICATION TO VARY CONDITION 3 (APPROVED PLANS) TO VARY THE APPROVED HOUSE TYPES OF PERMISSION 11/1879N; HYBRID PLANNING APPLICATION SEEKING RESIDENTIAL DEVELOPMENT FOR UP TO 400 NEW DWELLINGS WITH OPEN SPACE; COMPRISING A FULL PLANNING APPLICATION FOR PHASE A OF 131 DWELLINGS AND PHASE B WHICH SEEKS OUTLINE PLANNING PERMISSION FOR UP TO 269 DWELLINGS WITH ACCESS AND ASSOCIATED INFRASTRUCTURE. IN RESPECT OF THE OUTLINE ELEMENT (PHASE B), ONLY ACCESS IS SOUGHT FOR APPROVAL AND ALL OTHER MATTERS ARE RESERVED FOR DETERMINATION AT A LATER DATE FOR MR JORDAN CLARKE, BLOOR HOMES NORTH WEST**

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

Note: Councillor D Marren left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for further information regarding the relationship/overlooking of 2.5 storey plots at plots 111-113 in respect of the adjoining scheme at the Gables (ref 15/2910N).

- 166 **15/3863N LAND ADJACENT TO THE BRIDGE INN, BROAD STREET, CREWE, CHESHIRE: PROPOSED CONSTRUCTION OF 14 NO. DWELLINGS FOR JOHN WARTERS**

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 £32,538.87 towards education provision and the following 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
 19. A scheme of bin stores in all rear gardens for all dwellings with provision of rear accessway for all plots to enable access to rear gardens and bin stores to be sited in rear gardens in all plots.
- (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 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.

The meeting commenced at 10.00 am and concluded at 2.15 pm

Councillor G Merry (Chairman)

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

DEFERRAL

On the 3rd February 2016 Southern Planning Committee deferred this application for the following reasons;

That the application be DEFERRED for the following:

- *Better access plan, including levels and showing access to existing dwelling*
- *More detailed Highway Officer Report/comments*

These details have subsequently been provided, and on further consultation with the Strategic Highways Manager, further comments have been received which retains no objection to the proposals subject to originally proposed condition.

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:

Head of Strategic infrastructure: The HSI is content that the visibility splays can be achieved from the proposed access in each direction. Accident data has been sought and there is no reason to suggest that the proposed access is unsafe (the speed limit in the vicinity of the site has recently been reduced from 60mph to 30mph). In order to construct the proposed site access the speed limit sign will need to be moved and this can be controlled through the imposition of a planning condition.

The proposed access will be safe and suitable and the HIS has no objection to this application 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 receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgpool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot 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.

An 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 initially provided a plan showing the layout indicating the access to the development but no visibility splay information, gradient or speed data.

The applicant has provided a plan layout indicating the access to the development including visibility splay information and has clarified that the access to the existing property 'Fields View' is to be retained. The Head of Strategic Infrastructure is satisfied that the access is safe and that visibility splays suitable to the speeds in this location can be achieved from the proposed site access to the nearside kerb in each direction.

In addition accident data has been sought from the Road Safety Team and although a fatality was noted on the A529 further to the northeast of the site access there is no reason to suggest that the proposed access is unsafe. The speed limit in the vicinity of the proposed access has recently been reduced from the national speed limit (60mph for cars on this type of road) to 30mph.

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 will need to be moved. A condition for the relocation of this sign and the twin speed limit sign opposite is required.

The latest plans indicate that the fields and barn behind the proposed dwelling will be maintained via a separate access.

The access drive is to be constructed at a 1:20 gradient, which is suitable, with details of construction materials to be agreed.

Subject to the inclusion of condition relating to the provision of a plan showing repositioning of the speed limit change signs and visibility splays The Head of Strategic Infrastructure has no objection to this planning application.

It is therefore considered that the proposed access will be safe and suitable, and that the parking provision for the proposed bungalow would accord with Crewe and Nantwich Local Plan policy guidelines, with two spaces.

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.

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 including relocation of the speed limit sign**
- 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.



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Application No: 15/5683N

Location: LAND NORTH OF PARKERS ROAD, LEIGHTON

Proposal: Application to vary condition 3 (approved plans) to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date.

Applicant: Mr Jordan Clarke, Bloor Homes North West

Expiry Date: 21-Mar-2016

SUMMARY

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

The amendments to the house types would not raise any amenity, design or highway issues and comply with the local plan.

In terms of affordable housing, wider traffic generation, landscape, trees/hedgerows, ecology, POS, education, sustainability and flood/risk drainage, there would be no greater impact and the mitigation will be secured through the use of planning conditions and a deed of variation to the S106 Agreement.

RECOMMENDATION

Approve subject to the completion of a Deed of Variation S106 Agreement and conditions

REASON FOR DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 2nd March 2016 for the following reason:

That the application be DEFERRED for further information regarding the relationship/overlooking of 2.5 storey plots at plots 111-113 in respect of the adjoining scheme at the Gables (ref 15/2910N).

The applicant has now provided an amended plan which shows that there is an intervening parcel of land between plots 111-113 and the nearest point of the approved extension at The Gables with a separation distance of 66 metres.

PROPOSAL

11/1879N is a “hybrid” application (i.e. part outline and part full planning permission). Full planning permission was granted for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was granted for up to an additional 269 dwellings of the remainder of the site (Phase B).

Phase A was subsequently revised as part of approved application 14/3389N which varied the approved house types on the development and reduce the number of units on Phase A from 131 to 126.

This application seeks to vary the approved house types on plots 61-65, 71-85, 111-114, 118, 119, 353, 354, 356 and 357 on 14/3389N. The approved highways layout and location of the open space would remain the same as that approved as part of application 14/3389N. There would be no change to the approved access point.

SITE DESCRIPTION

The site comprises 15.1ha of agricultural land (plus highway land – Parker’s Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.

Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pym’s Lane and the village of Bradfield Green to the North West.

Work has commenced on the approved development and a number of the approved dwellings are now occupied.

RELEVANT HISTORY

15/2756N - Variation of condition 34 on approved 11/1879N - A hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Application undetermined

14/4950N - Reserved matters approval for Phase 2B - residential development of 223 dwellings, following outline element of application 11/1879N – Approved 6th October 2015

14/3389N - Application to vary condition 4 to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Approved 11th December 2014

11/1879N - A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date – Approved 1st May 2014

POLICIES

National Policy

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56 – 68. Requiring good design

Local Plan Policy

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- NE.20 (Flood Prevention)
- NE.21 (Land Fill Sites)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- RES.5 (Housing in the Open Countryside)
- RT.6 (Recreational Uses on the Open Countryside)
- TRAN.3 (Pedestrians)
- TRAN.5 (Cycling)

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

Interim Planning Statement Release of Housing Land

Nantwich Town Strategy

Cheshire East Local Plan Strategy – Submission Version

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

CONSULTATIONS (External to Planning)

CEC Head of Strategic Infrastructure: Does not affect the highway. No objection.

Environmental Health: No objection.

Natural England: No comments to make.

Sustrans: No comments received.

VIEWS OF THE PARISH/TOWN COUNCIL

Minshull Vernon and District Parish Council: No comments received.

OTHER REPRESENTATIONS

One letter of general observation received raising the following points:

- Why have the council, allowed hundreds of houses to be built, but have not stipulated that there should be provision for detached bungalows.
- The last bungalows built in Coppenhall, were in Beconsall drive, and are highly sought after.

OFFICER APPRAISAL

Principle of Development

The principle of residential development has already been accepted following the approval of the hybrid application 11/1879N (which was then revised under application 14/3389N). This application will only consider the impacts of the alterations to the house types on Phase A.

In this case it should be noted that this scheme would result in the replacement of some of the larger house types with smaller units which increases the number of dwellings by 4 from approved application 14/3389N (Plots 353, 354, 356 and 357).

However it should be noted that the number of dwellings proposed on Phase A is still below the number approved as part of the original approval 11/1879N which was for 131 dwellings (14/3389N reduced the number of units on Phase A from 131 to 126). Ultimately, this application would result in the development of 130 units.

Sustainability

The site was considered to be a sustainable site as part of the earlier application and this conclusion remains unchanged.

Affordable Housing

None of the affordable housing units are affected by this application.

Highways Implications

The point of access and internal highways layout would not be altered as part of this application and the wider traffic impact was considered as part of the original application with contributions secured to mitigate the traffic impact. This view is supported by the consultation response from the Head of Strategic infrastructure which raises no objection to this development.

Amenity

Following the deferral the applicant has now provided an amended plan which shows that there is an intervening parcel of land between plots 111-113 and the nearest point of the approved extension at The Gables with a separation distance of 66 metres. This comfortably exceeds the required separation distance and is considered to be acceptable.

There would be no change in the separation distances which were provided on the approved development. As a result the development would accord with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

Landscape

The landscape impact was considered as part of the original application and there would be no change in the landscape impact from the original approval.

Trees and Hedgerows

There would be no greater tree or hedgerow loss as part of this application to alter the house types on this site. As a result the impact upon the trees/hedgerows is considered to be acceptable and would comply with Policy NE.5 (Nature Conservation and Habitats) of the Local Plan.

Design

Phase A of the development would still be laid out with 4 blocks of properties along the southern boundary facing on to Parkers Road, and a further 3 blocks of dwellings to the rear. The change in house types would be internally within the site not effect the frontage of the development from Parkers Road. The development still creates an active frontage to the internal access roads within the development. The main gateway to the development is from a T-junction access mid-way along the Parkers Road frontage with a main spine road running due north from this junction and bisecting the site. This provides a welcoming and interesting gateway to the development.

Moving though the development the site has been subdivided into a number of blocks of houses by a series of streets and squares, in accordance with current urban design and Manual for Streets thinking. The squares are overlooked by the properties, which ensures natural surveillance and creates a sense of place. It also helps to create a sense of anticipation as the visitor moves through the site from one square to the next and each space is gradually revealed. Shared surfaces have been utilised in accordance with Manual for Streets best practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

At the heart of the development, is a large central formal open space, incorporating a children's play area. This is overlooked by properties, and will benefit from natural surveillance as a result, as well as contributing to a pleasant residential environment.

In terms of the house types this application will result in a marginal increase in the number of two and a half storey units on the development (increased from 21 to 30). This is considered to be acceptable and would not appear out of character in this location. The detailed design of the proposed dwellings is consistent with that which was approved as part of the earlier applications on this site and is considered to be acceptable.

The proposal is therefore considered to be acceptable in design terms and compliant with the requirements of Policy BE2 (design) of the adopted Local Plan.

Ecology

The approved development is currently under construction and was considered to be acceptable in terms of the ecological impacts. Given the advanced nature of the approved development there are no ecological concerns associated with this development subject to the imposition of planning conditions to secure the necessary mitigation.

Public Open Space

As per the original approval the proposed layout makes provision for a large central formal open space, incorporating a children's play area within Phase A. Other peripheral areas of informal open spaces are also proposed.

The Deed of Variation to the existing S106 will secure the same amount of public open space provision and an equipped children's play area conforming to a NEAP standard with a minimum of 8 pieces of equipment and future management of the POS and NEAP.

Education

This issue was dealt with as part of the application and as there is a capacity issue at the local primary schools. The mitigating contribution (£398,990) will be secured as part of a Deed of Variation to the S106 Agreement.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. The Environment Agency and United Utilities raised no objection to the earlier applications and the change in house types would not raise any flood risk/drainage issues.

Public Rights of Way

This application would have no greater impact upon the PROW within the vicinity of the site.

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.

In this case the S106 was considered to satisfy this CIL tests as part of the last application and a deed of variation will be required to secure the same obligations.

CONCLUSIONS

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

The amendments to the house types would not raise any amenity, design or highway issues and comply with the local plan.

In terms of affordable housing, wider traffic generation, landscape, trees/hedgerows, ecology, POS, education, sustainability and flood/risk drainage, there would be no greater impact and the mitigation will be secured through the use of planning conditions and a S106 Agreement.

