

Southern Planning Committee

Agenda

Date:	Wednesday, 28th September, 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 - 12)

To approve the minutes of the meeting held on 31 August 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. **16/1987N Basford Old Creamery, Newcastle Road, Chorlton CW2 5NQ: New industrial building replacing existing buildings, retaining B1, B2 and B8 classifications for Total Concrete Products Ltd (Pages 13 - 22)**

To consider the above planning application.

6. **16/3387N Land South Of Hassall Road, Winterley: Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N) for HIMOR (Land) Limited (Pages 23 - 46)**

To consider the above planning application.

7. **16/2158N Valley House, 11, Walthall Street, Crewe CW2 7JZ: Proposed construction of apartments for Dr D Fyles (Pages 47 - 58)**

To consider the above planning application.

8. **16/2648N 5, Coppice Road, Winterley CW11 4RN: Proposed Residential Development of Three Detached Dwellings and Extension to Existing Dwelling for The Estate of Miss M J Swain (Pages 59 - 70)**

To consider the above planning application.

9. **16/2740N Land Off Close Lane, Alsager: Full Planning Application for the proposal of 21 dwellings (Phase 2), a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager for Ben Sutton, Stewart Milne Homes (Pages 71 - 86)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 31st August, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor M J Weatherill (Vice-Chairman, in the Chair)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and D Marren

OFFICERS PRESENT

Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Margaret Hopley (Environmental Health Officer)
Sue Orrell (Principal Planning Officer)
Gareth Taylerson (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors G Merry and A Kolker

41 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

Councillor J Clowes declared that, during the previous meeting, a member of the public had placed papers in front of her during a debate. She had not engaged with the person and had not read the papers. Councillor J Weatherill confirmed that she had witnessed this and that Councillor Clowes had pushed the papers to one side and had not referred to them.

Councillor J Clowes declared that she had received emails with regard to application numbers 13/2710N, 15/5783N and 16/1134C. She had acknowledged receipt but had not responded and had forwarded them to planning officers.

With regard to application number 13/2710N, Councillor S Davies declared that he had made up his mind. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

With regard to application number 13/2710N, Councillor Rhoda Bailey declared that she was a member of CPRE, which had submitted representations, but that she had not participated in any discussions about the application.

With regard to application number 13/2710N, Councillor S Edgar declared that he was a member of the Cheshire East Shadow Energy Board, which looked into alternative energy sources.

With regard to application number 16/2158N, Councillor B Roberts declared that it was in his Ward but that he had kept an open mind.

With regard to application number 16/2158N, Councillor J Rhodes declared that it was in her Ward but that she had kept an open mind. Councillor Rhodes also declared that she had received correspondence with regard to application number 13/2710N.

With regard to application number 13/2710N, Councillor D Bebbington declared that he was a member of the Cheshire East Energy Board, which was looking into alternative energy.

Councillor D Bebbington declared that he had received emails with regard to application numbers 13/2710N, 15/5783N and 16/1134C.

With regard to application numbers 16/1728N and 16/2648N, Councillor J Hammond, who was in attendance at the meeting, declared that they were in his Ward and that he was a member of Haslington Parish Council, which had been consulted on the applications. In addition, he declared that he was a director of ANSA which had been consulted but that he had made no comments.

42 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 3 August 2016 be approved as a correct record and signed by the Chairman.

43 13/2710N RIDLEY BANK FARM, WREXHAM ROAD, RIDLEY CW6 9RZ: INSTALLATION OF WIND TURBINE 32.5M TO HUB AND ASSOCIATED ANCILLARY WORKS FOR MR R LATHAM

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

Note: Parish Councillor M Dixon (on behalf of Bulkeley & Ridley Parish Council), and Mr A Hughes and Mr M Voisey (objectors) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

In the absence of a Neighbourhood Plan and local plan allocation which identifies the site for wind energy development, insufficient information has been submitted that demonstrates that the benefits of the scheme to energy provision outweigh the harm caused by lack of local support, contrary to the requirements of the Ministerial Planning Statement 2015 and the NPPF.

44 15/5783N LAND OFF HILL CLOSE, BUNBURY: PROPOSED RESIDENTIAL DEVELOPMENT FOR 15 DWELLINGS WITH ACCESS FROM HILL CLOSE FOR COLIN BOOTH, CB HOMES LTD

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Mr R Lee and Mr A Thomson (objectors), and Mr S Goodwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That authority be DELEGATED to the Principal Planning Manager (Regulation), in consultation with the Vice-Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report and the written updates, subject to:
 - the adequate completion of Certificate B on the application forms to demonstrate that all neighbours with legal interest in the site have had Notice served upon them
 - the completion of a s106 agreement to secure the following Heads of Terms:
 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. Provision of an area for Ecological Enhancements/Public Open Space to be maintained by a private management company
- 3. Secondary Education Contribution of £32,685.38
With an additional Heads Of terms to ensure the paddock area to the south of the application site (within the site edged blue within this application) is retained as open or paddock land in perpetuity
- 4. Paddock land within Blue Edge to be retained in perpetuity as open or paddock land
- the following conditions:
 - 1. Standard outline 1
 - 2. Standard outline 2
 - 3. Standard outline 3
 - 4. Approved Plans
 - 5. Electric Vehicle Infrastructure to be submitted and approved
 - 6. Construction Management Plan to be submitted and approved
 - 7. Submission / Approval of Information regarding Contaminated Land
 - 8. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
 - 9. Reserved Matters application to include details of the existing and proposed land levels
 - 10. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
 - 11. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the LPA
 - 12. The reserved matters shall include details of the habitat enhancement proposals for the site. Enhancement measures should include a wildlife pond, hibernacula creation, native shrub planting and the enhancement of the grassland habitats.
 - 13. Updated survey for Bats to be undertaken and submitted as part of any reserved matters application
 - 14. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m
 - 15. The scheme of landscaping at RM stage shall include additional tree planting along the southern boundary of the retained paddock
 - 16. No development to commence until a highways scheme shall be submitted and approved in writing by the Council for access visibility

on Bunbury Lane. The approved scheme shall be implemented in full prior to commencement of development and thereafter maintained.

17. The submission of tree screen to paddock boundary
- (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 Principal Planning Manager (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following Heads of Terms:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 2. Provision of an area for Ecological Enhancements to be maintained by a private management company
 3. Secondary Education Contribution of £32,685.38
 4. Paddock land within Blue Edge to be retained in perpetuity as open or paddock land

45 16/0646N 6 & LAND REAR OF NO.6 BUNBURY LANE, BUNBURY CW6 9QZ: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF 1NO. BUNGALOW AND THE ERECTION OF 15 DWELLINGS, INCLUDING ASSOCIATED ACCESS AT LAND EAST OF BUNBURY LANE, BUNBURY FOR WULVERN

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Mr A Thomson (objector) and Mr A Teage (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

The proposal by virtue of the co-location of the housing development of this site with the approved scheme 15/5783N at Hill Close will be contrary to Policy H2 of the Bunbury Neighbourhood Plan and the NPPF.

46 **16/1024C ALSAGER ARMS HOTEL, 4, SANDBACH ROAD SOUTH, ALSAGER ST7 2LU: DEMOLITION OF EXISTING PUB HOTEL BUILDING AND CONSTRUCTION OF 14NO. APARTMENTS FOR JACK MIDDLETON**

All Members of the Committee declared that they had received correspondence from Councillor M Deakin with regard to this application.

Note: Town Councillor S Helliwell (on behalf of Alsager Town Council), Mrs S Helliwell (on behalf of Mr D Mainwaring, objector), Mr Brown (objector) and Mr M Gilbert (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That authority be DELEGATED to the Principal Planning Manager (Regulation), in consultation with the Vice-Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report and the written update, subject to:
 - confirmation of the financial mitigation requirements with regard to Public Open Space and Children and young persons provision
 - the completion of a s106 agreement to secure:
 1. Secondary School Education contribution of £32,685.38
 2. Open Space contribution (amount to be confirmed)
 3. Children and young persons provision (amount to be confirmed)
 - the following conditions:
 1. Time – 3 years of within 2 of last Reserved Matter approval
 2. Reserved Matters within 3 years
 3. All Matters to be submitted and approved
 4. Plans
 5. Reserved Matters to be supported by existing and proposed levels plans and to include details of earthworks and excavations adjacent to the railway line
 6. Reserved Matters to include Bin and Cycle storage details

7. Reserved Matters to be carried out in accordance with mitigation recommended in this report submitted by NVC Report No R16.0603/DRK dated 6th June 2013
8. Prior submission/approval of a piling method statement
9. Prior submission/approval of a dust mitigation scheme
10. Provision of a Residents Travel Pack prior to first occupation
11. Provision of Electric Vehicle Charging infrastructure
12. Prior submission/approval of a Phase II contaminated Land report
13. Prior approval of a soil contamination verification report
14. Development should stop if contamination is encountered
15. Prior submission/approval of a Drainage Strategy for surface water drainage
16. Prior submission/approval of surface water flow routes
17. Reserved matters to include boundary treatment details

(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 Principal Planning Manager (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following Heads of Terms:

1. Secondary School Education contribution of £32,685.38
2. Open Space contribution (amount to be confirmed)
3. Children and young persons provision (amount to be confirmed)

**47 16/1134C LAND OFF MARSH GREEN ROAD, SANDBACH, CHESHIRE:
OUTLINE APPLICATION FOR PROPOSED DEVELOPMENT OF 30
DWELLINGS INCLUDING OPEN SPACE (ALLOTMENTS), INTERNAL
ACCESS ROAD AND CAR PARKING FOR SAFEGUARD LIMITED**

Note: Ms V Boylin (objector) and Ms J Redmond (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

(a) That, for the reasons set out in the report, the application be **REFUSED** for the following reason:

The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Congleton Borough Local Plan First Review 2005. The proposal erodes the rural character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Sandbach Neighbourhood Plan Policy PC3, Congleton Borough Local Plan First Review 2005 policies PS8 and H6 and the advice of NPPF paragraphs 17, 183-5 and 198. In addition, the development will also result in the loss of Best and Most Versatile agricultural land, contrary to paragraph 26 of the Natural Environment National Planning Policy Guidance. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

- (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 Principal Planning Manager (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
 - 1. On-site Amenity Green Space and/or Allotments provision of at least 720sqm and associated maintenance plan
 - 2. Contribution of £3,835.44 towards providing grind rails within the skate facility within Sandbach and a commuted sum of £21,492.00 to maintain the facilities over 25 years
 - 3. 30% on-site affordable housing provision in a 65:35 split affordable rent: intermediate
 - 4. Secondary School Education contribution of £81,713.45

48 16/1728N LAND NORTH OF POOL LANE, WINTERLEY: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 33 UNITS WITH ALL OTHERS MATTERS RESERVED, EXCEPT FOR ACCESS AND LANDSCAPING FOR FOOTPRINT LAND AND DEVELOPMENT

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

Note: Councillor P Butterill left the meeting prior to consideration of this application.

Note: Councillor J Hammond (Ward Councillor), Mr M Riley (objector) and Ms C Wynn (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

The cumulative impact of this proposal, with other recent approved housing developments in Winterley since the Inspector's appeal decision, will have a detrimental impact upon the spatial distribution of development contrary to PG2 and PG6 of the Emerging Local Plan Strategy Consultation draft March 2016.

49 **16/2648N 5, COPPICE ROAD, WINTERLEY CW11 4RN: PROPOSED RESIDENTIAL DEVELOPMENT OF 4 DETACHED DWELLINGS AND EXTENSION TO EXISTING DWELLING FOR THE ESTATE OF MISS M J SWAIN**

Note: Councillor D Marren (Ward Councillor), Mr L Coppenhall (objector) and Mr M Greenwood (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED to enable officers to undertake discussions with the applicant regarding access for service vehicles, bin storage and the house type of plots 3 and 4.

50 **16/2158N VALLEY HOUSE, 11, WALTHALL STREET, CREWE CW2 7JZ: PROPOSED CONSTRUCTION OF APARTMENTS FOR DR D FYLES**

Note: Mr G Allen attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for the following:

- A Committee site inspection to enable Members to see the site context and the other apartment block near the site.
- Further information in relation to the approved plans for the apartment block to the north.

**51 16/2950N LAND ADJ NORTH VIEW, NANTWICH ROAD, CALVELEY
CW6 9JN: PROPOSED RESIDENTIAL DEVELOPMENT (UP TO 16
HOUSES) WITH ASSOCIATED INFRASTRUCTURE. ALL MATTERS
RESERVED EXCEPT FOR ACCESS FOR MR & MRS WATERHOUSE**

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:
1. Financial contribution of £35,520 towards a number of traffic and pedestrian safety management measures through Alpraham and Calveley
 2. 30% on-site affordable housing provision to include;
 - requires the applicant/developer to transfer any rented affordable units to a Registered Provider
 - requires the applicant/developer to provide details of when the affordable housing is required
 - includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
 - includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.
 3. Education contribution of £32,685.38 towards secondary school provision

And the following conditions:

1. Time – 3 years of within 2 of last Reserved Matter approval
2. Reserved Matters within 3 years
3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved
4. Plans
5. Prior submission/approval of a Construction Traffic Management Plan
6. Retention of hedgerow fronting Nantwich Road unless otherwise agreed
7. Reserved Matters application to include the provision of further hedgerow planting
8. Reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with 2012 British Standards

9. Reserved matters application to be supported by an updated 'Other Protected Species' survey
 10. Reserved matters application to be supported by an updated bat survey
 11. Foul and surface water be drained on separate systems
 12. Prior submission/approval of a surface water disposal/drainage scheme
 13. Prior submission/approval of a sustainable drainage management and maintenance plan
 14. Prior submission/approval of a piling method statement
 15. Implementation of submitted noise mitigation scheme unless otherwise agreed
 16. Provision of travel packs to each of the proposed new dwellings prior to occupation
 17. Provision of electric vehicle infrastructure for each dwelling
 18. Prior submission/approval of a dust mitigation scheme
 19. Prior submission/approval of a Phase 1 Contaminated Land Report
 20. Prior submission/approval of soil verification report
 21. Prior submission/approval of acoustic fence mitigation details
- (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 Principal Planning Manager (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.

