

Southern Planning Committee

Agenda

Date:	Wednesday, 23rd November, 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.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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 5 - 18)

To approve the minutes of the meeting held on 26 October 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. **16/2645C Elmbank House, Lodge Road, Sandbach, Cheshire CW11 3HP: Outline application for demolition of all existing on site structures and the redevelopment of the site for 50 residential dwellings (Use Class C3) with associated landscaping and vehicular access from Lodge Road for Bruce Ledwith, Thornhill Holdings Ltd (Pages 19 - 42)**

To consider the above planning application.

6. **16/2993N Land Adjacent To 68, Close Lane, Alsager: Proposed outline residential development of 16 no. dwellings with access and layout applied for, for Pembroke Homes Ltd & Nichola Jane Beach (Pages 43 - 64)**

To consider the above planning application.

7. **16/4736C Land to the West of Close Lane, Alsager: Full planning application for the proposal of 26 dwellings (Phase 2) a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager for Mr Ben Sutton, Stewart Milne Homes (Pages 65 - 82)**

To consider the above planning application.

8. **16/2010N Land Off Oak Gardens, Bunbury, Cheshire: Outline application for proposed residential development for 15 dwellings with associated works for Mr Nicholas Howard, Crabtree Homes (Pages 83 - 106)**

To consider the above planning application.

9. **16/1402N Land North Of Parkers Road, Crewe: Outline planning application for the erection of 17 residential dwellings for Adrian Fabczak, Bloor Homes North West Ltd (Pages 107 - 122)**

To consider the above planning application.

10. **16/4268N Bentley Motors Ltd, Pyms Lane, Crewe, Cheshire CW1 3PL: Installation of solar panels on a dedicated car ports situated on existing car park for Mr Andrew Robertson, Bentley Motors Ltd** (Pages 123 - 130)

To consider the above planning application.

11. **16/5038N 40, West Street, Crewe CW1 3HA: Proposed change of use of hairdressing salon to house of multiple occupation for Mr Paul Samuda** (Pages 131 - 138)

To consider the above planning application.

12. **16/3664N The White Lion, Audlem Road, Hankelow CW3 0JA: Demolition of public house and erection of 5no. four-bedrom detached dwellings for Mr Timothy Guttridge** (Pages 139 - 158)

To consider the above planning application.

13. **Outline application for residential development of up to 33 units with all others matters reserved, except for access and landscaping: Land north of Pool Lane, Winterley** (Pages 159 - 162)

To consider a report regarding Heads of Terms for the legal agreement at the forthcoming appeal.

14. **Outline application for the demolition of 46 Chestnut Avenue, Shavington and erection of 44 dwellings (including access) and associated works: Land to the rear of 46 Chestnut Avenue, Shavington CW2 5BJ** (Pages 163 - 166)

To consider a report regarding Heads of Terms for the legal agreement at the forthcoming appeal.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 26th October, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, J Clowes, S Edgar,
A Kolker, N Mannion (for Cllr Rhodes), B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Flude, D Hough and B Moran

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Gareth Taylerson (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors W S Davies and J Rhodes

61 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 16/3924C, Councillor Rhoda Bailey declared that Councillor Benson had been her line manager in the past, but that she had not discussed the application.

With regard to application numbers 16/0762N, 16/3433N and 16/4532N, Councillor B Roberts declared that he was a member of Crewe Town Council, which had been consulted on the applications.

With regard to application numbers 16/2645C, 16/0866C and 16/3924C, Councillor G Merry declared that she was a member of Sandbach Town Council, which had been consulted on the applications. She had not discussed these applications and had kept an open mind.

All Members of the Committee declared that they had received email correspondence with regard to application number 16/0866C.

62 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 28 September 2016 be approved as a correct record and signed by the Chairman.

63 16/2645C ELMBANK HOUSE, LODGE ROAD, SANDBACH, CHESHIRE CW11 3HP: OUTLINE APPLICATION FOR DEMOLITION OF ALL EXISTING ON SITE STRUCTURES AND THE REDEVELOPMENT OF THE SITE FOR 50 RESIDENTIAL DWELLINGS (USE CLASS C3) WITH ASSOCIATED LANDSCAPING AND VEHICULAR ACCESS FROM LODGE ROAD FOR BRUCE LEDWITH, THORNHILL HOLDINGS LTD

Note: Mrs J Davies (objector) had registered her intention to address the Committee but was not in attendance at the meeting.

Note: Mr D Hutchins (objector) and Ms R Harris (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 the application be DEFERRED for the following:

- Update of PAN figures using 2016 school census data.
- Details of the marketing of the site to ensure that it has been competitively marketed.
- Details of the History of the site.
- Further information in terms of the noise from the adjacent employment development.

64 16/0866C THE HOLLIES, WESLEY AVENUE, SANDBACH, CHESHIRE CW11 1DQ: CONSTRUCTION OF APARTMENTS AND ASSOCIATED LANDSCAPING FOR MR C THOMPSON, REVELATION PROPERTIES LTD

Note: Councillor B Moran (Ward Councillor) and Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

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

1. Standard Time
2. Approved Plans

3. Parking provision prior to first occupation of the development
 4. Submission of Landscape Details including surfacing materials
 5. Implementation of the approved landscaping scheme
 6. Surface Water Drainage to be submitted and approved
 7. Piling Works to be submitted and approved
 8. Construction Method Statement to be submitted and approved
 9. Noise mitigation measures to be submitted and approved
 10. Contaminated Land mitigation measures
 11. Materials to be submitted and approved
 12. Boundary treatments to be submitted and approved
 13. Due to the specialised diaperwork a sample panel of brickwork 1m² showing the bricks, bond, pointing and diaperwork to be submitted and approved
 14. Detailed drawings of: eaves details, glazed link, windows and doors including rooflights to be submitted and approved
 15. Rainwatergoods to be metal and black
 16. The external window and door frames shall be recessed from the external wall face by a minimum of 100mm
 17. Nesting Bird Mitigation Details
 18. Cycle storage details within the rear courtyard
 19. Relocation of the disabled parking space
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

65 16/3924C WATERWORKS HOUSE, DINGLE LANE, SANDBACH CW11 1FY: DEMOLITION OF EXISTING TWO-STOREY DWELLING, REMOVAL OF WATER TREATMENT STORAGE AND SETTLEMENT TANKS AND CONSTRUCTION OF 12 TWO AND THREE STOREY DETACHED DWELLINGS TOGETHER WITH ASSOCIATED CAR PARKING, LANDSCAPING WORKS AND FORMATION OF NEW ACCESS ONTO TIVERTON CLOSE FOR MR P POLLARD, MYPAD DEVELOPMENTS LTD

Note: Councillor B Moran (Ward Councillor), Town Councillor M Benson (on behalf of Sandbach Town Council) and Mr T Waite (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

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

The proposed development by reason of its scale and massing would not be in keeping and sympathetic to the character and appearance of the area as a result the development is contrary to Policy H2 of the Sandbach Neighbourhood Development Plan 2010-2030 and Policies GR2 and GR3 of the Borough of Congleton Local Plan 2005. Furthermore the development is located within the designated wildlife corridor and would be contrary to policy PC4 of the Sandbach Neighbourhood Plan 2010-2030.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following Heads of Terms for a S106 Agreement:
 - 1. A contribution of £32,685.00 for secondary education provision
 - 2. A contribution of £26,935.20 for enhancement and maintenance of amenity greenspace and children and young persons provision
 - 3. A contribution of £5,647.00 for off-site ecological works

66 16/1746C LAND AT SUNNYSIDE FARM, DUNNOCKSFOLD ROAD, ALSAGER ST7 2TW: RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 28 DWELLINGS, TOGETHER WITH REPLAN OF PLOTS 4, 5 AND 6 ON PLANNING CONSENT 14/5548C, LANDSCAPING, ACCESS AND ASSOCIATED WORKS FOR MR TOM LOOMES, JONES HOMES (NORTH WEST) LIMITED

Note: Councillor D Hough (Ward Councillor), Town Councillor S Helliwell (on behalf of Alsager Town Council) and Mr T Loomes (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement to secure:

1. Open Space provision comprising of:
 - Contribution towards Amenity Green Space (AGS) to enhancement Hassall Road Play area access of £4,543.38, and £10,169.50 for maintenance
 - Contribution towards Children and Young Persons Play at Hassall Road to improve the DDA equipment of £7,875.02 and £25,671.00 for maintenance.
2. 30% on-site affordable housing provision to include; 5 rented dwellings and 3 intermediate properties
 - requires them to transfer any rented affordable units to a Registered Provider
 - 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 £65,371 for secondary education
4. Commuted sum of £12,320.00 for off site habitat creation

And the following conditions:

1. Time
2. Plans
3. Materials to be submitted
4. Landscaping
5. Landscaping implementation
6. Details of bin storage
7. Boundary treatment
8. Environmental Management Plan
9. Travel Information Pack
10. Electric Vehicle Infrastructure
11. Phase 1 contaminated Land
12. Soil Verification report
13. Unexpected Contaminated Land
14. Foul and Surface water drainage
15. Surface water drainage scheme
16. SUDs management and Maintenance plan
17. Hedgehog mitigation
18. Lighting Scheme
19. Grassland Habitat (Hares)
20. Method Statement for the eradication of invasive non-native plant species
21. Development in accordance with Extended Phase One: Habitat survey

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

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

1. Open Space provision comprising of;
 - Contribution towards Amenity Green Space (AGS) to enhancement Hassall Road Play area access of £4,543.38, and £10,169.50 for maintenance
 - Contribution towards Children and Young Persons Play at Hassall Road to improve the DDA equipment of £7,875.02 and £25,671.00 for maintenance.
2. 30% on-site affordable housing provision to include; 5 rented dwellings and 3 intermediate properties
 - requires them to transfer any rented affordable units to a Registered Provider
 - 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 £65,371 for secondary education
4. Commuted sum of £12,320.00 for off site habitat creation

67 **16/2737C LAND AT DUNSTER LODGE, BROOKHOUSE ROAD, ALSAGER: OUTLINE APPLICATION FOR THE ERECTION OF ONE DWELLINGHOUSE IN GARDEN OF DUNSTER LODGE, BROOKHOUSE ROAD, PROVIDING ACCESS ON TO CEDAR AVENUE FOR MS CHRISTINE DYSON**

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

Note: Town Councillor S Helliwell (on behalf of Alsager Town Council), Mrs S Dyke (objector) and Mr M Askew (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 an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Time Limit (Outline)
 - 2. Submission of reserved matters
 - 3. Reserved Matters application made within 3 years
 - 4. Development in accordance with approved plans
 - 5. Nesting birds
 - 6. Land contamination
 - 7. Construction Management Plan
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

68 16/2738C LAND AT GREENFIELDS, CEDAR AVENUE, ALSAGER, STOKE-ON-TRENT, CHESHIRE ST7 2PH: OUTLINE APPLICATION FOR DWELLING IN GARDEN OF GREENFIELDS FOR MR & MRS SMITH

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

Note: Town Councillor S Helliwell (on behalf of Alsager Town Council), Mrs S Dyke (objector) and Mr M Askew (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 APPROVED subject to the following conditions:
 - 1. Time Limit (Outline)

2. Submission of reserved matters
 3. Reserved Matters application made within 3 years
 4. Development in accordance with approved plans
 5. Boundary treatment
 6. Nesting birds
 7. Land contamination
 8. Construction Management Plan
 9. Hedgerow Protection Details to the hedgerow along the boundary with Greenlands
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**69 16/3732C HEATHEND FARM, HASSALL ROAD, ALSAGER ST7 2SJ:
DEMOLITION OF THE EXISTING FARM HOUSE, GARAGE & STABLES
AND PROPOSED 5 NUMBER 5 BEDROOM DWELLINGS WITH
DETACHED GARAGES ALL ON THE LAND AT HEATHEND FARM
FOR BRUCE DAVIES**

Note: Councillor D Hough (Ward Councillor) and Ms R Thornley (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Commencement
 2. Submission of reserved matters
 3. Approved plans
 4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays
 5. Submission of Construction Management Plan
 6. Provision of an electric vehicle charging point to each dwelling
 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
 8. Submission of tree/hedgerow protection scheme
 9. Breeding bird survey for works in the nesting season
 10. Compliance with the Extended Phase One Habitat Survey
 11. Reserved matters to include Noise Mitigation Scheme
 12. Reserved matters to include details of external lighting

13. Reserved matters to include features for breeding birds and roosting bats
 14. Reserved matters to include existing and proposed levels.
 15. The reserved matters shall have a maximum combined gross floorspace of no more than 1000sqm
 16. Contaminated Land
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

70 16/1940N LAND TO THE REAR OF AND INCLUD, 481, CREWE ROAD, WINTERLEY: OUTLINE PLANNING APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF 12 NUMBER DWELLINGS ON THE LAND TO THE REAR AND INCLUDING 481 CREWE ROAD WINTERLEY CHESHIRE CW11 4RF INCLUDING THE DEMOLITION OF 481 CREWE ROAD AND ALTERATIONS TO THE EXISTING ROAD ACCESS FOR MR JOHN PASS

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

71 16/0762N FORMER EDLESTON ROAD PRIMARY SCHOOL, EDLESTON ROAD, CREWE, CHESHIRE CW2 7HB: DEMOLITION OF EXISTING BUILDINGS AND THE DEVELOPMENT OF A MIX OF 46 NO. ONE AND TWO BED APARTMENTS AND ANCILLARY WORKS FOR BOURNE HOUSING LIMITED

Note: Councillor D Flude (Ward Councillor) and Mr R Lee (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reasons:
1. The proposal, by virtue of its height and proximity to dwellings opposite on 133 Edleston Road, 18 Union Street and 10-14 Derrington Avenue will be detrimental to the amenity of those residents by virtue of loss of privacy and overbearingness for all; loss of light, overshadowing for the residents on Derrington Avenue

contrary to Policies BE1 of the Crewe and Nantwich Borough Local Plan.

2. The proposal by virtue of its scale, mass and detailed design would be inappropriate and out of keeping with the general character of the area within which it is located and consequently represents poor design that fails to take the opportunities available for improving the character and quality of the area and the way that it functions, contrary to policy BE2 of the Crewe and Nantwich Local Plan, and Paragraph 64 of the NPPF.
 3. The proposal by virtue of its scale, mass and detailed design, the extent of demolition proposed and the impact upon its setting would result in significant harm to the heritage significance of the locally listed building, contrary to Policy BE13 of the Crewe and Nantwich Borough Local Plan and paragraph 135 of the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**72 16/3433N GRAND JUNCTION WAY, CREWE, CHESHIRE:
DEMOLITION OF AN EXISTING BUILDING, PART DEMOLITION OF
THE FORMER PET HIRE BUILDING, ERECTION OF A RETAIL UNIT
(CLASS A1) MEASURING 1,207 SQ.M. (GIA), ALTERATIONS TO
ACCESS ROAD, SERVICE AREA AND CAR PARK LAYOUT FOR
TRITON PROPERTY FUND**

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

The Principal Planning Officer reported that, further to receipt of an email from the applicant, officers were now recommending that the application be deferred, to allow further evidence to be submitted and enable the applicant to engage further with officers in respect of the proposal.

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

RESOLVED

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

In this case there is an available unit within Crewe Town Centre which is currently available. This application fails to satisfy the

sequential test and as such the development is contrary to Paragraphs 24 and 27 of the NPPF.

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

73 16/4532N 2, MARKET STREET, CREWE CW1 2EQ: ELEVATION ALTERATIONS AND CHANGE OF USE FROM DISUSED BANK TO SELF CONTAINED A2 ESTATE AGENCY AND LARGE HOUSE OF MULTIPLE OCCUPATION FOR 7 PERSONS FOR MR EVANS

Note: Councillor D Flude (Neighbouring Ward Councillor) and Mr S Evans (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. 3 years commencement
 - 2. Compliance with approved plans
 - 3. Materials as specified
 - 4. Hours of use restriction for office
 - 5. Refuse and cycle storage to be provided as shown
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

74 16/2372N LAND AT BUNBURY HEATH, WHITCHURCH ROAD, BUNBURY: OUTLINE PLANNING FOR RESIDENTIAL DEVELOPMENT OF 2 HOUSES FOR MS REDMOND, PECKFORTON ESTATE

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

Note: Councillor N Mannion left the meeting prior to consideration of this application.

Note: Mrs J France-Hayhurst (supporter) attended the meeting and addressed the Committee.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Submission of Reserved Matters (Appearance, Landscaping, Layout and Scale)
 - 2. Time Limit for submission of reserved matters
 - 3. Time limit for outline permission
 - 4. Approved plans (access details)
 - 5. Existing and Proposed Site Levels, and Finished Floor Levels to be provided for approval
 - 6. Reserved Matters application to include streetscene elevation to demonstrate relationship with existing dwellings
 - 7. Reserved Matters application for landscaping to include a comprehensive landscaping scheme, and include replacement of existing hedgerows which may be lost and to show a net increase in vegetation across site. Whitchurch Road boundary shall include provision of a hedgerow.
 - 8. Access and visibility to be provided in accordance with the approved details prior to first occupation
 - 9. Any further reserved matters application be supported by an updated Great Crested Newt Reasonable Avoidance Measures method statement
 - 10. Details of piling to be provided (if proposed) prior to commencement of development
 - 11. Scheme to minimise dust emissions during construction to be submitted and approved prior to commencement of development
 - 12. Unexpected Contamination
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

75 16/3153N GREENFIELDS, HOLMSHAW LANE, OAKHANGER, CREWE, CHESHIRE CW1 5XE: OUTLINE APPLICATION FOR TWO FOUR BEDROOM, TWIN BATHROOM DETACHED HOUSES FOR ANTHONY LLOYD-WESTON

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to no objections from Natural England and the following conditions:
1. Commencement
 2. Submission of reserved matters
 3. Approved plans
 4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays
 5. Submission of Construction Management Plan
 6. Provision of an electric vehicle charging point to each dwelling
 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
 8. Compliance with the tree/hedgerow protection scheme within the Arboricultural Impact Assessment
 9. Submission of a Phase 1 Contaminated Land Report
 10. Breeding bird survey for works in the nesting season
 11. Reserved matters to include features for breeding birds and roosting bats
 12. Reserved matters to include existing and proposed levels.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

76 16/3456N IVY HOUSE FARM, LONGHILL LANE, HANKELow, CHESHIRE CW3 0JQ: OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING DWELLING AND COMMERCIAL BUILDINGS. ERECTION OF FIVE DETACHED DWELLING, ACCESS AND ASSOCIATED WORKS FOR MR & MRS HUDDART

Note: Mr A Wallace attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Time period within 3 years
 2. Approved plans
 3. Dust control measures
 4. Contaminated land
 5. Development in accordance with the recommendations of the submitted Report on GCN and Habitat Assessment
 6. Reserved matters application to include native species as boundary features
 7. Development to proceed in accordance with the recommendation made in the submitted Protected Species report
 8. Detailed survey shall be carried out to check for nesting birds
 9. Incorporation of features into the scheme suitable for use by breeding birds
 10. Drainage strategy/design in accordance with the appropriate method of surface water drainage
 11. Sustainable drainage management and maintenance plan for the lifetime of the development
 12. Foul and surface water schemes
 13. No change to the surface of the right of way

Informative:

The Southern Planning Committee would like to see a mix of house types/sizes at the Reserved matter stage.