RECOMMENDATIONS

That the application be approved subject to completion of Section 106 Deed of Variation securing the same obligations as 14/3389N:

- 1. Provision of education contribution of £398,990**
- 2. Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School. (To include the provision for £200K for the layby to be requested after commencement)**
- 3. Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:**
 - a. A minimum of 8 pieces of equipment,**
 - b. 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.**
 - c. Railings to be painted green and pedestrian gates to be yellow.**
 - d. Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.**
 - e. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.**
 - f. Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.**
 - g. Access paths to gates to be tarmacadam**
- 4. Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.**
- 5. Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 25% social/affordable rent, 75% intermediate tenure basis. Phase B to include key worker housing to be agreed as part of subsequent reserved matters applications.**
- 6. Overage clause**
- 7. Travel Plan Monitoring Fee £5000**
- 8. Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.**

And subject to the following conditions:-

- 1. Standard outline time limit (Phase B)**
- 2. Plans**
- 3. Materials**

4. Boundary Treatment
5. Landscaping submission
6. Landscaping implementation
7. Features for use by birds and bats
8. Habitat creation and management plan in accordance with details submitted as part of application 14/4882D
9. Design of proposed pond in accordance with plan reference G3333.04a
10. Design and layout of the proposed newt mitigation area including proposals to ensure no public access in accordance with details submitted as part of application 14/4882D
11. Bin Storage to be provided to the rear garden of each plot
12. Compliance with flood Risk Assessment
13. Restrict surface water run-off
14. Surface water attenuation
15. Minimum Floor Levels
16. Surface Water Regulation Scheme
17. Site to be drained on a separate system
18. Phase II contaminated land – validation report
19. Compliance with submitted Travel Plan submitted as part of application 14/3414D
20. Electric Vehicle charging points in accordance with details submitted as part of application 14/4882D
21. Limit hours of construction to 08:00 – 1800 Monday to Friday and 0900 – 1400 on Saturday with no working on Sunday or Bank Holiday
22. External lighting in accordance with plan reference SECTION_38_STREET_LIGHTING_DESIGN Rev A
23. Construction of access and highway improvements in accordance with plan reference SCP/11531/D100 Rev E
24. Provision of Parking
25. Highway Construction details as specified on plans reference 5309 1A/05-02 Rev B and 5309 1A/05-01 Rev B approved as part of application 15/4826D
26. Replacement hedge and tree planting
27. Tree / hedge protection measures in accordance with details submitted as part of application 14/4882D
28. Implementation of Tree / hedge Protection
29. Arboricultural Method Statement in accordance with details submitted as part of application 14/4882D
30. Code for Sustainable Homes Level 3
31. Noise Impact Assessment
32. Compliance with apprenticeship scheme

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 Southern Planning Committee 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: 15/1249N

Location: GRENSON MOTOR CO LTD, MIDDLEWICH ROAD, MINSHULL
VERNON, CHESHIRE, CW1 4RA

Proposal: Proposed construction of 10 No. Dwelling complete with access,
associated parking and landscaping.

Applicant: Sean Pattinson, Grenson LTD

Expiry Date: 19-Jun-2015

Summary

The proposal is considered to be acceptable in principle. The proposal is for residential development which has previously been accepted on this site under planning permission 09/3251N. Furthermore the site is brownfield and is located within an established linear form of residential development.

The development would assist the Council's 5 year housing land supply position and would promote economic growth.

It is considered that these considerations would outweigh the conflict with the adopted local plan in terms of the site location which lies outside the settlement boundary. Furthermore, it is considered that any harm would not be substantial or demonstrable.

The proposal is made in outline with approval for access which is considered to be acceptable. Matters relating to design and layout are reserved for future consideration, however it is considered that the application site is capable of comfortably accommodating 10 no. dwellings and private amenity space whilst respecting the character and appearance of the locality.

The impact of the proposal on trees and ecological issues are considered to be acceptable.

SUMMARY RECOMMENDATION:

Approve subject to completion of a S106 Agreement and conditions

PROPOSAL

The proposal seeks outline planning permission and approval of access for the construction of 10 no. detached dwellings. The works would include the provision of private driveways and hard and soft landscaping.

SITE DESCRIPTION

The application site is a former garage and petrol station located to the western side of Middlewich Road in Bradfield Green. The site lies within the open countryside.

An application under 09/3251N was granted planning permission on 25th July 2012 to demolish the garage and petrol station and construct 11 no. dwellings. The garage and petrol station have since been demolished.

Dwellings lie to the north and south of the site whilst a public house lies immediately adjacent to the east. Open fields lie to the west.

RELEVANT HISTORY

09/3251N - Demolition of Existing Garage and Petrol Station and Erection of 11no. Dwellings. Approved 25th July 2012

P08/1311 – Demolition of existing garage and petrol station and erection of 15 no. dwellings. Refused 05th February 2009

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:
17, 49, 55 & 111

Development Plan:

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

The relevant Saved Policies are;

NE.2 - Open Countryside

NE.5 – Nature Conservation and Habitats

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.6 - Development on Potentially Contaminated Land

RES.5 - Housing in the Open Countryside

TRAN.9 – Car Parking Standards

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 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 SE3 – Biodiversity and Geodiversity
Policy SE 4 - The Landscape
Policy SE 5 - Trees, Hedgerows and Woodland
Policy SE 12 - Pollution, Land Contamination and Land Instability

Supplementary Planning Documents

Development on Backland and Gardens

CONSULTATIONS

CEC Head of Strategic Infrastructure: No objection.

Natural England: No comments.

Environmental Health: No objection subject to conditions regarding noise mitigation measures, piling hours, dust control, electrical vehicle infrastructure and contaminated land.

CEC Strategic Housing Manager: Originally objected to the application. Updated comments stated that they are happy for the viability issues/affordable housing to be agreed at the reserved matters stage.

United Utilities: No objection.

CEC Flood Risk: No objection subject to conditions to secure a surface water drainage scheme and an assessment into the potential for surface water disposal via a sustainable drainage scheme.

View of the Parish/Town Council: Considerations need to be made in regards to contaminated land and the submission of a contaminated land report, the drainage system needs to be addressed as part of the proposal, contractors vehicles should not park on Moss Lane, Queen's Crescent, West View or the memorial garden at Bradfield Green .

REPRESENTATIONS:

Two representations received neither objecting to or supporting the proposal. Issues raised include impacts of the proposal on existing and proposed drainage systems and potential contaminated land issues.

APPRAISAL

Principle of Development

The application site is a Brownfield site lying outside the settlement boundary which represents a departure from adopted local plan policy NE.2.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined *“in accordance with the plan unless material considerations indicate otherwise”*. The most important consideration in this case is the National Planning Policy Framework (NPPF). One of the core planning principles contained within the NPPF states that planning should:

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

The principle of development for the loss of the employment site and subsequent residential use has already been established under the previous consent 09/3251N, for which the permission was issued in July 2012 following the signing of the S.106 Agreement.

Since the application was originally submitted in 2009, the Authority no longer has a five year deliverable supply of housing sites. It is considered relevant therefore that a more up to date assessment is undertaken to establish the principle of the proposed development.

(i) Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgpool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total

shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

(ii) 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, 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.

(iii) Sustainability

Paragraphs 17 and 111 of the NPPF state that the planning system should encourage the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application site comprises a portion of vacant brownfield land lying within a small, but established built frontage along Middlewich Road. It is considered that the site would represent an acceptable infilling opportunity for new housing in this location.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 of the National Planning Policy Framework states that housing should be located where it will enhance or maintain the vitality of rural communities, for example development in one village may support services in a village nearby.

There is a limited range of services within Bradfield Green however there is a bus stop directly outside the site and additional bus stops approximately 200m south west of the site. A public house lies on the opposite side of the road.

The edge of Crewe Settlement Boundary is located 1.5km from the site. Leighton is the nearest part of Crewe which has a hospital, primary schools and convenience stores.

Crewe town centre is located 5km south of the site which has yet a wider range of facilities and services, including a train station.

Having regard to the current housing land supply, given the site is brownfield and is located within an established cluster of residential dwellings, as well as its proximity to services and facilities accessible via public transport, it is considered that on balance, the proposal would outweigh the limited conflict with local plan policy in terms of its location within the open countryside and would represent a sustainable form of development.

Character and Appearance

The application is made in outline, therefore design and layout considerations have been reserved for future consideration.

Given the plot size and previous permission for the construction of 11 no. dwellings, the site is considered to be capable of accommodating 10 no. new dwellings and adequate amenity space without appearing cramped or incongruous in this location.

Existing properties along Middlewich Road are set back from the main road with front gardens, private driveways and defined boundary treatments. The indicative layout plan shows the properties at the frontage of the site to be set back with front/side gardens. This is considered to be appropriate and the proposal would not appear discordant within the street scene.

Windows should be inserted into the front/side elevations of the properties fronting the roadside to ensure active frontages could be achieved.

The layout of the proposal within a perimeter block type development would appear to be acceptable at this stage, with properties fronting onto the proposed access road into the site providing natural surveillance.

The vernacular in the immediate area is loosely defined, with dwellings comprising bungalows and two storey properties and roofscapes comprising pitched and hipped roofs. Material finishes are brick and render with dark slate roof tiles. Garages are also prevalent.

The property to the north of the site is a bungalow. The scale and layout of the final design should take this into account, to ensure the development is sympathetic to this property.

Conditions relating to design and layout are not considered appropriate, given details would be considered under a future reserved matters application.

Residential Amenity

It is considered that 10 no. dwellings could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties and providing sufficient private amenity space within the curtilage, as set out in the Authorities SPD on 'Development on Backland and Gardens'.

Detailed boundary treatments would be considered at reserved matters stage.

Should the application be approved, conditions securing details and methods of piling operations and a dust suppression scheme are considered reasonable to attach to the permission.

Noise

The development is for residential properties adjacent to the A530 main road, and as such there is potential for future occupants to be significantly affected by noise from road traffic. The applicant has submitted an acoustic report in support of the application demonstrating that, with suitable mitigation, satisfactory internal and external noise levels can be achieved.

Contaminated land

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

The report submitted in support of the application recommends a site investigation be undertaken in order to further assess identified potential contaminant linkages. The previous application for the site (09/3251N) had a condition relating to contaminated land and a condition which is again recommended.

Access and Parking

The proposed access road is the same as that which was previously approved under 09/3251N.

Each property would have a minimum two no. car parking spaces which would accord with LP Car Parking Standards. The Head of Strategic Infrastructure has raised no objection to this application.

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

Drainage

The application site is located in an area with localised flooding/drainage issues.

Conditions would therefore be attached to any grant of planning permission to secure a surface water drainage scheme and surface water disposal scheme by means of a sustainable drainage system. Subject to the imposition of the suggested conditions there is no objection from the Councils Flood Risk Manager or United Utilities.

Ecology

Ponds are located within 250 metres of the site to which Great Crested Newts have previously been recorded. The application site however offers limited habitat for Great Crested Newts.

The potential impacts of the proposed development are mostly associated with the low risk of any newts that venture onto the site which may be killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

A condition to ensure the proposal is carried out in accordance with the Great Crested Newt Reasonable Avoidance Measures submitted with the application would be attached to any grant of planning permission.

Trees

There are trees outside the site boundary which overhang the site. A tree protection condition would be attached to any grant of consent.

Affordable Housing

In this case the applicant has submitted a Viability Appraisal which states that the development would only be viable with no affordable housing provision.

In this case the Council has commissioned an assessment of this viability report and this identifies a number of issues with the applicants Viability Appraisal. This includes the following:

- As an outline application the submitted house types do not provide sufficient detail of the house types to enable the gross and net areas can be calculated to which appropriate build costs can be assessed.
- The applicant's consultants and the Councils consultants are not in agreement in relation to the all in build cost with a difference of £18 per square foot.
- The Council's consultants state that the applicants build cost is well in excess of the BCIS mean base build rates

On this basis the Councils viability consultants recommend that as the outline application does not provide detail of external elevation finishes or the specification of the internal fit out that the viability appraisal is reviewed when the reserved matters application is submitted which will be accompanied by more detailed plans, specification details and for clarity on the basis of the gross

internal area of the proposed plans from which better information on the GDV (Gross Development Value) can be achieved. This could also provide an up to date position on the average house prices in Cheshire East (which has increased from January 2015 to January 2016 by 2.3 %).

An updated Viability Report will be secured as part of a S106 Agreement for submission at the reserved matters stage and this can be assessed by an agreed Independent chartered surveyor. The affordable housing provision will then be agreed at the reserved matters stage.