52 16/2557N LAND ADJACENT TO THE COTTAGE, CHESTER ROAD, ALPRAHAM: TWO DETACHED DWELLINGS WITH ASSOCIATED GARAGING FOR MR & MRS FRANK AND PAT HARDING

The Committee considered a report regarding the above planning application.

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

1. A01AP Development in accord with approved plans
2. A03FP Commencement of development (3 years)
3. A02EX Submission of samples of building materials
4. A01GR Removal of permitted development rights
5. A06GR No windows to be inserted
6. A04NC Details of drainage
7. A02LS Submission of landscaping scheme
8. Obscure glazing
9. Levels
10. Tree protection
11. Positive and proactive

12. Section s184 licence
13. Construction hours
14. Contaminated land

53 SITE AT MANCHESTER ROAD, CONGLETON

The Committee considered a report regarding planning application 14/4451C, which had been considered by the Southern Planning Committee on 26 April 2016.

It had subsequently been noted that the site was located within the ward of Eaton, within the administrative boundary of the former Borough of Macclesfield, rather than in Congleton, as referred to in the report. Accordingly, the Local Plan in force for this site was the Macclesfield Borough Local Plan 2004, and not the Congleton Borough First Review Revised Local Plan 2005.

RESOLVED – That the recommendations in the report be noted and that the resolution to grant planning permission subject to completion of a s106 legal agreement and conditions be confirmed in the light of the correction to the policy framework to refer to the Macclesfield Borough Local Plan rather than the Congleton Plan.

The meeting commenced at 10.00 am and concluded at 3.15 pm

Councillor M J Weatherill (Vice-Chairman, in the Chair)

Application No: 16/1987N

Location: Basford Old Creamery, NEWCASTLE ROAD, CHORLTON, CW2 5NQ

Proposal: New industrial building replacing existing buildings, retaining B1, B2 and B8 classifications

Applicant: Total Concrete Products Ltd

Expiry Date: 28-Jul-2016

SUMMARY:

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions, there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

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

RECOMMENDATION:

Approve subject to conditions.

CALL IN

This application has been called in by Cllr Janet Clowes for the following reasons:

“Weston and Basford parish Council has asked me (as Ward Councillor) to Call-In this application. Their concerns relate to:

- 1. Lack of adequate acoustic mitigation conditions*
- 2. Acoustic mitigation to the building and to the site boundaries to be completed prior to work resuming in the new building*
- 3. The need for appropriate warning signage on left-hand entry to the site from the west (bridge side) and egress from the site turning right onto the bridge of Newcastle Road*
- 4. That HGV traffic movement is restricted through Weston village (routes to be limited to A500 and Shavington By-Pass)*

5. *That due to the new constrained nature of this site, no further related or other industrial process plant be permitted on site*
6. *That all acoustic mitigation conditions associated with the phase 1 application (15/4224N) be completed (as stated in that decision notice) before phase 2 (16/1987N) construction commences in order to safe guard the amenity of residents living adjacent to the site to the west and south*

PROPOSAL

This application is for a new industrial building, to replace existing buildings, retaining the B1, B2 and B8 Use Classes. The new replacement building would be single storey, constructed of insulated, composite steel panels. The existing brick buildings would be demolished.

SITE DESCRIPTION

The site consists of a substantial range of vernacular traditional agricultural buildings that currently have consent for office/light industrial use and general storage/distribution and a new replacement industrial building.

To the front of the site, adjacent to the access and Newcastle Road is Basford Bridge Cottage a Grade II Listed Building in a very poor state of repair. A main railway line runs alongside the western boundary of the site. The site is adjacent to, but just outside the HS2 Safeguarding Zone.

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

RELEVANT HISTORY

P03/0367	2003	Conversion to Office/Light Industrial Use and General Storage / Distribution
P08/0782	2008	Renewal of Previous Consent (P03/0367) for Conversion to Office / Light Industrial Use and General Storage / Distribution.
11/2911N	2011	Extension to Time Limit of Application P08/0782 for Renewal of Previous Consent (P03/0367) for Conversion to Office/Light Industrial Use and General Storage/Distribution
15/0556N	2015	Approval for modular building and change of use of existing B8 unit to B2
15/4224N	2016	Approval for demolition of existing buildings and erection of replacement detached single storey industrial unit for B1, B2 and B8 classifications. Erection of acoustic walling to boundaries.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14 and 19.

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
E.4 – Existing Employment Sites
E6 – Employment in Open Countryside
NE.17 – Pollution Control

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

Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (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
EG1 Economic Prosperity

CONSULTATIONS:

Highways: No objection.

Environmental Protection: Recommend conditions/informatives relating to hours of working, hours of operation of the business, noise and vibration and contaminated land.

United Utilities No objection subject to conditions.

Weston & Basford Parish Council: Have concerns relating to noise, disturbance, compliance with conditions, they also express concerns about health and safety on the site. They also request signage and traffic mitigation methods. They also request further development on the site is restricted.

This can be viewed in full on the website.

Hough & Chorlton Parish Council: Have concerns relating to noise, road safety, working hours, parking and health and safety on the site.

This can be viewed in full on the website.

REPRESENTATIONS:

At the time of report writing, no objections have been received relating to this application.

APPRAISAL

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

Principle of Development

The site is on an existing industrial area, within the Open Countryside. Policy E.4 states that *“proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted.”*

The building would be for an industrial use within an existing employment site and is therefore considered to be acceptable in principle.

The use as B1 (Office/light industrial), B2 (General Industrial) and B8 (Storage) on this site has already been approved on the site and is therefore also acceptable in principle.

The issue in question is whether this proposal represents sustainable development and whether the requirements of other policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework (NPPF).

Sustainability

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Design & Layout

The proposal involves the demolition of the existing brick buildings as they are no longer suitable for the industrial uses for which they are required. The modular building is a flat roofed structure and given its temporary nature in this industrial context, the design is considered to be acceptable.

The buildings to be demolished are no longer of a standard for their current use. The replacement buildings would have a typical industrial appearance that is considered to be acceptable within this existing industrial area.

The proposal is therefore considered to be in compliance with Policy BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan.

Highways

The proposal will increase the size of the gross floor area from 703sqm to 1,559sqm. The parking provision will be retained and the existing vehicle access onto Newcastle Road will be utilised.

The site access width is adequate and visibility of over 200m is achievable to the east and approximately 150m to the west. Accident data indicates no existing safety concerns.

Although off-road parking provision is not being increased, it currently exceeds Cheshire East Council's recommended levels and the proposal will bring them in line.

Both Hough and Chorlton and Weston and Basford Parish Councils have stated that large vehicles should not be allowed to turn right out of the site, nor turn left into the site as they consider visibility to be sub-standard and they have also requested warning signage and road markings be provided. However, given the assessment of the Head of Strategic Infrastructure that visibility is acceptable at the access, this would not be reasonable, necessary or indeed enforceable.

It is therefore considered that the proposal is acceptable in highway terms and is in compliance with Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

With regard to the economic role of sustainable development, the proposed development will provide employment both operationally and during the building works.

Having regard to HS2, the site is adjacent to the Safeguarding Zone. HS2 have been consulted on the proposal and have no objection subject to a condition relating to submission of a detailed design and method statement for the construction of the building.

SOCIAL SUSTAINABILITY

Residential Amenity

The site is located in Open Countryside, with the nearest residential property being on the opposite side of Newcastle Road and other residential properties approximately 270 metres to the west.

The proposal has potential for noise breakout from the commercial units to cause a significant loss of amenity to neighbouring properties. This is mentioned a number of times in the Design & Access Statement submitted with the application.

Subsequent to concerns expressed by Environmental Protection, the applicant has submitted further information with respect to noise. The information submitted confirms that the building will be constructed so as to minimise noise breakout, and the site layout is such that noise from external operations will be reduced from the present situation.

As such it is felt that the application can be conditioned as follows;

- Operational hours (including deliveries to and from the site) shall be restricted to the following:
 - Monday to Friday 08:00 – 18:00
 - Saturday 08:00 – 14:00
- Concrete cutting operations that take place outside the buildings shall be restricted to the acoustic cutting area shown on the Proposed Site Plan drawing 2596-ACJ-04 Dated 12th April 2016
- All other fabrication activities shall take place inside the building with doors closed except when required for access or egress.

In addition, should external lighting be proposed on the site, details should be submitted for approval by the Local Planning Authority.

Listed Building

The proposed works to remove the existing converted brick building will not have a detrimental impact on the historic setting of the listed former dairy farmhouse, as this building has little remaining historic interest.

The proposed works to build a replacement building will similarly have a limited impact on the setting of the former dairy farmhouse, given the existing use of the site, the replacement building's single storey height and its set back from the former dairy farmhouse.

Conclusion – The Planning Balance

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions; there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

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

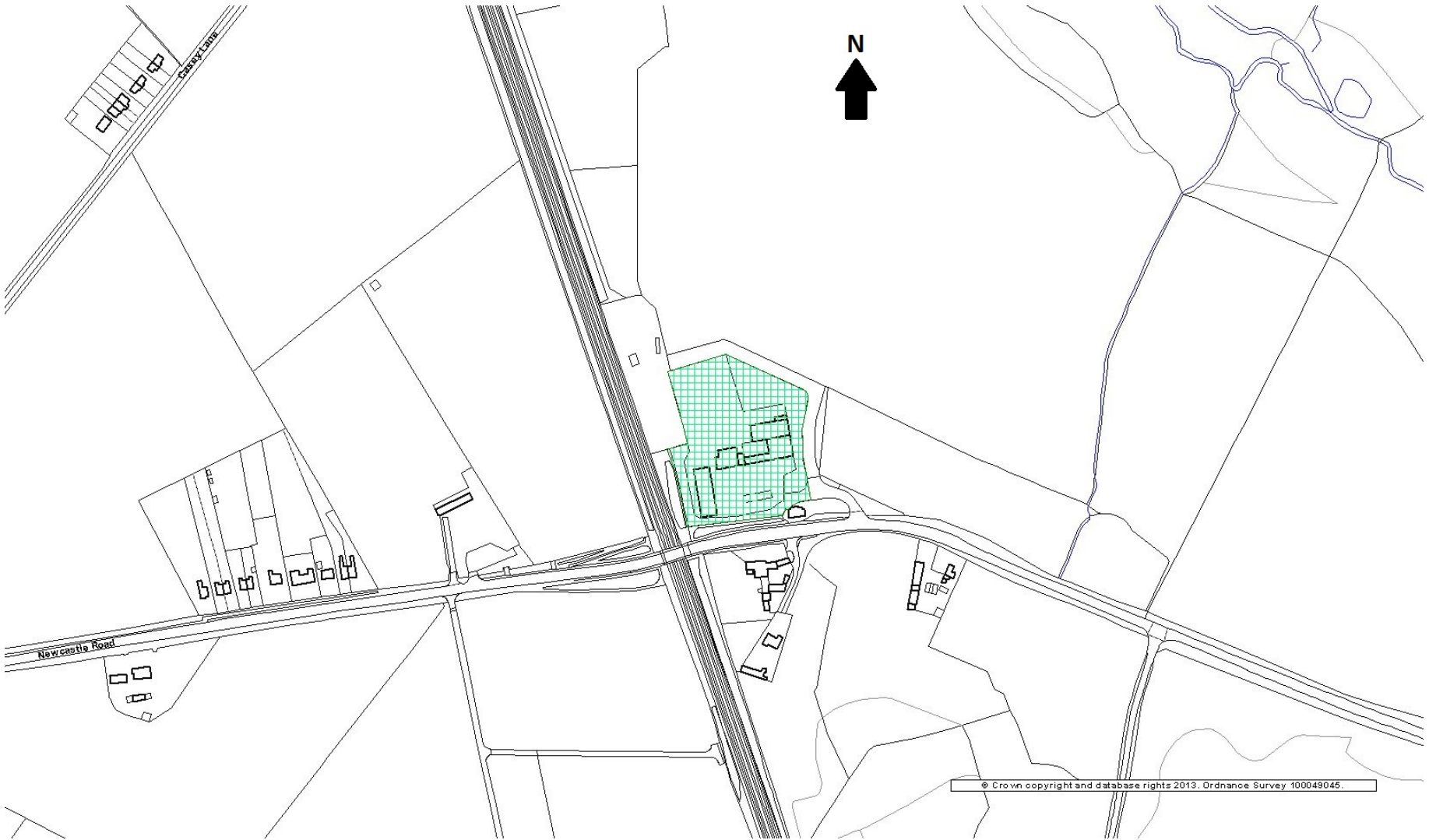
RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Restriction on operational hours (including deliveries to and from the site) to 8am to 6pm Monday to Friday, 8am to 2pm Saturday and no working on Sundays or public holidays**
- 5. Restriction on the hours of steelwork fabrication to 8am to 6pm Monday to Friday with no working on Saturdays, Sundays or public holidays**
- 6. Submission of details of external lighting**
- 7. Concrete cutting operations that take place outside the buildings shall be restricted to the acoustic cutting area**
- 8. All other fabrication activities shall take place within the building**
- 9. While fabrication and concrete work is taking place inside the buildings, all external doors shall remain closed**
- 10. Submission of a detailed design and method statement including the structure and foundations of the proposed building (for HS2 Safeguarding)**
- 11. Provision of an electrical vehicle charging point**

12. Submission of phase I Preliminary Risk Assessment and if necessary a Phase II Ground Investigation and Risk Assessment (Contaminated Land)

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: 16/3387N

Location: Land South Of, HASSALL ROAD, WINTERLEY

Proposal: Outline application for the erection of 29 dwellings with associated works.
(Re-submission of 15/2844N)

Applicant: HIMOR (Land) Limited

Expiry Date: 11-Oct-2016

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

The development would have a neutral impact upon education, protected species/ecology, highways/accessibility, drainage, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside, the loss of agricultural land and loss of important hedgerows.