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

The meeting commenced at 10.00 am and concluded at 5.15 pm

Councillor G Merry (Chairman)

Application No: 16/2645C

Location: ELMBANK HOUSE, LODGE ROAD, SANDBACH, CHESHIRE, CW11 3HP

Proposal: Outline application for demolition of all existing on site structures and the redevelopment of the site for 50 residential dwellings (Use Class C3) with associated landscaping and vehicular access from Lodge Road

Applicant: Bruce Ledwith, Thornhill Holdings Ltd

Expiry Date: 01-Sep-2016

SUMMARY

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

The application site also lies within the Sandbach settlement boundary as defined by the Local Plan where Policy PS4 advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site has been marketed unsuccessfully for continued commercial use. Furthermore, it has been accepted within the recent Cheshire East Council Employment Land Review, that the site is expected to be subject to a change of use. In conjunction with the planning benefits in terms of the provision of further housing in a sustainable location, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the provision of a commuted sum for the improvement of off-site public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the loss of an employment site.

In this instance, it is considered that the dis-benefits of scheme do not significantly and demonstrably outweigh the benefits. As such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement to secure on-site Affordable Housing and an Education and Open Space contribution and conditions

REASON FOR DEFERRAL

The application was considered by Cheshire East Southern Planning Committee on the 26th October 2016. The planning committee determined to defer the application in order to obtain further information, including;

- Update of PAN figures using 2016 school census data
- Details of the marketing of the site to ensure that it has been competitively marketed
- Details of the history of the site
- Further information in terms of the noise from the adjacent employment development

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as it proposes residential development of over 20 units.

PROPOSAL

Outline planning permission is sought for the erection of up to 50 dwellings and matters of Access.

Matters of Layout, Scale, Appearance, Landscaping are not sought for approval at this stage and would be subject Reserved Matters applications.

A revised indicative layout has been submitted during the course of the application, reducing the overall numbers proposed from 56 to 50.

SITE DESCRIPTION

The application site lies to the north of Lodge Road within the Sandbach Settlement boundary.

The application site as a whole extends approximately 1.76 hectares and is currently occupied by approximately 55,500 square foot of storage and distribution industrial development.

The application site also falls within a Brine Consultation Area.

RELEVANT HISTORY

The agent for the application has provided a history of the site.

It is understood that the site was previously owned by Tesco who operated the site as a distribution centre until around 1994/95.

The applicant purchased the site in 1997, at this time the site had been vacant since 1994/95 and was in a poor state of repair. The applicant apparently made a significant investment in the site and managed to secure Internet Logistics (now known as Core Fulfilment) on a long term lease.

The current lease on the site expired 2 years ago, at which time Core Fulfilment stated that they wished to move due to the property no longer being of suitable quality and location in order to attract the level of customers required to maintain the business. The applicant agreed to a reduced rent position with Core Fulfilment, to allow him time to secure another business on the site before Core Fulfilment vacated.

As such the applicant instructed TFC Commercial Property to market the site.

The applicant is moving the business to Orion Way in Crewe.

09/3434C - Proposed Temporary Warehouse – Approved 24th March 2010

30464/3 - Change Of Use Of Existing Derelict Garage To A Plant Producing Pilot & Small Batch Chemicals - Requiring Renovation Of And Alterations To Garage – Withdrawn 5th March 1999

28291/3 - Proposed Change Of Use Of Existing Warehouse And Distribution Depot Into New Head Office For Pulse Fitness Plc For The Purpose Of Manufacture And Offices – Approved 13th August 1996

22132/3 - Storage of Metal Drums - Wooden Construction – Approved 1st May 1990

22116/3 - Office Area – Approved 1st May 1990

21900/3 - Proposed Warehouse with Double Pitched Roof – Withdrawn 25th May 1990

21115/3 - Single Storey Office Building with Pitched Roof – Approved 20th June 1989

20470/3 - Car Park – Approved 14th February 1989

19948/3 - Change of Use To Contract Packing And Filling Of Liquids And Powders – Withdrawn 2nd August 1988

15303/3 - Alterations To Loading Doors At Existing Warehouse – Approved 1st September 1983

14754/3 - Installation Of Sprinkler Water Storage Tank And Adjacent Pump Housing – Approved 23rd March 1983

11546/3 - Single Storey Fork Lift Truck Charging Bay And Boiler Room Extension – Approved 17th July 1980

10123/3 - Internal Extension To Ground And First Floor Office Accommodation – Approved 23rd October 1979

4029/3 - Modification Of Existing Warehouse And Office Building To Allow For 40% Retail Sales Area For Consumer Durables

NATIONAL & LOCAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has was 'made' on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), H1 (Housing growth), H2 (Design & Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT (Parking), IFC1 (Community Infrastructure Levy), CW1 (Amenity, Play, Recreation and Outdoor Sports Facilities), CW3 (Health) and CC1 (Adapting to Climate Change)

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan.

The relevant Saved Policies are;

PS4 – Towns, GR1 – New Development, GR2 – Design, GR4 and GR5 – Landscaping, GR6 - Amenities and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR21 – Flood Prevention, GR22 – Open Space Provision, NR1 – Trees and Woodlands, NR2 – Wildlife and Nature Conservation – Statutory Sites, NR3 – Habitats, E10 – Re-use or Re-development of Existing Employment Sites, H1 – Provision of New Housing Development and H4 – Residential Development in Towns

Emerging Cheshire East Local Plan Strategy

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

Policy SD1 - Sustainable Development in Cheshire East, Policy SD2 - Sustainable Development Principles, Policy SE1 - Design, Policy SE2 - Efficient Use of Land, Policy SE3 - Biodiversity and Geodiversity, Policy SE4 - The Landscape, Policy SE5 - Trees, Hedgerows and Woodland, Policy SE9 - Energy Efficient Development, Policy SE12 - Pollution, Land Contamination and Land Instability, Policy IN1 - Infrastructure, Policy IN2 - Developer Contributions, Policy PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy and Policy SC4 - Residential Mix

Cheshire East Council - Employment Land Review

National Policy

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Supplementary Planning Documents:

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

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the prior submission/approval of a Construction Management Plan

Cheshire Brine Board – No objections, subject to the submission of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence

Environment Agency – No objections

Housing (Cheshire East Council) – No objections as policy required 30% on-site affordable housing is proposed

Flood Risk Manager (Cheshire East Council) – No objections, subject to conditions including; the prior submission/approval of a surface water drainage strategy; the prior submission/approval of storm period and intensity details and mitigation

Education (Cheshire East Council) – No objections, subject to the provision of £130,741.52 towards secondary school education provision

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the submission of a detailed acoustic mitigation scheme and updated acoustic report with the first reserved matters; that the agreed acoustic mitigation scheme includes a detailed site layout and specific mitigation for each property; that the agreed scheme be implemented in full, prior to the occupation of any unit requiring acoustic mitigation; the prior submission/approval of an Environmental Management Plan; that details of electric vehicle charging provision for each property be submitted with the first reserved matters; the prior submission/approval of a Residents Travel Information Pack; the prior submission/approval of a contaminated land report; the prior submission/approval of a soil verification report for imported material and that works should stop if contamination is found during development.

ANSA Greenspace (Cheshire East Council) – No objections, subject to a commuted sum to secure £6,339.60 for the upgrading of the Thornbrook Way site's Amenity Green Space and

£14,190.00 for its maintenance. In addition a contribution of £10,988.40 is sought for the upgrade of the Thornbrook Way Play area and £35,820.00 for its maintenance.

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

It is also noted that a public sewer crosses the site, therefore UU may not permit building over it.

Countryside and Rights of Way (Cheshire East Council) - No objections, subject to a condition that a scheme of signage for pedestrians and cyclists be submitted to and approved in writing by the LPA

Ramblers Association - No comments received at time of report

Sandbach Town Council – Object to the proposal on the following grounds

- The site is designated employment land
- No affordable housing within the proposal
- Site exits onto an already busy and dangerous junction
- The site is not included in the Sandbach Neighbourhood Development Plan

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected and the application was advertised in the local newspaper. In response, 4 letters of objection have been received from neighbouring premises. The main areas of objection include;

- Principle – mixing residential development with industrial
- Loss of employment land
- Impact upon local infrastructure – e.g. Schools
- Highway safety / parking
- Amenity – noise, loss of privacy

APPRAISAL

The key issues are:

- Principle of the development
- The sustainability of the proposal considering the Environmental, economic and social role of the development
- Planning Balance

Principle of development

As the site falls within the Sandbach Settlement Boundary, the proposal is subject to Policy PS4 of the local plan and Policy PC3 of the SNP. Policy PS4 advises that within settlement boundaries,

there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

New dwellings

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.

Policy H4 advises that proposals for residential development within towns shall only be permitted if a number of criteria are adhered to including;

- The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- That the development is of an acceptable design
- The proposal accords with other relevant local plan policies
- The proposal does not detrimentally impact housing land supply totals

In response to the above, the site is not allocated for committed for any other purpose in the local plan and would not have a detrimental impact upon Housing Land Supply totals as detailed in the below section. As such, subject to the development being of an appropriate design and adhering with all other relevant local plan policies, the principle of the development is considered to be acceptable.

Policy H1 of the Sandbach NP refers to housing growth. It is advised that future housing growth to meet the needs established in the emerging Cheshire East Local Plan will be delivered through existing commitments, sites identified in the Cheshire East Local Plan and windfalls.

In response, the site was not considered for housing as part of the emerging Local Plan because it was not of a size large enough for consideration. However, it has been identified within the Cheshire East Council Employment Land Review document which forms part of the evidence base for the emerging Cheshire East Local Plan, that the site has potential for a change of use. On page E2-86 of this document, it is further stated that *'There are residential areas to the south and north and it would be expected that there will be a change of use over the plan period.'*

Policy H5 of the Sandbach NP refers to preferred locations for residential development. It states that certain types of development will be supported within the Policy Boundary defined in Policy PC3 (within which the application site lies). These types of development include;

- Housing infill development
- The conversion of existing buildings to residential use
- Self-build projects
- Co-housing
- The subdivision or amalgamation of existing residential units with suitable space
- Residential use of accommodation above retail premises.

- Development for older people within the town centre or;
- Redevelopment of Brownfield land

The application proposal comprises of the redevelopment of brownfield land and as such, is considered to adhere to Policy H5 of the Sandbach NP.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

Since the deferral of the application at the Southern Planning Committee meeting on 26th September 2016 the SoS has issued his appeal decision for 165 dwellings on the land directly to the north of the site. It should be noted that in terms of housing provision in Sandbach the Planning Inspector found at paragraph 68 that;

'The Council and others opposing the scheme consider that Sandbach is playing its part in terms of housing delivery. This is because it is considered that Sandbach can provide for the housing the Council anticipates as being required following the interim CELPS Inspector's Report. However, I am not satisfied that this provides justification for the town distancing itself from housing that is required now to fulfil existing needs that are not being met by the Council for its area as a whole'

This view was accepted by the SoS who stated that;

'whilst the Council may be able to demonstrate that Sandbach is likely to provide the level of housing to 2030 currently allocated to it in CELPS, this does not remove Sandbach from its part in providing for more dwellings in the light of the current severe shortage in housing land supply for the Council's area as a whole'.

Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites.

Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

The application site currently comprises of a warehouse and office facility with associated hardstanding.

The application is supported by a Planning Statement and Marketing Report. The key points raised in this report include;

- Location of the site is not considered to be as suitable for employment as Crewe, Winsford and Middlewich
- Proximity of the site to residential properties constrains the use
- Poor condition of the existing building to meet modern requirements and the split levels of the site
- That the site has been identified in the Council's Employment Land Review 2012 as having potential for a Change of Use of the Plan period (2010-2030)
- Site has been marketed for in excess of 12 months using; site boards, marketing brochures, direct mailing and online publications. Interest has been expressed but a commercial user has not been able to be secured. The reason put forward being that there are other more preferable sites and the re-use of the existing site would not be viable
- Site is shortly to become vacant and as such deteriorate
- The proposed development would improve the environmental conditions of the site through good design, green space and public realm

It should be noted that although the application site is currently used for employment purposes, it is not a formerly committed/designated employment site within the Local Plan.

The Council's Regeneration Officer has advised that sites of the type and size of the application proposal need to be retained for employment use. However, the Officer then goes on to refer to the importance of 'designated' employment sites, which the application site is not.

Furthermore, within the Cheshire East Council Employment Land Review document which forms part of the evidence base for the emerging Cheshire East Local Plan, it has been concluded that the site has potential for a change of use. On page E2-86 of this document, it is further stated that *'There are residential areas to the south and north and it would be expected that there will be a change of use over the plan period.'*

At the previous planning committee, Members concluded that they wanted further details of the marketing of the site to ensure that it has been competitively marketed.

In response, the applicant's agent has provided a further update.

The update advises that the site has been actively marketed by TFC Commercial Property for a period of almost 2 years, well in excess of the policy requirement of 12 months. It is advised that the following marketing initiatives have been utilised:

- **Direct Targeting-** contacting regional and national occupiers who have requirements for this type of property.
- **Marketing Particulars-** production of marketing particulars, which detail the accommodation including size, description, location etc.
- **Wider Mailing/ Emailshots-** The marketing particulars have been provided to all North West industrial agents together with the local authority contacts. The property has been regularly mailed out for general enquiries and property specific enquiries.
- **Web-site advertising-** The property details have been placed on the following websites: www.tfcproperty.com and www.zoopla.co.uk
- **Marketing Board-** A marketing board has been erected at the property to alert the availability of the unit.

As evidenced in the enclosed sale particulars, the site was primarily marketed for rent, although the particulars did state that the sale of the land would be considered. In respect to the rental price, the site was marketed at £3.50 per sqft, which is comparable to sites within the locality.

As a result of this marketing campaign, it has been advised that a number of enquiries have been received by the agent. In summary, it is advised that the enquiries received were from a number of developers (both residential and commercial), agents and private companies. It is advised that TFC responded and chased up all enquiries received, however they were unable to secure an end user or purchaser for the site. A number of reasons were given for this, including but not limited to;

- The poor condition of the existing site
- Split level constraints
- Constraints of the existing building (i.e. low eaves), which are not suitable for some modern uses.

It is considered that this further marketing evidence submitted demonstrates that there are no reasonable prospects that the application site will be used for employment purposes, due to the site constraints, lack of demand and supply of better located and higher quality sites within the wider locality.

It is further advised by the applicant's agent that the current reduced rent position is not commercially sustainable for the applicant and the current occupiers have already found alternative premises to relocate in Crewe and as such the building will become vacant shortly.

As a result of the above reasons and justification, it is accepted that the site is no longer suitable for employment purposes, primarily due to its location and the cost to upgrade the existing facilities. Furthermore, the benefits of permitting an alternative use on this site, specifically a residential use, given the council's 5-year housing land supply position is considered to carry significant weight.

Paragraph 51 of the NPPF states that planning '*...should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*'

The other merits of the proposed are considered by the scheme's sustainability which is considered below.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

Environmental role

Locational 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”

Due to the siting of the application site within the Sandbach Settlement Boundary, it is considered that the site is within an appropriate distance to sufficient public facilities such as schools, shops, doctors etc for the site to be locationally sustainable.

Landscape

This is an outline application for the demolition of all existing structures on site and the redevelopment of the site for residential dwellings. The application site is located towards the south eastern part of Elworth, to the west of Sandbach and is currently a storage and distribution site with associated buildings and parking. The application as revised indicates that the proposal is for 50 dwellings.

The application site is located along the eastern side of Lodge Road, to the north are residential properties located along Abbey Road, to the west are a number of industrial buildings. Lodge Road is a cul-de-sac.

If the application is recommended for approval, the Council’s Principal Landscape Officer has advised that appropriate landscape conditions be included to ensure the following information is submitted at the reserved matters stage for approval prior to the commencement of the development:

‘A detailed landscape masterplan which should include some planting between the development and the industrial estate to screen or filter views, as well as full hard and soft landscape details and boundary treatments.’

Ecology

The application is supported by an Ecological assessment.

This assessment identified that an active ‘other protected species’ sett is present on site. The Council’s Nature Conservation Officer has subsequently advised that appropriate mitigation measures, including the closing down the sett, will have to be completed under a Natural England licence.

The Council’s Nature Conservation Officer further advises that with a redevelopment of this scale, a commitment to environmental enhancements, as outlined in the support ecology report, is required.

As such, subject to a condition requiring the prior submission/approval of a detailed Badger Mitigation Statement and a detailed Ecological Enhancements Statement, no objections on ecology grounds are raised.

Trees

The application is supported by an Arboricultural Statement (Ref CW/8067-AS) dated 21st April 2016 by Cheshire Woodlands Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The development proposals identify the removal of four groups (G1 – G4) and three Areas (A1 – A3) trees, all have been categorised as low quality specimens. The Council's Tree Officer has advised that she would concur with these designations and not considered worthy of formal protection.