Planning Balance

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy NE.2, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

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

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on

the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

In this case, the development would provide market 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.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, this incursion is considered to be small and given the site's location within an established cluster of dwellings and the site comprising brownfield land, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement to secure the following:

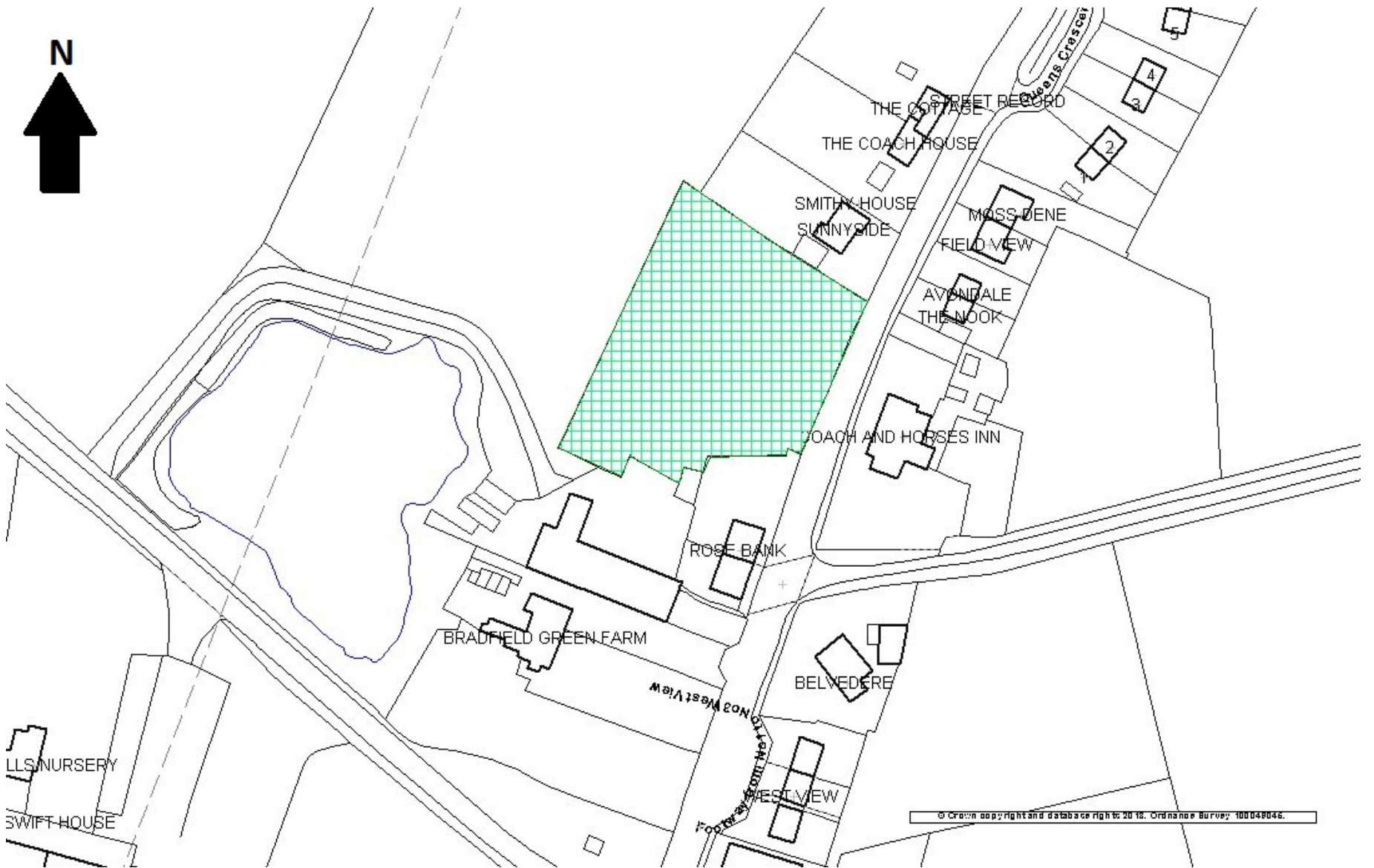
- The reserved matters application to include the submission of an updated viability report which shall be assessed by an independent viability consultant (agreed between both parties and paid for by the applicant) which shall determine any affordable housing provision to be provided at the reserved matters stage.

1. Submission of Reserved Matters
2. Application for Approval of Reserved Matters
3. Commencement of Development
4. Plans
5. Noise mitigation measures (construction of the dwellings)
6. Noise mitigation measures (fencing)
7. Dust control measures to be submitted for approval
8. Submission / Approval of Information regarding Contaminated Land
9. Surface Water Drainage Scheme
10. Surface Water Disposal via SUDs
11. Protection of Great Crested Newts
12. Tree Protection Condition

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

Should this application be the subject of an appeal, authority is agreed to enter into a S106 Agreement to secure the following;

- The reserved matters application to include the submission of an updated viability report which shall be assessed by an independent viability consultant (agreed between both parties and paid for by the applicant) which shall determine any affordable housing provision to be provided at the reserved matters stage.



Application No: 15/3979N

Location: HEATHCOTE, SANDY LANE, ASTON, CW5 8DG

Proposal: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING HOUSE AND THE CONSTRUCTION OF AN ACCESS ROAD WITH RESIDENTIAL DEVELOPMENT ON EXISTING GARDEN AREA AND PADDOCK LAND

Applicant: JOHN CARTER

Expiry Date: 29-Oct-2015

SUMMARY

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. It is however not considered that given the size, form and location of the site the impact on the character and appearance of the open countryside is significant. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council cannot demonstrate a 5 year supply of housing so this presumption applies. The principle of the development is therefore considered acceptable.

Whilst there are matters such as achieving a satisfactory layout with regards to the street scene and adjoining properties, together with protecting the important high value trees, these matters are capable of being addressed at the reserved matters stage. In all other respects, highways, ecology, noise/fumes/contaminated land and affordable housing the application is considered to comply with the relevant policies and as such considered acceptable.

RECOMMENDATION

Approve subject to the completion of a S106 Agreement and conditions

PROPOSAL

This outline application with all matters reserved, proposes the demolition of "Heathcote" a sizable detached property, and developing the site for residential use. The indicative layout shows 10 properties, with 3 affordable indicated in the application form.

Access would be from Sandy Lane close to the existing access.

SITE DESCRIPTION

This 0.3 ha site on Sandy Lane in Aston, consists of a detached residential property with its sizable garden, and a small grassed paddock to the rear. The site is relatively flat and there are several trees especially to the boundaries. There are residential properties to the east and west fronting Sandy Lane, and a property “The Heathers” set behind properties to the east. Whilst there is some open land – a small field and an area of woodland adjoining the rear (paddock) part of the site, there is also a sizable factory/mill accessed off Wrenbury Road to the rear, very close to the site boundary.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

RELEVANT HISTORY

None of relevance

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, under policy NE.2, as 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.

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Cheshire East 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

CONSULTATIONS (External to Planning)

United Utilities – No objections, but recommend conditions relating to separate drainage for foul and surface water, and submission of a surface water drainage scheme.

Head of Strategic Infrastructure (HSI) - The revised plan (Rev A) shows satisfactory access and as such they raise no objections.

Environmental Health - Following the submission of the noise mitigation scheme, there are a series of recommendations made to protect future occupiers from traffic noise, and noise from the adjacent mill. This should be conditioned. Conditions relating to dust control, submission of a construction management plan and potential contaminated land are also recommended.

CEC Strategic Housing Manager - In line with policy (the IPS) 30% affordable housing should be provided on site – as proposed, and that the 3 units should be split 2 rented and 1 for intermediate sale.

VIEWS OF THE PARISH COUNCIL

Newall Parish Council: Makes the following statement -

- “- The Parish Council oppose the application for the following reasons;-
- Sandy Lane, which enters/exits the site is very narrow and already a congested lane for vehicular movement. Further traffic will make this dangerous and potential in passable.
 - The Parish Council consider the site would be overdeveloped with 10 dwellings and there should be a reduced number of dwellings proposed.
 - The development goes beyond the natural building line of Sandy Lane which currently sees all properties fronting the road in a virtual straight line.
 - There is no provision in the application for open recreational space.”

OTHER REPRESENTATIONS

Six residents have objected to the application on the following grounds:

- Loss of a perfectly good older village property
- The village has few facilities and poor public transport
- No recreational facilities are proposed
- The development does not follow the established building line
- The development will overlook adjoining properties
- A pond south of Sandy Lane to the rear of “The Spinney” has not been surveyed
- There are localised drainage issues
- Highway and pedestrian safety concerns on Sandy Lane and the A530

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

OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply (including The Woodland appeal decision in September 2015), residential amenity/layout issues, affordable housing, highway safety and traffic generation, contaminated land, noise impact, tree matters, ecology, drainage and sustainability.

Principle of Development

A sizable part of the site (the paddock to the rear) lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The 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

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council’s ‘Housing Supply and Delivery Topic Paper’ (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council’s five year housing land supply. From this document the Council’s latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the ‘Sedgepool’ approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

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 out 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 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.

The Woodland appeal

This appeal related to a site to the south of Aston off Whitchurch Road, and although it proposed 33 dwellings it is similar in character to this site being land behind a residential frontage but within the overall area of the village. Here the Inspector approved the development considering that Open Countryside policies were out of date; it would bring much needed housing, including affordable housing; was locationally sustainable being only a short distance from Wrenbury which has a range of services; there was no harm to the character of the open countryside and there was no other harm to outweigh the presumption in favour of sustainable development.

Location of the Site

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

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

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“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.”

In The Woodland appeal it was clear the site did not perform particularly well in terms of distances to local services, and that residents would have to travel to many services/facilities. However the Inspector considered the site locationally sustainable as a good range of services were available in Wrenbury which was accessible by bus.

This view is considered to be similar with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal and considered sustainable in the context of the three strands of sustainability referred to in the NPPF:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that ‘The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement’.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that ‘it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds

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

an 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

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. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus from the 10 units.

SOCIAL SUSTAINABILITY

Residential amenity

The application is in outline with all matters reserved so these issues would largely need to be addressed at the Reserved Matters Stage. Whilst there is an indicative layout that demonstrates 10 units could be accommodated on the site approval is not sought for this, and in this case it should not be approved in any event as a better layout could be achieved. What it does however demonstrate is that a satisfactory layout could be achieved to address issues of overlooking and design/street scene considerations. As approval is not sought for a particular number of units the development should be conditioned to “up to 10” units although clearly ultimately it could be less.

Contaminated Land

Although evidence suggests the site has a low risk of being contaminated, the Environmental Health Officer has requested a condition requiring confirmation that no contamination was found on the site, and that no material was imported unless it was tested beforehand.

Affordable Housing

The proposal indicates there could be 10 units provided, therefore there would be a requirement for 3 affordable units, and that the 3 units should be split 2 rented and 1 for intermediate sale.

The site falls within the Audlem sub area for the purposes of the Strategic Housing Market Update (SHMA) 2013. This identified a net requirement for 22 affordable units per annum for

the period 2013/14 – 2017/18. Broken down this is a requirement for 4 x 1 bed, 16 x 3 bed, 4 x 4 bed general needs units and 3 x 2 bed older persons accommodation. The SHMA showed an over-supply of 2 bed units.

In addition to this, information taken from Cheshire Home choice shows there is currently one applicant who has selected the Newhall lettings area as their first choice, this applicant requires a 1 bed unit.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 of the Replacement Local Plan refers to developments of 20 dwellings or more. As this development would only accommodate up to 10 dwellings it is applicable, and as such there is no requirement to provide POS on site or contribute towards provision off site.

Education

An update will be provided in relation to this issue.

ENVIRONMENTAL SUSTAINABILITY

Highways

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Highways have requested amendments to the indicative layout drawing, with improvements to the visibility splays onto Sandy Lane and following the receipt of an amended drawing now raise no objections to the proposals. Development of up to 10 dwellings is not going to cause a severe traffic impact, as stated in paragraph 32 of the NPPF: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Trees/Hedgerows

There are numerous trees on the site, and hedgerows to some boundaries. The tree report has indicated that some of the trees, especially some to the rear should be retained as part of any development. The Tree Officer feels that development can be accommodated on the site, retaining the significant trees, but that the illustrative layout would need to be changed and it may result in less dwellings on the site.

Design

As this is an outline application, with all matters reserved, approval of layout and design is not sought at this stage. That said the illustrative layout demonstrates that up to 10 units could be

accommodated on the site respecting normal separation distances and achieving a satisfactory layout. There are however concerns about the impact on trees as stated above, and the frontage to Sandy Lane will need further thought to ensure a good relationship with the street and as such the layout at the reserved matters stage is likely to change. This could result in the loss of some units from the site.

It is however considered that the outline development is capable of complying with Policy BE.2 (Design Standards) and the NPPF.

Ecology

The Ecology Officer has raised no objections subject to more detailed/updated surveys at the reserved matters stage. This can be conditioned.

Flood Risk and Drainage

The site falls within Flood Zone 1 at low risk from flooding and there are no evidence of any issues on the site. United Utilities have suggested conditions with regards to drainage.

ECONOMIC SUSTAINABILITY

No economic benefit analysis has been provided as part of the application. However, it is accepted that the construction of housing development would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit and the new residents would utilise medical and education facilities thereby sustaining the overall numbers within the catchment.

To conclude, the benefits include the provision of affordable housing and continuing housing delivery and the monies spent in the local economy.

CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. It is however not considered that given the size, form and location of the site the impact on the character and appearance of the open countryside is significant. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council cannot demonstrate a 5 year supply of housing so this presumption applies. The principle of the development is therefore considered acceptable.