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

RECOMMENDATION

Approve subject to the completion of a S106 Agreement and the imposition of planning conditions.

PROPOSAL

This is an outline planning application for the erection of 29 dwellings. Access is to be determined at this stage with all other matters reserved.

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

SITE DESCRIPTION

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

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

RELEVANT HISTORY

15/2844N - Outline application for the erection of 47 dwellings with associated works – Refused 1st October 2015 for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.*
- 2. The proposal would result in loss of the best and most versatile agricultural land and the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.*
- 3. The application includes insufficient information to demonstrate that the proposed development would not involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Therefore the scheme is contrary to Policy NE.5 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and guidance contained within the NPPF.*
- 4. The proposed development is located within Open Countryside and would have a severe adverse impact upon Hassall Road, Pool Lane and Coppice Road due to the sub-standard nature of these highway routes. As a result the development would not achieve a safe and suitable*

access to the site for all people and this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies BE.3, TRAN.1 and TRAN.3 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the National Planning Policy Framework (paragraph 32).

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS

United Utilities: No objection subject to the imposition of drainage conditions

Head of Strategic Infrastructure: No objection subject to the imposition of planning conditions and a S106 Agreement to secure a sum of £33,750 towards traffic calming measures.

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

CEC Strategic Housing Manager: No objection.

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

Ansa (Public Open Space): No objection in terms of open space provision and the proposed play facility would be acceptable.

CEC Education: A secondary school education contribution of £65,370.76 is required. There is no requirement for a primary school education contribution.

VIEWS OF THE PARISH COUNCIL

Haslington Parish Council: No comments received

REPRESENTATIONS

Letters of objection have been received from 57 local households raising the following points:

Principal of development

- Winterley is under siege from developers
- There is a sufficient number of dwellings in Winterley
- Winterley does not have any facilities and is not sustainable
- Loss of another greenfield
- The site is within the open countryside
- This application has previously been refused and there are no material changes to the application
- The development is contrary to policies within the Crewe and Nantwich Local Plan
- The SHLAA identifies that this site is unsustainable
- The development is not commensurate to the size of Winterley
- There is plenty of empty housing in the locality
- There are a number of housing developments under way in this area
- Intrusion into the open countryside
- The area is overpopulated
- Loss of peaceful open countryside
- Winterley is being transformed into a large housing estate
- The dwellings will not be affordable to local people
- The applicant is relying on appeal decisions
- The reports submitted by the applicant are biased towards this application
- The large number of housing developments approved in Sandbach means that no housing is required in Winterley
- The development will destroy the character of Winterley
- The lack of a 5 year housing land supply does not automatically mean that developments should be approved.
- The development is contrary to the NPPF
- Loss of village identity
- Sensitive boundary treatment details will be required to plots 24 and 29
- There is plenty of brownfield land available within the Borough
- The applicant has not demonstrated a demand for housing in Winterley
- Winterley has taken its fair share of housing
- Loss of agricultural land which is BMV
- The development will result in an urban extension to Winterley
- The housing proposed will be the same as all other developments in the area
- The application is premature ahead of the Cheshire East Local Plan

Highways

- The existing bus service is not reliable
- The access is via a narrow country lane and is used by pedestrians, cyclists and horse riders
- Increased traffic
- Highway safety
- The development will be car dependent
- Pool Lane is too narrow
- The road network suffers from speeding vehicles
- On street parking hampers vehicles when turning out of Hassall Road onto Crewe Road
- There are errors within the supporting transport statement

- Severe adverse impact upon the local network of narrow lanes
- The addition of footways on part of Hassall Road does not address the highways concerns
- Hassall Road suffers from ice during winter
- Access problems during the construction phase of the development
- Drainage problems along Hassall Road
- The accessibility of this site has previously been described as very poor
- No footpaths and the site is not accessible by people with footpaths or wheelchairs
- Lack of footpaths along Hassall Road
- Cheshire East should provide an independent highways assessment of this development
- The development does not meet the accessibility standards
- Hassall Road is not wide enough to allow two vehicles to pass
- The roads are in a poor state of repair
- The local roads are used as a rat run
- The site access is located at a dangerous bend in the road
- Hassall Road and other roads within the vicinity of the site are used by large farm vehicles

Green Issues

- Impact upon wildlife
- Loss of habitat
- Land drains cross the site and there is a potential impact upon Winterley Pool
- An independent ecological assessment should be carried out by Cheshire East
- It is unclear if the applicants ecologist has visited the site or the ecology report is a desk based exercise
- The survey work was undertaken at a poor time of year
- Impact upon protected species
- The site is well used by bird species

Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- Their impact upon local schools will be exacerbated by the approved developments in the area
- Drainage/Flooding problems
- Lack of medical facilities in the village
- Doctors surgeries are full
- The letter from United Utilities is a standard letter and does not consider the impact of this development
- There is a pump station shown on the submitted plans and the site has been known to flood in the past
- There is no superfast broadband in Winterley
- No shops in the village

Amenity Issues

- Negative impact upon the living conditions of the adjoining residential properties
- Increased pollution
- Increased light pollution
- Increased dust

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

Design issues

- The suburban nature of the development would be harmful to the area

Other issues

- Impact upon property value
- Committee members should inspect every site
- Letters of objection should be reported in more detail
- Potential impact upon the adjacent graveyard wall through the construction works
- The system is biased in favour of the developer
- More housing means more dogs and more dog mess
- Intrusive development which would overlook a graveyard

A letter of objection has been received from the Hassall Road Traffic Watch Group raising the following points;

- The local roads are unable to absorb any additional traffic
- Increase in accidents
- There was a recent accident in August 2016 at the Pool Lane/Hassall Road/Sandy Lane crossroads
- The objection provides a number of photographs of traffic issues in the area
- Neither Coppice Road nor Hassall Road have any drains and surface water frequently stands on the road surface.
- Neither Coppice Road nor Hassall Road receive gritting during winter
- The access point to serve the site is not located on a safe stretch of road
- Coppice Road only has a limited stretch of pavement
- Lack of visibility on the narrow lanes
- The application includes no consideration of pedestrian safety
- The existing highway network is sub-standard
- Parked vehicles obstruct traffic movements on the narrow lanes

APPRAISAL

The key issues are:

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

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works

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

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

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

Housing Land Supply

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.

Spatial Distribution

The Southern Planning Committee has previously resolved to refuse an application to the south of the site which includes the contention that the development would exceed the spatial distribution of housing in Winterley.

As part of an appeal decision (which was dismissed on amenity grounds) for a site at Pool Lane, Winterley (14/3962N) which was issued in February 2016 an Inspector provided the following comments in relation to this issue;

'I am mindful of the residential schemes already granted permission in Winterley. It may be that a view will need to be taken as to when incremental development is such that further housing in Winterley is no longer 'sustainable'. This will largely be a matter of judgment. On the basis of the evidence before me, however, I am not persuaded that the level of development proposed, which is only 34 extra dwellings above those already permitted on a large proportion of the site, would give rise to an unsustainable pattern of development. Nor would it be of such a scale, or the emerging plan so far advanced, that it could reasonably be regarded as undermining or prejudicing the plan making process'

The Inspector then went onto make an award of costs against the Council due to unreasonable behaviour in relation to the reason for refusal relating to spatial distribution.

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

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

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

'the proposal would involve expansion of Winterley's physical envelope, but would be unlikely to fundamentally alter the character of the settlement or of views out from the centre of the village, even allowing for other development already approved. The village would clearly remain as a small-medium sized settlement in a rural setting. The appropriateness of the village for future development, including the concern raised about imbalance between the north and south of the borough, is a matter to be resolved by the CELP'

In another recent appeal decision dated August 2016 at East Avenue, Weston (15/1552N) for up to 99 dwellings the Inspector did not accept the argument of spatial distribution and she concluded that;

'Moreover, it would be located behind existing residential development and so the scale of development would not be readily perceived from within the village itself. I recognise that vehicular and pedestrian activity in the village would increase, but the Council produced no substantiated evidence to demonstrate how that would adversely affect the scale or function of the settlement. There is no suggestion either, that the development proposed would necessitate an increase, for example, in healthcare provision in the village, or would require additional infrastructure (other than a primary school contribution which is addressed below) such that there would be harm to its scale or function'

The Inspector then went on to find that there would be no conflict with CELP policy PG6;

'During the Inquiry the Council confirmed that, were the appeal scheme to go ahead, the status of Weston as a rural settlement within the lowest tier of the hierarchy of both the development plan and the emerging Plan, would not change. Moreover, policy PG6 specifically anticipates that settlements within this lowest tier of the hierarchy will accommodate somewhere in the order of 2,950 new homes over the Plan period. That does not tell against the principle of the development proposed and I find no conflict with the policy in this regard'

As can be seen from the above appeal decision the issue of spatial distribution has been raised on a number of occasions and has not been determinative in any of the appeals.

The Inspector at Pool Lane (14/3962N) does make the comments that a view will need to be taken as to when new development in Winterley is no longer sustainable but at that point (February 2016) it had not been reached. Since the determination of this appeal there have been a number of applications submitted in Winterley but none have been approved (this does not include reserved matters applications as the housing numbers within the outline applications were already considered by the Inspector at Pool Lane).

Additionally it should be noted that the Reserved Matters approval at Kents Green Farm was for a smaller number of units than the outline approval. As a result there will be less dwellings delivered in Winterley than originally considered by the Inspector in February 2016. The addition of 29 dwellings as part of this application would not give rise to an unsustainable pattern of development and as a result a reason for refusal could be defended on the grounds of the impact upon the spatial distribution.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Haslington and Englesea sub area for the purposes of the SHMA update 2013. This identified a net requirement for 43 affordable homes per annum for the period 2013/14 – 2017/18. This comprises a need for 1 x 1 bed, 11x 2 bed, 19 x 3 bed & 10 x 4+ bed general needs units and 1 x 1 bed and 1 x 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 56 applicants who have selected the Haslington lettings area as their first choice, these applicants require 23 x 1 bed, 20 x 2 bed, 10 x 3 bed and 3 x 4bed units.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the

total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure.

This is a proposed development of 29 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings (Six units should be provided as Affordable rent and 3 units as Intermediate tenure).

In this case the applicant has confirmed that they will provide the required level of affordable housing as part of this development. The Strategic Housing Manager has confirmed that this is acceptable.

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

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 1,015sq.m and the indicative plan shows that the developer will provide this with the central portion as shown on the indicative plan measuring at 1,250sq.m. As such the level of open space meets the Council's requirements under Policy RT.3.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 5 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3. This would provide an important benefit to the residents of Winterley which do not currently have a formal children's play area.

Education

An application of 29 dwellings is expected to generate 6 primary aged children and 4 secondary aged children.

In terms of primary school education, the proposed development would be served by Haslington Primary, The Dingle Primary, Sandbach Community Primary and Wheelock Primary. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a primary school contribution.

From the table below which it can be seen that by 2020 there will be 108 spaces within the local primary schools. It should be noted that this table takes into account the existing committed developments within the catchment areas of the schools listed below.

	PAN Sep 16	PAN Sep 17	NET CAP May-16	any Known Changes	PUPIL FORECASTS based on October 2015 School Census					
					2016	2017	2018	2019	2020	Comments
Primary Schools										
haslington	45	45	315	315	260	263	267	262	259	
the dingle	50	50	350	350	332	360	368	362	370	
sandbach primary	15	15	105	105	98	114	120	125	129	
wheelock	45	45	315	315	287	302	319	317	316	
Developments with S106 funded and pupil yield included in the forecasts				103						
Developments pupil yield not included in the forecasts									1	
Pupil Yield expected from this development									5	
OVERALL TOTAL	155	155	1,085	1,188	977	1,039	1,074	1,066	1,080	
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					211	149	114	122	108	
PRIMARY CONCLUSION - NO CLAIM										

In terms of secondary schools, there are four which would serve the proposed development (Alsager School, Sir William Stanier Community School and Sandbach High School Boys and Girls) and the proposed development would generate 4 new secondary places which cannot be accommodated (see table below). As there are capacity issues at these local schools the education department has requested a contribution of £65,370.76.