The Council's Tree Officer has advised that a high quality off site tree (T1) and the two moderate value trees (T2 & T3) located within the north east corner of the site can all be retained and protected in accordance with current best practice BS5837:2012. A limited amount of construction works are proposed within RPAs but these are achievable without detrimentally impacting on the retained tree presence.

The Council's Tree Officer has advised that light attenuation should not be a significant factor with the proposed development area located to the south of the retained trees.

The Council's Tree Officer has concluded that should the application be approved, conditions requiring that the reserved matters be supported by a Tree Protection Scheme and a detailed Arboricultural method statement which accords with the requirements of BS5837:2012, should be secured.

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The revised indicative layout plan demonstrates that the proposed 50 new dwellings would be accessed off a new access point towards the centre of the site from Lodge Road to the southwest.

The plan shows that this access road would extend directly to the rear of the site and then split off into 2 roads, one extending to the northwest and the other to the southeast, both along the

rear boundary of the site. A further 4 roads would subsequently extend back 90 degrees back towards Lodge Road ending in turning heads.

The scheme demonstrates that 20 of the dwellings would front Lodge Road and have gardens to the rear. The majority of the remaining properties would be arranged in a grid system to the rear of these.

The Council's Urban Design Officer considered the original indicative layout submitted with the application, which showed the provision of 56 dwellings, and raised the following concerns;

- *'There should be interface with the site to the north (this is presently at appeal) and should that be approved, the scheme needs to ensure connectivity between the sites*
- *The over formality of the street arrangement and some concern about the overall number of units and whether this density of development is appropriate. Parts of the scheme could have reduced formality in the street design to give the development a slightly less engineered feel – this relates to geometry, dimensions, character and materiality*
- *Whilst employment development lies to the south and there are proposals for housing to the north, the development should be of a character that reflects the context, an element of which is that this site once formed part of the Abbeyfields historic park/garden. Abbeyfields itself is listed grade 2 and lies to the east. The development therefore needs to be responsive both in terms of density but also character, particularly the northern and eastern edges of the site.*
- *The landscape along the edges of the site will be important and the development should for the most part be outward looking, meaning that boundary landscape should largely be in publicly accessible areas and help to both soften the edge of the development but also ease the relationship between housing and the employment development to the south of the site.*
- *Interface with Lodge Road - some housing backs onto the cul-de-sac of Lodge Road. Housing should address street frontages unless there are very sound reasons not to. I'm not convinced that there is that sort of justification here.'*

In response to these comments, in conjunction with comments raised by the Council's Environmental Protection Officer, the applicant revised the scheme in order to demonstrate that they could indeed, accommodate a certain number of dwellings on the application site in an acceptable design.

As part of this revised, the applicant reduced the overall proposed number to 50 from 56.

In response to the revisions, the Council's Urban Design Officer advised the reduction in the proposed numbers helps to bring the density down to a level comparable to that for the land to the north and currently under appeal.

He still does not consider that the layout is particularly appropriate in this context and advises it should be made clear that this layout would not be supported at reserved matters stage, but it is acknowledged that the application is outline and is satisfied that a housing scheme of the density sought can be developed on the site to an acceptable design. This is also in consideration of the design impacts the noise mitigation will have as considered in the amenity section of this report.

Although no aspects of the design are sought for approval at this stage, it is considered that the site is large enough to accommodate a scheme for 50 dwellings of an acceptable design. Therefore the proposal is considered to adhere with Policy H2 of the SNP, policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Access

The application is supported by a Transport Statement (TS).

The vehicle access into the site is currently via Lodge Road and will be relocated further east along Lodge Rd. The Council's Head of Strategic Infrastructure (HSI) has advised that the proposed vehicle access and footways into the site are in accordance with standards and therefore adequate. It is also advised that visibility onto Lodge Rd is also sufficient.

The HSI has advised that the scheme is in a sustainable location in that footway access is available to the wider Sandbach area and to bus stops and railway station.

It is further advised that the net increase in traffic that would be generated from the proposal, over the existing use, would be minimal and the traffic impact of the proposal is therefore considered negligible.

As a result of the above reasons, no objections are raised subject to the prior submission/approval of a Construction Management Plan.

Flood Risk and Drainage

The application site is located in Flood Zone 1. However, the Council's Flood Risk Manager has advised that there is also an amount of surface water risk to the east of the proposed development (topographic low spots) indicated by the Environmental Agency's (EA) mapping system. As such, the risk of flooding from this source will need to be appropriately mitigated and accessed before development can commence on site and shown in the appropriate documents submitted.

The Council's Flood Risk Manager has advised that subject to conditions, the flood risk can be mitigated. These conditions include; the prior submission/approval of a surface water drainage strategy; the prior submission/approval of storm period and intensity details and mitigation.

The Environment Agency raise no objections.

As such, it is not considered that the proposed development would create any significant flooding concerns and would adhere with Policy GR21 of the Local Plan.

With regards to drainage, United Utilities have advised that they have no objections, subject to conditions including; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

It is also noted that a public sewer crosses the site, therefore UU may not permit building over it, even if planning permission is approved.

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

Environmental Conclusion

The proposed revised indicative layout indicates that a housing development of 50 dwellings could be developed on the application site which would largely reflect the nearby residential density. Although the indicative layout proposed is not supported in urban design terms, it is accepted that a suitable scheme could be achieved at reserved matters stage.

No significant issues with regards to; landscape, trees, ecology, access, flooding and drainage would be created, subject to conditions where deemed necessary.

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

Economic Role

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

Although the loss of the employment site would be an economic dis-benefit, as it has been demonstrated that there is no viable prospect for this site to be re-used for such purposes, this economic dis-benefit is afforded minor weight.

As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction period.

Social Role

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

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This

percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 50 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 17 dwellings to be provided as affordable dwellings. 11 units should be provided as Affordable rent and 8 units as Intermediate tenure.

The SHMA 2013 shows a need for 94 new dwellings per annum in Sandbach. The requirement is broken down as 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ bed, 11 x 1 bed older persons and 5 x 2 bed older persons bedroom dwellings.

There are 281 applicants on Cheshire Homechoice who have selected Sandbach as their first choice area. These applicants require 107 x 1 bed, 110 x 2 bed, 60 x 3 bed and 14 x 4 bed dwellings.

The applicant has advised that they are willing to provide this policy required provision. As such, the Council's Housing Officer has advised that he has no objections, subject to the detail being agreed as part of a S106 Agreement.

Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on Elmbank House (16/2645C), there are 9 further registered and undetermined planning applications in Sandbach generating an additional 91 primary children and 70 secondary children.

The development of 50 dwellings is expected to generate:

10 primary children (50 x 0.19)

8 secondary children (50 x 0.15)

0 SEN children (56 x 0.51 x 0.023%)

The Council's Education Officer has advised that the development is expected to impact on secondary places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

The development is not expected to impact primary or SEN provision.

To alleviate forecast pressures, the Council's Education Officer has advised that the following contributions would be required:

$8 \times £17,959 \times 0.91 = £130,741.52$ (secondary)

Total education contribution: £130,741.52

The next round of forecasts based on the October 2016 school census will be available once approved by senior management and this is likely to be June/July next year.

Public Open Space

Policy GR22 of the Congleton Borough Local Plan advises that where residential planning permission is granted, it will be a requirement that provision be made for public open space of an extent, quality, design and location in accordance with the Council's currently adopted standards.

Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Development advises that there will be a required provision for developments of 7 dwellings or more.

The Council's Public Open Space Officer has advised that the revised indicative site layout plan does not show any Amenity Greenspace (AGS). There is both a deficit in play provision and AGS in the area therefore based on policy a minimum of 1,200sqm should be provided on site. This is based on 2.4 persons per dwelling in the absence of a housing schedule.

As no AGS is not provided on site, then to increase the footfall by increasing/upgrading paths at Thornbrook Way, the Council would require;

£6,339.60 - Enhancement

£14,190.00 - Maintenance

As there is a deficit in the area of Children's and Young Persons Play Provision (CYPP), policy requires a LEAP provision (50 – 74 dwellings) with a minimum area of 400sqm. As this is on the trigger for a LEAP and a small development, it is accepted that this may not be achievable. If a LEAP is not provided on site then the Council's Open Space Officer has advised that the Council would look to upgrade Thornbrook Way play area to increase the capacity for this development.

The enhancement would be to incorporate DDA inclusive equipment.

£10,988.40 - Enhancement

£35,820.00 - Maintenance

Subject to the above being secured, it is considered that the POS provision would be acceptable. It is expected that the above would be secured via a S106 contribution.

Residential Amenity

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

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest residential properties to the application site are the occupiers of No.1 Lodge Road and No's; 129, 131, 133, 135, 137 and 139 Abbey Road, all located to the west of the application site.

The revised indicative layout plan (Ref: 14068 (PL) 001 A) suggests that the closest of the proposed properties on the site would be the dwellings proposed on plots 26-29 and plots 38 and 39.

The indicative layout plan indicates that the properties on plots 26-29 would be over the minimum recommended 21.3 metre separation standard from the closest properties on Abbey Road.

The corner of the dwelling proposed on Plot 39 would be approximately 8 metres away from the side/rear corner of No.1 Lodge Road. Due to the offset relationship between this existing and proposed unit, if this dwelling is constructed where suggested on the indicative layout plan, it is not considered that any significant issues with regards to loss of privacy, light or visual intrusion would be created for the occupiers of No.1 Lodge Road.

The side elevation of the dwelling proposed on plot 38 is indicated to be approximately 18.5 metres away from the rear elevation of No.1 Lodge Road.

This distance would adhere with the 13.8 metre standard, which would eliminate any significant issues for the occupiers of this closest neighbour with regards to loss of privacy light or visual intrusion.

With regards to the relationships between the proposed dwellings themselves, a definitive conclusion cannot be made on these grounds as layout is not sought for approval as part of this application. However, the indicative layout does demonstrate that 50 dwellings could be accommodated within the application site whilst largely adhering to these minimum standards.

In addition, it is considered that sufficient private amenity space would be provided for each unit.

Noise, air pollution odour, contaminated land

Noise is a particular concern for Environmental Protection. In essence, they have advised that it needs to be clear that at the reserved matters stage, the layout and orientation of dwellings will be crucial to making the development acceptable from a noise perspective from the commercial development on the opposite side of Lodge Road.

To elaborate, the Environmental Protection Officer (EPO) has advised that the dwellings on the Lodge Road frontage would be needed to be carefully designed so they screen noise from the private rear gardens.

In addition, the house types proposed on the Lodge Road frontage would need to be designed so the principal habitable rooms of these dwellings would be to the rear of the units.

It is recommended that this be conditioned should the application be approved.

At the previous planning committee, Members wanted further information in terms of the noise from the adjacent employment development.

In response, the applicant's agent has provided further information.

It is advised that a comprehensive noise assessment has been undertaken which comprised of unattended and attended noise readings taken on site, the precise location of were agreed with the Council's Environmental Protection Officer. These were at 4 locations largely along the site frontage, the other side of the road to the adjacent other employment development.

It is advised that the noise measurements were undertaken continuously from 1pm on Friday 15th April 2016 to 1pm on Tuesday 19th April 2016, covering a 4 day period including week and weekend days, to ensure that a robust assessment could be undertaken. It is advised that the location of the measurements were chosen to ensure that the measurements took into account activities taking place on the existing employment sites located to the south of the site.

Following detailed discussions with the Council's Environmental Protection Officer the proposed indicative layout was amended and the following mitigation measures proposed:

- Orientate housing so that the buildings front Lodge Road to shield garden areas
- Position non-habitable spaces on façades facing Lodge Road
- Position sensitive spaces, such as living rooms and bedrooms on the opposite facades
- Provide appropriate glazing/ventilation to meet recommended internal levels
- Install an acoustic barrier along the boundary line to Lodge Road
- Maximise the distance between housing and Lodge Road

The Council's EPO has agreed that mitigation to be agreed via condition can be secured to ensure that future residents are not subject to any adverse noise impacts, including noise from the operation of the existing employment uses.

The Council's EPO has advised that the following conditions should also be included, should the application be approved; the submission of a detailed acoustic mitigation scheme and updated acoustic report with the first reserved matters; that the agreed acoustic mitigation scheme includes a detailed site layout and specific mitigation for each property; that the agreed scheme be implemented in full, prior to the occupation of any unit requiring acoustic mitigation; the prior submission/approval of an Environmental Management Plan; that details of electric vehicle charging provision for each property be submitted with the first reserved matters; the prior submission/approval of a Residents Travel Information Pack; the prior submission/approval of a contaminated land report; the prior submission/approval of a soil verification report for imported material and that works should stop if contamination is found during development.

As a result of the above, subject to the recommendations of the Council's Environmental Protection Team, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Public Right of Way (PROW)

The Council's PROW Officer has advised on consideration of the indicative site layout, it can be anticipated that pedestrians and cyclists would seek to cut through from the turning head of the western-most estate road, through to Lodge Road. This desire line could be formalised at reserved matters stage in order to improve the permeability of the site. Likewise, it is advised that the layout considered at the reserved matters application should design pedestrian and cyclist routes to link to the adjacent development site, if planning consent is granted for that application.

The Council's PROW Officer has also advised that it is important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

The PROW Officer has also recommended that should the development be granted consent, it should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Social conclusion

The proposed development would bring additional social planning benefits other than the provision of new dwellings including; the provision of on-site affordable housing, an education contribution and the provision of an off-site Public Open Space contribution.

It is therefore considered that the proposal would be socially sustainable.

Levy (CIL) Regulations

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

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

The scale of the development in conjunction with local need will result in the requirement to provide 1,200 sqm of Amenity Green Space and the provision of a LEAP on site. As no on-site provision has been proposed, the Council seek a total contribution of £17,328 towards the upgrade of the AGS and play space on Thornbrook Way and £50,010 for its maintenance. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in the requirement for £130,741.52 towards Secondary education provision to account for the additional impact the erection of the proposed dwellings would have upon the existing capacity. This is considered to be necessary, fair and reasonable in relation to the development.

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

Planning Balance

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

The application site lies within the Sandbach settlement boundary where Policy PS4 of the Local Plan advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site has been marketed unsuccessfully for continued commercial use. Furthermore, it has been accepted within the recent Cheshire East Council Employment Land Review, that the site is expected to be subject to a change of use. In conjunction with the planning benefits in terms of the provision of further housing in a sustainable location, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the provision of a commuted sum for the improvement of off-site public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the loss of an employment site.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

- **30% on site affordable housing provision**
- **£130,741.52 towards Secondary education**
- **£17,328 towards the upgrade of the AGS and Children's and Young Persons Play Space on Thornbrook Way and £50,010 for its maintenance**

And conditions;

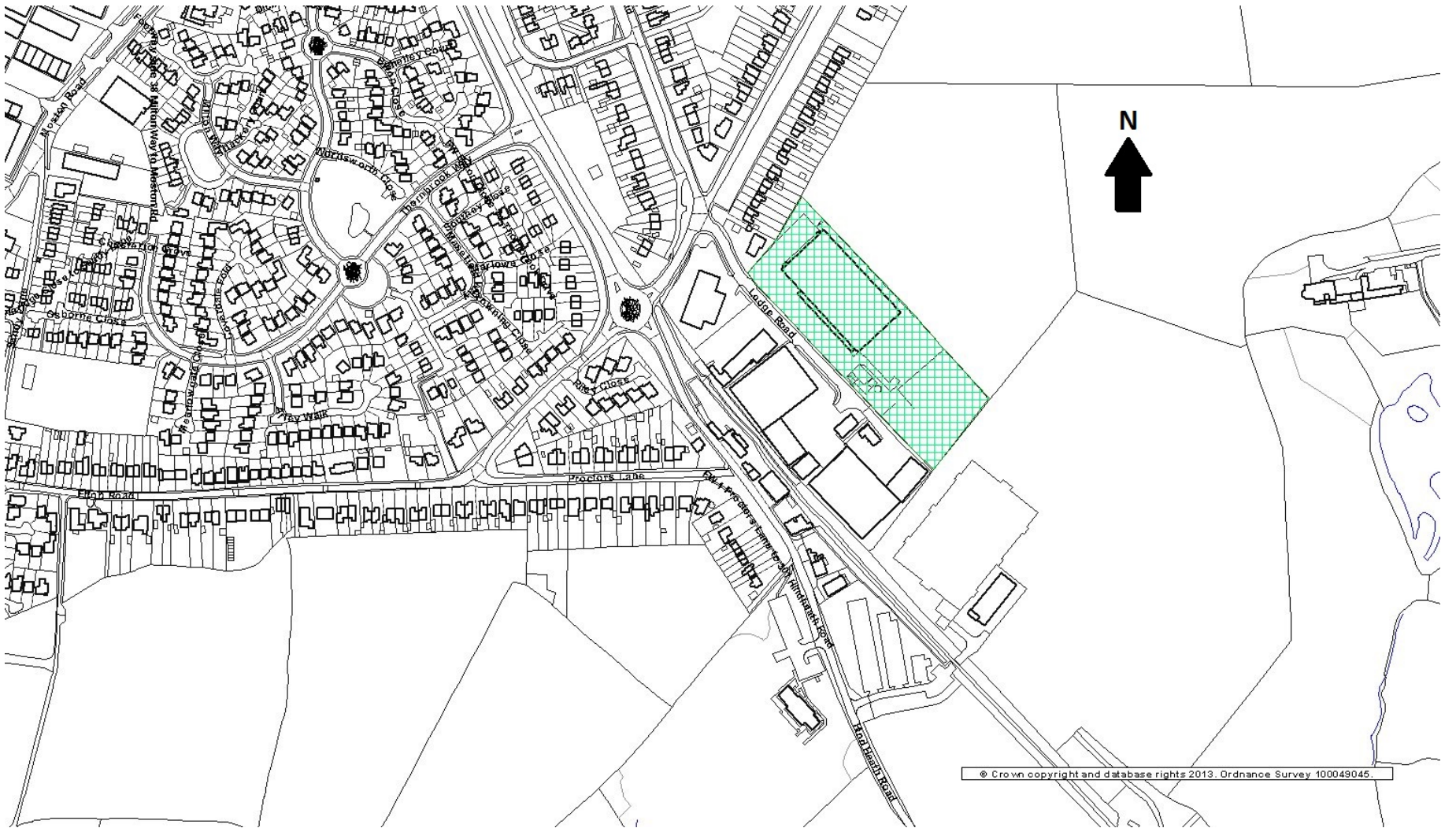
- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**