Whilst there are matters such as achieving a satisfactory layout with regards to the street scene and adjoining properties, together with protecting the important high value trees, these matters are capable of being addressed at the reserved matters stage. In all other respects, highways, ecology, noise/fumes/contaminated land and affordable housing the application is considered to comply with the relevant policies and as such considered acceptable.

RECOMMENDATIONS

Approve subject to the signing of a Section 106 Agreement with the following Heads of Terms:

S106 Heads of Terms:

1. A scheme for the provision of 30% affordable housing – split 2 rented and 1 for intermediate sale based on 10 units. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

And the following suggested conditions.

- 1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.**
- 2. Reserved matters to be approved.**
- 3. Approved plans (to include the revised access but NOT the illustrative layout)**
- 4. Tree retention/protection in accordance with agreed scheme**
- 5. Further ecological surveys to be submitted as part of the reserved matters application**
- 6. Surface water drainage**
- 7. Separate systems for drainage**
- 8. Contaminated land verification report**
- 9. Construction management plan including dust control**
- 10. Noise mitigation**

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

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

1. A scheme for the provision of 30% affordable housing – split 2 rented and 1 for intermediate sale based on 10 units. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**

- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.



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Application No: 15/5259C

Location: LAND TO THE NORTH OF, 24, CHURCH LANE, SANDBACH

Proposal: Erection of 12 dwellings

Applicant: Chelmere Homes Ltd

Expiry Date: 10-Mar-2016

SUMMARY

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

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

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

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

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

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

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, 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 a S106 agreement and conditions

PROPOSAL

Full planning permission is sought for the erection of 13 no. dwellings.

The application is a re-submission of 14/3624C which was refused by Cheshire East Council for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such the proposed development creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposed residential use would be subject to unacceptable levels of noise generated from the M6 Motorway. The site is not suitable for residential development due to the inability to mitigate noise to a satisfactory level for outside living/amenity areas without significant mitigation. Such mitigation in the form of the proposed 4 metre high noise attenuation barrier would appear visually intrusive and prominent and would appear detrimental to the character and appearance of the site and the area. The approval of the development would be contrary to Policies GR1, GR2 and GR6 of the adopted Congleton Borough Local Plan First Review and SE1, SD1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version, thereby causing harm to the objectives of those policies.*

This application was appealed. The Council did not defend the Housing Land Supply (HLS) reason for refusal (Reason 1) at the appeal because between the date of the determination of the planning application and the appeal, it was established that Cheshire East Council could not demonstrate a 5-year HLS position.

The application was subsequently dismissed by the Planning Inspectorate for the only following reason;

The proximity of the acoustic fence and the orientation of the properties would have a detrimental impact upon the outlook and the amount of sunlight/daylight received by the front living rooms and gardens of plots 10 to 13.

It was in turn considered that this would have an unacceptable impact upon living conditions and be contrary to Policy GR1 of the Local Plan.

The applicant has sought to address this outstanding concern by submitting an amended layout plan. The changes made to this plan in comparison to the refused scheme include;

- A reduction in the number of dwellings sought from 13 to 12
- The removal of the 2 pairs of semi-detached units in the northern corner of the site (including former plots 10-13) and the insertion of 1 detached dwelling in this corner with a different orientation
- A re-siting of the 4 on-site affordable dwellings
- The re-siting of the dwelling originally proposed on plot 1 (closest to Church Lane) further to the north and re-labelled as Plot 2
- Changes to the siting of the following dwellings: dwelling formerly on plot 3 further to the north-east, dwelling formerly on plot 2 further to the north and dwelling formerly on plot 6 further to the north
- Changes to the siting of parking
- Changes to the dwelling types/styles

SITE DESCRIPTION

The application site comprises of a field measuring 0.5 ha situated to the north and east of Church Lane in Sandbach. The site is bound along its eastern boundary by the M6 motorway and to the south by 2 no. residential properties. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review.

RELEVANT HISTORY

14/3624C - Erection of 13 dwellings (re-submission 13/5221C) – Refused 24th October 2014, appeal dismissed 23rd June 2015

13/5221C - Erection of 13 dwellings – Withdrawn 18th 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, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

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

The relevant Saved Policies are;

PS8 – Open Countryside, GR2 – Design, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR22 – Open Space Provision, NR3 - Habitats

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD 1 Sustainable Development in Cheshire East, Policy SD 2 Sustainable Development Principles, Policy SE 1 Design, Policy SE 2 Efficient Use of Land, Policy SE 3 Biodiversity and Geodiversity, Policy SE 4 The Landscape, Policy SE 5 Trees, Hedgerows and Woodland, Policy SE 9 Energy Efficient Development, Policy SE 12 Pollution, Land Contamination and Land Instability, Policy IN 1 Infrastructure, Policy IN 2 Developer Contributions, Policy PG 1 Overall Development Strategy, Policy PG 2 Settlement Hierarchy, Policy PG 5 Open Countryside and Policy SC 4 Residential Mix

Sandbach Neighbourhood Plan

PC1 (Areas of Separation) and H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations).

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to conditions.

Highways Agency – No objections, subject to conditions.

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the implementation of noise mitigation; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures; prior approval of a contaminated land works; the testing of soil or soil forming materials

Flood Risk Manager (Cheshire East Council) – No objections, subject to a condition requiring the prior approval of a Flood Risk Assessment

United Utilities – No objections, subject to a condition that the site be drained on a separate system and the prior approval of a surface water drainage scheme

Housing (Cheshire East Council) – No objections, subject to the 30% affordable housing provision (4 on-site units) being secured via a S106 Agreement

ANSA Greenspaces (Cheshire East Council) – There is a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,166.03

Maintenance: £4,848.25 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £3,754.37

Maintenance: £12,238.50 (25 years)

Education (Cheshire East Council) – Development will generate 2 primary and 2 secondary aged pupils. The development is forecast to increase an existing shortfall for secondary provision in the immediate locality, but no impact upon primary or Special Educational Needs provision.

In light of this the following contributions are required: Secondary = £32,685

Sandbach Town Council – Object on the following grounds:

- Amenity – Noise mitigation insufficient, overbearing impact of fence mitigation
- Landscape – Impact of fence on landscape

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local paper.

Approximately 17 letters of representation have been received objecting to the proposal and some of these have been forwarded on by Fiona Bruce MP. The main areas of objection are:

- Principle of development
- Impact upon Green Belt
- Loss of agricultural land
- Sustainability of the location
- Ecology – Impact upon protected species / wildlife
- Impact upon hedgerows
- Highway safety – Poor access, poor visibility, limited access for refuse and emergency vehicle access, no disabled parking, insufficient information
- Design – Character and scale

- Amenity – Loss of privacy / overlooking, light, visual intrusion, noise and dust, land contamination
- Inaccurate statements within documentation
- Impact upon schools
- No footpath links / pedestrian safety / cyclist safety
- No need for more housing / affordable housing in this location
- Flooding
- No waste disposal information
- Poor public transport links
- Future development pressures

1 letter of support has also been received.

APPRAISAL

The key issues are:

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

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of 13 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council’s ‘Housing Supply and Delivery Topic Paper’ (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council’s five year housing land supply. From this document the Council’s latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

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.

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

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

Draft Sandbach Neighbourhood Plan

Within the draft Sandbach Neighbourhood Plan (SNP), the following policies are relevant to the application site; PC1 (Areas of Separation) and H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations).

In response, the application does not fall within an Area of Separation, but is sited outside of the settlement boundary. In such locations, Policy H1 permits housing development meet the housing requirement established in the Cheshire East Council Local Plan through existing commitments,

sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls.

The NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.

As such the housing land supply policies of the Sandbach Neighbourhood Plan are not up to date then paragraph 14 of the NPPF applies and the local planning authority should grant planning permission unless;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted

Locational 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. Furthermore, there are no footpaths currently leading from the site in any to any of the facilities within the recommended distances other than the church on the opposite side of the road.

Church Lane appears to be a well used busy road and it seems likely that any future residents of the proposed houses would use private transport to access any services, facilities or local workplaces.

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

Accordingly, it was considered as part of the previous application that this site is not located in a sustainable location with regards to its distance from public facilities.

Notwithstanding the above, the Inspector as part of the dismissed appeal concluded that the site was in a sustainable location.

As such, the application site is considered to be locationally sustainable.

Environmental role

Landscape

The application proposes a 4 metre high acoustic barrier along the entire eastern boundary of the site with the M6 motorway and a section of the north-western boundary.

Concerns were originally raised by the Council to the impact that this feature would have on the wider landscape.

However, within paragraph 17 of the Inspector's decision to the previous application with specific reference to the 4 metre fence, the Planning Inspector advised;

'Given the density and maturity of existing screening on the boundaries of the site, there would only be limited glimpses of the fence from vantage points outside the site to the west. From the footpath on the bridge over the M6, from the M6 itself and from Reynolds Lane to the east of the motorway there would be restricted views of the fence limited to about 1m above the top of the existing hedge. It is not unusual for drivers and passengers in vehicles on a motorway to see fencing of various heights along its boundary. Thus, given that pedestrians on the surrounding roads and drivers/passengers would have very limited and fleeting views of the fence, it would not adversely affect the character and appearance of the wider area.'

In light of this conclusion, no objections to the 4 metre fence are raised in landscape terms, subject to landscaping conditions.

Trees

There is off site tree cover to west adjoining Church Lane with some trees overhanging the site boundary and trees to the east adjacent to the motorway. Tree cover within the site is mainly to the north. There are hedges to the northwest and eastern boundaries.

The submission includes a pre-development tree survey report dated September 2013. The survey findings cover 15 individual trees and four hedges. No grade A features are identified although many of the trees are afforded Grade B.

Whilst the survey is a useful starting point, it is now more than two years old and must be considered out of date. As such, the Council's Tree Officer has advised that an update should be provided.

Furthermore, the submission does not accord with guidelines contained within BS 5837:2012 in that it does not include a proposed site layout plan showing tree constraints and there is no arboricultural impact assessment or arboricultural method statement. In the absence of more

detailed arboricultural information, the Tree Officer has advised that it is not possible to make an accurate assessment of the impact of the development on trees or hedgerows.

The applicant is currently compiling this further information and Members shall be updated in the form of a written update.

Design

Generally, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the M6 motorway. This would then terminate towards the northern end of the site where the development would be arranged around a cul-de-sac. 4 units would be sited closer to Church Lane, 3 of which would front Church Lane itself to the west and a 4th would lie side-on to Church Lane and front in a south-westerly direction.

With respect to the design and external appearance of the development, the units would be generous sized two storey dwellings, some with accommodation within the roof space to provide a third storey. Whilst the area is characterised by bungalow style properties, this site is generally detached from such properties and would achieve sufficient separation so as to not dominate them in visual terms. The bulk of the properties would be positioned towards the rear of the site reducing their intrusiveness.

Given the mix in character of properties in the area, and having regard to the fact that the site would be slightly detached, the design of the dwellings would not appear out of keeping with the area.

With respect to the general impact that the scheme would have, the proposal would require the provision of a noise attenuation barrier along the boundary with the M6 motorway. The proposed fence would provide sound reduction to the houses and their garden areas to try and mitigate the noise from the motorway.

As advised within the Landscaping section of this report, the Planning Inspector did not consider that this feature would adversely affect the character and appearance of the wider area.

Highway Safety

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

The proposed site would be served by an access directly off Church Lane. The access would be located towards the southerly part of the site frontage adjacent to the side boundary shared with no. 24 Church Lane.

The application has been reviewed by the Highways Agency and the Council's Head of Strategic Infrastructure (HSI).

This Highways Agency have advised that they have no objections to the proposed development, subject to the following conditions; that there should be no direct vehicular or pedestrian access

between the site and the adjacent M6 motorway/ to this end, a close boarded fence or similar solid barrier of an appropriate height shall be erected and thereafter retained along the boundary of the site to the satisfaction of the LPA. The fence shall be erected and retained behind the existing motorway boundary fence on the developer's land and be independent of existing fencing; There shall be no development on, or adjacent to, any motorway embankment that shall put an embankment or earthworks at risk; No drainage system from the proposed development shall run off into the motorway drainage system, nor shall any such new development adversely affect any motorway drainage. It is recommended that these be added as informatives.

The original Highways response sent 22/01/16 recommended refusal due to inadequate site access visibility.

Since the response, further information has been submitted detailing that the visibility splay falls within the applicants land or within the adopted highway.

As a result of the additional information received, no objections are raised by the Council's Head of Strategic Infrastructure (HSI), subject to the following conditions;

- Any obstructions within the visibility splay shown on plan CH/24S/DL9AA-C should be removed before commencement of development.
- A construction management plan detailing construction vehicle parking and contractor car parking should be submitted and approved prior to commencement of development.

The Council's HSI has also advised that the 30mph zone should be extended further northwards via a Traffic Regulation Order to provide these off-site mitigation works and this should be secured by a S106 Agreement.