	PAN Sep-15	PAN Sep-16	Net Cap May-15	Revised Net Cap 2016	Pupil forecasts based on October 2014 School Census						
					2016	2017	2018	2019	2020	2021	2022
Secondary Schools											
Alsager School	235	235	1175	1175	1119	1176	1241	1280	1265	1251	1246
Sir William Stanier	210	210	1050	1050	802	864	897	1013	1047	1143	1193
Sandbach High	210	210	1074	1074	1081	1142	1243	1257	1309	1320	1373
Sandbach School	210	210	1050	1050	1012	1089	1030	1137	1155	1179	1169
Developments with S106 funded and pupil yield included in the forecasts				272							0
Developments with no S106 funded and pupil yield not included in the forecasts											120
Children expected from 16/3387N											4
Overall total	865	865	4,349	4,621	4,014	4,271	4,411	4,687	4,776	4,893	5,105
Overall surplus places projections					607	350	210	-66	-155	-272	-484

This will be secured via a S106 Agreement should the application be approved.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. Although no consultation response has been received from the NHS a search of the NHS Choices website shows that there are 3 GP practices within 3 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

Location of the site

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

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

- Amenity Open Space (500m) – would be provided on site

- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 50m
- Public House (1000m) – 350m
- Public Right of Way (500m) – 500m
- Child Care Facility (nursery or crèche) (1000m) - 200m
- Community Centre/Meeting Place (1000m) – adjacent to the site

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3800m
- Outdoor Sports Facility (500m) – 1600m
- Convenience Store (500m) – 1700m
- Primary School (1000m) – 1700m
- Pharmacy (1000m) – 2000m
- Post office (1000m) – 2000m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is supported by the Inspectors recent appeal decision at Pool Lane where the Inspector stated that:

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

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

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

Air Quality

The proposed development is not close to any air quality management areas (AQMA's) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. In order to mitigate this development conditions in relation to dust control and electric vehicle infrastructure and contaminated land will be attached to any permission.

Contaminated Land

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A Phase I Preliminary Risk Assessment has been submitted in support of the application. Although a low risk from potential soil contamination was revealed, potential risks from ground gas require further assessment. A Phase II ground investigation has been recommended and this could be secured through the imposition of a planning condition.

Public Rights of Way

There are no PROW located on the application site.

Highways

Access

The application is an outline application for residential development consisting of 29 units and the access will be taken from Hassall Road. There is a single access proposed to serve the development that is 4.8m wide carriageway and two 1.8m footways on either side of the access road.

The applicant has submitted a priority junction design to serve the site, a speed survey has been undertaken to determine the approach vehicle speeds so that the appropriate visibility splays can be calculated. The submitted speed surveys show that the average speed along Hassall Road is 26.8mph in the eastbound direction and 22.7mph in the westbound direction.

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

Traffic impact

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

The proposed development would generate 17 two-way trips during the AM peak hour and 18 two-way trips during the PM peak hour with 146 vehicle movements over a 24 hour period (weekdays only as weekends would be lower). In addition it should be noted that the network of lanes within the vicinity of the site is low with the applicants Transport Statement identifying that day time vehicle flows are typically 1 vehicle every 2.5 minutes on Hassall Road.

Previous Reason for Refusal

There were a number of highway concerns raised on the previous application that resulted in a refusal of permission. The applicant has sought to address these concerns in the current proposal. In regards to the traffic impact of the development the reduction in units (from 47 to 29) would reduce the number of trips that the site would generate on the road network, whilst the development would increase traffic levels using the local rural roads it is not considered that the number of trips would result in a material impact.

The main highway concern is whether there is safe and suitable access being provided to the site for pedestrians. This was a key issue in the consideration of the previous application, given that the accessibility of the site given that the rural access roads connecting to the site do not have footway provision. The applicant has considered this issue and has proposed a new section of footway on the frontage of the site extending from the eastern boundary of the site to the junction with Coppice Road. There is no continuous footway connection from the end of the proposed frontage footway on Hassall Road to Crewe Road, the applicant has provided count data that indicates that the vehicular use of Hassall Road is relatively low and there have been no personal injury accidents recorded.

In addition, the applicant has proposed a Quiet Lanes approach that involves erecting signage to inform drivers of an area where vulnerable road users will be present. Improved street lighting is on the Hassall Road is also being proposed as part of the improvement measures.

Highways Conclusion

In comparison with the previous application, the reduction in the number of units proposed on the site has reduced the level of traffic generation and whilst there are increases in traffic on the rural road network, this would not be to such a level that can be considered to be a severe impact.

The accessibility of the site mainly in regard to the pedestrian access is a primary concern as indicated in the NPPF where safe and suitable access should be achieved. The site will not be fully connected to the pedestrian network with a segregated footway although the provision of a new footway given the narrow nature of Hassall Road is not possible given land ownership constraints.

The applicant has surveyed the vehicular usage of Hassall Road and the number of vehicles using Hassall Road is very low and therefore the pedestrian/vehicle interaction is likely to be infrequent.

The highways recommendation on this application is a balanced one, recognising that the site is not connected to the footway network. However, given that there has been a reduction in the level of development, traffic generation and pedestrian trips it considered that the proposal is acceptable subject to a S106 Agreement for £33,750.00 for the traffic calming measures

As such the Head of Strategic Infrastructure raises no objection to this development.

Trees/Hedgerows

Trees

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

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

As with the previous scheme, access improvements, forward visibility and widening of Hassall Road will require the removal of 5 trees and 5 groups (totalling 45 stems) located within the North West section of the site and an Ash tree located to the southern boundary. These trees are primarily low (Grade C) category specimens of no outstanding merit or significant contribution to the wider amenity of the area.

The revised layout makes provision for the retention of a High (A) category Weeping Willow (T8) within the northern section of the site. Under the previously submitted application this tree was inappropriately retained within a rear garden, but is now within open space, although regard will have to be given to the position of the pump station and application of root protection areas.

Reference is made in the supporting Arboricultural Assessment to two Oak trees (T4 and T7) with developing veteran tree characteristics. It is necessary that such trees are given adequate space to ensure their long term retention and to avoid retention of large trees within private rear gardens. Oak (T4) is shown on the rear garden boundary of a residential plot. Oak (T7) is located offsite but the position of the proposed internal access appears to interface with the trees RPA. In both cases any future reserved matters application should take these matters into consideration in the design to ensure their effective long term retention and supported by a revised Arboricultural Impact Assessment and Tree Protection Scheme.

From an Arboricultural perspective the Councils Tree Officer has no objections to the outline proposals subject to the imposition of planning conditions.

Hedgerows

The proposed access around the existing entrance will also require the removal of a Hawthorn/Holly hedgerow (H1 of the assessment) which has been identified in the submitted Hedgerow Statement (Cotswold Archaeology) as an Important Hedgerow under Part II of the Hedgerow Regulations 1997 for Archaeology and History in that the hedgerow is associated with the road that comprised the parish boundary (criterion 1) and is identified on the 1839 Tithe Map (criterion 5) as being present at the time of the Inclosure Act.

Other hedgerows located on the western, southern and a shorter section on the eastern boundary of the site have also been identified as important by virtue of Criterion 5 of the Regulations. Whilst the Hedgerow Statement advises that these hedgerows would be retained under the outline scheme, the majority of these retained sections of hedgerow would form the rear garden boundaries of residential gardens, which would effectively exclude them from being 'Important' under the Hedgerow Regulations.

The loss of the important hedgerow at the access to the site will need to be considered as part of the planning balance.

Design

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

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

In this case the proposal would have a density of 13.7 dwellings per hectare this is consistent with the surrounding residential areas of Winterley (this is lower density than the approved development at Pool Lane).

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Landscape

The application site is flat and is well enclosed. The application has been considered by the Councils Landscape Architect who considers that a housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

If the application is approved a number of conditions will be attached to protect/enhance the landscape on this site.

This view is supported by the Inspectors comments on a more open site to the south-west of this site at the junction of Crewe Road and Pool Lane. As part of this appeal decision the inspector found that:

'The development would result in a noticeable change particularly when viewed from Crewe Road. However, change that can be noticed is not in itself necessarily harmful. Having extensively toured the surroundings roads and attempted to view the appeal site from a variety of publicly accessible vantage points, this scheme would result not in material harm to the character and amenity of the countryside'

Ecology

Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Councils Ecologist advises that the proposed development is unlikely to have a significant long term adverse impact up the ecological features for which Winterley Pool was designated.

Tree with bat roost potential

A tree (Tree 4 on the arboricultural report) has been identified on site as having potential to support roosting bats. No evidence of roosting bats was however recorded during the submitted ecological surveys. This tree would be retained as part of the proposed development. The Councils ecologist advises that roosting bats are not reasonable likely to be affected by the proposed development.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted the Councils Ecologist recommends the imposition of a condition relating to Hedgehog mitigation.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The development of this site would result in the loss of a section of hedgerow to facilitate the site entrance. The Councils Ecologist advises that it must be ensured that this loss is compensated for through the provision of compensatory hedgerow planting as part of any detailed landscaping scheme produced for the site.

Provision for roosting bats and nesting birds

If outline planning consent is granted the Councils Ecologist recommends that a condition be attached requiring the submission of proposals for the incorporation of features for nesting birds and roosting bats as part of any future reserved matters application.

Other Protected Species

No evidence of other protected species activity was recorded on site. However, as the status of other protected species on a site can change. The Councils Ecologist recommend that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated protected species survey.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

ECONOMIC SUSTAINABILITY

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

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the Agricultural Land Assessment indicates that MAFF identified that the site was mainly Grade 2 with some areas to the north being Grade 3. The submitted agricultural land assessment states that the proposed development site has a gross farmable area of just 1.82 hectares of which just 1.17 hectares is fully utilisable. The loss of such a small, awkwardly shaped parcel is agriculturally insignificant.

This view is consistent with the recent appeal decision at Pool Lane where the Inspector found that:

'the loss of B&MV agricultural land does not weigh heavily against the development'

As a result this issue needs to be considered as part of the planning balance.

CIL Regulations

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

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

There are concerns over the proposed pedestrian accessibility of the site and in order to mitigate this impact a contribution of £33,750 is required to secure traffic calming measures. It is necessary to secure these works to mitigate the impact of the development. This contribution is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary schools which would support the proposed development, a contribution towards secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in Winterley and there is no such facility.

- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral subject to mitigation
- It is considered that a safe and suitable access to the site can be achieved subject to the required traffic calming measures contribution. The highways impact of the development is considered to be acceptable.

The adverse impacts of the development would be:

- The loss of open countryside (as part of the appeal decision on the land directly to the south-west of the site the Inspector found that *'I accept that the field may be of value to local residents in visual terms, it is not of particularly remarkable landscape value of itself nor does it play a significant role in the wider countryside setting of Winterley'* he then went onto conclude that *'the appeal proposal would conflict with the countryside development policies of the adopted development plan, noted above. Nonetheless, I consider that this conflict is outweighed by the lack of a five-year supply of deliverable housing sites'*
- The loss of agricultural land (this does not weigh heavily against the development as per previous appeal decisions)
- There would be a small loss of important hedgerows as part of this development but replacement hedgerow planting could be secured as part of the reserved matters stage

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

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - **The numbers, type, tenure and location on the site of the affordable housing provision**
 - **The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - **The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
 3. Secondary School Education Contribution of £65,370.76
 4. A contribution of £33,750 towards traffic calming measures