5. The First reserved matters application include detailed landscape masterplan which should include some planting between the development and the industrial estate to screen or filter views, as well as full hard and soft landscape details and boundary treatments
6. Prior submission/approval of a detailed Badger Mitigation Statement and a detailed Ecological Enhancements Statement
7. The First reserved matters application shall be supported by a Tree Protection Scheme and a detailed Arboricultural method statement which accords with the requirements of BS5837:2012
8. Prior submission/approval of a Construction Management Plan
9. Prior submission/approval of a surface water drainage strategy/scheme
10. Prior submission/approval of storm period and intensity details and mitigation
11. Foul and surface water be drained on separate systems
12. Prior submission/approval of a sustainable drainage management and maintenance plan
13. All dwelling proposed on the Lodge Road site frontage shall comprise of internal arrangements that ensure that the principal habitable rooms of the dwellings (lounges, living rooms, bedrooms) are located to the rear of the dwellings
14. The First Reserved Matters shall be accompanied by a detailed acoustic mitigation scheme and updated acoustic report. The acoustic mitigation scheme shall include a detailed site layout and specific mitigation for each property
15. Prior submission/approval of an Environmental Management Plan
16. The First Reserved Matters shall include details of electric vehicle charging provision for each property
17. Prior submission/approval of a Residents Travel Information Pack
18. Prior submission/approval of a Phase II contaminated land report
19. Prior submission/approval of a soil verification report for imported material
20. Works should stop if contamination is found during development
21. Prior submission/approval of a scheme of signage for pedestrians and cyclists within the red-edge boundary
22. Details of the existing and proposed levels to be provided as part of the first reserved matters application

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

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

- 30% on site affordable housing provision
- £130,741.52 towards Secondary education
- £17,328 towards the upgrade of the AGS and Children's and Young Persons Play Space on Thornbrook Way and £50,010 for its maintenance



Application No: 16/2993N

Location: LAND ADJACENT TO, 68, CLOSE LANE, ALSAGER

Proposal: Proposed outline residential development of 16 no. dwellings with access and layout applied for

Applicant: Pembroke Homes Ltd & Nichola Jane Beach

Expiry Date: 20-Sep-2016

SUMMARY

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

It is therefore necessary to consider 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 planning dis-benefits are that the proposal would cause visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of x5 affordable units and x11 open market housing, a contribution towards secondary education, a minor boost to the local economy and on balance is considered to be locationally sustainable.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

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

REASON FOR REFERRAL

Departure

PROPOSAL

- The proposal seeks outline residential development of x16 dwellings with access and layout
- All other matters are reserved

SITE DESCRIPTION

- The application site comprises part of the garden area serving No.68 Close Lane and the open field to the rear
- Area consists of predominantly residential properties to the north, east and west, with this side of the road being a row of ribbon development. Open countryside to the west
- Nearest residential properties are sited immediately to the north and south of the site
- No significant variation in land levels noted
- Existing access taken off Close Lane
- The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence.
- Large trees sited on the north-western, south-eastern and south-western boundaries
- The site is located in the Open Countryside as per the Crewe and Nantwich Local Plan and contains trees covered by Tree Preservation Order to the North-western boundary

RELEVANT HISTORY

7/08028 – 5 detached houses with garages – refused for the following reasons:

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Local Plan 2011

Policy BE.1 – Amenity
Policy BE.2 – Design Standards
Policy BE.3 – Access and Parking
Policy BE.4 – Drainage, Utilities and Resources
Policy NE.2 – Open Countryside
Policy NE.5 – Nature Conservation and Habitats
Policy NE.10 – New Woodland Planting and Landscaping
Policy RES.2 – Unallocated Housing Sites
Policy RES.3 – Housing Densities

Policy RES.5 – Housing in the Open Countryside
Policy TRAN.9 – Car Parking Standards

Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 – Overall Development Strategy
Policy PG2 – Settlement Hierarchy
Policy SD 1 – Sustainable Development in Cheshire East
Policy SD 2 – Sustainable Development Principles
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE5 – Trees, Hedgerows and Woodlands
Policy SE13 – Flood Risk and Water Management
Policy CS4 – Residential Mix

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

National Policy

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

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

Supplementary Planning Documents (SPD):

North West Sustainability Checklist
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
Development on Backland and Gardens SPD

CONSULTATIONS

Highways (Cheshire East Council)

No objection subject to condition regarding the provision of the visibility splays as shown on the plans

Flood Risk (Cheshire East Council)

No objection subject to the following conditions:

- 1) Management and maintenance plan of surface water drainage for the site
- 2) Scheme for the management of overland flow from surcharging of the site's surface water drainage system
- 3) Timing/phasing arrangements embodied within the scheme
- 4) Scheme for the provision and implementation of a surface water regulation system
- 5) Ground levels and Finished floor levels (FFLs) to be approved

Housing (Cheshire East Council)

No objection subject to the x5 affordable units being secured by Section 106 Agreement with the split of x3 of the affordable units with the remaining x2 as intermediate tenure

Environmental Protection (Cheshire East Council)

No objection subject to the following conditions:

- 1) Piling times
- 2) Dust control measures
- 3) Noise mitigation scheme
- 4) Travel information pack
- 5) Electric vehicle charging points
- 6) Contaminated land

Education (Cheshire East Council)

No objection subject to the following contribution for secondary education:

$2 \times £17,959 \times 0.91 = £32,685$ (secondary)

Total education contribution: £32,685

United Utilities

Following review of Drainage Strategy Report, the proposal is acceptable in principle therefore no objection subject to the following conditions:

- 1) The drainage shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (Ref No. P5664, Dated 14th March 2016 prepared by HR Wallingford).
- 2) Sustainable drainage management and maintenance plan for the lifetime of the development

Various advisory noted are also offered to the applicant

Haslington Parish Council

Objection on the following grounds:

- 1) The accumulative development in the area will put a substantial amount of demand on services such as the drainage and power where there will be constant disruption to the local residents.
- 2) The area is already known for its flooding potential and we cannot see anything within the development which will elevate this problem.
- 3) Traffic flow on the road and surrounding areas will become an issue as the houses are predominantly going to be housing multiple car users we have been contacted about residents concerns around traffic flow and road suitability.
- 4) Loss of green corridor 16/2993N is sited on a historic pastureland and this is part of a green wedge that will separate present homes from the 750 homes currently allocated to the White Moss site behind. We must object to any proposals that would see the "closing" of this corridor and the joining-up of the two sites. We also support the view of Alsager Town Council, who objected to the application on the grounds of it being detrimental to the surrounding landscape as well as it being environmentally unsustainable. The countryside will be detrimental effected with wildlife and habitats disturbed.

Alsager Town Council

Objection on the following grounds:

- 1) Environmental Sustainability
- 2) Loss of landscape value
- 3) Highway safety vehicular impact on Close Lane and its junction with Crewe Road
- 4) Impact of the development on Alsager's Infrastructure#

Cllr Deakin

Objection on the following grounds:

- 1) Loss of green corridor
- 2) Traffic issues
- 3) Flooding issues and water management

MP Edward Simpson

- 1) Loss of open countryside
- 2) Traffic/highway safety
- 3) Shortage of secondary school provision
- 4) Flooding
- 5) Sewage

REPRESENTATIONS

46 X letters of objection and x128 signature petition received regarding the following:

- Highways safety at a bend in the road
- Inadequate parking provision both on street and in the site
- Inadequate visibility existing/entering the site
- Risk of flooding

- Loss of trees
- Urban sprawl
- Harm to wildlife
- Out of character with existing properties
- Inadequate infrastructure and services
- Lack of public consultation
- Close to White Moss Quarry site
- Loss of existing paddock
- Loss of green gap/wedge
- Other brownfield sites in the area
- Impact on house value

APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Amenity
- Impact on trees/landscape
- Character/appearance
- Highway safety
- Ecology
- Flood risk
- Education
- Affordable housing

APPRAISAL

Principle of development

The site is located outside the settlement boundary and is within the open countryside as defined by the Local Plan. Within the open countryside Policy NE.2 advises that:

‘All land outside the settlement boundaries defined on the proposals map will be treated as open countryside.

Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

In this instance the proposal is not listed as an appropriate form of development and is not considered an exception as it is not considered a small gap and seeks to provide more than 2 dwellings.

As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council’s position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council’s position, this cannot be given material weight in application decision-making.

The Council’s ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

Environmental role

Locational Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance

of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The accessibility of the site shows that following facilities meet the minimum standard or close to meeting them:

- Post box (500m) 320m
- Amenity Open Space (500m) 582m
- Children’s Play Space (500m) 582m
- Outdoor Sports Facility (1000m) 643m
- Primary School (1000m) 643m
- Local meeting place (1000m) 483m (Public House)
- Public House (1000m) 483m
- Bus Stop (500m) 482m
- Public Right of Way (500m) 8m
- Bank or cash machine (1000m) 482m
- Supermarket (1000m) 482m
- Convenience Store (500m) 482m

It demonstrated that the proposal failed to meet the minimum standard for the following facilities;

- Any transport node on the bus link and commuting distance from a train station 2574m (Railway station)
- Post Office (500m) 2253m
- Leisure Facilities (Leisure Centre or Library) (1000m) 2092m (Library)
- 1448m (Leisure Centre)
- Child Care Facility (nursery or crèche) (1000m)
- Pharmacy (1000m) 2253m
- Railway station (2000m where geographically possible) 2574m
- Secondary School (1000m) 1448m
- Medical Centre (1000m) 2414m

Based on the above figures the site meets 57% of the criteria as set out in the North West Development Agency sustainability toolkit. In summary, everyday facilities are within easy walking distance from the site and those that are slightly further afield (namely the railway station, secondary school, medical centre, post office and leisure centre) are still within reasonable distance, and all fall within the defined settlement boundaries of Alsager.

In addition, there are regular bus services along Crewe Road to the south. The number 3 service runs approximately 2-3 times an hour until later in the evening Monday-Friday and every hour until 8pm on Sundays. This bus stop is located within 500m of the site can be assessed by public

footpath which is located outside of the side and leads to Crewe Road. The service runs to Crewe where there are more facilities and services available.

The location has also been deemed to be sustainable by approval of the residential developments to the south of the site ref 14/5880C and immediately to the west ref 13/4132N, albeit these sites are located on Crewe Road itself. Given that the application site would immediately bound the 13/4132N site and would be sited just 135m to 14/5880C site, it would be difficult to argue that the application site is not locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The 3 strands of sustainability still need to be achieved in order for a development to be sustainable.

Open Countryside

The proposal would result in the loss of land forming part of the open countryside as per the Crewe and Nantwich Local Plan.

However it is considered that the proposal would be viewed as forming a natural extension to the village and would follow the same built line of the development approved to the south-east of the site ref 14/5880C, which would reduce the overall visual impact when viewed from the wider setting.

Notwithstanding the actual visual impact, the proposal would result in the loss of open countryside which weighs against the proposal in the planning balance.

Landscape

The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence. A group of trees located along the western site boundary are subject to a group TPO order. The topography of the site is relatively flat, varying between 80-85M AOD. There are no landscape designation on the application site; the Crewe and Nantwich Replacement Local Plan 2011 identifies that the site is designated as being located Open Countryside NE.2.

As part of the application a Landscape and Visual Impact Appraisal has been submitted, this refers to the National Characters Areas, as defined in natural England's Character Assessment, as well as the Cheshire Landscape Character Assessment, in this case the application site is located within the Mosslands Character Type and specifically the Oakhanger Character Type,M3.

Based on the Proposed Site layout, the landscape and Visual Appraisal indicates that the landscape impacts for the study area the sensitivity is low-medium and that there will be a will be slight adverse landscape effect and that for the site the sensitivity is low-medium and that the proposals will have a moderate adverse landscape effect. The visual assessment identifies seven receptors and indicates that there will be a moderate-substantial adverse visual impact for residents adjacent to the site to the east (view 1); moderate adverse to residential properties facing the site further to the north (view 2); negligible for users of FP3 to the west (viewpoint 3); moderate – substantial adverse for users of FP 49 to the south (viewpoint 4); substantial adverse for users of FP37 to the north (viewpoint 5); moderate-substantial adverse for users of FP37

further to the north (viewpoint 6) and moderate adverse for users of FP20 to the north west of the site (viewpoint 7).

The Councils Landscape officer agrees with the appraisal that has been submitted, although this is based on the outline proposed site layout drawing, this indicates that there will be moderate-substantial adverse visual effects on a number of receptors.

On balance, it is considered that the proposal would be viewed in the context of the existing built form and would therefore be viewed as an extension to the existing settlement rather than stand alone/isolated development. It would also appear that suitable landscaping could be accommodated to provide a suitable buffer to soften the visual impact of the proposal. This would be addressed at reserved matters stage requiring a comprehensive landscape and boundary scheme to be provided.

Trees

The application is supported by a Tree Survey Report. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The proposed development site is bounded by trees on all sides except the northern boundary and the area associated with the existing dwelling. Seven of the mature Oaks standing on the western boundary aspect are protected by a 1996 Tree Preservation Order, with the group identified as G22 located on the southern and groups G23 G25 and G26 on the eastern boundary. These groups are mainly formed by early mature Pines Beech and Spruce.

The development proposals identify the loss of three individual trees (T6, T12 & T24) and four groups of trees (G23, G25, G26 & G29) along with a section of hedge (H30).

All three individual trees are considered to be insignificant within the landscape and categorised as low value category C specimens. The three groups which form the eastern boundary to the site are relatively young in terms of age classification, and appear to have received minimal management since planting, forming closely spaced groups. Their removal is required to facilitate both the proposed access road and plots 14 and 15. Two electricity wires presently extend across the site, significant reduction and pruning has compromised the retention of G25 and the southern aspect of G26, ongoing pruning will also be required in respect of the southern aspect of G23 and the northern leading edge of G22 to satisfy safety and line clearance requirements. All three groups of trees are clearly visible from the adjacent public foot path Haslington FP49 to the east and as part of filtered views between and over properties.

The value of all three groups located on the eastern boundary is associated with their collective presence rather than as individual specimens, this has been predicated by the absence of formal management; it would be difficult to retain isolated trees from within the groups where there are no direct construction implications, the loss of mutual protection would reasonably increase the likelihood of failure in relation to any retained trees. Their value has been down graded to moderate (Cat B BS5837:2012). The Councils arborist concurs with this designation. The loss of

G25 is accepted, any value has been removed as a result of historic line clearance pruning, the removal of both G23 and G26 will have an identifiable impact on the amenity of the immediate area, and the wider landscape

The proposed development respects the Root Protection Areas of the retained trees including those protected as part of the 1996 Tree Preservation Order. An acceptable tree protection scheme has been submitted which accords with the requirements of current best practice BS5837:2012.

However the Councils Arborist raised initial concerns that whilst there are no direct implications for retained trees a number of plots establish a poor social proximity and indirect problems are anticipated in relation to light attenuation and shading and an absence of utilisable external space, inevitable leading to pressure for additional works including trees protected by the 1996 TPO. The shade diagrams provided by the applicant's arboriculturalist support this view with plots 12 – 14 in almost full shade for the majority of the day, and other rear gardens impacted significantly.

The outline application as presented with access and layout applied for clearly has direct indirect implications for trees, the majority of which are visible from public vantage points.

As a result of these concerns the site plan has been amended which has resulted in plots 12-14 and the garden areas being re-positioned 3m further north to move the dwellings further away from the shaded areas reduce the part of garden area locating in the shading zone. This amendment has also resulted in the trees being located outside of the garden areas. The applicant has also confirmed that the trees will be retained in the ownership of a management company who will restrict works to the trees.

This has been re-assessed by the Councils Arborist who considers that whilst an element of shading of the garden areas will remain, a condition could be used to secure the management agreement to limit pruning works to ensure protection of the trees.

The arborist has also recommended a specimen landscape scheme to mitigate the loss of trees from the eastern boundary.

Design

The locality contains a mixture of property types ranging from regular 2 storey properties, link-detached/town houses, bungalows and dormer bungalow properties both detached and semi-detached and with mixed design. Whilst the property types have not been confirmed at this stage given the mix of property types it is considered that a mixture of property types could be accommodated in the street scene without causing significant harm to the existing pattern of built form.

The layout plan suggests that the most forward facing dwelling (plot 1) would be set back from the road by 25.5m and would be set behind the existing built line of No.68 & 70 Close Lane by 10m. As a result the property will not be overly prominent in the street scene. The remaining properties would be sited even further back and would also be unobtrusive when viewed from the street frontage.

At this stage the heights and design of the properties has not been detailed as this is a matter to be considered at reserved matters stage. However it is considered that the heights should be no more than 2 storey to respect the existing pattern of built form. The material type in the locality is predominantly red/orange brick and tiled roofs, therefore it is suggested that a continuation of these would be acceptable and would be addressed at reserved matters stage.

The plot fill and garden areas would also be comparable with other properties in the locality. The site plan suggests that property frontages would range between 6.7m-9m which again would be consistent with the mix of property frontages in the street scene.

As a result it is not considered that the proposal would cause significant harm to the character/appearance of the area.

Highway Safety

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

The site is located on the west side of Close Lane, given the scale of development proposed the submission of a Transport Statement is not required to support the application.

The site plan indicates a new road to be constructed between two existing properties this is shown as 5.0m wide with two 2.0m footways. It is clear that the boundary hedge will need to be removed to accommodate the access.