As this matter 30mph issue was not raised by the HSI on the last 2 applications on this site and the HSI raised no objections on highway safety grounds subject to conditions on these previous applications, it is not considered that this S106 is necessary or reasonable to make the development acceptable in this instance and as such, should not be sought as it would be contrary to CIL regulations.

Subject to the conditions requested only, it is considered that the proposal would not create any significant highway safety concerns and adhere with Policy GR9 of the Local Plan.

Flood Risk and Drainage

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

Both United Utilities and the Council's Flood Risk Officer has reviewed the submission and advised that he has no objections, subject to conditions.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey.

Badgers

An updated badger survey has been submitted. No evidence of badgers was recorded and the Council's Nature Conservation Officer therefore advises that this species is not likely to be affected by the proposed development.

Grasslands

The Council's Nature Conservation Officer has advised that the grassland habitats on site are of relatively low value and do not present a significant constraint upon the development of this site. The development proposals however may still result in an overall loss of biodiversity. The Council's Nature Conservation Officer therefore recommends that the residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund off site habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement.

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

The loss of habitat (Semi improved grassland) amounting to roughly 0.5ha.

- Cost of creation of Lowland Grassland 0.5ha x £11,293.00 (cost per ha) = £5646.50 (Source UK BAP habitat creation/restoration costing + admin costs)

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. The proposed development will require the removal of a section of species poor defunct hedgerow to facilitate the site entrance. The Council's Nature Conservation Officer has recommended that if planning consent is granted it must be ensured that this loss is compensated for through the enhancement of the remaining hedgerows on site and the planting of additional hedgerows as part of the detailed landscaping of the site.

The Council's Nature Conservation Officer has advised that the existing tall hedgerows on site have potential to support foraging and commuting and foraging bats and consequently recommends that the hedgerows are maintained in their current form as part of the landscaping scheme for the site.

Breeding birds

If planning consent is granted the conditions are required to safeguard breeding birds and to ensure some additional provision is made for nesting birds and roosting bats.

Subject to the above, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; landscape, trees, highway safety, drainage or flooding and ecology. As such, it is considered that the proposed development would be environmentally neutral.

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 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 not considered that the proposed development would be economically sustainable.

Other social considerations

Open Space

Whilst no open space is to be provided as part of the scheme, the application site is located approximately 100 metres distance away from an area of Public Open Space which also accommodates some children's play space.

There is a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,166.03

Maintenance: £4,848.25 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £3,754.37

Maintenance: £12,238.50 (25 years)

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would be in compliance with Local Plan Policy GR22.

Affordable Housing

This is a proposed development of 12 dwellings on a site which according to the submitted application form measures 0.54ha, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Sandbach is for 2 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 1 and 2 bedroom dwellings therefore the type of units provided on this site would be acceptable.

The Council's Housing Officer has advised that 3 of the units should be provided as Affordable rent and 1 unit as Intermediate tenure.

The affordable housing provision would be secured as part of a S106 Agreement.

Education

The Council's Education Officer has advised that the development will generate 2 primary and 2 secondary aged pupils. The development is forecast to increase an existing shortfall for secondary provision in the immediate locality, but would have no impact upon primary or Special Educational Needs provision. In light of this the following contributions are sought towards secondary school provision - £32,685

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties, the nearest dwelling is number 24 Church Lane to the south. This neighbouring dwelling would be sited within the above distances to the closest of the proposed dwellings (Plot 5), but would almost be completely offset.

Consequently, the proposal would not cause material harm to the residential amenity afforded to the nearest neighbouring properties either by reason of loss of privacy, loss of light or visual intrusion. The proposed dwellings would comply with the separation distances.

With regards to noise impacts, the development is in close proximity to the M6 and is subject to high levels of road traffic noise.

The Council's Environmental Protection Officer (EPO) considers that noise levels, whilst far from ideal, could be mitigated to a level which is considered adequate. Mitigation included specialist glazing and ventilation to protect internal areas, and an acoustic fence to protect external amenity areas.

The applicant has updated the acoustic report in this application to confirm that the revisions achieve the same level of noise protection. As such, the EPO has advised that if the committee is minded to approve the application then conditions should be attached relating to acoustic fencing, and glazing of the proposed dwellings.

The EPO has advised that due to the proximity of the development to other residential properties, there is a need to protect the amenity of nearby residential properties during the construction phase of the development, as such a condition seeking the prior submission of an Environmental Management Plan.

With regards to Air Quality, an Air Quality Report has been submitted by Miller Goodall Environmental Services reference: 101211 dated 9th November 2015. The report considers the impact of existing air quality on the proposed development due to its close proximity adjacent to the M6 motorway.

During the application process, further evidence has been presented to further validate the findings of the initial report. Furthermore, the applicant has provided supportive evidence that the smart M6 motorway scheme (proposed) will not cause any breaches of the Air Quality Objectives at the new development.

As such the report is accepted with respect to this application by the Council's EPO. As per the air quality report, it is advised that conditions should be applied to any approval relating to ventilation of the proposed dwellings.

With regards to contaminated land, the EPO has raised no objections, subject to the following conditions; prior submission / approval of a scope of works addressing the risks posed by land contamination; the submission / approval of a validation report in accordance with the approved remediation strategy and the submission of relevant evidence and verification info of any soil or soil forming materials brought into the site for use in the garden areas of for soft landscaping.

In addition, a contaminated land informative is also proposed.

As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

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 proposed commuted sum for ecology is considered necessary, fair and reasonable and given that the proposal will result in the loss of an existing greenfield and the potential habitat that this offers.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

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

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

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

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

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

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

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, 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 a S106 Agreement to secure;

1. £5,646.50 to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area. Prior to commencement of development
2. £23,007.15 towards Public Open Space provision and maintenance (AGS - £2,166.03 - Enhanced provision: £2,166.03 and Maintenance: £4,848.25 (25 years) and CYPP - Enhanced provision: £3,754.37 and Maintenance: £12,238.50 (25 years))
3. Provision of 4 on-site affordable dwellings - 3 provided as affordable rent and 1 unit as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
4. £32,685 towards education Secondary school education provision

And conditions;

1. Time – 3 years
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Any obstructions within the visibility splay shown on plan CH/24S/DL9AA/-C should be removed before commencement of development.
5. Construction Management Plan – Prior submission/approval
6. Flood Risk Assessment – Prior submission/approval
7. Site to be drained on a separate system
8. Surface water drainage scheme – Prior submission/approval
9. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
10. Landscaping – Implementation
11. Boundary treatment – Prior submission/approval
12. Nesting birds - Prior submission/approval
13. Breeding birds and roosting bat features – Prior submission/approval
14. Installation of acoustic fence as detailed in the updated noise report P15-019-R02v1. The fence shall be constructed of 20mm minimum thickness solid timber, with no holes or gaps – Prior to occupation & shall be maintained in perpetuity
15. Installation of the acoustic glazing and ventilation systems as detailed in the updated noise report P15-019-R02v1 - Prior to first occupation
16. Scheme of mechanical ventilation to the properties closest to the M6 - Prior submission/approval. The scheme shall show air drawn from the “clean” façade (furthest from the M6). Shall be installed prior to occupation and shall not be capable of being disabled by the end user (except in emergency, for maintenance or repair). Shall be maintained in perpetuity.
17. Environmental Management Plan – Prior submission/approval
18. Scope of works for addressing the risks posed by Land contamination – Prior submission/approval
19. Validation report – contaminated land – Prior submission/approval
20. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
21. Tree Protection scheme – Prior submission/approval

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.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms:

1. £5,646.50 to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area. Prior to commencement of development
2. £23,007.15 towards Public Open Space provision and maintenance (AGS - £2,166.03 - Enhanced provision: £2,166.03 and Maintenance: £4,848.25 (25 years) and CYPP - Enhanced provision: £3,754.37 and Maintenance: £12,238.50 (25 years))
3. Provision of 4 on-site affordable dwellings - 3 provided as affordable rent and 1 unit as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
4. £32,685 towards education Secondary school education provision



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Application No: 15/5329C

Location: LAND AT ERF WAY, MIDDLEWICH, CHESHIRE

Proposal: Gas fuelled capacity mechanism embedded generation plant to support the National Grid.

Applicant: Mr David Sheppard

Expiry Date: 25-Feb-2016

SUMMARY:

The site is within the Settlement Zone Line of Middlewich on an existing employment park, where there is a presumption in favour of sustainable development.

The maintenance of a stable and secure electricity supply is an important material consideration in the determination of this application.

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

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

The application proposes the construction an electricity generating compound within a secure 2.4m wire mesh security fence and internal acoustic wall.

The development would contain 20 containerised electricity generation units that would be gas powered. The equipment is designed to cover peak periods of electricity demand and is thereby known as a 'peaking station'. There would also be ten transformers within the site, a switchgear cabin, gas governor and metering kiosk, substation and welfare cabin. The power generated would feed into the local power network.

The site would be secured by a 2.4m high mesh security fence and inside this there would be a 4m high acoustic wall. Access would be taken from a newly formed access off ERF Way.

SITE DESCRIPTION

The application site comprises an area of employment land on the Midpoint 18 employment site. Midpoint 18 is an established industrial area and the site is bounded by ERF Way to the south,

an established tree buffer and Tesco warehouse to the north with overhead power lines to the east.

The site is situated on the northern side of ERF Way, Middlewich and is within the Middlewich Settlement Zone Line.

RELEVANT HISTORY

There are several historic applications on this site relating to the development of the employment park, none of which are relevant to this application.

NATIONAL & LOCAL POLICY

National Policy:

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

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 Settlement Zone Line of Middlewich.

The relevant Saved Policies are: -

- PS4 – Towns
- GR1 – New Development
- GR2 – Design
- GR3 – Density, Housing Mix and Layout
- GR4 – Landscaping
- GR6 – Amenity and Health
- GR7 - Pollution
- GR9 - Accessibility, Servicing and Parking Provision
- GR18 – Traffic Generation
- GR20 – Public Utilities
- GR22 – Open Space Provision
- NR3 – Habitats
- E3 – Employment Development in Towns
- SPD14 – Trees and Development

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland
PG 1 Overall Development Strategy
SE 3 Biodiversity and Geodiversity
SE8 Renewable and Low Carbon Energy

CONSULTATIONS:

Town Council: No objection, but have concerns about safety and security.

CEC Flood Risk Manager: No objection subject to conditions

REPRESENTATIONS

There has been one representation submitted in relation to this application. This appears to have concerns about security and a 'Paris' style attack and also the impact on Great Crested Newts.

APPRAISAL

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

Principle of Development

The site lies in the Settlement Zone Line of Middlewich on an existing employment park, as designated in the adopted Congleton Borough Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources

prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

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

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

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

ENVIRONMENTAL ROLE

Energy Efficiency

The plant is designed to participate in the Capacity Mechanism, which is part the Governments energy policy, contained within the Energy Act 2013. The aim of this Act is to encourage the building of power stations that are able to provide electricity at times of most need. This is due to the closure of the majority of coal fired power stations and increasing amounts of intermittent renewable generation of power.

The plant would be gas powered and able to be turned on in 15 seconds and have full power in 2 minutes, meaning that power can be supplied at peak times when needed. The only types of existing quick-start power generation methods are heavy fuel or diesel generators that are less efficient and have worse emissions profiles or open cycle gas turbines that are also less efficient and produce power in much larger blocks.

The proposal therefore would represent a more energy efficient and responsive method of supplying power at times of peak demand.

Highways

The section of ERF Way from where the access would be taken is unadopted. However it is constructed to serve an employment park and already serves existing large scale businesses in a safe manner.

During construction there would be more vehicular movements onto the site, but once operational the site will only be visited by engineers in a van, usually once a day. In addition the Head of Strategic Infrastructure has raised no objection to the proposal.

The proposal is therefore considered to be acceptable in terms of highway safety, parking and traffic generation and in accordance with Policies GR9 and GR18 of the adopted local plan.

Ecology

A small population of Great Crested Newts is known to be associated with the pond located immediately adjacent to the proposed development. In the absence of mitigation the proposed development would have a medium magnitude adverse impact upon this population due to the loss of terrestrial habitat located in close proximity to the pond. The proposed development also poses the risk of killing or injuring any great crested newts that were present when the proposed works were completed.

In order to compensate for the loss of terrestrial habitat the applicant's consultant recommends that the retained habitat be enhanced. To mitigate the risk of Great Crested Newts being killed or injured during the works the applicant is proposing to remove and exclude newts from the footprint of the development under the terms of a Natural England license.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) 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, and provided that there is

(b) No satisfactory alternative and

(c) No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NR2 (Wildlife & Conservation Statutory Sites) states that development will not be permitted which would have an adverse impact on protected species or their habitats, unless mitigation / habitat creation is secured.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. In terms of Great Crested Newts, the Council's Ecologist is satisfied that the development is unlikely to have a significant impact upon this protected species subject to compliance with the submitted Ecology Report.