And the following conditions:-

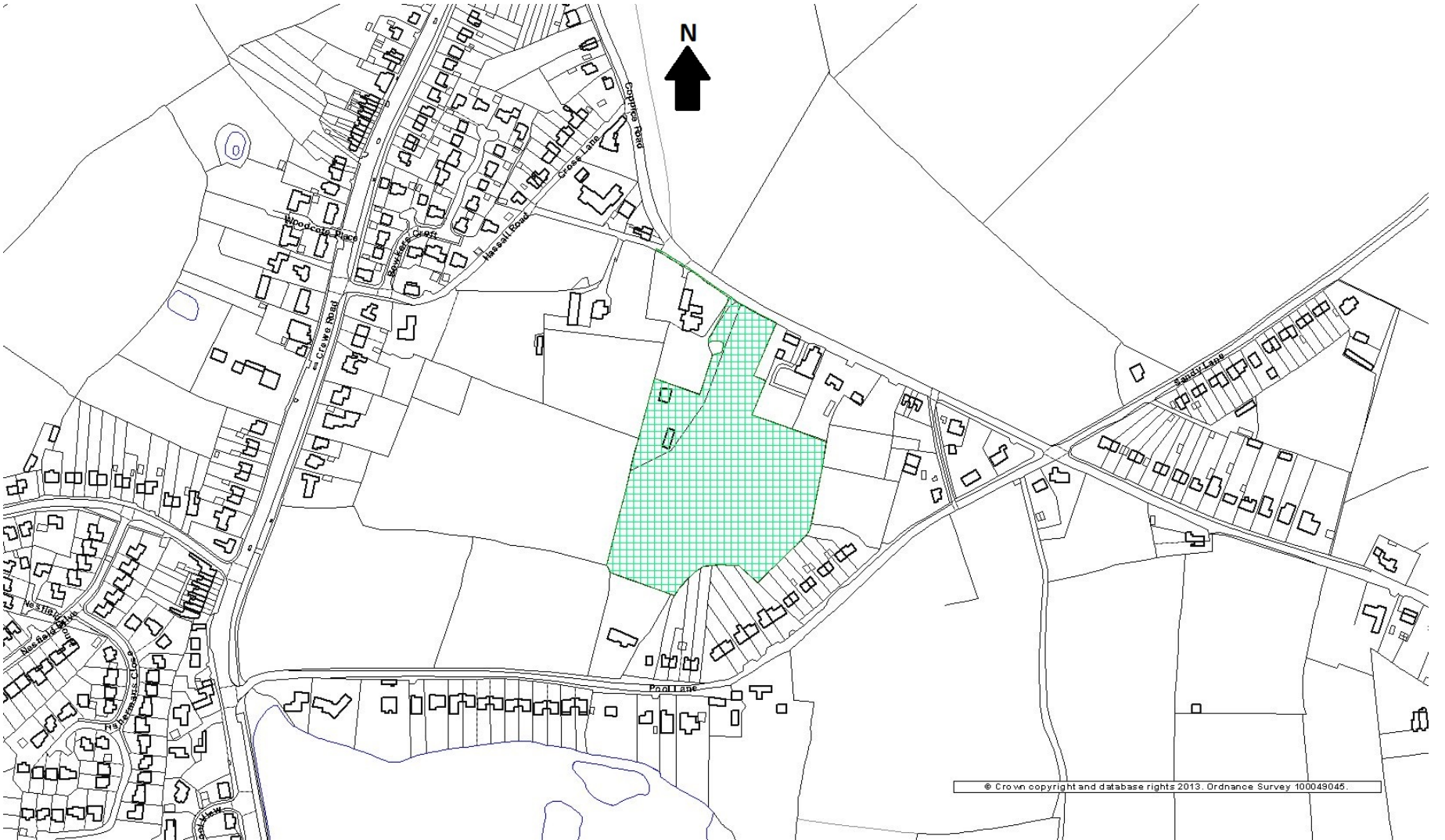
1. Standard Outline
2. Submission of Reserved Matters Time limit for submission of reserved matters
3. Approved Plans
4. Details of existing and proposed land levels to be submitted for approval in writing
5. Surface Water Drainage Scheme to be submitted for approval in writing
6. Scheme of SuDS to be submitted for approval in writing
7. Contaminated land
8. Environment Management Plan for the construction phase of development
9. Electric Vehicle Infrastructure
10. Hedgehog Mitigation Measures to be submitted for approval in writing
11. Nesting bird and bat mitigation measures
12. Reserved Matters application to include replacement hedgerow planting
13. Arboricultural Impact Assessment and Method Statement to be submitted for approval in writing
14. Prior to the occupation of the development the pedestrian footway to be constructed
15. Construction of access and visibility splays

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company
3. Secondary School Education Contribution of £65,370.76
4. A contribution of £33,750 towards traffic calming measures



Application No: 16/2158N

Location: Valley House, 11, WALTHALL STREET, CREWE, CW2 7JZ

Proposal: Proposed construction of apartments

Applicant: Dr D Fyles

Expiry Date: 02-Aug-2016

Summary

The application site lies entirely within the Settlement Boundary of Crewe as determined by the Crewe and Nantwich Local Plan 2011.

The proposed development for a three and a half storey block of flats with 14 units including parking and amenity facilities is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, the amenity of the neighbouring properties, or highway safety. The development is therefore considered to comply with the relevant policies in the Local Plan and a recommendation of approval is made.

SUMMARY RECOMMENDATION

Approve subject to Conditions

DEFERRAL

The application was deferred by the Southern Planning Committee at the meeting on 31st August 2016 to allow for a site visit and for further information relating to the approved plans for the apartment block to the north. This is because conditions had not been complied with on this site.

A response to this is set out below:

- The bin store was removed and a new communal bin store is part of the proposed application servicing both sites and falling within the site edged in red. The size and capacity of the bin store has been confirmed as being adequate by ANSA waste services. The previous bin store for the existing apartments was removed due the old boundary wall falling down and becoming dangerous. The debris from the wall was cleaned up however no new bin store was erected due to the impending current proposal. This has unfortunately resulted in bins on wheels moving around the car park as there was nothing to fix them to. The managing agent currently attends site every week to ensure the site is

clean and tidy and the bins kept sensibly, and it is intended for the same managing agent to oversee both sites when complete.

- Cycle storage – a revised location for the cycle storage facility is proposed under the current application due to the removal of the crumbling, dividing boundary wall
- The electrical vehicle charging unit has now been fitted at the existing apartment block
- Landscaping – four shrubs have now been planted as part of the landscaping scheme at the existing apartment block

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee in response to call in by Cllr Brookfield for the following reasons:

- Piecemeal development resulting in adverse impacts to the area from lack of contributions.
- The overdevelopment of the area;
- Parking provision – part of the occupied block would appear to have been allocated to the parking provision of the proposed block;
- The bin-storage provision for proposed and existing block for which it is proposed to be shared with;
- Location of amenity area and cycle storage in relation to site levels;
- The provision and implementation of soft and hard landscaping including boundary treatments;
- Scale and Height of the proposed block is not in keeping with the locality.

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the western side of Walthall Street within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site comprises a brownfield site behind that of existing apartment block approved under allocation no. 13/5139N to the west of Walthall Street and adjacent to the Valley Brook. The site is mainly hard standing with some vegetation on the southern boundary with the brook. Levels fall from north to south and from east to west with the main body of the site at a lower level than Walthall Street. The area contains a mixture of residential and commercial properties.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 14 apartments in one 3 and a half storey building. The apartments would comprise a 12 one and 2 two bed units.

The proposals incorporate and shared access, bin storage, parking and amenity with neighbouring apartment block.

The building would be of traditional construction with a brick and render finish with stone window headers and a pitched, tiled roof. Fourteen parking spaces are proposed to the side of the building in addition to a secure cycle storage facility to the rear. There would be an outdoor sitting area and bin storage which would be shared with existing block of apartments.

RELEVANT HISTORY

13/5139N – Construction of 12no. Apartments approved 13 February 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, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside and 56-68 - Requiring good design

Local Plan Policy

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities
TRAN.9 – Car Parking Standards

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

SE13 - Flood risk and water management,

CONSULTATIONS (External to Planning)

United Utilities: No response at the time of report writing

Drainage: No objection subject to informative

Education: No Objection

Strategic Highways Manager: No objection.

Environmental Health: No objection subject to conditions suggested in relation to dust mitigation scheme, piling works, contaminated land.

Environment Agency: No objection.

Greenspace: No Objection

Housing: No objection

Archaeology: No objection

Crewe Town Council: No objection raised – comments made relating to shared facilities with neighbouring development and attachment and enforcement of conditions for their implementation.

OTHER REPRESENTATIONS

Comments received from Cllr Brookfield raising concern on the following issues:

- parking provision;
- bin and cycle storage;
- provision of amenity space and;
- the scale of development on streetscene.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- Dust Control Scheme

These documents are available to view on the application file.

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;

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

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

Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time.

In this case the site is located within the Crewe Settlement Boundary and Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe.

The site is surrounded by residential and commercial properties and good access to services and facilities. Therefore it is considered that the principal of the development is acceptable and the development would be appropriate in this location.

Design

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

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

The building would be three / four stories in height (with use of roof space as third floor), have a maximum height of 11.8m, have a traditional brick and render finish, with a tiled roof. It is considered that the use of these materials and the set back location of the building off the main street frontage mean that it would be in keeping with the character and appearance of the area and nearby developments.

As has been demonstrated within submitted cross section dwg no. N/33/9/S, the proposed building would be no higher than the neighbouring apartments which front the highway to Walthall Street. It is therefore considered that the scale and height of the proposed building would be in keeping with adjacent development and built form and is considered acceptable in terms of design, scale and massing.

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

Archaeology

The proposed development occupies part of the former site of the South Cheshire Brewery with potential for below ground remains, however ground works already undertaken on site in relation to another development would have likely compromised any remaining features. As such the Councils Archaeologist raises no objection to the proposals.

Trees and Landscape

The site comprises a brownfield site to the west of Walthall Street and adjacent to the tree lined Valley Brook. Recently constructed apartments stand to the east and there is ongoing building work to the north. The site is mainly hard standing with tree canopies dominating the southern section.

The site and the Valley Brook boundary in particular is an area in need of enhancement. Levels fall from north to south.

No detailed landscape proposals are provided within the application.

Consultation with the Councils Landscape Officer outlines that subject to the provision of adequate landscaping and boundary treatment, remedial works that there would not be any significant landscape concerns in respect of redevelopment of the site.

The application is supported by a revised site plan dwg no. N/33/12/S showing the general location of trees along the southern boundary of Valley Brook and protection measures in form of barrier. The Council's tree officer advises, subject to condition requiring implementation of the proposed mitigation measures, that there would likely be no harm to trees on or adjacent to the site.

It is therefore considered that subject to the submission of a comprehensive landscape, boundary treatment and remediation scheme and adherence with proposed tree protection measures that there would not be any significant landscape or trees impacts as a result of the proposals.

Highways Implications

The proposed shared parking facilities with adjacent apartment development provides for 26 parking spaces for 26 units across the two developments.

Consultation with the Strategic Infrastructure Manager confirmed that the parking provision whilst below the Councils Standards is considered adequate given the sustainability and car ownership levels of this location. Cycle parking provision is also adequate. It was also commented that having unallocated spaces would also increase the efficiency of the provision and also allow for visitor parking.

As such, subject to conditions requiring parking spaces to be unallocated and for full details of secure bike storage to be provided, it is considered that the proposal would not result in any adverse highways impacts and would provide adequate parking provision in accordance with Policies BE.3 and TRAN.9 of the adopted local plan.

Bin Storage

Comment has been received from Cllr Brookfield has raising concern as to the shared provision of bin storage for the proposed and existing flats.

The proposals show the provision of a fenced off area with provision for storage of eight 'euro' (1100L) bins, which is proposed to be shared with the two blocks of flats. Consultation with the Councils Waste Services has confirmed that this proposed provision for 26 units would be adequate, with five regular waste and three recycling 1100L bins.

It is considered that the new bin storage area, to be shared by both blocks of apartments will be acceptable for the new block but will also help to resolve issues that have occurred at the existing block. Therefore the proposal will lead to improvements in these terms.

Ecology

The site lies adjacent to Valley Brook which runs along its southern boundary of the site in addition there are also trees and features with potential to support protected species.

Consultation with the Council's Ecologist confirms that the proposals would present only a small risk to protected species and raises no objection to the proposal.

It is therefore considered that the proposals would not result in any significant harm to protected species and would accord with Policy NE.5 (Nature Conservation) of the adopted local plan.

Flood Risk/Drainage

The site lies adjacent to Valley Brook which runs along its southern boundary.

Consultation with the Council's Flood Risk Manager confirms that no objections are raised flood risk grounds.

In addition consultation with the Environment Agency does not raise any objection in principle to the proposals but does identify that the Valley Brook is classified as a main river, as stated 'Under the Environmental Permitting (England & Wales) Regulations 2010, a permit may be required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the brook'.

Accordingly, it is considered that the proposals would not result in any significant impacts to drainage or flood risks and as such would accord with Policy BE.4 of the adopted local plan.

Environmental Role Conclusion

Subject to appropriate conditions the proposed development would not create any significant tree, design, land stability or highway safety issues. It is considered that the proposal's impact upon the streetscene and the amenity of neighbours in general would be acceptable. On this basis, the proposal can be considered to be environmentally sustainable.

ECONOMIC ROLE

It is accepted that the construction of 14 apartments would bring the economic benefit to the closest shops in centre of Crewe both in the short term for the duration of the construction and the long term by bringing additional residential use in close proximity to Crewe town centre. The proposal would also potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

SOCIAL ROLE

Concern has been raised about piecemeal development of this site and surrounding sites hindering the area and preventing planning gains normally seen within larger developments. Each application has to be treated on its own merits and there is no policy framework that allows for retrospective consideration of financial contribution requirement thresholds. It is also noted that the two other

developments previously developed, have different applicants and landowners. Accordingly, this is reflected in the Housing, Education and Open Space assessments below.

Housing

The proposed development would provide open market housing within the established settlement boundary of Crewe which is a social benefit.

With regards the provision of affordable housing, the Interim Planning Statement: Affordable Housing states in section 3.2 that there is a requirement for affordable housing to be provided in settlements with a population of over 3,000 on any windfall sites with more than 15 dwellings or that exceed 0.4ha.

Consultation with the councils Housing Strategy raised no objection to the proposals and confirmed that as the proposal is for 14 apartments and the site is 0.13 hectares in size that there is no requirement for the provision of affordable housing

Education

The proposals are for apartment for 12 one bed and 2 two bed units

Consultation with the Councils Education Department confirmed that they would not require a contribution for the proposals. In addition it is noted that the proposals would provide 2 x two bed units with the potential to house families, and as such have only very limited to no impact on education services.

Open Space

The Councils Green Space Manager has confirmed that they would not require a contribution for the proposals, due to the scale of development.