The Councils Highways Engineer has assessed the proposal and was initially concerned that plans were required to indicate the proposed visibility splays at the access point that is not affected by the boundary hedges and was also concerned that it is not clear where access to 68 was to be provided as No.68 was not within the red line boundary. An amended plan has since been provided which has overcome these concerns and also indicates the proposed visibility plays.

In regards to traffic impact, there have been numerous residential planning applications approved in the vicinity of this site and the cumulative traffic impact of all the dwellings coming forward is a material consideration. However, it is not considered that a refusal reason for 15 dwellings solely on traffic impact could be justified as a recent refusal on the cumulative traffic impact for a much larger development off Close Lane has been allowed at appeal. This is a material consideration which carries significant weight.

The internal layout submitted is a standard design with a turning facility at the end of the road and this is an acceptable design.

As a result it is not considered that the proposal would pose any significant harm to the existing highway network.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 however a Flood Risk Assessment (FRA) has been provided which has been assessed by both the Councils Flood Risk Team and United Utilities.

Both have noted that historical flooding has been noted in close proximity to the site however consider that any harm could be suitably mitigated by various conditions to manage surface water and to provide a drainage system for the life of the development.

As a result it is not considered that the proposal would pose any significant concerns from a flood risk perspective subject to the requested conditions.

Ecology

- Great Crested Newts

The submitted great crested newt surveys were constrained due to a lack of access permission to survey the ponds within White Moss Quarry. No evidence of great crested newts has however been recorded during previous surveys undertaken of the quarry and no evidence of the species was recorded at the four ponds surveyed as part of the latest assessment.

As a result the Councils Ecologist considers that this species is not reasonably likely to be present or affected by the proposed development.

- Bats and Trees

The submitted ecological report advises that the boundary trees on site have the potential to support roosting bats. A further survey by a licensed bat worker has however identified only one tree to be removed with potential to support a bat roost. The potential of this tree to support a roost is assessed as being low. The Councils Ecologist has advised that roosting bats are not reasonably likely to be present or affected by the proposed development however he has recommended that a bat survey be provided prior to removal of the tree.

- Ponds

Ponds are a local priority habitat and hence material consideration. A small shallow pond is present on this site that would be lost as a result of the proposed development. However the plans also include a replacement pond is to be provided to the front of Plot 16 which is considered to provide suitable mitigation.

- Badgers

No badger setts are present on site, but evidence of this species being present on site was recorded during the submitted surveys. The Councils Ecologist has advised that based on the current levels of badger activity on the proposed development is not likely to have a significant adverse impact upon this species. However, as the status of badgers can change it is recommended a condition should be attached to any planning approval requiring an updated badger survey to be undertaken and submitted in support of any future reserved matters application.

- 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. The Ecologist has therefore recommended a condition to be provide at reserved matters stage for the incorporation of gaps for hedgehogs to be introduced into any garden or boundary fencing proposed.

- Nesting Birds

The ecologist has also requested conditions requiring a detailed survey to check for nesting birds and incorporation of features into the scheme suitable for use by breeding birds including house sparrow and little owl and roosting bats.

Environmental Conclusion

On balance the proposed development is considered to constitute sustainable development from a locational perspective with a neutral impact in terms of trees, ecology, design, flooding and drainage, subject to conditions where necessary.

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

Economic Role

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

Social Role

The provision of both affordable and market dwellings would be a social benefit and would go some way to address the national housing shortage.

Residential Amenity

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

No.68 Close Lane

Plot 1 would be sited 13m to the side elevation at the closest point serving bathroom and kitchen windows, which are not considered to serve habitable rooms. Plot 1 would also sited slightly angled away thus preventing a direct relationship with these windows therefore this separation distance would be sufficient to prevent significant harm to living conditions. No elevation plans have been provided to indicate the room layout/location of side facing

windows however this would be addressed at reserved stage to prevent overlooking/loss of privacy from any side facing windows.

Plot 16 would be sited 27m away from the rear elevation windows and 10 from the shared boundary. These separation distances are considered sufficient to prevent significant harm to living conditions.

There proposed garage is likely to be single storey in height and therefore would be viewed against any boundary treatments.

No.66 Close Lane

Plot 16 would be sited 31m away from the rear elevation windows and would also be set 12m from the shared boundary. These separation distances are considered sufficient to prevent significant harm to living conditions.

There proposed garage is likely to be single storey in height and therefore would be viewed against any boundary treatments.

No.70 Close Lane

Plot 1 would be sited 8m to the side elevation windows. This distance would be shy of the 13m separation distance recommended in the relevant SPD however it does stipulate that this is a figure is a guide only and should be amended to reflect site specific circumstances. In this instance no elevation plans have been provided to indicate the room layout/location of side facing windows however this would be addressed at reserved stage to prevent overlooking/loss of privacy from any side facing windows. It is also noted that plot 1 has been set back from the front of No.70 by approximately 8.7m and would be set to the middle of the existing garage at No.70 which would ensure that outlook would remain from the middle and left hand side of the side facing windows (it is also considered unreasonable to rely on outlook from 3rd party land). There is potential for loss of sun light for a part of the afternoon however light would already appear restricted to the ground floor widows by the existing garage and No.70 has a substantial rear garden area therefore any overshadowing will be limited to the small section immediately adjacent to the boundary which will already suffer from an element of overshadowing from the boundary treatment. Therefore on balance it is not considered that there will be any significant harm to living conditions.

Education

The development of 15 dwellings is expected to generate:

3 primary children (19 x 0.19)

2 secondary children (15 x 0.15)

The development is expected to impact on secondary places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

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

$2 \times £17,959 \times 0.91 = £32,685$ (secondary)

Total education contribution: £32,685

This will be secured as part of a S106 Agreement. Subject to this mitigation, the education impact is considered to be neutral.

Housing

This is a proposed development of 16 dwellings therefore in order to meet the Council's Policy on Affordable Housing (30% provision) there is a requirement for 5 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in the Alsager area for the next 5 years is for 38x 2 bedroom, 15x 3 bedroom, 2x 4 bedroom and 2x 4 bedroom dwellings for General Needs and 5x 1 bedroom dwellings for Older Persons per year. The majority of the demand on Cheshire Homechoice is for 95x 1 bedroom, 91x 2 bedroom, 49x 3 bedroom and 14x 4 bedroom dwellings.

Therefore 1, 2, 3 and 4 on this site would be acceptable. Some of the 1 bedroom units would need to be made available to Older Person via ground floor flats or Bungalows. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing therefore x3 units should be provided as Affordable Rent and x2 units as Intermediate tenure. The application complies with this criteria.

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

In this instance whilst the properties have been sited together near the site entrance, given the relatively small size of the scheme they would appear consistent with the terrace/link detached properties noted further in the street.

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

CIL Regulations

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

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

The 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 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.

Other matters

The proposal is not of a scale to require any contribution towards public open space.

Planning Balance

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and although it would provide 2 dwellings it considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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

It is therefore necessary to consider 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 planning dis-benefits are that the proposal would cause visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the location to the bus stop, the wide area the bus serves and the frequency of this service.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

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

The planning dis-benefits are that the proposal would cause visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of x5 affordable units and x11 open market housing, a contribution towards secondary education, a minor boost to the local economy and on balance is considered to be locationally sustainable.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to 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. Secondary Education Contribution of £32,685

3. Residents Management and maintenance agreement in perpetuity for the incidental public open space, the pond and the tree belt to the north-western and south-western boundaries

And the following conditions:

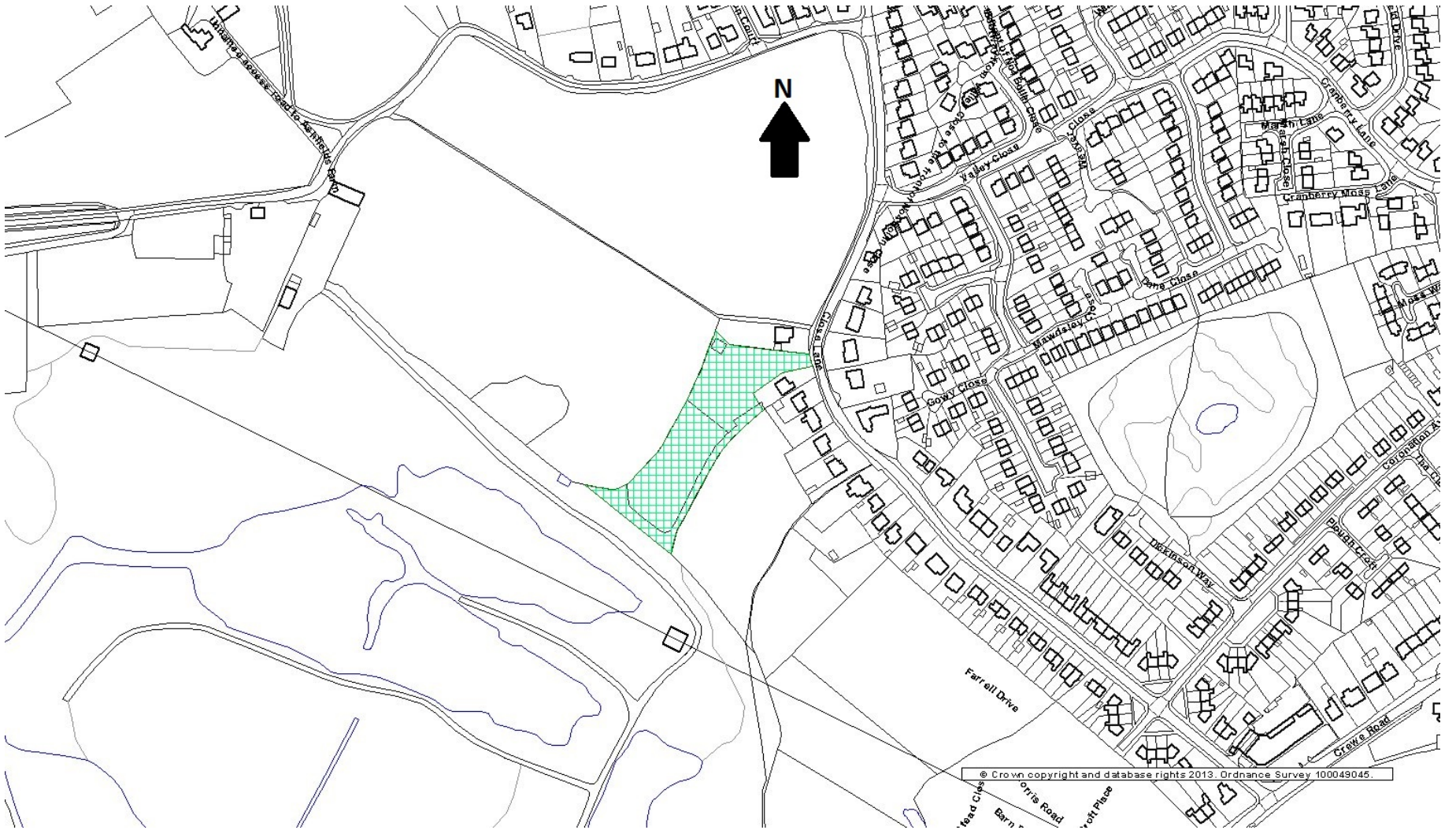
1. Standard outline 1
2. Standard outline 2
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Piling Details to be submitted and approved
7. Reserved matters application to include dust control measures
8. The noise mitigation measures to be as per the submitted report
9. Submission / Approval of Information regarding Contaminated Land
10. 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.
11. Reserved Matters application to include details of the existing and proposed land levels. No levels should be raised on site that may result in the flooding offsite.
12. Tree Protection Details to be submitted and approved
13. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge) have been submitted to and agreed in writing
14. No development should commence on site until such time as detailed scheme for the management of overland flow from surcharging of the site's surface water drainage system and neighbouring land have been submitted to and agreed in writing
15. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the designs storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.
16. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (Ref No. P5664, Dated 14th March 2016pared by HR Wallingford). For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.
17. Reserved Matters application to include a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
18. Nesting bird survey measures to be submitted and approved

19. Any future reserved matters application to be supported by proposals for the incorporation of features into the scheme suitable for use by breeding birds
20. 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
21. Updated badger survey to be undertaken and submitted in support of any reserved matters application
22. Replacement pond as shown on the site layout plan to be provided and retained
23. The reserved matters application shall include a landscaping plan for the site including mitigation for the loss of tree from the eastern boundary
24. The reserved matters application shall include a woodland management scheme for the trees to the north-western and south-western boundaries
25. Visibility splays as shown on the site plan to be provided and retained

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. Primary Education Contribution of £32,539
3. Residents Management and maintenance agreement in perpetuity for the incidental public open space, the pond and the tree belt to the north-western and south-western boundaries



Application No: 16/4736C

Location: Land to the West of, Close Lane, Alsager

Proposal: Full planning application for the proposal of 26 dwellings (Phase 2) a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager

Applicant: Mr Ben Sutton, Stewart Milne Homes

Expiry Date: 06-Jan-2017

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 a total of 26 units comprising 6 no bungalows (4 x one and 2x two bed) for the use of the over 55's and 20 family units (2, 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 20 family dwelling (18 of which are for market sale) and 6 proposed bungalows 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, economic activity from people in the 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 as approved on appeal for this site 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 26 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 and the impacts upon older persons accommodation in the locality in approving this development would significantly and demonstrably outweigh the benefits.

Whilst this application is a full application, capable of being implemented independently, that implementation can not occur without condition 27 attached to appeal 13/1305N being varied to allow the non-provision of the 56 no units for the over 55's (15/5654N currently under appeal).

However, regardless of this fact, this proposal results in a significant reduction in overall housing numbers, from 56 units as originally approved under 13/1305n to 26 as now proposed under this full application. The contribution this site would therefore make to housing land supply is significantly reduced.

No ecological information has been submitted in support of the application so insufficient information is available to assess the environmental impact in ecological terms.

The proposed affordable units are focussed in one small area of the site, which in turn is also close to an area of significant concentration of the affordable units within the Phase 1 development. This lack of pepper-potting is socially unsustainable.

Accordingly the proposal does not comprise a sustainable development.

RECOMMENDATION: Refuse

PROPOSAL:

Full planning application for the proposal of 26 dwellings (phase 2) a mixed residential scheme to provide 6 affordable bungalows and 20 family sized dwellings.

The mix of units comprise 4 x1 bed bungalow, 2 x 2 bed bungalows, 5 x 2 bed semi detached, 7 x 3 bed detached, 3 x 4 bed detached and 4 x 5 bed detached . With the exception of the 6 no bungalows, there are 18 two storey detached dwellings and 2 two and a half storey semi detached.

The proposal is of the same design principles as the existing Stewart Milne development adjoining.

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 which are left for the over 55 units as previously required by 13/1305N.

RELEVANT HISTORY:

On the site itself –

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 - Resolved to be approved Subject to Deed of Variation to S106 Agreement

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – Resolved to be approved Subject to Deed of Variation to S106 Agreement

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

16/2740N - 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 – Withdrawn by the Applicant 20th September 2016

On land immediately adjacent –

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

16/4729n - Reserved Matters Application (of 15/3651n) for the erection of 40 dwellings comprising of 2, 3, 4 and 5 bedroom homes, open space and associated works – to be determined

16/4792N - Outline planning application for residential development and access, all other matters reserved – to be determined

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 - Objection on grounds of unsustainable location, cumulative highways impact and highway safety concerns, intrusion into open countryside

Haslington Parish Council - No comments received.

Strategic Housing Manager - Objection considers the proposal, in conjunction with the siting of the affordable units approved under 14/5114C to be inadequately pepper-potted. Also consider there to be inadequate information with regard to the proposed mix of the proposed units

Education Services - An extra 18 family dwellings (above the 76 units allowed under 13/1305N) would be expected to create an additional 3 primary children and 3 secondary aged children which will impact on education provision in Alsager.

Primary = 3 x £11,919 x 0.91 = **£32,539**

Secondary = 3 x £17,959 x 0.91 = **£49,028**

No objection subject to the required mitigation

Head of Strategic Infrastructure - Objection on grounds of inadequate pepper-potting of affordable units and the impact of the siting of the affordable units in conjunction with the siting of the affordable units previously approved creating a concentration of affordable units within close proximity.

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 – No comments received

OTHER REPRESENTATIONS

9 Letters of objection have been received from local addresses have been received on the basis of the following issues -

- Alsager schools are full.
- Impact upon health and school infrastructure
- Public Transport is full
- Loss of agricultural land
- Part of Close Lane 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 proposal will increase the volume of traffic on Close Lane/ Dunnocksfold Lane which are already congested at peak times
- The present SuDs system is unsafe. It is not enclosed and children can easily access this. Should not be built in area of flooding
- Ribbon development that pays no regard to the development of Alsager
- Will result in movement from Stoke on Trent which is an area of regeneration
- Watercourse to the west should be adequately fenced to prevent
- A greenbelt development which is not needed
- Resident within phase 1 objects on grounds of feeling cramped by the density of development and loss of privacy

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, unless the over 55's accommodation is provided by the Applicant as part of Phase 1 of the estate, which is possible, 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. This refusal is currently at appeal with an Informal Hearing to be held in due course.

Members previously determined that the scheme was socially unsustainable in that it failed to provide for the mix of units required to create a sustainable community. Members were particularly concerned about the reduction in the numbers of over 55's units.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

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. This proposal, if approved, would result in the non provision of 50 of the 56 no units provided for the over 55s

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 location.

There was no dispute between both parties during the appeal process that the site was sustainable in locational terms subject to the bus service, accessible to the site via the footpath link (both yet to be provided) being provided. A Variation of Condition 14 (footpath link) has been resolved to be approved subject to the provision of the footpath within 2 months of the date of the permission, however, the S106 Deed of Variation is yet to be signed.

In respect of the Appeal under 13/1305N, the provision of a pavement link to the existing bus stop on Close Lane (condition 14) and the significant financial contribution to the bus service provision along Close Lane (£250,000 in total over 5 years) serving that bus stop was accepted. It was considered, at that time, that the older persons within the approved 56 proposed over 55's units, would be more likely to avail themselves of the bus service (off peak hours provision).