Having regard to the above it is concluded that the proposal would have an acceptable impact on nature conservation interests and would comply with Local Plan policy NR2 (Wildlife & Conservation Statutory Sites) and the Framework.

It is considered that if planning consent is granted the proposed mitigation and compensation would be sufficient to maintain the favourable conservation status of the local population of Great Crested Newts. This should be controlled by condition.

Common Toads and Grass Snakes may occur on the application site on a transitory basis and are priority species. It is considered that the proposed Great Crested Newt mitigation would also be sufficient to address the potential impacts on these additional species.

If planning permission is granted a condition should be imposed in order to protect breeding birds.

Protected species habitat is present a short distance from the proposed development. In order to avoid any risk of protected species being disturbed during the proposed works the applicants consultant recommends that the habitat be closed temporarily until the works are completed. This would be done under license from Natural England. This is an acceptable approach and should be secured by condition.

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 and the creation of four full time jobs related to the power plant and other related maintenance employment opportunities.

Ensuring that there is a responsive supply of energy is also a key economic consideration for local businesses.

SOCIAL SUSTAINABILITY

Design

The development would have a utilitarian appearance appropriate to its use. This would not be out of keeping with the character and appearance of the site and surrounding development.

Amenity

The site is on an existing employment park and there are no residential properties in close proximity. The proposal therefore raises no issues relating to residential amenity.

Ensuring a stable supply of electricity is an important benefit of the proposal contributing to the social sustainability of the development.

Response to Observations

The representation of the member of the public has been given careful consideration, however it is not considered that a development of this nature and in this location would be likely to lead to a 'Paris style' attack and that the security fencing would be adequate to safeguard the facility. The issues relating to Great Crested Newts are addressed in the Ecology Section of this report.

Conclusion – The Planning Balance

The site is within the Settlement Zone Line of Middlewich on an existing employment park, where there is a presumption in favour of sustainable development.

The maintenance of a stable and secure supply is an important material consideration in the determination of this application.

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

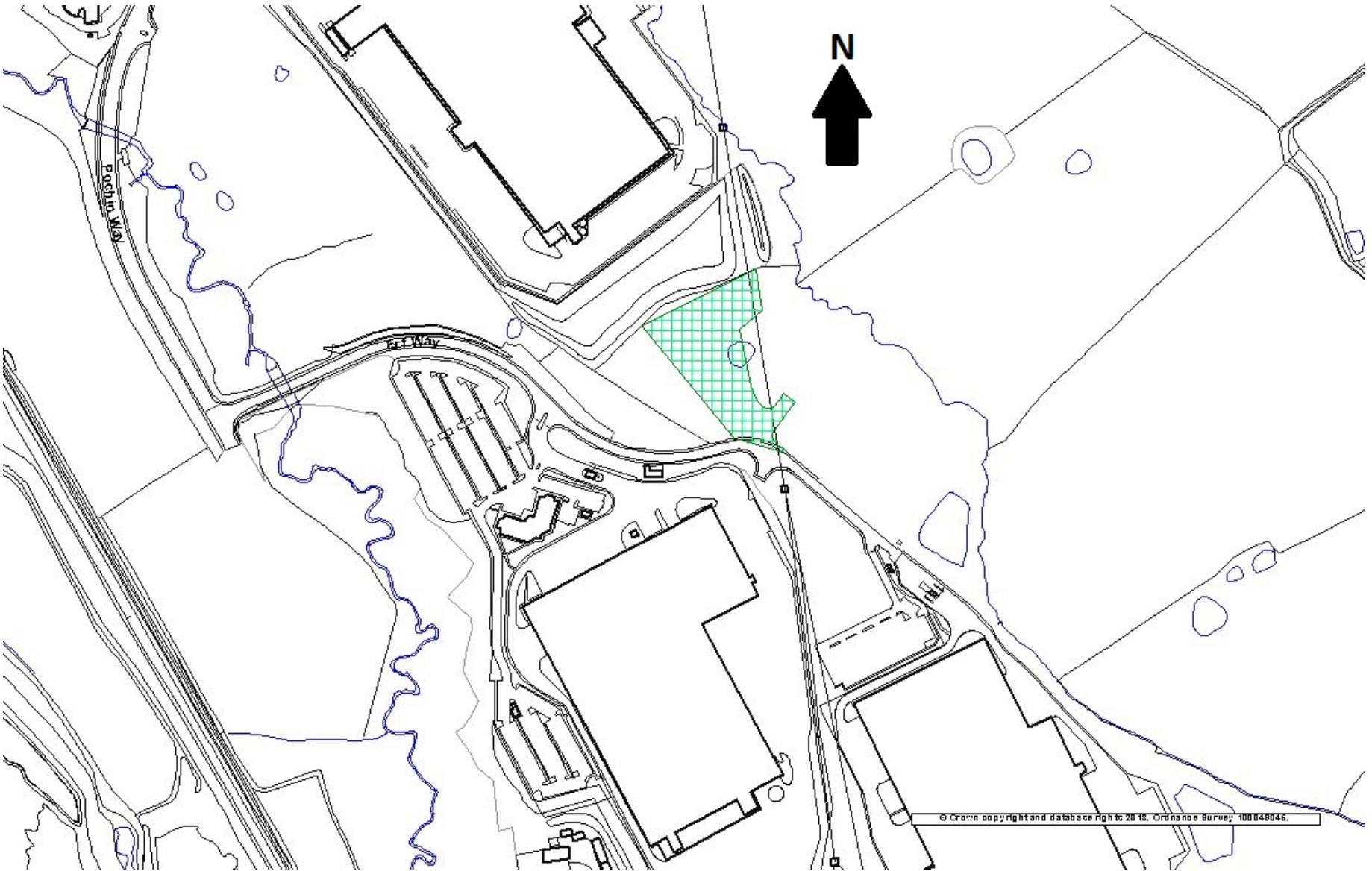
RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Compliance with the submitted Ecology Report and Mitigation Measures dated January 2016**
- 4. Protection for breeding birds**
- 5. Closure of protected species habitat until construction works are completed**
- 6. Submission of details of the colour and finish of the security fence and acoustic wall**

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

has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 15/5508C

Location: Land Adjacent 23, Sandbach Road, Church Lawton, Cheshire East, ST7 3DW

Proposal: Two Dwellings at House Plot Numbers 19 and 21 Sandbach Road, Church Lawton

Applicant: Mr Anthony Chadwick

Expiry Date: 05-Feb-2016

SUMMARY

The principle of the development is considered to be acceptable in Green Belt terms and the development would accord with paragraph 89 of the NPPF as appropriate development constituting limited infilling within a village in the Green Belt.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

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

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

The application has been called into Southern Planning Committee by Councillor R. Bailey for the following reasons;

'A substantial body of opinion has been formed of residents who are opposed to this application, and who would want to make representations direct to the committee on the grounds of inappropriate development outside the Lawton Gate green belt/green field infill boundary line.'

PROPOSAL

This application seeks outline planning permission to erect 2 dwellings and matters of Access. Matters of appearance, Landscaping, Layout and Scale are not sought for approval at this stage.

SITE DESCRIPTION

The site relates to a paddock, approximately 1755 m2 in size, located on the southern side of Sandbach Road, Church Lawton within the Green Belt.

RELEVANT HISTORY

33908/3 - Extension to Existing Stable (Retrospective) – Approved 11th February 2002

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 – Green Belt protection, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design and 79-125 – Protecting Green Belt Land

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS7, as Green Belt.

The relevant Saved Policies are:

PS7 – Green Belt, 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 and 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, PG3 – Green Belt, 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:

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

CONSULTATIONS

Head of Strategic Infrastructure (HSI) - No objections, subject to a condition that any obstructions within the demonstrated visibility splay be cleared prior to the first occupation of the dwellings

Environmental Protection - No objections subject to a number conditions relating to; pile foundations and dust mitigation and informatives relating to hours of construction and contaminated land

Housing (Cheshire East Council) – Proposal does not trigger an affordable housing requirement

Flood Risk Manager – No objections, subject to a condition that a design, management and maintenance plan for surface water drainage be submitted to and approved in writing by the Local Planning Authority

Cheshire Brine Subsidence Board – Require the foundations of the development be strengthened to mitigate the effects of any future potential movement in an are of potential subsidence

United Utilities – No objections

Church Lawton Parish Council – Object to the proposal on the following grounds;

- Principle – application site is within the Green Belt
- No affordable housing provision
- Sustainability of the location
- Highway safety

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, 6 letters of objection have been received. The main areas of objection raised include;

- Principle – application site is within the Green Belt, does not represent infill
- Amenity – Loss of privacy
- Sustainability of the location
- Highway safety
- Impact upon existing hedgerows and trees

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

Policy PS7 of the Congleton Borough Local Plan First Review 2005 seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy. These purposes include; development which is required agriculture or 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 do not conflict with the purposes of including land within it; new dwellings in accordance with Policy H6, controlled infilling within settlements in Policy PS6, limited affordable housing for local needs, development for employment purposes and the re-use of existing rural buildings will be permitted.

While the proposal permits limited infilling, where this infilling takes place is limited by Policy PS6 to 10 specific settlements, none of which apply to the application proposal.

Therefore, in seeking to restrict infilling to a small number of villages within the Green Belt, Policy PS7 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification.

This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight.

On Monday 9 February 2015, the Court of Appeal (Sullivan, Bean and King LJJ) allowed an appeal against the judgment of HHJ Mackie (sitting as a Deputy High Court Judge) in *Wood v Secretary of State for Communities and Local Government* [2014] EWHC 683 (Admin). The Appellant had appealed against the decision of Gravesham Borough Council to refuse planning permission for a single dwelling in a site which lay in the Green Belt but was surrounded by existing built development. The principal issue for the Court was the

proper interpretation of one of the exceptions in the NPPF to the construction of new buildings being "inappropriate development" in the Green Belt. Paragraph 89 provides that an exception to the general rule is "limited infilling in villages".

Sullivan LJ (with whom Bean and King LJJs agreed) found that the policy required the decision-maker to consider whether, as a matter of fact on the ground, the site appeared to be in the village. The fact that the site lay outside the village boundary as designated in the development plan was not determinative of the point. In limiting himself to considering whether the proposal was within the designated village boundary, the Inspector had misdirected himself as to the proper meaning of paragraph 89 of the NPPF.

Although it is noted that the application site lies within washed over Green Belt land outside of the Lawton Gate & Lawton Heath Infill Boundary Lines, as shown on the Congleton Borough Local Plan, the site is considered to be visually, physically and functionally located within these adjoining villages. For the purposes of paragraph 89 of the NPPF, it is considered that the construction of 2 infill dwellings in this location should not be considered to constitute inappropriate development in the Green Belt.

The proposed site comprises of plots sizes of very similar sizes to the neighbouring residential plots. The width and depth of the proposed plots are clearly comparable with others in the immediate vicinity of the site and is clearly capable of accommodating 2 detached dwellings comparable to those in the immediate vicinity of the site.

There is existing built development to north, east and west of the site and development of the site would reflect the existing form of linear development. The extent of the rear gardens would reflect those of the adjacent plots and therefore would not extend significantly into the Green Belt.

The proposed development is for 2 detached dormer bungalows. The plot is set between two existing residential plots which form part of a developed frontage facing Sandbach Road, the opposite side of which forms the boundary of the Lawton Heath Infill Settlement Zone Line.

Overall therefore, the development of the plot for 2no dwellings is considered to constitute limited infilling within a village in the Green Belt. It would therefore fall under one of the exceptions listed under paragraph 89 of the NPPF and is considered to constitute appropriate development in this location in Green Belt terms.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

This is a material consideration.

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 applicant has not completed this particular assessment, but has advised within their submitted Planning Statement that there are;

- 8 Primary schools within a 1.5 mile radius of the application site
- 10 senior schools within a 5 mile radius of the site
- 2 convenience stores within 0.5 miles of the site
- Daily bus service linking Lawton-gate to Alsager, Congleton, Crewe, Hanley, Keele, Nantwich and Newcastle-under-Lyme

Further investigation suggests that the application site would include public facilities that would either be within the recommended distances or close to half of those listed within the checklist.

Furthermore, as the application site lies within 500 metres of a bus stop with links to Rode Heath, Scholar Green and Newcastle-Under-Lyme. These settlements include the majority of the facilities which are not within walking distance to the application site.

As such, for the above reasons it is considered that the proposal should 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.