Amenity

There are residential properties to the east and north of the proposed building. Located to the north of the proposed building is a site with permission for a block of apartments which would have an elevated rear elevation facing the development with a separation of approximately 21m. Due to the set down in levels and location of facing windows is considered any loss of amenity in respect this development would be considered acceptable.

The property to the North West of the site (9 Walthall Street) would lie at right angles to the proposed apartments and as such would not be directly overlooked.

The property to the east is an apartment block with facing side elevation containing principal bedroom windows, approximately 14 metres from nearest elevation of the proposed. Whilst this is not within the recommended spacing standards for principal windows outlined within the Crewe and Nantwich SPD, it is considered that the windows would not oppose each other and as such create any direct views. On this basis it is considered that the impact upon residential amenity is acceptable in this case.

Environmental Protection have recommended conditions relating to piling, dust management and contaminated land including standard reporting condition and gas protection measures. Following this consultation response the applicant has provided a Dust Management Scheme which is deemed to be adequate. It is considered that subject to conditions for the implementation of the submitted dust scheme and piling that there would be no significant amenity impacts as a result of environmental health.

With regards the residential amenity of future residents, the proposals show the provision of a shared outdoor seating area, in addition the site is located nearby to public open space facilities in the form of 'Valley Park'.

Subject to conditions the proposals would not result any significant loss of residential amenity of neighbouring properties and would provide adequate amenity provision for future residents, and accords with Policy BE.1 (Amenity) of the Local Plan.

As such it is considered that the development would be socially sustainable.

PLANNING BALANCE

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable and the development would be appropriate in this location.

From an economic sustainability perspective, the scheme will assist in the local building business and bring economic benefits to Crewe town centre from additional residential uses.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, bin storage provision, and traffic generation terms. Nor would it have any impact upon archaeological interests and would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

RECOMMENDATIONS

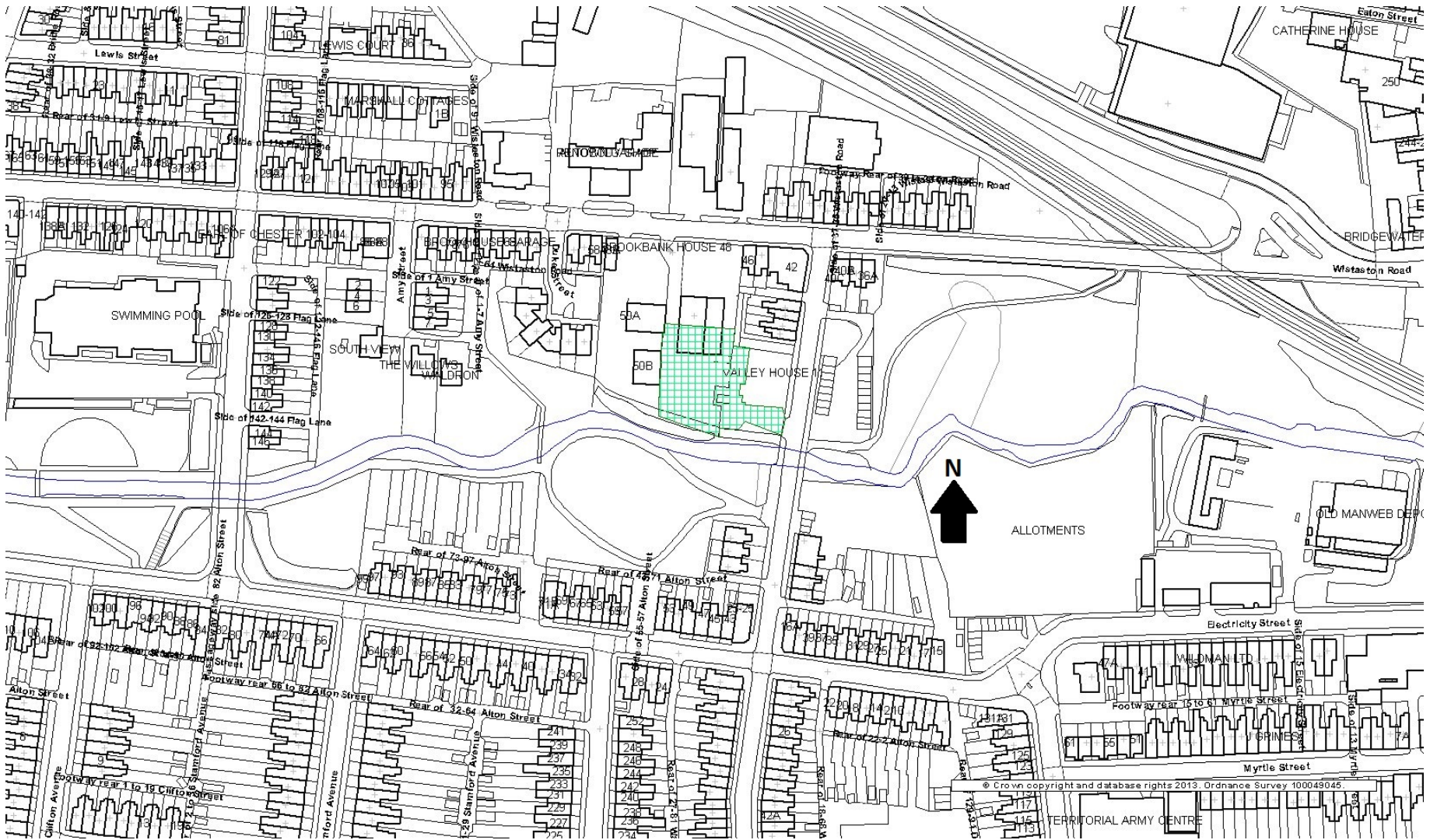
APPROVE subject to the following conditions:

And the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 4. Submission and approval of details of materials**
- 5. Landscaping details including boundary treatment of car parking area to be submitted and approved**

6. Implementation of landscaping
7. Implementation of tree protection measures
8. Gas Protection Measures
9. Standard Contaminated Land Condition
10. Construction Management Plan
11. Parking to be provided prior to occupation
12. Bins shall be only be stored within “Bin Store Area” except on collection day
13. Parking spaces shall be provided prior to 1st occupation and retained thereafter
14. Provision of an electric vehicle charging point

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



Application No: 16/2648N

Location: 5, COPPICE ROAD, WINTERLEY, CW11 4RN

Proposal: Proposed Residential Development of Three Detached Dwellings and Extension to Existing Dwelling

Applicant: The Estate of Miss M J Swain

SUMMARY

The application site lies within the Winterley settlement boundary where Policy RES.4 of the Local Plan advises that new development in principle is accepted provided that it is on a scale commensurate with the character of the village.

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

No significant highway safety, amenity, design, drainage or flooding or tree concerns would be created and the impact upon the environment would be neutral

As such, the proposed application is recommended for approval.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application was deferred from the last Committee meeting for more information regarding refuse bin storage/collection.

This application, as originally submitted, been referred to the Southern Planning Committee by Cllr David Marren for the following reasons:

- Loss of amenity
- Over intensive development in a very small village

PROPOSAL

The proposed development has been revised from the scheme as originally submitted by the reduction in one dwelling (from 4 to 3) and all houses are now 2 storeys. The proposal is now

formally submitted as being for 3 no two storey dwellings and a 2 storey side extension to the existing dwelling (number 5 Coppice Road) on site.

SITE DESCRIPTION

The application site relates a residential plot on of back land to the rear of 5 Coppice Road, within the Winterley Settlement Boundary.

The application site is relatively flat and comprises of garden/paddock land. Existing residential development lies to the north, west and south of the site and Open Countryside to the east beyond Coppice Road.

The site is generally un-managed residential garden laid to law and borders with trees/ mature hedges bordering the northern boundary.

RELEVANT HISTORY

None

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes / affordable housing, countryside and 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 RES.4, as a Village with a Settlement Boundary.

The relevant saved policies are:

RES.4 – Housing in Villages With Settlement Boundaries

RES.11 – Improvements and Alterations to Existing Dwellings

BE.1 – Amenity

BE.2 – Design

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.9 – Protected Species

NE.17 – Pollution Control

Supplementary Planning Documents:

Development on Backland and Gardens

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, 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

CONSULTATIONS

Environmental Protection – No objections subject to conditions relating to piling, dust control, lighting and contaminated land.

Highways – The revised plan provides sufficient off street parking within the site for the three units proposed, this is a private drive and no overspill parking on the public highway is envisaged. Advises that there is sufficient space provided for a bin lorry to adequately access the whole site via the driveway. Raises no objection to the revised scheme subject to a condition for a Construction Management Plan to be submitted.

Forestry - The majority of this site is formed by an un-managed garden which is devoid of any meaningful tree cover apart from an early mature Chestnut located on the northern boundary. The tree is not considered to be a significant specimen and certainly not worthy of protection as part of a Tree Preservation Order.

It appears from the proposed site plan that there is an intention to retain the Chestnut with the proposed shared private driveway extending through the trees southern Root Protection Area (RPA); this is achievable subject to the driveway not being adopted and the hard surfacing implemented under a 'no dig' construction.

Ecology – No objections with recommended conditions relating to safeguarding of nesting birds.

Haslington Parish Council – The area of Winterley has been subject to many planning applications and this is another one which needs not only a site visit but the views of the local residents understood.

The application currently shows development up to boundaries which impact on neighbours visual outlook as well as impacting on health and wellbeing through the mental wellbeing.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants.

19 letters of objection has been received to date concerning the scheme as originally submitted for 4 dwellings. The main areas of concern include;

- Principle of development – garden grabbing, no need for further market housing
- Design – Overdevelopment of site, layout, loss of outlook, form not in keeping, mass and bulk
- Amenity – Loss of outlook, loss of light, loss of privacy
- Highway safety – increase in traffic
- Dangerous access
- Visually overbearing
- Un-neighbourly development
- Increase in light pollution
- Few local amenities
- Refuse collection difficulties
- Loss of view
- Disturbance during construction
- Wildlife

Since the last Committee meeting a further three letters of representation have been received which object to the proposed development of 4 dwellings as originally submitted for the following reasons:

- Loss of privacy to properties on Alsager Road
- Noise and disturbance
- Traffic hazards
- Bin storage
- No need for the proposed development
- Changes to the original plans do not alter the existing objections
- Loss of hedgerows
- Out of character

The revision to the scheme to three x 2 storey dwellings has recently been received. Further limited consultation has been undertaken to adjoining neighbours and the ward members. The consultation period on the latest proposals runs from 14th September until 26th September, therefore any further representations received will be presented to the Committee via a written update. At the time of report writing no representations pertaining to the revised scheme had been received.

APPRAISAL

Principle of Development

As the site falls within the Winterley Settlement Boundary, the proposal is subject to Policy RES.4 of the local plan. Policy RES.4 advises that within such settlement boundaries there is a presumption

in favour of development provided that it is in keeping with the village's scale and character and does not conflict with other policies in the local plan.

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 3 new dwellings would not have a detrimental impact upon the council's housing supply totals. Indeed the provision of new market dwellings represents a planning benefit in light of the Council's 5-year housing land supply position.

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

The key issues are:

- The sustainability of the proposal, including its; 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

It is accepted that the construction of a small housing development of this size 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.

The provision of 3 additional dwellings to the housing land supply will contribute to the economic and social arms of sustainability.

Environmental role

Protected Species

The Council's Ecologist does not consider that the proposed 3 dwellings would have any significant impact on local wildlife. However, the existing dwelling of 5 Coppice Road has the potential to support bats which are a European Protected Species.

A Protected Species Survey in respects of bat potential in the existing dwelling has been prepared by a suitably experienced ecological consultant. It has concluded that no evidence of roosting bats was recorded. Therefore, the Council's ecologist has been consulted and is satisfied that bats are not reasonably likely to be affected by the proposed development.

A condition regarding the safeguarding of nesting birds has been recommended by the Council's ecologist.

Design

Policy BE.2 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 application seeks the erection of 3 detached dwellings within the curtilage and backland of number 5 Coppice Way and a two storey side extension to the existing number 5.

It is proposed that the access to the site shall be via a new access to the side of the existing to 5 Coppice Road with the existing making way for the proposed extension.

The proposed dwellings will be sited to the rear garden of existing garden of no 5, however this is not considered to be significantly out of character with the surrounding built form as a similar situation exists with the dwellings of Bowkers Croft to the south. Furthermore, the density of the development created as a result of this additional built form is not considered to be out of character with the immediate area. The layout of the development is therefore considered to be acceptable.

With regards to form, the existing development in the surrounding area is made up of predominantly two storey semi and detached dwellings with a row of 5 bungalows along Crewe Road to the west. With this in mind it is considered that the proposed two storey dwellings will be an acceptable form of development when viewed in context with the surrounding area.

The proposed dwellings of plots 1, 2 and 3 would have a roof ridge height of approximately 1.8 metres and be two storey in nature. As the predominant form of development in the locality is two storey then these heights would be considered acceptable.

In terms of scale, the footprints of the proposed dwellings would not appear incongruous within the area.

The proposed two storey side extension of the existing 5 Coppice Road will project by 4.1 metres from the existing side elevation, have a length of 8.3 metres and a roof ridge height of 8.4 metres. It will have a lower roof ridge than the existing and will be stepped back from the existing front elevation. Therefore, it will appear subordinate to the existing dwelling allowing the original character to be retained. As a result the proposed two storey side extension is considered to be respectful of the host dwelling and those in the surrounding area.