On that basis, it was considered that the site was going to be accessible to the newly provided bus route, subsequently this then would result in greater locational accessibility and on that basis it was agreed that the appeal scheme would be locationally sustainable, notwithstanding the relative isolation of this site.

The reduction in the numbers of over 55 units from 56 to the 6 now proposed significantly reduces the potential viability of the day time bus service and therefore the locational sustainability of the site, given the reduction in potential users and the impact that this would likely have upon older residents who are more likely to be the main users of the non peak hours bus service that the S106 seeks to deliver. This is considered to detrimentally affect the social and environmental sustainability of this proposal

However, this proposal still needs to be assessed within the 3 strands of sustainable development, to reach a conclusion about whether this scheme comprises a sustainable form of development.

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 could 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.

As part of the assessment of the appeal proposal for the mixed over 55's and 76 no family units allowed on this site (as part of the larger approval under 13/1305N) a pavement to the bus stop and a new bus service for 5 years was put forward by that Applicant and accepted by Strategic Highways on the basis that the bus would be a sustainability benefit for older users of the 56 units approved on appeal at outline stage. The Head of Strategic Infrastructure's original objection to the lack of locational sustainability of this site was withdrawn as a result of the £250,000 bus service contribution and the footpath linking the site to the bus stop on Close Lane.

The proposed change in housing numbers in this particular application will only have a very minor impact with respect to traffic generation as although open market family homes generate more movements, car ownership for over 55 still remains similar to the traffic generation of smaller houses. As such, the net increase in traffic movements as a result of this proposal is not one that can be considered material enough to warrant refusal.

The proposed changes now applied for 20 family homes and 6 older persons bungalows, whilst not materially affecting traffic movement, are considered to be likely to have a detrimental effect on the future viability of the bus service and on this basis it is likely that journeys to and from the site would be car based. This is significantly less than the benefits of the appeal scheme previously approved in environmental and social terms.

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 (14/5114C refers). 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 he raises no concern.

The retained tree aspect of the layout can be protected in accordance with current best practice, but protective fencing details will be required, again this could 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

No ecological information has been submitted. With respect to specific species, the Councils Ecologist advises as follows;

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.

The Councils Ecologist advises 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 watercourse on site as offering potential habitat for water voles. The ecologist therefore recommends that a water vole survey be undertaken and submitted in support of this application.

Water courses

A condition is required to ensure the provision of an undeveloped buffer adjacent to the on site water courses.

However, such surveys can only now be taken from April 2017. On this basis, the proposal is insufficiently detailed and there is no hope of receiving such information in a timely manner. This is a reason to refuse this application

Flood Risk

United Utilities have been consulted as part of this application and have 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. The Flood Risk Officer has not commented on this particular application, however, no objection was raised to the previous application for the same site and similar development. An update will be provided in this regard

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. It is also considered that the loss of the older persons units from 56 from the approved layout on 13/1305n to the 6 bungalows proposed by this application, will detrimentally effect demand for a bus service which was to be funded for a 5 year period for the use of residents of the site, which in turn would also benefit the adjacent community in terms of accessibility to public transport choices.

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 would bring the usual economic benefit to the closest facilities in Alsager for the duration of the construction of the site, 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 residents in 26 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 26 units, of which 6 are for the over 55's (1 and 2 bedroomed); the remainder are four x 2 bedroomed (2 affordable), four x 3 bedroomed and nine x 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 whatever weight they consider appropriate to this change in assessing this scheme's contribution to sustainable development in the round.

On balance, it is considered that, whilst 26 units will contribute significantly less than 56 units previously approved to economic sustainability, the proposed development would still provide some economic benefits, predominantly during the construction phase, but be less economically sustainable during the post construction phase, as the scheme determined by the Appeal Inspector (13/1305N) by virtue of the reduction in overall numbers of units now proposed (from 56 residential units down to 26).

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 if this were granted permission and then superseded the requirements of condition. The value is therefore reduced from the scheme granted on appeal. Previously, based on this phase of the site's development, 17 units were required to be affordable units. This application results in a reduced number of 6 affordable units. Whilst that is 30% in accordance with policy, it is 9 less that were approved on appeal by an Inspector. Accordingly, 9 units will have to be provided from elsewhere in Alsager

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.

This is a proposed development of 26 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings. 5 units should be provided as Affordable rent and 3 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 8 affordable dwellings considering it should have provided 17 affordable older persons dwellings following the applicants' 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.

The Housing Manager advises that the reduction in the number of affordable older persons dwellings proposed here would result in a shortfall that 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

The proposed layout concentrates the affordable bungalows to the southern boundary of the southern development zone proposed. When this application is looked at in conjunction with the wider Close Lane site approved under 14/5114C it is clear that the affordable dwellings are not sufficiently pepper potted throughout the development, with the vast majority located in one corner of the site. This is contrary to the Interim Planning Statement on Affordable Housing. Additionally, this results in a socially unsustainable form of development.

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

Education Impacts

A S106 Agreement is already attached to Outline permission (13/1305N) which provides a contribution based on 76 dwellings and 56 no units for the over 55's in the sum of £151,848. As the over 55's accommodation has no impact upon education provision the 74 no dwelling approved under the reserved matters leaves a credit 2 dwellings on future applications, of which this is one)

Based on the below information for the new application of 20 dwellings the financial contribution will not change once the 2 credited dwellings have been factored in.

Primary = $3 \times £11,919 \times 0.91 = £32,539$ contribution

Secondary = $3 \times £17,959 \times 0.91 = £49,028$ contribution

Subject to the provision of this mitigation, the education impact of the proposed will be neutral.

Housing Mix

This scheme seeks to provide 26 dwellings (4 x 1 beds and 2 x 2 bed bungalows – all affordable for the over 55), 5 x 2 bed units (2 of which are affordable), 7 x 3 beds and 8 x four and five bedroom family dwellings for market sale. This proposed mix has greater variety than recent applications,

however there still remains a loss of a significant number of units for which there is a known need (both in terms of affordable provision and in terms of market units).

The Applicant's justification for this development proposal is that no market or social providers of the over 55's accommodation required by appeal 13/1305N are interested in this site. Indeed, McCarthy and Stone have previously advised that they are not interested in this site due to its unsustainable location.

The reserved matters for 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 an 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

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 part of 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 as opposed to the lawful fall back position established by appeal 13/1305n) 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 and the lack of pepper-potting of the affordable units, particularly in conjunction with the already approved and implemented Phase 1 development at the site and the lack of ecological information concerning water voles and reptiles.

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 and the NPPF.

RECOMMENDATION:

REFUSE FOR THE FOLLOWING REASONS:

1 The proposal will, by superseding the development required by Appeal 13/1305n, 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, 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.

2 The proposed siting and distribution of the affordable units, clustered to the southern portion of the site, together with their close proximity to the affordable units within the Phase 1 (as approved by 14/5114C) development at the site results in a lack of pepper-potting throughout the development site, which is contrary to Policy SC5 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016, the Interim Planning Statement on Affordable Housing and policies contained within the NPPF.

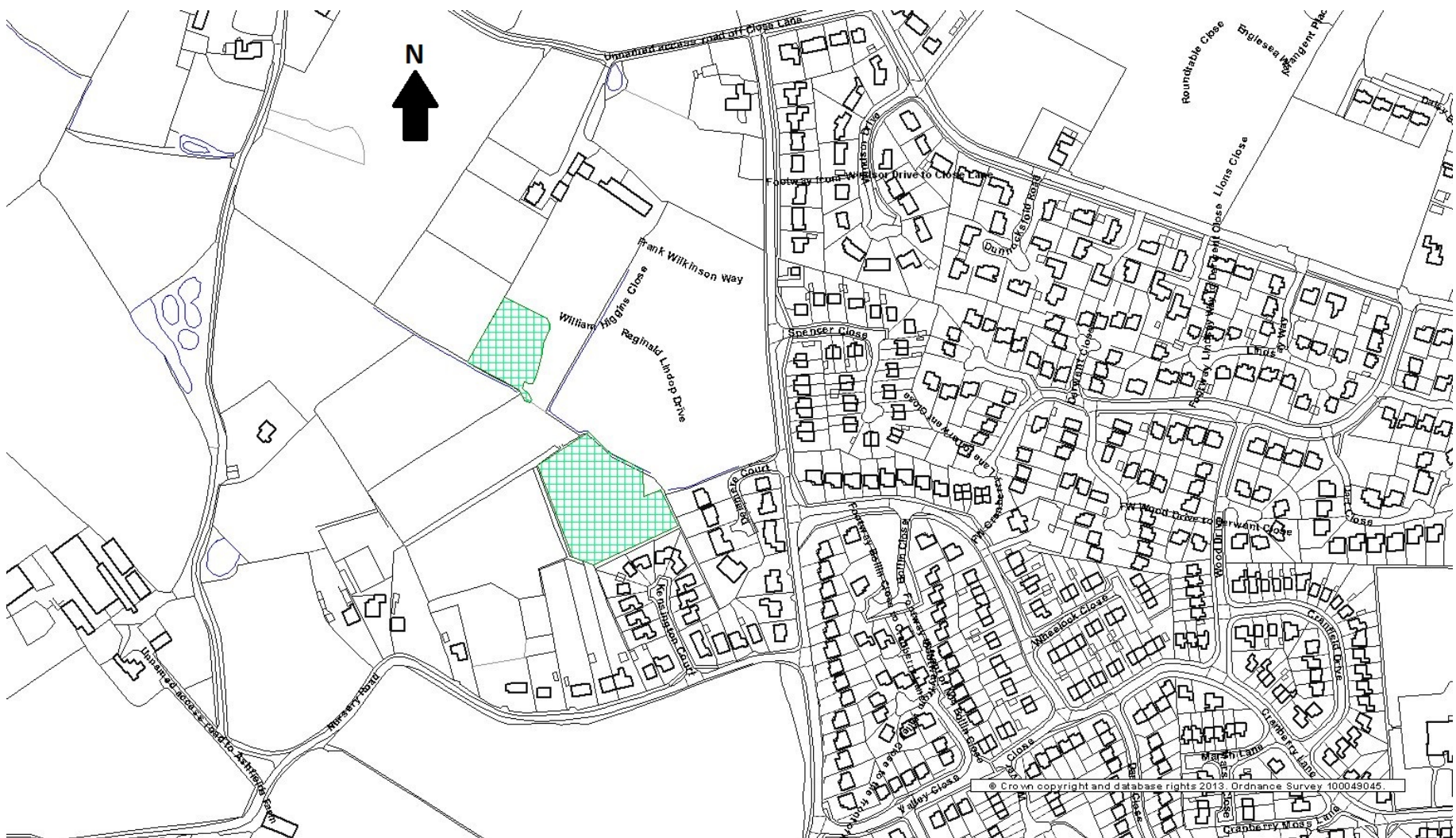
3. Insufficient information has been provided concerning water voles and reptiles on the site to enable the Local Planning Authority to assess the implications of the development for these species. The proposal is therefore contrary to Policy NE9 of the Crewe and Nantwich Adopted Replacement Local Plan 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 plots 10, 11, 12, 13, 14 & 15 (1 & 2 bed bungalows) are to be provide as affordable rent units and plots 18 and 19 as intermediate units
- Education contribution - £32,539 primary contribution and £49,028 secondary contribution



Application No: 16/2010N

Location: LAND OFF OAK GARDENS, BUNBURY, CHESHIRE

Proposal: Outline application for proposed residential development for 15 dwellings with associated works

Applicant: Mr Nicholas Howard, Crabtree Homes

Expiry Date: 12-Aug-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

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

The Council’s 5-year housing land supply position is a material consideration. As the Council cannot demonstrate a 5-year supply of housing, the Richborough decision details that its Open Countryside policies (as relevant to this application) are considered as policies which ‘restrict the supply of housing’ and are therefore ‘out of date’. However, importantly these policies are not irrelevant in the determination of the application also as detailed in the Richborough decision.

As such, an assessment of the application in terms of its sustainability needs to be made in order to identify if the adverse impacts of the scheme significantly and demonstrably outweigh the benefits (para.14 of the NPPF).

In this case, the development would bring positive planning benefits such as; the provision of market and affordable dwellings (social), a minor boost to the local economy (Economic) and would be located in a sustainable location (Environmental).

Balanced against these benefits must be the dis-benefits, which in this case relate to the loss of the parcel of open countryside comprising of Best and Most Versatile Agricultural land.

In this instance, it is not considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits of the application.

Therefore, the application is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure Ecology and Education contributions and on-site affordable housing provision, and Conditions

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as it proposes a positive recommendation of residential development in the Open Countryside which would represent a departure from the Development Plan.

PROPOSAL

This application seeks outline planning permission to erect 15 dwellings. Matters of Access and Layout are sought.

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

A revised proposed layout plan has been received during the application process in an attempt to address a number of officer concerns.

A short re-consultation exercise was also undertaken as a result, this expired on the 20th September 2016.

Further minor amendments were made to the scheme following this consultation period. The further changes included;

- The depth of the gardens on the west side of the site has been reduced /shortened so not to be impacted by trees
- Insertion of hedge line around the plots to the west and south of the site
- Specification of parking spaces / integrated garages and bedrooms
- Smaller house type on plot 6

SITE DESCRIPTION

The application site is located to the south of the Bunbury Village, to the west of properties fronting Bunbury Lane. To the north are properties which front onto Wakes Meadow, to the south is agricultural land and properties on Oak Gardens and to the west is a dense copse of woodland that is afforded protection under a Tree Preservation Order.

There are public footpaths which all converge towards the southern boundary of the site. The site is generally flat and linear in shape measuring approximately 0.85 ha in size. The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

RELEVANT HISTORY

15/1915T - Works to TPO Trees – Refused 25th June 2015

14/4062N - Outline Application for Residential Development Of 17 Dwellings With Primary Access Off Oak Gardens, With All Other Matters Reserved – Withdrawn 27th November 2014
7/18232 - Outline application for two detached houses and garages – Refused 19th April 1990

LOCAL & NATIONAL 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.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.

Bunbury Neighbourhood Plan

The Bunbury Neighbourhood Plan 2015 – 2030 was made on 29th March 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

H1 (Settlement Boundary), H2 (Scale of Housing Development), H3 (Design), LC1 (Built Environment), LC2 (Landscape), ENV3 (Environmental Sustainability of Buildings), ENV4 (Landscape Quality, Countryside and Open Views), BIO1 (Biodiversity), T1 (Public Rights of Way)

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), SE1 (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) and IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to a condition that that prior to commencement of development, the increased width of Oak Gardens and the footway as shown on the indicative plan shall be constructed

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 and works to stop if contamination identified;
In addition, informatives relating to hours of construction and contaminated land are also sought.

PROW Officer – No objections, subject to condition

Housing (Cheshire East Council) – No objections, 30% on-site affordable housing requirement proposed

Education (Cheshire East Council) – No objections, subject to the provision of £32,265 towards secondary school

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

Flood Risk Manager – No objections, subject to conditions

Bunbury Parish Council – Object to the proposal on the following grounds;

- That the application is contrary to the Bunbury Neighbourhood Plan, Policy H2, more specifically H2a when read in conjunction with the 6 houses already in Oak Gardens

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, approximately 56 letters of representation have been received from local residents. The main objections raised include;

- Principle of development
- Loss of / intrusion into Open Countryside
- Lack of local facilities to sustain dwellings
- Impact upon local facilities e.g. – Schools, doctors
- Cumulative impact of housing schemes
- Drainage
- Flooding
- Need for executive housing
- Loss of footpath
- Loss of agricultural land
- Highway and pedestrian safety, parking / footpath conflict, refuse / fuel vehicle access, disability access
- Amenity – Loss of privacy, loss of outlook, visual intrusion
- Design – loss of character, impact of change in levels, density, height of proposed dwellings, contrary to Build For Life 12 principles,
- Impact upon trees
- Impact upon ecology/protected species
- Contrary to Neighbourhood Plan – Co-location
- Impact upon infrastructure – Highways network

Following a re-consultation exercise, a further 13 letters of objection were received. The main areas of concern are;

- Impact upon local facilities e.g. – Schools, doctors
- Contrary to Neighbourhood Plan, incl - Co-location
- Re-iteration of original concerns
- Impact upon landscape
- Highways safety – traffic volume, safety of roads, access for emergency vehicles
- Amenity – Loss of light, air pollution
- Impact upon wildlife, habitat and protected species
- Impact upon footpaths across the site
- No need for the size of houses proposed

APPRAISAL

The key issues are:

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

Principle of Development

Housing Land Supply (HLS)

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

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.

Bunbury Neighbourhood Plan

The Bunbury Neighbourhood Plan was made on 29th March 2016 and makes up part of the Development Plan.

Policy H1 (Settlement Boundary) within the Bunbury NP states that planning permission will be granted for a minimum of 80 homes in Bunbury between April 2010 and March 2030 with developments focused on sites within or immediately adjacent to the village.

This issue is considered by assessing the spatial distribution of residential development in Bunbury.

For Bunbury - there were 21 (net) completions recorded from 1st April 2010 until 30th March 2016. In addition, there are further commitments amounting to 33 dwellings at the time of writing. This includes recent decisions for application s14/3167N (14 dwellings) at The Grange, Wyche Lane and 15/1666N (11 dwellings) at land off Bowes Gate Road.

As a result, this proposed development would go towards meeting the housing needs set out in the Bunbury NP under policy H1 as the identified need has not been exceeded.

The scale of development is considered by Policy H2 (Scale of Housing Development) from the Bunbury NP. Policy H2 states that development will be supported provided that it is small scale and in character with the settlement.

In terms of green field development as proposed by the application, Policy H2 (a) states that development shall be limited a maximum of 15 houses on any site, and that such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits of doing so. The glossary to the Bunbury NP then goes on to elaborate on what this means and states that *'the separation between developments may be maintained by a significant distance, geographic features or visual segregation or a combination of these elements. A new development should not share an access road with another new development'*.

As the application is for 15 new dwellings immediately adjacent to the village, it adheres with the first aspect of policy H2(a).