Environmental role

Landscape Impact

The site is located to the south of Sandbach Road within Green Belt and outside the Infill Boundary Line in the area. The main site area forms part of a field with some encroachment into the garden of 23 Sandbach Road. There is some existing vegetation present including a mature Oak tree within the field, a group of trees on the boundary with No 23 and Beech hedge on the Sandbach Road frontage. The wider field has post and rail fence to the roadside and southern boundary.

Development on the application side of Sandbach Road is relatively sporadic with only three dwellings in the section of the road between its junctions with Lawton Heath Road and Cherry Lane. As such, there are gaps between the existing dwellings which allow unimpeded views to the south from Sandbach Road.

Although the proposed development would close up this gap between No's 23 and 17 Sandbach Road, given that the developments would be detached dormer bungalows and therefore relatively low in height, be enclosed by existing development on 3 sides and because a degree of openness around these dwellings would be retained, it is not considered that subject to landscape and boundary treatment conditions, this impact upon the wider landscape would be significant.

Trees and Hedgerows

The proposed site layout plan shows a number of existing trees close to the western boundary of the site, a single tree on land to the west of the site, and a hedge to the north-west.

The Council's Tree Officer's site assessment confirmed existing tree and hedge cover as indicated on the proposed site plan including a mature Oak tree within the site which is shown may conflict with the indicative footprint of plot 1.

Given that Layout and Landscaping are not sought for approval at this stage, and because the dwellings could be re-sited marginally further forward at Reserved Matters stage, it is not considered that the impact upon this tree would be significant.

To create a new access, the proposed development would result in the loss of a section of mature roadside Beech hedge which marks the residential curtilage of 23 Sandbach Road.

The Council's Tree Officer has advised that in the event the proposal is deemed acceptable in principle, she suggests at reserved matters stage, the application should be supported by a comprehensive package of arboricultural information following BS 5837:2012 guidelines.

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 Council's Nature Conservation Officer has reviewed the proposal and advised that he does not object to this application.

There is an Oak on site (T9) which the Council's Nature Conservation Officer has advised that is not sufficiently mature to be reasonably likely to support a bat roost and as such, no survey is required.

Should the application be approved, it has recommended that a condition to protect breeding birds be imposed.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale which requires the submission of a Flood Risk Assessment (FRA).

The Council's Flood Risk Manager have advised that they have no objections, subject to a condition that the applicant/developer submit a detailed design and associated management and maintenance plan of surface water drainage for prior approval.

United Utilities have raised no objections on drainage matters.

As such, subject to the implementation of the proposed conditions by the Council's Flood Risk Manager, 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 2 new dwellings within the site.

The plan shows that these would follow the existing linear development on this side of Sandbach Road (south) and would front onto the road in a northerly direction.

The plan indicates that access to the bungalows would be taken from an existing access to the adjacent property (No.23 Sandbach Road) and extend to the south-east forward of the proposed dwellings, parallel with Sandbach Road.

This proposed layout also demonstrates that 2 dwellings can be incorporated within the site without appearing incongruous within its setting.

The indicative elevations and floor plans indicate the provision of 2 detached dormer bungalows.

The closest dwelling to the east is a detached bungalow with what appears to be living accommodation within the roof space as are a number of properties on the opposite side of the road further to the east.

As such, the provision of 2 further detached bungalows with living accommodation within the roof space would not be out of character with the area. However, the proposed dormer windows would be. This, however, is a matter to be considered at Reserved Matters stage, as would the appearance of the developments.

The proposed scale of the dwellings as indicated on the submitted indicative layout plans is considered to be appropriate.

Access

In order to achieve visibility requirements it has been proposed to relocate the existing vehicle access westwards by approximately 30 metres, as shown on plan 2015/TC/SR/08(A) received 09/03/16. On the same plan, a pedestrian access to allow for refuse collection has been proposed.

The Council's Head of Strategic Infrastructure (HSI) has advised that there have been no recorded traffic accidents in the vicinity of the proposal over the last 5 years, indicating no existing traffic safety issues. In addition, adequate access visibility has been demonstrated for the proposal.

The HSI has therefore recommended that should the application be approved, a condition requiring that the visibility shown on plan 2015/TC/SR/08(A) should be cleared of any obstructions before first occupation, should be included.

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

Environmental 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 subject to conditions.

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

Economic Role

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 Lawton gate and Alsager for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

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

Social Role

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

Amenity

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

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.

The closest neighbouring properties to the application site would be No.23 Sandbach Road to the west, No.17 Sandbach Road to the east and No's 24 and 18 Sandbach Road on the opposite side of Sandbach Road to the north.

In terms of the separation distances, the indicative layout plan shows that 2 dwellings could be accommodated within the site without creating an unacceptable impact upon privacy, light or visual intrusion.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to conditions relating to; pile foundations and dust mitigation and informatives relating to hours of construction and contaminated land.

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

Social Conclusion

As a result of the provision of market housing and because no amenity issues would be created, subject to conditions, it is considered that the proposed development would be socially sustainable.

Planning Balance

The principle of the development is considered to be acceptable in Green Belt terms and the development would accord with paragraph 89 of the NPPF as appropriate development constituting limited infilling within a village in the Green Belt.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

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

RECOMMENDATION

APPROVE Subject to the following conditions

- 1. Time – 3 years or 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**
- 4. Plans**
- 5. Prior approval of Piling Method Statement**
- 6. Prior approval of dust mitigation scheme**
- 7. Prior approval of surface water drainage/storage scheme**
- 8. Reserved Matters to be supported by a comprehensive package of arboricultural information following BS 5837:2012 guidelines**
- 9. Development in accordance with the submitted Hedgerow Impacts and Replacement Planting Drawing P.410.14.10 dated 14/1/2016**
- 10. Prior approval of breeding birds survey**
- 11. The visibility shown on plan 2015/TC/SR/08(A) should be cleared of any obstructions before first occupation**

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



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Application No: 15/5846C

Location: TALL ASH FARM TRIANGLE, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 2DY

Proposal: Construction of three new residential dwellings (Resubmission of Application Reference 12/4082C)

Applicant: Mr Peter Hudson

Expiry Date: 29-Feb-2016

SUMMARY

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

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

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

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

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

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

In this instance, 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

Full Planning permission is sought for the erection of 3 detached dwellings.

The application is a identical re-submission of 12/4082C which was granted by Cheshire East Council on the 19th February 2013, and therefore expired on the 19th February 2016.

SITE DESCRIPTION

This application relates to a triangular shaped field on the southern side of Buxton Road (A54), Congleton within the Open Countryside.

RELEVANT HISTORY

12/4082C - Construction of three new residential dwellings (Resubmission of Application Reference 12/0106C) – Approved 19th February 2013

12/0106C - Construction of Three New Residential Dwellings – Withdrawn 15th February 2012

NATIONAL & LOCAL POLICY

National Policy

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

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

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as town.

The relevant Saved Policies are;

PS8 – Open Countryside, GR21- Flood Prevention, GR1- New Development, GR2 – Design, GR3 - Residential Development, GR4 – Landscaping, GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking, GR14 - Cycling Measures
GR15 - Pedestrian Measures, GR16 - Footpaths Bridleway and Cycleway Networks, GR17 - Car parking, GR18 - Traffic Generation, NR4 - Non-statutory sites, NR5 – Habitats, H2 - Provision of New Housing Development, H6 - Residential Development in the Open countryside, H13 - Affordable Housing and Low Cost Housing, RC2 – Protected Areas of Open Space

Supplementary Planning Note 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:

PG5 – Open Countryside, SC4 – Residential Mix, CO1 Sustainable Travel and Transport, CO4 – Travel Plans and Transport Assessments, SC5 – Affordable Homes, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE 1 Design, SE 2 Efficient Use of Land, SE 3 Biodiversity and Geodiversity, SE 4 The Landscape, SE 5 Trees, Hedgerows and Woodland, SE 6 – Green Infrastructure, SE 8 – Renewable and Low Carbon Energy, SE 9 – Energy Efficient Development, SE 13 Flood Risk and Water Management, IN1 – Infrastructure and IN2 – Developer Contributions

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the receipt of a revised ‘Site Access Arrangement’ plan and associated Proposed Site Plan (if necessary) demonstrating that a refuse vehicle of a 10.4 metres length can undertake all necessary manoeuvres without impacting the refuge strip on the site entrance approved as part of application 15/2099C

Environmental Protection (Cheshire East Council) – No objections, subject to a condition seeking the prior submission of a piling method statement and informatives relating to; hours of construction, hours of piling and contaminated land

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

United Utilities – No comments received at time of report

Countryside Rights of Way – No objections, subject to informatives relating to reminding the applicant of their rights

Ramblers Association – No comments received at time of report

Open Spaces Society – No comments received at time of report

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

Congleton Town Council – No objections

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants. In response, 1 letter of objection has been received to date. The main areas of objection are;

- Capacity of local doctors and schools
- Design – Form and appearance of dwelling
- Highway safety

APPRAISAL

The key issues are:

- The sustainability of the proposal (Social, Economic and Environmental Role)
- Other matters
- 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”

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

Accessibility is a key factor of sustainability that can be measured. It was established as part of the previous application (re: 12/4082C) that the application site was sustainably located due to its close proximity to the Congleton Settlement Boundary and its associated public facilities.

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 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

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

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

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total

shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

This is a material consideration in support of the proposal.

Open Countryside Policy

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

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

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

In order to assess the impact upon the overall impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered within the Environmental section 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 Congleton for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

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

Other social considerations

Residential Amenity

Policy 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.

Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory.

The three neighbouring properties to the development site are No.106 Buxton Road, which would be approximately 7.8 metres to the southwest of House No.3, No.93 Buxton Road, which would be approximately 24 metres to the northwest of House No.3 and No.110 Buxton Road which would be approximately 13.8 metres to the east of House No.1.

With regard to the impact upon No.106 Buxton Road, on the side elevation of House No.3, which would be the closest house to this neighbour, there would be a ground floor door to a dining room and a first-floor bathroom window. Between House No.3 and this neighbour at present is a conifer hedge that is approximately 2 metres tall. On the relevant side elevation of No.106 Buxton Road, the only opening is a ground-floor door to a garage.

Due to the 7.8 metre separation distance, the exiting boundary treatment, the offset relationship, it is not considered that this closest proposed property would create any issue with regards to loss of privacy, light or visual intrusion subject to the first-floor windows being obscurely glazed.

With regards to the impact upon No.93 Buxton Road, because the closest proposed unit to this neighbour would be approximately 24 metres away, it is not considered that any amenity issues would be created to this side.

With regards to the impact upon No.110 Buxton Road, on the side elevation of House No.1, which would be the closest house to this neighbour, there is 1 ground window proposed. This window would serve as a secondary sitting room window.

Between House No.1 and this neighbour at present is a hedge and fence approximately 1.2 metres tall. On the relevant elevation (principal elevation) of No.110 Buxton Road are 7 openings. These include 2 first floor windows, 4 ground floor windows and a door. One first floor window serves a bathroom, whereas the other window is a secondary bedroom window. At ground floor level, there is a workshop window, a utility room window, a W.C window, a front door and a dining room window. It is advised within SPG2 that between a flank elevation and a main window, a gap of 13.8 metres should be achieved. This gap is achieved in this instance; furthermore, the most impacted windows on this neighbouring dwelling, the windows that would directly face the flank elevation of House No.1, currently serve a workshop, a utility room and a bathroom, all of which are not considered to be principal habitable rooms. As such, it is not considered that the development would create any issues for this neighbour in terms of loss of privacy or visual intrusion. With regards to loss of light, because the closest dwelling would be to the west of this neighbour, there is potential for a loss of light to be created to this side towards the end of each

day. However, the main habitable windows to the property would be to the southeast of House No.1 and as such, would not be impacted. As a result, it is considered that the proposal would not detrimentally impact this neighbour by reason of loss of light.

There would be no other amenity issues created to any other sides.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions including; the prior submission of piling method statement and informatives relating to; hours of piling, hours of construction and contaminated land. Subject to these conditions, it is considered that the development would adhere with Policy GR6 of the Local Plan.

Affordable Housing

There is no affordable housing requirement for this scheme.

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 proposal is for 3 detached, two-storey, 4-bedroom dwellings which would all front onto Buxton Road.

- House 1 would be positioned approximately 19 metres to the south of Buxton Road and would have a footprint of approximately 93 metres squared and would have a hipped roof approximately 8.1 metres in height.
- House 2 would be positioned approximately 19 metres to the south of Buxton Road, would have a footprint of approximately 103 metres squared and would have a part dual-pitched / part catslide roof approximately 7.8 metres in height.
- House 3 would be positioned approximately 7 metres to the south of Buxton Road, would have a footprint of approximately 95 metres squared and would have a dual-pitched roof approximately 7.7 metres in height.