As such, subject to the conditioning of the proposed materials, it is considered that the proposals would be of an acceptable design that would adhere with Policy BE.2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Trees and Landscape

As stated above by the Council's Landscape Officer the majority of the site is an un-managed garden without any tree cover other than a Chestnut to the northern boundary. This tree is not considered worthy of a Tree Preservation Order.

The submitted plans show the Chestnut tree as being retained, however the proposed driveway is likely to extend through the Root Protection Area. Any potential damage to this tree caused by the construction works can be mitigated through a 'no dig' construction and conditioned as such.

The final landscaping as the site will be secured through a condition attached to any permission.

Overall, it is not considered that the proposed development would raise any landscape concerns. As such, subject to the above, it is considered that the proposed development would adhere to Policy BE.2 of the Local Plan.

Residential Amenity

In terms of neighbouring residential amenity there are a number of existing properties that lie adjacent to the application site. Following previous representations revised plans have been submitted to address the concerns raised.

With regards to these revised plans number 7 Coppice Way now lies approximately 23 metres from the nearest of the proposed dwellings (plot 3) at the closest point, including the conservatory of number 7. The two dwellings here are not directly facing with plot 3 being offset. Furthermore the rear elevation of number 7 Coppice Road generally faces towards the side elevation of plot 3. This distance of 23 metres is in excess of the 13.5 metres as recommended paragraph 3.9 of the SPD.

The detached garage of plot 3 is closer to number 7 at approximately 6.5 metres, however this is single storey at approximately 4.6 metres. Therefore, combined with the boundary treatment, it is not considered that there will be an impact on the residential amenity of 7 Coppice Road.

The east elevation of plot 3 does not contain any principal windows, with the separation distance between this and the neighbouring number 7 being 23 metres, in excess of the recommended 21 metres in the SPD. Further to this there is not a directly facing relationship between the proposed and existing.

The rear elevation (south) of the proposed dwelling of plot 3 faces onto to part of the rear garden of number 7, however it does not contain any principal windows at first floor level. The principal windows at ground floor level will be mitigated by the existing/proposed boundary treatment.

To the other side of the application site lies number 3 Coppice Road, this dwelling lies approximately 25 metres from the closest of the proposed dwellings (plot 3). As with number 7, this property faces towards the side elevation of the proposed and is not in a directly facing relationship.

The distance from plot 3 to number 3 Coppice Road is approximately 25 metres.

There are a number of existing dwellings to the north of the application site along Alsager Road. These properties enjoy long rear gardens, as such the closest distance between these dwellings and the proposed is approximately 38 metres when measures from the rear of number 31 to plot 3.

To the west are several dwellings along Crewe Road, these properties also have substantial gardens. The closest of the proposed dwellings (plot 1) is approximately 20 metres when measured at the closest point. Several dwellings of Bowkers Croft face on to the application site, these are located to the south west. The separation distances here are approximately 18.5 metres at the closest point. To follow on from this, the two proposed dwellings of plots 1 and 2 do not have a directly facing relationship with any of the properties along Crewe Road or Bowkers Croft.

With the above in mind it is not considered that the proposed development will lead to a significant harm upon the residential amenity of the existing neighbouring dwellings around the application site.

Sufficient private amenity space would be provided for each of the 3 properties in excess of the 50 sq metres recommended within the SPD.

Turning to a consideration of the amenity implications of the proposed 2 storey side extension. There will be a principal window to the ground floor of the side elevation that faces the adjacent property of 3 Coppice Road. This neighbouring property is approximately 10 metres away with

a side to side elevation relationship. Number 3 is also stepped back from number 5, furthermore the side elevation of number 3 is free of any windows. As such it is not considered that the proposed two storey side extension will have a detrimental effect on the amenity of 3 Coppice Road.

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

Highway Safety

Vehicle access to these properties will be via a newly formed access to the side of the existing and taken off Coppice Road.

The Council's Head of Strategic Infrastructure (HSI) has advised that off-road parking is adequate and the proposal will have no material impact on the highway.

The amended plans demonstrate that a refuse vehicle is able to enter and exit the site in a forward gear. This will negate the need for a communal bin storage/collection area to back of pavement.

Overall it is considered that the proposed development will not have any significant traffic impacts.

As such, it is considered that the proposal adheres with Policy BE.3 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).

United Utilities have reviewed the submission and advised that they have no objections to the development subject to informatives.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies BE.4 of the Local Plan.

Conclusion

The proposed revised development for the 3 new dwellings would be of an acceptable design that would not create any significant issues in relation to highway safety, drainage or flooding. The proposed extension is considered to be of an appropriate design which raises no amenity concerns for the neighbours or the locality.

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

Planning Balance

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

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area. The provision of new housing is a social benefit

No significant highway safety, amenity, design, drainage or flooding or tree concerns would be created. Accordingly, the application is considered to be environmentally neutral

As such, the proposed application comprises sustainable development and is recommended for approval.

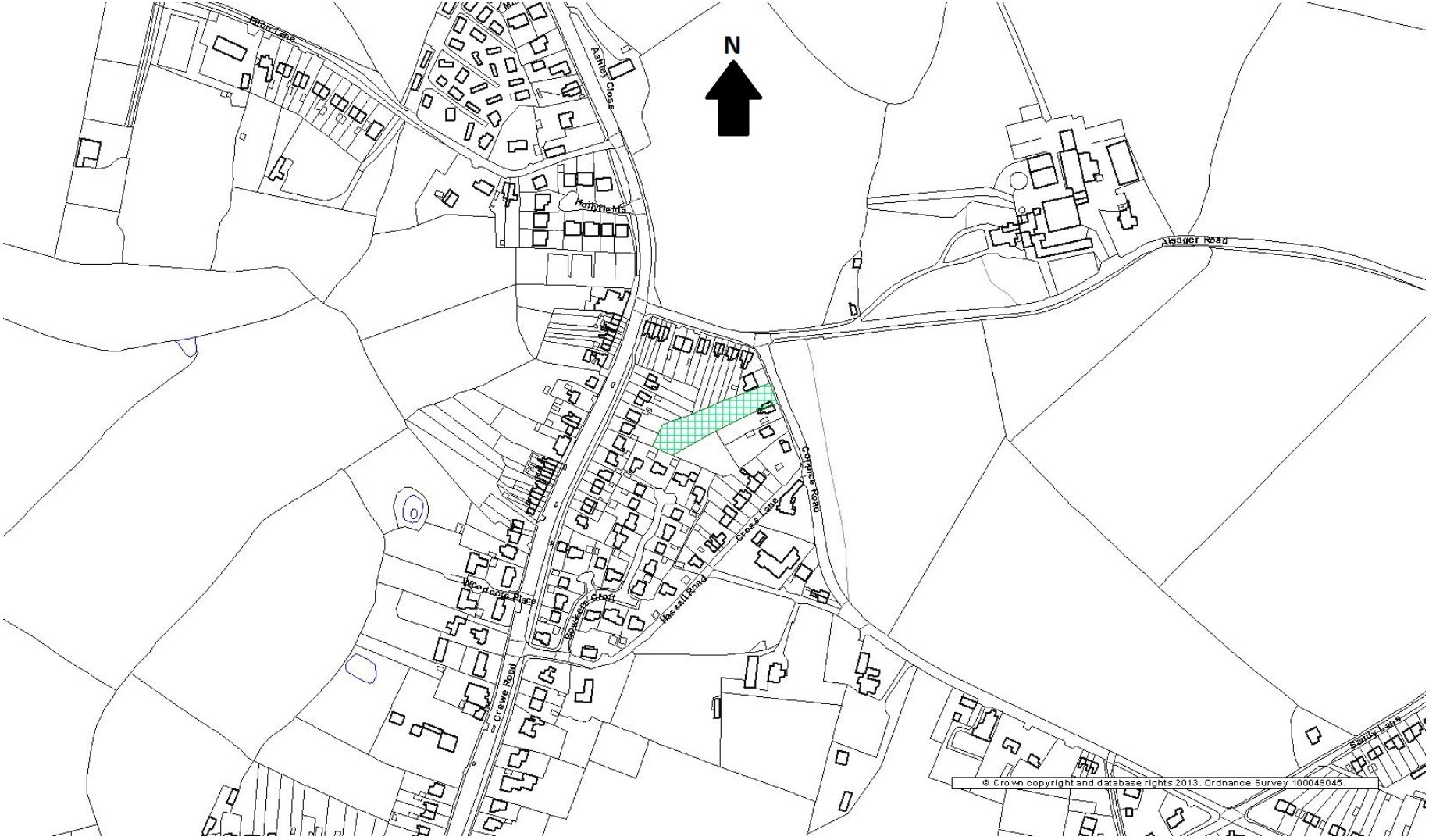
RECOMMENDATION

APPROVE subject to conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Scheme of landscaping**
- 5. Removal of PD rights A-E**
- 6. Tree protection**
- 7. No dig construction**
- 8. Boundary treatments**
- 9. Levels**
- 10. Nesting birds**
- 11. Drainage scheme**
- 12. External lighting**
- 13. Dust control**
- 14. Piling**
- 15. Contaminated land**
- 16. Construction Management Plan**

Informatives:

- 1. NPPF**
- 2. Hours of construction**



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Application No: 16/2740N

Location: Land Off, CLOSE LANE, ALSAGER

Proposal: Full Planning Application for the proposal of 21 dwellings (Phase 2), a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager.

Applicant: Ben Sutton, Stewart Milne Homes

Expiry Date: 04-Oct-2016

SUMMARY:

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside as designated in the Local Plan. However, the principle of development of this site for residential purposes has already been accepted as part of the outline approval on this site granted on appeal under application 13/1305N. That approval concerned a mixed residential development of 76 family dwellings and 56 units for the over 55's.

This proposal is a full application which seeks to utilise the area of the site remaining to be developed for the over 55's units as approved by 13/1305n for 6 no bungalows (4 x one and 2x two bed) and 15 family sized (4 and 5 bedroomed units) in total.

Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of some housing, namely 15 four and five bedroomed units for market sale and 6 units as opposed to the 56 no units specifically required by condition for the over 55's under the terms of 13/1305N, and some economic benefits through the provision of employment during the construction phase, new homes and economic benefits for local businesses in the locality.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

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

The adverse impacts of the development would therefore be the impact of this proposal to the housing mix and the contribution to the creation of a sustainable community by virtue of an appropriate mix of different dwellings to cater for all sections of the community. In this respect, whilst this is a single full application, the whole site needs to be considered cumulatively.

Having regard to the above benefits of the scheme including the contribution to housing land supply of 21 units (as opposed to 56 units for the occupation of the over 55's within the Inspector's previous decision to outline application 13/1305N it is considered that the adverse impacts to the residential mix in approving this development would significantly and demonstrably outweigh the benefits.

In any event, this proposal results in a significant reduction in overall housing numbers, from 56 units as originally approved to 21 as now proposed. The contribution this site would therefore make to housing land supply is significantly reduced.

Accordingly the proposal does not comprise a sustainable development.

RECOMMENDATION: Refuse

PROPOSAL:

Full planning application for the proposal of 21 dwellings (phase 2) a mixed residential scheme to provide 6 affordable bungalows and 15 open market dwellings.

The mix of units comprise 4 x1 bed bungalow, 2 x 2 bed bungalows, 7 x 4 bedroomed units and 8 x 5 bedroomed units. With the exception of the 6 no bungalows, there are 13 two storey detached dwellings and 2 two and a half storey semi detached

SITE DESCRIPTION:

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area.

The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

The first phase of a housing development comprising 74 units is currently being built by the Applicant, Stewart Milne Homes. Land to the immediate west of the site at Yew Tree Farm and has recently been granted outline permission at appeal. The indicative plans show a residential layout of circa 40 units.

The sections of the site to which this application specifically refers are the two portions remaining from the implemented scheme of 15/5114C which are left for the over 55 units as previously required by 13/1305N.

RELEVANT HISTORY:

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved on appeal 29th July 2014 Subject to S106. This scheme indicated 76 family sized dwellings and 56 units for the over 55's

14/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015

16/3310N – Variation of condition 14 (footpath link) on application 13/1305N – to be determined

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – to be determined

15/3651N – land at Yew Tree Farm, west of Close Lane – Outline application for the residential development and access, all other matters reserved – Appeal granted 8-Jun-2016

15/5654n Variation of Condition 27 (over 55's) on application 13/1305N – refused 8 August 2016

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

Borough of Crewe & Nantwich Local Plan 2011

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

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
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)

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 2 – Settlement Hierarchy
Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy IN 2 – Developer Contributions
Policy SC4 – Residential Mix
Policy SC5 – Affordable Homes
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE3 – Biodiversity and Geodiversity
Policy SE4 – The Landscape
Policy SE5 – Trees, Hedgerows and Woodland
Policy CO4 – Travel Plans and Travel Assessments

CONSULTATIONS:

Alsager Town Council: No objection and welcomes this kind of affordable housing.

Haslington Parish Council: No comments received.

Strategic Housing Manager: No objection provided that 30% of the units are affordable in a 65:35 split.

Education Services: To be reported

Tree Officer: No Objection subject to condition

Strategic Highways Manager: No objections

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of an Environmental Management Plan; the provision of electric vehicle infrastructure; the prior submission of a dust mitigation scheme; the prior submission of a Phase 1 contaminated land report; the prior submission of verification of any soils or soil forming material being brought onto site. In addition, informatives relating to hours of construction and contaminated land are also sought.