With regards to the second aspect, specifically, co-location with other new housing developments, concerns were originally raised as an appeal for 52 dwellings (ref: 14/5255N) on an adjoining site was still being considered. If this was allowed, the proposed development would be contrary to this NP co-location aspect of Policy H2(a). However, this appeal has subsequently been dismissed, eliminating this co-location issue.

A number of residents have also advised that the co-location policy should apply to the 6 dwellings already built on Oak Gardens.

In response, there is no definition of what constitutes as 'new housing' within the Bunbury NP. However, as this adjacent development was granted planning permission on the 17th December 2009, the pre-commencement conditions discharged on the 8th February 2010 (over 6 ½ years ago), it is not considered that this nearby development can be considered to be 'new housing' for the purposes of this policy. Furthermore, the Bunbury NP ranges from the dates 2015-2030. As such, this adjacent housing was granted well in advance this 'made' policy and plan period.

As such, it is considered that the proposal adheres with Policy H2(a) of the Local Plan and would be acceptable in principle.

Notwithstanding this conclusion, in the absence of a 5 year housing land supply (as explained below), policies H1 and H2 of the Neighbourhood Plan are considered to be policies for the supply of housing and are therefore out of date; it is advised that they should only be afforded limited weight and the presumption in favour of sustainable development applies.

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.

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

Environmental role

Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the

Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

This assessment has not been completed as part of this application. However, as part of a recently dismissed appeal for a scheme adjoining the site to the south for 52 dwellings, the Officer concluded that;

‘...The application site is located in close proximity to a number of facilities including a local primary school, convenience store, public house and post office which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above, designated of Bunbury as a local service centre, it is therefore considered to be locationally sustainable.’

There is no reason why the same conclusion would not be made on the application site.

Landscape Impact

The application site is agricultural land bound to the north by the rear of properties located along Wakes Meadow, to the east by properties located along Bunbury lane, as well as a number of properties located along Oak gardens, a short cul-de-sac. The northern and southern boundaries of the application site are formed by hedgerows, these hedgerows contain a number of hedgerow trees, many of which have Tree Preservation orders. The western boundary is marked by a watercourse, to the west of which is a block of woodland, which is subject to a group TPO. Two footpaths cross the application site; Footpath 14 Bunbury enters the site from Bunbury lane, along a passage way between The Croft and The Willows then crosses the eastern part of the site before following a southerly route into the wider agricultural landscape to the south of the site. The junction of the field boundary and Footpath 14 Bunbury is the point where Footpath 15 Bunbury originates, which follows the southern boundary before crossing the watercourse and woodland, and leading to into the wider agricultural landscape to the west.

The Planning Statement includes two paragraphs under the heading Landscape Impact, (5.18 and 5.19). This identifies that there are no national landscape designations on the site and also indicates that the application site lies within the area identified in the Cheshire Landscape Character Assessment as being within the East lowland Landscape Type. In fact the site is located within an area identified as being Landscape Type 7: East Lowland Plain, and specifically the ELP1: Ravensmoor Character Area, a character type characterised as

having a fairly flat topography, small to medium sized fields with hawthorn hedges and hedgerow trees. The Council's Principal Landscape Architect has advised that application site and surrounding area is clearly representative of this character type and area.

The Planning Statement indicates that the proposed development would be seen in the context of existing development and would be screened by existing vegetation to the west, resulting in a visual impact that would not be adverse.

The Council's Principal Landscape Officer originally objected to the proposed development.

His original concerns were that the proposal showed a development that extended to the western boundary, an area marked by a watercourse and covered by a group TPO. With the exception of a break in development to accommodate T25, a mature Ash tree, also subject to a TPO, the layout did not appear to consider the character and appearance of the countryside or the amenity and visual impact for users of footpaths crossing the site.

These concerns were addressed with the submission of the amended layout (Drawing Ref: B050-160331-7022), this layout shows an offset with the stream and group TPO area to the west, as well as an improved layout that provides a more positive transition with the adjacent open countryside and users of footpaths leading to the wider countryside and a solution which the Council's Landscape Officer felt was more in line with the Bunbury Neighbourhood Plan, which seeks to maintain views into and out of settlements, as well as minimising the impacts of development upon existing woodlands.

As such, and in contrast to the adjoining site for 52 dwellings (ref: 14/5255N), the landscape impacts of this proposed development are considered to be acceptable.

Design

Layout is sought for approval as part of this application.

The most recent revised layout plan submitted (ref: B050-160831-7022), received by the Local Planning Authority on the 3rd October 2016 shows the provision of 15 new dwellings.

The site would be accessed via an extension of the Oak Gardens' cul-de-sac which would extend in a westerly direction and would change direction turning south where it would end in a new cul-de-sac.

All of the new units proposed would front onto the new road, therefore in either a north-south direction or east-west direction. This orientation would largely reflect the orientation of the dwellings either on Bunbury Lane or Oak Gardens.

In its wider context, this parcel of Bunbury predominantly comprises of a mixture of development patterns. Ribbon development is common along Bunbury Lane. However, there are also cul-de-sac developments within close proximity of the site (e.g. Wakes Meadow).

The proposed layout forms a cul-de-sac arrangement and is therefore considered to be acceptable in design terms.

Matters of scale and appearance are reserved for subsequent approval.

Access

Matters of Access are sought for approval.

Currently the site is agricultural/grass land to the south of the village with no vehicle trips associated with it and is located off Oak Gardens, which itself is accessed from Bunbury Lane.

A previous proposal was submitted in 2014 (application 14/4062N) and whilst accepted in principle from a Highways perspective, the access was substandard for the number of units proposed and the application was therefore recommended for refusal. The application was then withdrawn.

To address the Highways comments, several amendments to the access have been proposed. It has been proposed to increase the width of Oak Gardens from 4.1m to 4.8m and to include a new footway of 1.5m width to run alongside Oak Gardens and connect with existing footway on Bunbury Lane.

The Council's Head of Strategic Infrastructure (HSI) has advised that the new carriageway width of 4.8m would be wide enough for a car and an HGV to pass each other and reflects national guidelines and Council standards for this size of development. The new footway would connect to the existing footway on Bunbury Lane providing pedestrian access to the wider Bunbury area.

It is further advised that there is enough room for a refuge vehicle to enter/exist in a forward gear.

As with the previous application, visibility splays on exiting Oak Gardens onto Bunbury Lane have been provided and, in line with national guidelines, the HSI has advised are considered acceptable for this type of road. There have been no recorded traffic accidents on this section of Bunbury Lane over the last 5 years indicating no existing safety concerns. Also, as with the previous application, vertical deflection has been proposed as a traffic management measure to enable a design speed of 20mph.

For a development of this size and location, approximately 10 two-way vehicle trips would be generated in a peak hour. The HSI Officer has concluded that the traffic impact of the development is therefore considered negligible.

As a result of the above reasons, no objections are raised on highway safety grounds, subject to a condition that the increased width of Bunbury gardens and the new footpath shown on the proposed plan be implemented, prior to first occupation of the development.

Agricultural Land Classification

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

The applicant has undertaken Agricultural Land Classification report. This has concluded that the site comprises of Grade 2 land.

Grade 2 means that the land is 'very good agricultural land'.

Although Policy NE12 (Agricultural Land) of the Local Plan advises that development on such land quality shall 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 or, other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This policy is largely reflective of the NPPF policy on the subject.

These explanations have not been provided. As such, the loss of this best and most versatile land is a material consideration weighing against the proposal.

Trees and Hedgerows

The application is accompanied by a Arboricultural Report (RSK dated April 2016) which the Council's Principal Forestry Officer advises generally accords with the requirements of BS5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* and identifies 26 individual trees, 4 groups of trees and 4 hedgerows within the application site.

The Cheshire East Borough Council (Bunbury - Land to the West of Oak Gardens) Tree Preservation Order was made in 2014 and protects individual trees and an area woodland within and immediately adjacent to the application site. The Order was subsequently confirmed by South Area Planning Committee on 25th February 2015.

A Veteran Ash tree (T3 of the TPO, T25 of the submitted report) was identified in 2014 which is located within the field enclosure to the south of Wakes Meadow.

A number of mature Oak trees were also identified as having potential Veteran status in the Arboricultural Survey supporting the previous planning application.

TPO trees are considered material to this application and NPPF (para 118) is relevant in respect of the loss aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The retention of the Veteran Ash tree within an area of open space between Plots 5 and 6 provides for its sustainable long term retention as an amenity feature and to conserve a recognised habitat. In this regard the retention of the Ash recognises requirements to conserve and enhance biodiversity in accordance with para 118 of the NPPF.

Concerns with regards to shading from trees was raised as an issue on the original layout plan submitted as it would lead to future pressures for significant pruning and felling. Issues in relation to the creation of a turning head over a root protection zone was also identified.

The preliminary Ecological Appraisal has identified hedgerows along the northern and southern boundaries of the site. The hedgerow to the north forms the boundary of existing residential gardens to Wakes Meadow and by virtue of this cannot be deemed Important under the Hedgerow Regulations 1997. The hedgerow to the southern boundary has not been classed as Important under the Regulations does not contain sufficient diversity of woody species under the ecological criteria, although no assessment has been carried out under the historic value criteria.

In response, the application submitted an updated layout plan. In response, the Council's Tree Officer has advised that the amended layout/details adequately address the tree constraints within the site and comply with the design requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations and the requirement to preserve existing trees and hedgerows as cited in the Bunbury NP.

Should outline consent be granted, the Council's Tree Officer has recommended a condition requiring the prior submission/approval of an Arboricultural Impact Assessment in support of any subsequent reserved matters application which shall include an Arboricultural Method Statement and Tree Protection Plan in accordance with Section 5.5 and 6.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

Ecology

Woodland

The woodland on the sites eastern boundary appears on the national inventory of Priority Woodland habitats. Habitats of this type are a material consideration. The woodland edge extends into the site beyond the existing fence line boundary.

The revised layout plan shows the retention of the woodland edge habitats and so the Council's Nature Conservation Officer advises that based upon the illustrative layout plan submitted with the application, the proposed development would not be likely to have a significant adverse impact upon the adjacent woodland.

The Council's Nature Conservation Officer has advised that if outline planning permission is granted a condition would be required to ensure the woodland edge habitats on the site are retained as part of any detailed design produced at the reserved matters stage.

Reptiles

A number of juvenile grass snakes were recorded on site during the submitted survey. The proposed development would result in the loss of an area of suitable habitat for this species and pose the risk of killing or injuring any reptiles present on site during the construction phase.

To mitigate the risk of killing and injuring during the construction phase the applicant's ecological consultant recommends the removal and exclusion of reptiles from the footprint of the proposed development. The loss of habitat associated with the scheme would be

reduced/compensated for through the retention of an area of rough grassland on the western edge of the site and the creation of a new pond (to provide habitat for prey species), the provision of compost heaps (to provide egg laying sites) and habitat mounds (to provide suitable places for shelter).

The Council's Nature Conservation Officer has advised that the outline reptile mitigation strategy is acceptable.

Veteran Tree

An Ash tree which is located in the centre of the site is clearly of veteran status and as such, the Council's Conservation Officer has advised that this should be retained in accordance with the submitted illustrative masterplan by way of condition.

Barn Owls

The applicant's ecological consultant has confirmed that no evidence of roosting/nesting barn owls was recorded during the various surveys on site.

Bats

A high number of bat species were recorded as being active on this site. The only roosting activity on site however related to a minor roost within the veteran ash tree that would be retained as part of the proposed development. Therefore based on the current pattern of bat activity, the Council's Nature Conservation Officer has advised that the proposed development would be unlikely to have a direct impact upon roosting bats.

Most bat activity around the site was associated with the sites northern and western boundary hedgerows and trees. The western boundary, the woodland edge, would be retained as part of the submitted illustrative layout. There may potentially be some impacts associated with the northern boundary habitats but the Council's Nature Conservation Officer advises that this would be compensated through the proposed planting on the southern boundary and the proposed pond.

Great Crested Newts

Great Crested Newts have been recorded at ponds within 250 metres of the proposed development. In the absence of mitigation, the Council's Nature Conservation Officer has advised that the proposed development would have a LOW magnitude adverse impact upon this species as a result of the loss of terrestrial habitat and the risk of individual animals being killed or injured during the construction phase.

To mitigate the risk of great crested newts being killed or injured during the construction phase the applicant's consultant is proposing to remove and exclude newts from the development footprint using standard best practice methodologies under the terms of a Natural England license. The loss of habitat would be compensated for through the provision of habitat mounds and the creation of a small additional pond.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010 ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lpas”) to have regard to the directive’s requirements.

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

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

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

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

The Council’s Nature Conservation Officer has advised that the proposed mitigation and compensation is acceptable and is likely to maintain the favourable conservation status of the local newt population.

‘Other’ Protected Species

An ‘other protected species’ sett has been identified just off site. It does however appear feasible that provided a suitable stand off from the woodland edge is agreed that the sett could be retained during the proposed development. Alternatively it may be necessary to

either permanently or temporarily close the sett to avoid any disturbance of the resident animals. The precise impacts of the scheme would however depend upon the level of badger activity taking place at the time development commenced and the final design proposed at the reserved matters stage. In any event, the Council's Nature Conservation Officer has advised that it is likely that a suitable badger mitigation strategy could be agreed. An updated badger survey and mitigation strategy would however be required in support of any future reserved matters application.

Common Toad

This priority species is also present in the locality of the proposed development. The Council's Nature Conservation Officer advises that the proposed great crested newt and reptile mitigation would also assist with mitigating impacts on this species.

Protected species and Neighbourhood Plan

The oak gardens site is identified in the Biodiversity section of the Bunbury Neighbourhood plan as being of 'medium' distinctiveness. This broadly seems to represent habitats that fall below the threshold of what would be considered to be Priority habitats, but which still have some nature conservation value. The neighbourhood plan appears to seek some compensation for the loss of habitat of this kind. The Council's Nature Conservation Officer recommended the payment of a commuted sum in respect of the earlier application at this site to compensate for the loss of grassland habitats. This approach could be considered suitable compensation as required by the Neighbourhood Plan.

The Council's Nature Conservation Officer suggests the following method of calculating an appropriate commuted sum. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 0.8ha.

- Cost of creation of Lowland Grassland 0.8ha x £11,293.00 (cost per ha) = £9034.40
(Source UK BAP habitat creation/restoration costing + admin costs)

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost is species poor and so the impacts of this loss are obviously less, the Council's Nature Conservation Officer suggests half of this figure would be appropriate meaning that we would seek a figure of £4517.20.

The application site also falls within an indicative wildlife corridor, shown in the neighbourhood plan, associated with the adjacent stream corridor. The neighbourhood plan recommends a 15 metre non-developable buffer zone adjacent to the wildlife corridor. This seems to be appropriate and may in fact be included with the proposals.

The Council's Nature Conservation Officer has concluded that he raises no ecology objections to the proposed development, subject to a number of conditions including;

- Any future reserved matters application to be supported by an updated protected species impact assessment and mitigation and compensation strategy. The updated

strategy to be informed by the outline badger, reptile and great crested newt mitigation strategies prepared by The Sustainable Development Company and submitted in support of the outline application.

- Any future reserved matters application to be supported by a habitat management plan.
- Reserved matters application to include a buffer of undeveloped habitat adjacent to the woodland on the sites western boundary. Proposals for the safeguarding of this buffer during the construction phase are to be submitted with any future reserved matters application.
- Retention of the veteran Ash Tree.

Flood Risk and Drainage

The application is supported by a Flood Risk Assessment.

The site is located in Flood Zone 1 and there are two ponds south to the site.

The Council's Flood Risk Manager has reviewed the proposal and advised that he has no objections to the development on flood risk grounds, subject to a number of conditions including; that the mitigation within the FRA be implemented and the prior submission/approval of a detailed drainage strategy/design with appropriate surface water drainage.

With regards to drainage, United Utilities have advised that they have 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

Environmental Conclusion

The proposal would result in the loss of a parcel of Open Countryside and the loss of a parcel of Best and Most Versatile (BMV) agricultural land.

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

As a result of the above reasons, it is considered that the proposal would be environmentally un-sustainable.

Economic Role

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

As such, it is considered that the proposed development would be marginally economically sustainable, predominantly during the construction phase.

Social Role

The proposed development would provide open market housing which in itself, would be a significant social benefit given the Council's 5-year housing land supply position.

Affordable Housing

This is a proposed development of 15 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Bunbury sub area over the next 5 years is for 18 x1 bedroom and 1x 4 bedroom dwellings Per Year. The majority of the demand on Cheshire Homechoice is for 5x 1 bedroom, 3x 2 bedroom, 3x 2 bedroom and 1 x 4 bedroom dwellings.

There has also been a recent Rural Housing Needs Survey carried out in Bunbury completed in March 2013 which showed there were 27 households in housing need who would consider affordable housing, with the majority of these requiring housing within the next 2 years.

Therefore the Council's Housing Officer has advised that 1, 2, 3 and 4 bedroom dwellings on this site would be acceptable. It is advised that 3 units should be provided as Affordable rent and 1 unit as Intermediate tenure.

As the Affordable 30% is shown to be provided, the Council's Housing Officer raises no objections, as long as the rented dwellings are provided as per the Interim Policy Statement.

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.

The affordable housing should meet the Government's Nationally Described Space Standards which were published in April this year.

The affordable housing shall be secured by way of a S106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- 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.

Amenity

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

According to the submitted revised layout plan, the closest neighbouring properties to the application site would be the occupiers of the properties on Oak Gardens to the south, Bunbury Lane to the east and Wakes Meadow to the north.

The Development on Backland and Gardens SPD states within paragraph 3.9 that as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation with windows to habitable rooms and blank elevations.

It is advised that if these standards are adhered to, there should be sufficient space to ensure that the privacy and amenity of neighbouring properties are not detrimentally affected.

The principal elevations of the properties on Oak Gardens to the south would be approximately 20.1 metres away from the principal elevations closest of the proposed dwellings to the north. Although this is short of the 21 metre guide, given the presence of 2 roads and a footpath between the properties and because the shortfall is not significant, it is not considered that these dwellings would be detrimentally impacted by the proposal with regards to loss of privacy light and visual intrusion.