With regards to the scale of the surrounding units, No.106 Buxton Road has a footprint of approximately 95 metres squared, No.93 Buxton Road has a footprint of approximately 76 metres squared and No.110 Buxton Road has a footprint of approximately 124 metres squared. Therefore the range of footprint of the surrounding units is from 76 metres squared to 124 metres squared. As all 3 of the proposed units would fall within this footprint range, the scales of the dwellings are deemed to be acceptable.

All 3 units have a height of 8.1 metres or below. Planning history searches show that No.106 Buxton Road to the west of the site has a height of 9.5 metres and No.110 Buxton Road has a height of approximately 7.5-8 metres. No.93 Buxton road, across the road from the site is a

two-storey property located in an elevated position and No.97 Buxton Road is a split level bungalow. As such, considering this variation in heights in surrounding properties, the heights of the dwellings proposed are considered to be acceptable.

In relation to materials, the specifics of these have not been detailed and as such, should the application be approved, it is recommended that a condition be added to the decision notice requesting that materials be submitted for subsequent approval.

Subject to suitable materials being secured by condition, the proposed layout and design of the development is considered to be in compliance with Policy GR2.

As such, it is considered that the development would be of an acceptable design that would 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 principle and design of the access and parking was previously agreed for this development.

Since the determination of the previous application, an adjacent development has been consented, subject to a s106 agreement for 236 dwellings.

The access drawing for this adjacent application indicates a pedestrian refuge close to the proposed access to this development for three dwellings.

As such, the Head of Strategic Infrastructure (HSI) has advised that he would like to see the access re-tested with an appropriate refuse vehicle for all manoeuvres with the pedestrian refuge in place to ensure that there is not conflict.

In response, the application on the adjacent site has not been granted planning permission yet as the associated legal agreement has not been signed. However, as it is considered that the application site could comfortably accommodate a larger turning head than shown on the submitted plan without any significant knock-on effects, it is recommended that a revised access and layout plan be submitted for prior approval should the application be approved.

As such, subject to this condition, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

Flood Risk and Drainage

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

As part of the previous approval, details of drainage were conditioned for prior approval. Should the application be approved, it is recommended that this condition be re-imposed.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns, subject to conditions and would adhere with Policies GR20 and GR21 of the Local Plan.

Ecology

The application is supported by an updated protected species.

This has been reviewed by the Council's Nature Conservation Officer who has subsequently advised that he has no objections, subject to a condition ensuring that the bat boxes be erected in accordance with the updated ecological letter (in association with application 12/4082C) prior to the first occupation of the dwellings.

As such, the proposed development is considered to adhere with Policy NR2 of the Local Plan.

Landscape and Trees

The site is situated in open countryside as defined the Adopted Congleton Borough Local Plan and protective policies apply. It is agricultural land, laid to grassland with some lengths of hedgerow on the boundaries. Much of the boundary to Buxton Road is defined by a post and wire fence. The site slopes down to the south from Buxton Road. There are residential properties to the west and south east and a public footpath runs along the southern boundary. There are no significant trees on the site. Currently open views across the site to open countryside beyond are afforded from Buxton Road.

No levels information has been provided and this was added as a condition on the previous application.

The soft landscape proposals on plans 3354 01 and 3354 02 appear reasonable to the Council's Landscape Officer.

It is recommended that further details of the proposed boundary treatment be conditioned for prior approval.

A tree protection condition was imposed on the previous submission. It is recommended that this be re-imposed as part of this application.

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, ecology, landscaping or trees subject to conditions.

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

Planning Balance

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

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

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

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

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

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

In this instance, is considered that the benefits of the scheme would outweigh the dis-benefits.

It should also be noted that this proposal has previously benefitted from planning permission and the planning policy framework of relevance is unchanged from 2013. This is a very important material consideration to which significant weight should be attached.

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

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials**
- 4. Hours of construction**
- 5. Hours of piling**
- 6. Piling method statement**
- 7. Prior submission and approval of site compound position**
- 8. Landscaping (details)**
- 9. Landscaping (Implementation)**
- 10. Boundary treatment**
- 11. Obscure glazing (House 3 – First Floor bathroom window on western elevation)**
- 12. Construction management plan**
- 13. Drainage**
- 14. Levels**
- 15. Tree protection**
- 16. Incorporation of bat features**

17. Prior submission/approval of revised site access plan/site plan showing larger turning head

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



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Application No: 16/0105N

Location: Cherry Tree Cottage, Chester Road, Alpraham, Cheshire, CW6 9JA

Proposal: Outline application for proposed detached cottage

Applicant: Mr Alistair Newsome

Expiry Date: 04-Mar-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

Outline planning permission with all matters reserved is sought for the erection of one dwelling. Although the application is in outline form an **indicative** site layout plan with proposed elevations have been submitted showing the scale and general layout, with access being taken directly from the A51.

SITE DESCRIPTION

The application site comprises a triangular parcel of land situated on the southern side of the A51 Chester Road and associated with the property known as Cherry Tree Cottage located immediately to the east. The site lies within the Open Countryside, as designated within the adopted Local Plan and is approximately 68 metres to the west of Alpraham Village Settlement Boundary.

There is a hedgerow bounding two sides of the site, but no significant trees within it, and to the south west of the site runs a footpath, with right of way following a track linking Chester Road with Bunbury Lane to the south.

RELEVANT HISTORY

10/0263N - Extension to Residential Curtilage of Dwelling and Erection of Detached Garage - Approved 22 March 2010.

09/3554N - Extension to Residential Curtilage of Dwelling and Erection of Detached Garage and Shed in Retrospect – Refused 23 December 2009

7/19123 - Vehicular access – Approved 05 December 1990

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: No objection subject to informative.

United Utilities: No objection subject to informative.

Rights of Way: No objection subject to informative.

Alpraham Parish Council: No objections to this infill planning application subject to Cheshire East Highways approving access to the A51.

REPRESENTATIONS:

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

At the time of report writing one representation in support of the proposal has been received which raises the following points;

- This small development will not impact upon anybody
- The site sits well within the 30mph section of the road and adequate visibility splays can be achieved
- Housing of this nature will enhance the village and prevent it becoming a dormitory village
- The linear form of development does not detract from the identity of the village

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 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 receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot 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”

The application site is located approximately 68m west of Alpraham Village Settlement Boundary.

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.

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

- Post box (500m) 7m
- Amenity Open Space (500m) 400 m to Alpraham playground and 2574.95m - 1.6 miles. Bunbury Jubilee playing fields
- Children’s Play Space (500m) 400m to Alpraham playground and 11426.3m - 7.1 miles away. [Polar Palace Play & Party Centre](#)
- Outdoor Sports Facility (1000m) 400m to Alpraham play area and 1.4 miles to Bunbury playing fields 10943.5m – 6.8 miles. Barony Park Sports Complex, Barony Road, Nantwich CW5 6EP,
- Public House (1000m) 682.8m – The Tollemarche Arms

- Bus Stop (500m) 321.869m – 0.2 miles. Vale Road
- Public Right of Way (500m) 7m there is a bridle way right behind the proposed site

The following amenities/facilities fail the standard:

- Post Office (500m) 2896.82m – 1.8 miles
- Primary School (1000m) 3218.69m - 2.0 miles
- Child Care Facility (nursery or crèche) (1000m) 2253.08m - 1.4 miles to Bunbury pre school 16093.4m – 10.1 miles. Elizabeth Morris
- Pharmacy (1000m) 4023.36m – 2.5 miles. Rowlands Pharmacy.
- Railway station (2000m where geographically possible) 11748.2m – 7.3miles. Nantwich station
- Bank or cash machine (1000m) 2526.67m - 1.57 miles. Link ATM
- Supermarket (1000m) 15932.5m - 9.9 miles. Sainsbury's
- Secondary School (1000m) 3057.75m - 1.9 miles. Tarporley High School
- Medical Centre (1000m) 2253.08m - 1.4 miles. Bunbury Medical Practice
- Convenience Store (500m) 3057.75m– 1.9 miles. Bunbury Village
- Local meeting place (1000m) 3057.75m– 1.9 miles. Bunbury Village

This assessment shows that the site is well within the recommended distance of 7 of the 19 criterion, and not close to meeting the standards on the remaining 12 criterion.

This assessment identifies that the site would not be located near to a number of key services including child care, schools, or medical centre, which are located in Bunbury village.

However on the other hand the sites close proximity to Alraham Village and facilities including play area sports facilities and public house and bus stop served by a regular service to Chester, Tarporley and Crewe would mean that many of the services in these centres would be readily available without the need for car travel.

As a result, whilst the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car, it is considered that its close proximity to Alraham Village and regular bus service to the nearby large service centres of Crewe and Chester that the site would represent a sustainable location, albeit at a marginal level, 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

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.

The site forms part of a parcel of land which is associated with Cherry Tree Cottage, but as shown within the planning history does not form part of a residential curtilage (approved application 10/0263N does not cover the full site). None the less the site has a managed appearance and consists of a number of orchard trees and grass bound by mature hedges on two sides. As a result the site appears detached from surrounding countryside. To the east of the site lie ‘Cherry Tree Cottage’ and adjoined ‘Jasmine Cottage’ and property known as ‘The Cottage’ is located to the west.

The siting of a dwelling would be seen within the context of the built form on this stretch of Chester Road and not viewed in the context of the surrounding countryside. Therefore it is not considered that there would be significant and severe harm to the overall character of the landscape of the area as a result. As such a refusal on adverse impact on the character and beauty of the Open Countryside or landscape in general could not be sustained.

Trees and Hedgerows

The site has a number of trees within it, none of which are subject to any protection and the majority of which are fruit trees. There are two semi mature trees to within the southern boundary which have the potential to be affected by the development and a short section of hedge removed to enable the construction of the access. It is considered that the loss of these trees would not have an adverse impact upon the appearance of the wider area having regard to Policy BE.2.

Design

This is an outline planning application with all matters reserved. Therefore the layout drawing is only indicative. 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.”

The indicative layout shows the proposed dwelling centrally positioned within the plot with access and parking located to the north, the suggested scale and siting of the dwelling within the plot would not be out of character with that of the nearby dwellings and not be in discord with current building line off Chester Road.

It is therefore considered that the site is capable of accommodating a dwelling having regard to Policy BE.2 of the Crewe and Nantwich Local Plan.

Highways

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

The indicative layout shows an access on to the A51 with proposed parking and turning and parking for up to three cars.

The Head of Strategic Infrastructure (HSI) is satisfied that a development of a single dwelling can be safely accommodated on the adjacent highway network and would provide satisfactory off street parking in accordance with CEC minimum parking standards; 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

Given the rural nature of the surroundings and the presence of trees, it is considered that any reserved matters application should include details of provision of features for bats and birds to be incorporated into the buildings.

A condition should be imposed to ensure the protection of breeding birds should development be taking place between 1st March and 31st August in any year.

Drainage and Flood Risk

Consultation with United Utilities raised no objection to the proposals.

Subject to the provision of surface drainage details it is considered that there would not be any significant surface water drainage in the local area.

As such it is considered that the proposals would not raise any significant drainage or flood risk and would accord with Policy BE.4 of the Crewe and Nantwich Local Plan 2011

ECONOMIC SUSTAINABILITY

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Bunbury and public houses in Alpraham 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 SUSTAINABILITY

Residential Amenity

As all matters are reserved, the precise positioning and impacts will be assessed at a later date. The indicative plans give an example of a proposed layout which achieves a separation distance to side elevation of neighbouring dwellings Cherry Tree Cottage and 'The Cottage' in excess of 30m.

As shown within the provided indicative plans it is considered that a dwelling could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties, as set out in the Authorities SPD on 'Development on Backland and Gardens', which would be demonstrated and secured at reserved matters stage.

In terms of the amenities of the future occupiers of the proposed dwelling, the layout plan suggests that the proposed dwelling would have a garden space of approximately 80sqm and would therefore comply with Local plan guidance.

Environmental Health has advised that they have no objections to the proposal subject to the inclusion of informative on hours of construction and contaminated land.

It is considered that given the size of the plot, that it should be possible to construct a dwelling which ensures no adverse loss of privacy or amenity to adjacent dwellings and having regard to Policy BE.1 of the adopted Local Plan.

Rights of Way

The property is adjacent to public bridleway no.13 Alraham, as recorded on the Definitive Map. Consultation with the Council Rights Of Way Unit suggests that there would not likely be an impact upon the right of way, and subject to the inclusion of an informative to outline the applicants obligations no objection are raised.

Conclusion – The Planning Balance

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

The development would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

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

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

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as Open Countryside.

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

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time period for submission of reserved matters**
- 2. Commencement of development**
- 3. Submission of reserved matters (all matters)**

4. **Approved plans**
5. **Submission of drainage scheme to include foul and surface water**
6. **Breeding bird survey for works in the nesting season**
7. **Submission of details of features suitable for use by breeding birds and roosting bats.**

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



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