United Utilities – No objections, subject to a number of conditions including; that all foul and surface water shall be drained on separate systems; the prior submission of a surface water drainage scheme and the prior submission of a sustainable drainage management and maintenance plan

ANSA Greenspace – To be reported

OTHER REPRESENTATIONS

11 Letters of objection and general observations have been received from local addresses have been received on the basis of the following issues -

- The developer needs to take a responsible attitude towards noise, pollution and inconvenience to existing homeowners abutting the development
- Existing development practises by Stewart Milne are adversely effecting the quality of life of residents
- Part of Close Lane still has no footpath. This is hazardous to pedestrians, especially those in wheelchairs or pushing a child's buggy. No more building should be allowed in this area until the footpath along Close Lane is complete.
- The road is not sustainable for all the extra traffic that is going to be generated. further this developer has also bought a further parcel of land from an attached resident and therefore further vehicles, noise and disruption will be plaguing the residents of Close lane
- The proposal will increase the volume of traffic on Close Lane
- Drainage problems as a result of the development presently on going

APPRAISAL:

Principle of Development

The principle of residential development on this site has already been accepted following the approval of the outline application 13/1305C.

The development of the larger site has already commenced and the reserved matters development for 74 dwellings approved under 15/5114C (phase 1) is well under way. The area of development within phase 1 covers approximately 80%- 85% of the overall site. Phase 1 contains 74 family housing units (of the 76) allowed by outline permission

13/1305N.

It therefore follows that the remainder of the development site will need to provide the land area for the 56 no units for the over 55's to comply with condition 27 attached to 13/1305N. Members will recall recently refusing an application for the variation of condition 27 on 13/1305N to allow for the provision of layout that is similar to this layout when they considered application 15/5654n. Members determined that the scheme was socially unsustainable in that it failed to provide for the mix of units required to create a sustainable community.

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' 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.

Location of the site

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – within phase 1 on site
- Bus Stop (500m) – approx. 300m
- Public House (1000m) – approx. 1000m
- Public Right of Way (500m) – located within, north and south of the site
- Primary School (1000m) – 760m
- Public Park/Village Green (1000m) – approx. 1000m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 1750m
- Outdoor Sports Facility (500m) – 1680m
- Convenience Store (500m) – 1000m
- Pharmacy (1000m) – 2000m
- Secondary School (1000m) – 1680m
- Medical Centre (1000m) - 2680m
- Child Care Facility (nursery or crèche) (1000m) - 1850m
- Community Centre/Meeting Place (1000m) – approx. 2500m
- Post box (500m) – 950m
- Post Office (1000m) – 2550m
- Railway Station (2000m) – 2750m

The site fails against 11 criteria in the North West Sustainability Checklist. However, these facilities are located towards and within the town centre, to which Alsager is identified as a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Nevertheless, this is not untypical for suburban dwellings and the proposal would also comprise part of the site of the approved residential development allowed on appeal under outline application 13/1305N.

In his decision, the Inspector accepted in paragraph 104 that given the sites proximity to local services and facilities, along with the proposed footpath link along Close Lane and the inclusion of a financial contribution towards the provision of a new local bus service to serve Close Lane for 5 years resulted in a sustainable in locational terms.

There was no dispute between both parties during the appeal process that the site was sustainable locational terms.

In taking into account the appeal decision, of which this site is part, it is considered to be a locationally sustainable site.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The Environmental Health Officer has requested conditions in relation to the submission of an Environmental Management Plan, Piling Method Statement, Dust Suppression Statement

Air Quality

Given the relatively small scale nature of the scheme, an Air Quality Assessment would not be required to accompany the application.

However, it is considered appropriate to secure the necessary infrastructure to allow home charging of electric vehicles given the use of Modern Ultra Low Emission Vehicle technology is expected to rise.

This would be secured by condition.

Highways

Access

Access into the site would be via the approved access point for the development on the adjacent site, to which the internal road network of the approved development site would lead into the application site.

CEC have assessed the cumulative impact of the residential development schemes on the road network in Alsager. In regard to this particular application, it has been assessed with all likely current developments coming forward and the impact is considered to be minimal at the junctions that will be directly affected. It is therefore considered that although the proposal would add further traffic to the highway network, the Highway Authority do not consider that a refusal would be justified on the basis of this impact.

Character and Appearance

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

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

In this case the proposed house types with the exception of the bungalows, are similar house types to those already developed by this house builder as part of phase 1 development of this approved housing site. Two of the units are 2.5 storey semi detached houses which are of similar scale and in keeping with the existing development. There are also within the heart of the development. It is considered that the design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Trees/Hedgerows

The Tree Officer advises that the tree report submitted dates from 2013 and is therefore out of date. However, given the inner site location of this proposal.

An acceptance of development within the defined areas was established from an Arboricultural perspective as part of previous submissions, with the single tree highlighted for removal accepted. The trees identified for retention were considered for formal protection as part of the amenity evaluation exercise which protected a number of trees associated with the wider site in 2013; none of those located within the sites edged red as part of this application were considered to be of sufficient value to be protected.

The access road which serves the plots 14 - 19 extends along the western boundary of the site and parallel to the off site woodland. Whilst the detail has not been provided its clear there will be an incursion within the Root Protection Area (RPA) but this can be accommodated under a no dig construction method statement which can be addressed by condition where the engineering operation falls outside the adopted area.

The retained tree aspect can be protected in accordance with current best practice, but protective fencing details will be required, again this can be addressed by condition.

Landscape

The submitted Landscape Visual Impact Assessment identifies both the national and regional landscape character of the application site; this site is located within the Lower Farms and Woods Landscape Type 10, and further, in the Barthomley Character Area (LFW7).

This development is dominated by the housing environment previously granted, Accordingly, it is not considered that the proposal would result in any significant adverse effects in landscape terms.

Ecology

In this case the Council's Ecologist has examined the application and has advised that the ecological information submitted dates from 2013 and as such is out of date. With respect to specific species, he advises

Reptiles

Grass snakes are known to be present in this locality. Whilst the grassland habitats on site do not appear optimal for this species, the ditches are likely to provide some opportunities for this species. I advise that the proposed development could pose the risk of killing or injuring reptiles during the construction phase. The ecologist therefore recommends that a reptile mitigation strategy be submitted in support of the application.

Water Vole

The original Phase One habitat survey identified one watercourses on site offering potential habitat for water voles. The ecologist therefore recommend that a water vole survey be undertaken and submitted in support of this application.

Water courses

If planning consent is granted I recommend that a condition be attached requiring the provision of an undeveloped buffer adjacent to the on site water courses.

Flood Risk

The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions requiring schemes for the disposal of foul and surface water and that the proposal shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment.

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

Loss of Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

The approved development was classified as Grade 2 agricultural land. The Appeal Inspector, in his opinion, concluded in paragraph 99 of the appeal decision, that given the sites relatively small size, its irregular shape, field boundaries, ownership and location on the urban fringe

evidenced by its current use for horse grazing, the land to which the application site related was of limited agricultural value.

He further considered that given the above,

“...along with the extent of best and most versatile land surrounding Alsager and the promotion of development sites in the emerging Local Plan which include agricultural land within this category, it is apparent that some areas of agricultural land would have to be developed if the Council’s housing targets are to be met.”

He concluded therefore that the loss of the best and most versatile agricultural land afforded limited weight in this case.

Therefore, in taking into account the Inspectors previous decision as well as planning history of the site whereby permission is already granted for the residential use, it is considered that the loss of agricultural land in this instance would be of very limited weight in the overall planning balance.

Environmental Conclusion

The proposal would result in the loss of a parcel of land allocated as Open Countryside and would cause harm to the rural character and appearance of the site and surrounding area. The proposal would also result in the loss of ‘Good Quality Agricultural Land’, however, given the fall back position of houses already being approved on this site and the on going residential development surrounding this site, the harm is considered limited. However, insufficient information has been submitted with regard to the water vole and reptiles. On this basis, it can not be concluded that the proposal is environmentally sustainable.

Other environmental considerations such as; landscape, highway safety, flooding and drainage are considered to be acceptable or neutral subject to conditions / mitigation.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Alsager for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident’s in 21 units spending money in the area and using local services.

In these terms, however, the approved development of this site (13/1305N) allowed for 56 units to be developed on this site, for the over 55’s. This proposal is for 21 units, of which 6 are for the over 55’s (30% of total units) and 15 are 4 and 5 bedroom units.

It should be noted, given the reduction in numbers of units overall that there would be less economic activity from future residents as a direct consequence of the reduction in housing numbers as now proposed. The contribution to economic sustainability is therefore reduced

and members are entitled to apply significant weight to this change in assessing this scheme's contribution to sustainable development.

As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction phase, but less economically sustainable, post construction, as the scheme determined by the Appeal Inspector (13/1305N) by virtue of the reduction in overall numbers of units now proposed (from 56 down to 21).

Social Role

The proposed development would provide open market and social housing which in itself, would be a social benefit however, that benefit is significantly reduced by virtue of the reduction in numbers now proposed. The value is therefore reduced from the scheme granted on appeal.

Affordable Housing

The site falls within the Alsager sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure. This would equate to a requirement of 12 affordable units in total on this site, split as 8 for social or affordable rent and 4 for intermediate tenure.

This is a proposed development of 21 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 6 dwellings to be provided as affordable dwellings. 4 units should be provided as Affordable rent and 2 units as Intermediate tenure.

Whilst this application proposes a policy compliant amount of affordable housing it is deeply regrettable that this site will only provide 6 affordable dwellings considering the site should have provided 17 affordable older persons dwellings following the previous successful appeal on the site – a reduction of 9 affordable dwellings for older people on this site.

To put this into context the SHMA 2013 evidenced a requirement for 54 new affordable units per annum in the Alsager area. There is a need for 38 x 2 bedroom, 15 x 3 bedroom, 2 x 4 bedroom and 2 x 4 bedroom dwellings for General Needs and 5 x 1 bedroom dwellings for older persons per year.

This application, including 6 affordable dwellings specifically for older people, will satisfy just over one year of the requirement for this type of accommodation. However the previous

application, won on appeal, would have satisfied demand for this type of accommodation for more than three years.

As evidenced by the Council's Vulnerable and Older People's Strategy 2014 there is a recognised need for older persons accommodation across Cheshire East.

Therefore I would like to express my concerns about the reduction in the number of affordable older persons dwellings and reaffirm that the resulting shortfall would need to be addressed elsewhere on other sites in Alsager.

There are 249 applicants on the Cheshire Homechoice waiting list who have selected Alsager as their first choice for rehousing. They require 95 x 1 bedroom, 91 x 2 bedroom, 49 x 3 bedroom and 14 x 4 bedroom dwellings.

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

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

It is considered that the POS and LEAP already provided on the site as part of the outline scheme will be sufficient to cater for the demand as a result of this proposal

CEC Education – No reply to date. The provision of an additional 15 family sized dwellings will likely require mitigation. An update will be provided

Housing Mix

This scheme seeks to provide 21 dwellings (4 x 1 be and 2 x 2 bed bungalows) and 15 four and five bedroom family dwellings for market sale

Previously on this site the phase 1 scheme permitted 52 no. market housing and 22 no. affordable housing comprising two storey 18 no. 2 bed (all affordable), 17 no. 3 bed (four of which are affordable) and 39 no. 4 bed dwellings all for market sale.

Accordingly, if permission were granted for this proposal there would be a significant reduction on the amount of over 55's accommodation in the area, in an area where there is a known need for such accommodation and the housing mix on the site as would have a greater number of 4+ bedroomed units. This is considered to result in a unsustainable form of development that fails to deliver a housing scheme which meets all needs within the community, contrary to emerging policy SC4 of the Local Plan Strategy and

S106 Matters

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

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

The current proposals will have an effect upon the education provision locally, where local schools are forecasting they are at or over capacity. Likewise the proposal will generate a policy requirement of affordable housing.

PLANNING BALANCE:

Whilst outline permission has been granted for residential development, the site to which this proposal relates has not been developed.

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

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

In this case, the development would bring positive planning benefits such as; the provision of a market dwellings, the provision of on-site affordable housing (although limited weight is afforded to this) and a minor boost to the local economy, particularly during the construction phase.

Balanced against these benefits must be the adverse impacts, which in this case relate to the impact the development would have upon the social mix of housing that the proposal would result in, with the overall reduction in numbers of over 55 units from 56 as originally approved to 6 as now proposed.

In this instance, it is considered that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development in social terms. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

RECOMMENDATION:

REFUSE FOR THE FOLLOWING REASONS:

The proposal will, by virtue of the loss of dwellings for the over 55's, from the 56 units within a mixed residential scheme granted permission under 13/1305n to 6 units now proposed would comprise an unsustainable form of development without reasonable justification to the change in the housing mix, contrary to policy SC4 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016 and policies contained within the NPPF. Furthermore the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal to housing land supply. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development.

Insufficient information has been provided concerning water voles and reptiles on the site to enable the Local Planning Authority to assess the implications of the development for these species. The proposal is therefore contrary to Policy NE9 of the Crewe and Nantwich Adopted Replacement Local Plan 2011

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

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

- 30% of the dwellings to be affordable in a 65:35 split
- Education contribution to be confirmed