The closest proposed property to the dwellings on Bunbury Lane would be the dwelling proposed on Plot 1. The side elevation of this dwelling would be over approximately 30 metres from the rear elevation of the closest neighbouring property to the east, eliminating any significant amenity issues to this side.

The most impacted neighbours on Wakes Meadow to the scheme would be No's 5 to 10. Due to a combination of the offset relationships between these dwellings with the dwellings proposed on the northern parcel of the site, in combination with the distances between the units and the proposed boundary treatment planting, it is not considered that the occupiers of these neighbouring units shall be detrimentally impacted by the proposed development in terms of loss of privacy, light and visual intrusion.

Sufficient distance is provided between the units themselves and sufficient private amenity space also appears to be provided.

The Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of 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 and works to stop if contamination identified;

In addition, informatives relating to hours of construction and contaminated land are also sought.

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

Education

Not including the current planning application registered off Oak Gardens (16/2010N), there are 15 further registered and undetermined planning applications in the Nantwich planning areas generating an additional 103 primary children and 80 secondary children.

The development of 15 dwellings is expected to generate:

3 primary children (20 x 0.19)
2 secondary children (20 x 0.15)
0 SEN children (20 x 0.51 x 0.023%)

The development is expected to impact secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains.

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

2 x £17,959 x 0.91 = £32,685 (secondary)
Total education contribution: £32,685

This figure would be secured via a S106 contribution.

Open Space

The development is not of a scale which triggers the provision of an Open Space provision.

Public Right of Way

Public Footpaths No. 14 & 15 as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way, would be affected by the proposed development.

However, during the application process, the Rights of Way Committee gave approval for an Order to be made under s257 TCPA, diverting Footpath No.14 (pt) Bunbury and Extinguishing an unrecorded footpath between FP14 and FP15 Bunbury.

Implementation of this Order hasn't been made yet as they are awaiting the planning decision.

However, as a result of this approval the Council's PROW Officer has advised that she raises no objection to the proposed development, subject to a condition seeking the prior approval of a PROW scheme of management.

Social Conclusion

As a result of the provision of market housing and the policy compliant provision of on-site affordable housing, it is considered that the proposed development would be socially sustainable.

Levy (CIL) Regulations

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

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

The Ecology contribution would account for the loss of grassland habitat.

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

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need.

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

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

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

The Council’s 5-year housing land supply position is a material consideration. As the Council cannot demonstrate a 5-year supply of housing, the Richborough decision details that its Open Countryside policies (as relevant to this application) are considered as policies which ‘restrict the supply of housing’ and are therefore ‘out of date’. However, importantly these policies are not irrelevant in the determination of the application also as detailed in the Richborough decision.

As such, an assessment of the application in terms of its sustainability needs to be made in order to identify if the adverse impacts of the scheme significantly and demonstrably outweigh the benefits (para.14 of the NPPF).

In this case, the development would bring positive planning benefits such as; the provision of market and affordable dwellings (social), a minor boost to the local economy (Economic) and would be located in a sustainable location (Environmental).

Balanced against these benefits must be the adverse impacts, which in this case relate to the loss of the parcel of open countryside comprising of Best and Most Versatile Agricultural land.

In this instance, it is not considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits of the application.

Therefore, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

- 1. £4517.20 towards off-site grassland habitat improvements**
- 2. £32,685.00 towards secondary school provision**
- 3. 30% on-site affordable housing provision**

And conditions;

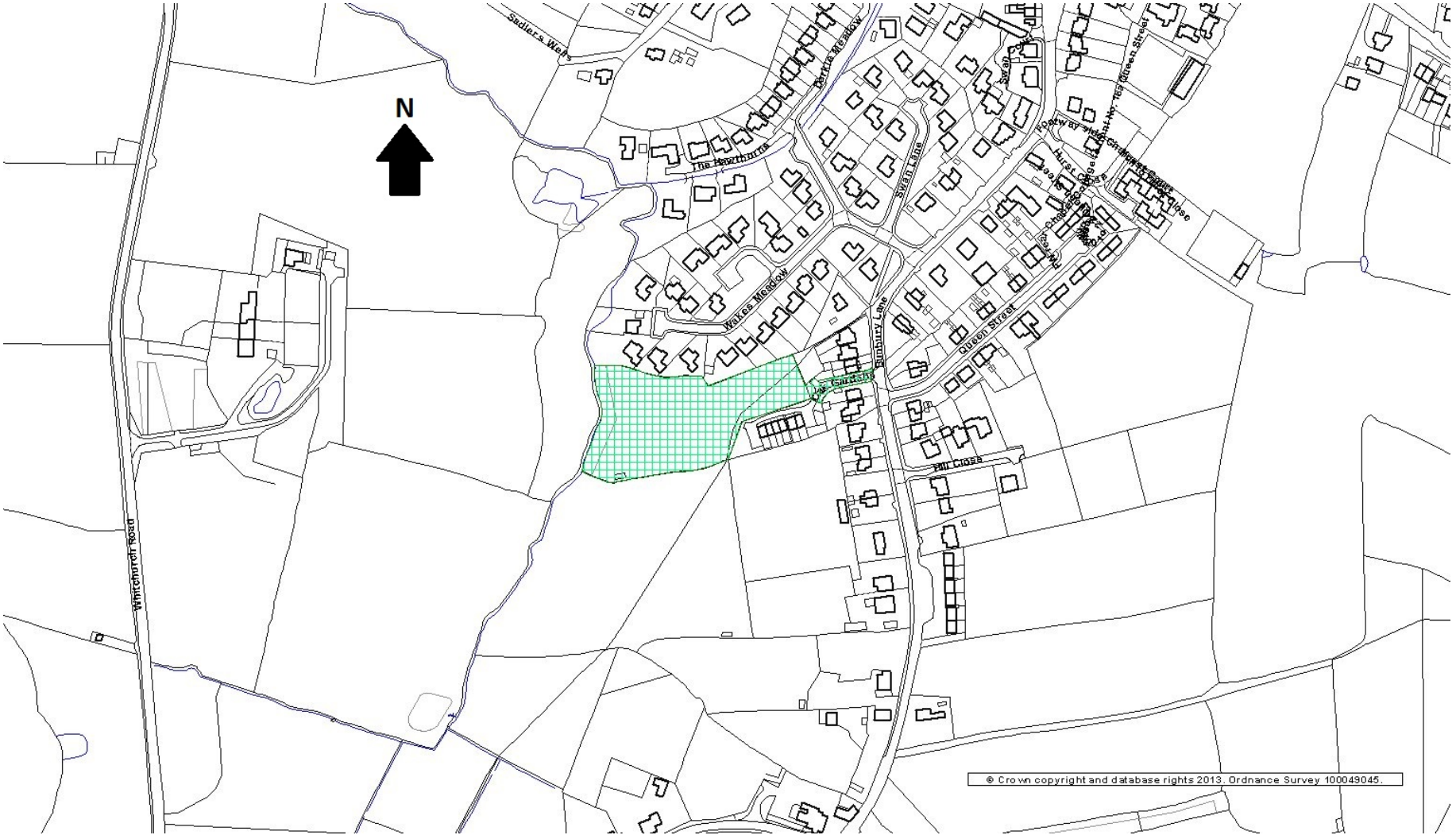
- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. Prior to first occupation of the development, the increase in width of Oak Gardens and the new footway as shown on indicative plan 'Site Access and Visibility Splay', should be constructed**
- 6. Prior submission/approval of an Arboricultural Impact Assessment in support of any subsequent reserved matters application which shall include an Arboricultural Method Statement and Tree Protection Plan in accordance with Section 5.5 and 6.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations**
- 7. Any future reserved matters application to be supported by an updated protected species impact assessment and mitigation and compensation strategy.**
- 8. Any future reserved matters application to be supported by a habitat management plan.**
- 9. Reserved matters application to include a buffer of undeveloped habitat adjacent to the woodland on the sites western boundary. Proposals for the safeguarding of this buffer during the construction phase are to be submitted with any future reserved matters application.**
- 10. Retention of the veteran Ash Tree**
- 11. Implementation of mitigation within Flood Risk Assessment**
- 12. Prior submission/approval of a detailed drainage strategy/design with appropriate surface water drainage**
- 13. All foul and surface water shall be drained on separate systems**
- 14. Prior submission/approval of a surface water drainage scheme**
- 15. Prior submission/approval of a sustainable drainage management and maintenance plan**

16. Prior submission/approval of a piling method statement
17. Prior submission/approval of an Environmental Management Plan
18. The provision of electric vehicle infrastructure
19. Prior submission of a dust mitigation scheme
20. Prior submission of a Phase 1 contaminated land report
21. Prior submission of verification of any soils or soil forming material being brought onto site
22. works to stop if contamination identified
23. Prior submission/approval of a PROW management scheme
24. Prior submission/approval of existing and proposed levels
25. Removal of PD Rights – Part 1, Classes A-E

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

Should the application be subject to an appeal, Committee authority is sought to secure the following Heads of Terms as part of any S106 Agreement:

1. £4517.20 towards off-site grassland habitat improvements
2. £32,685.00 towards secondary school provision
3. 30% on-site affordable housing provision



Application No: 16/1402N

Location: Land North Of, PARKERS ROAD, CREWE

Proposal: Outline planning application for the erection of 17 residential dwellings

Applicant: Adrian Fabczak, Bloor Homes North West Ltd.

Expiry Date: 20-Jun-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 policies NE.2 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. 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 and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Crewe.

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside, which is considered to carry limited weight, and the limited landscape impact of the development.

The benefits of approving this development (as listed above) 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 17 dwellings with all matters reserved.

The application was originally for a development of 14 units but the description of development was changed by the applicant and this has been the subject of consultation.

The application seeks approval of the principle of the development only and the indicative plan shows that access would be gained from the approved development to the north of the site.

SITE DESCRIPTION

The site comprises 0.49ha of land located on the northern edge of Crewe. The site is adjacent to the approved Parkers Road development which lies directly to the north and east of the application site. There are two large Oak trees located along the eastern boundary of the site.

To the west is the former nursing home known as The Gables which has a recent planning permission for an extension and conversion to key worker accommodation as part of application 15/2910N.

To the south of the site is Parkers Road with residential development beyond.

To the south-west of the site is a mature hedgerow with tree planting within a wide grass verge at the junction of Parkers Road and Bradfield Road.

The site application site itself is undeveloped and relatively flat.

RELEVANT HISTORY

The adjacent site

15/5683N - Application to vary condition 3 (approved plans) to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Application undetermined – Resolution to approve

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

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

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

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

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.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

CONSULTATIONS

Head of Strategic Infrastructure: No objection

CEC PROW: The development does not appear to affect a PROW.

Ramblers Association: No comments received

Mid-Cheshire Footpaths Society: No comments received

United Utilities: No comments received

CEC Environmental Health: Conditions suggested in relation to environment management plan, external lighting, noise mitigation, 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 a planning condition.

CEC Education: A contribution of £32,539 is required towards primary school education provision.

VIEWS OF THE PARISH COUNCIL

Minshull Vernon Parish Council: No objection

REPRESENTATIONS

Letters of objection have been received from 3 local households raising the following points:

- The large scale housing development along Parkers Road are already causing traffic problems
- Increase in traffic
- The traffic increase causes amenity problems
- Bloor Homes are already building a large number of dwellings within the vicinity of the site
- The Bloor Homes development is providing limited green space
- Loss of trees
- Three and four bedroom homes are not affordable
- Increased noise
- Increased dust
- Loss of wildlife habitat
- The local schools are already at capacity
- Depending on the height of the housing there could be the potential for overlooking issues
- The consultation is just a tick box exercise

APPRAISAL

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.

Emerging Cheshire East Local Plan

In this case the site is not allocated as part of the Cheshire East Local Plan but the site is completely surrounded by the large approved development at Parkers Road which is now under construction, the Crewe Settlement Boundary and existing built development. As a result it is not considered that there would be any significant impact upon the open countryside.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

SOCIAL SUSTAINABILITY

Affordable Housing

This is a proposed development of 17 dwellings and is the next phase of the Saxon Gate application 11/1879N. Therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Crewe in the next 5 years is for 50 x one bedroom, 149 x three bedroom, 37 x four bedroom plus 12 x one bedroom and 20 x two bedroom dwellings for Older Persons per year.

The majority of the demand on Cheshire Homechoice is for 573 x one bedroom, 707 x two bedroom, 399 x three bedroom, 54 x four bedroom and 2 x five bedroom dwellings. Therefore the

provision of 1, 2, 3 and 4 bedroom dwellings on this site would be acceptable. In this case 3 units should be provided as Affordable rent and 2 units as Intermediate tenure.

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 a development of 17 dwellings falls under the threshold for POS provision.

In this case the proposed development would be less than 20 dwellings and as such POS provision is not required on this site.

Education

An application of 17 dwellings is expected to generate 3 primary aged children and 3 secondary aged children.

The Education Service has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to a basic need of primary places demographically and from additional housing in the locality. The two largest expansions being Monks Coppenhall Primary School and Hungerford Primary Academy (both by an additional 210 places), as well Mablins Lane Primary (an additional 105 places). The expansions are being jointly funded by basic need funds and S106.

The Education Service is expanding the schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards.

On this basis The Service are seeking a full primary claim and will receive the payments for the works paid for by the Council up front to mitigate the 3 primary children as a direct cause of the Land North of Parkers Rd development.

As there are capacity issues at these local schools the education department has requested a contribution of £32,539.

The education department have confirmed that there are no capacity issues at the local secondary schools in this area.

Location of the site

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

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

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

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

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

In this case the site is on the edge of the settlement of Crewe which is a Principal Town as defined by the Cheshire East Local Plan. Furthermore the site is surrounded by an existing approved development. As a result the site is considered to be a sustainable location with access to a range of shops, health and leisure facilities and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The application is in outline form and the indicate plans show that adequate separation distances could be achieved to the approved residential development to the north and east of the site.

To the west of the site is the former nursing home known as The Gables which has a recent planning permission for an extension and conversion to key worker accommodation as part of application 15/2910N. The closest part of the approved development has three first floor windows (two secondary windows serving a bedroom and one staircase window) and one second floor window (serving a staircase) facing the site. The closest proposed dwelling has a separation distance of 12.3 metres as shown on the submitted indicative plan. On this basis it is considered that a satisfactory separation distance could be achieved at the Reserved Matter stage.

The Environmental Health Officer has requested conditions in relation to hours of construction, external lighting, and an environment management plan.

Air Quality

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

In order to mitigate the impact of this development Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government

expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new modern properties.

Contaminated Land

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

In this case a Contaminated Land Assessment has been submitted in support of the application. This has identified a low potential for contamination, however it advises that any material brought on to site should be free from contamination. This will be controlled through the imposition of a planning condition.

Public Rights of Way

There are no PROW located on the application site.

Highways

This is an outline application for 17 residential units. The indicative plan shows that access is a priority junction that is taken from the internal road layout of the adjacent strategic development site which in-turn will access onto the recently constructed access point onto Parkers Road

Although the access point is not being considered as part of this application the access position/design and the provision of visibility at the proposed location is acceptable.

In terms of the car parking provision a condition will be attached to state that at the reserved matters stage the development will provide car parking spaces in accordance with Appendix C (Parking Standards) of the Cheshire East Local Plan Strategy.

The Councils Head of Strategic Infrastructure has raised no objection to this development.

Trees/Hedgerows

There are two large Oak trees to the eastern boundary of the site (both Grade A – High Quality and Value). The revised testing layout shows that the Category A mature Oak located within the south east corner of the site would have an improved relationship to adjacent plots. The positioning the tree outside the residential curtilage provides a more satisfactory solution to the trees long term retention.

The second mature Oak (Tree 2 on the Tree Solutions Survey) has a large spreading canopy which extends significantly into the application site and there were concerns over the previous layout regards the over dominance of an adjacent plot

The revised indicative layout shows an improved relationship to the second mature Oak with the proposed plot having a separation distance of approximately 17 metres to the trunk of this tree with a separation distance of 9m to the canopy of this tree.

The proposed trees are now proposed to be located outside the residential curtilage of the dwelling and within an area of open space which would be maintained by a management company.

It is now considered that the relationship to the Grade A Oak trees is acceptable and a satisfactory design could be secured at Reserved Matters stage. No other trees worthy of retention would be affected by the development.

The prominent hedgerow to the Parkers Road/Bradfield Road junction to the front of the site would be retained and a scheme of management and retention can be secured at the reserved matters stage.

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 35 dwellings per hectare this is consistent with the surrounding approved residential development.

In this case an indicative layout has been provided in support of this application and 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 impact of the development upon the landscape would be limited given that the development is surrounded by existing built development and an approved development which is now under construction. Furthermore the boundary hedgerow and mature trees would be retained which would help to screen the development further.

The revised indicative layout provides some opportunities for landscape works although details would be required at reserved matters stage.

Ecology

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based on the submitted illustrative layout plan it appears likely that the site access would result in the loss of a section of hedgerow. It appears feasible for the southern boundary hedgerow to be retained. In the event that outline consent is granted the Councils ecologist advises that it must be ensured that

suitable replacement planting is provided to compensate for any losses of hedgerow at the detailed design stage of the development.

Trees with bat roost potential

Two trees have been identified on site with potential to support roosting bats. Based on the submitted illustrative layout plan these trees would be retained. As a result the Council's Ecologist advises that roosting bats are unlikely to be affected by the proposed development.

Breeding Birds

A standard condition could be imposed to secure breeding bird mitigation measures as part of this development.

Flood Risk/Drainage

The site is located in flood zone 1. However there is also a minimal amount of surface water risk around and inside the site boundary (topographic low spots) indicated by the Environmental Agency's (EA) mapping system. Given the scale of the development and its location there is no requirement for the submission of a Flood Risk Assessment as part of this application.

The Council's Flood Risk Manager has been consulted as part of this application and has 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 Crewe 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 application is relatively small and will be enclosed on all sides by existing and committed development. The loss of this small parcel of agricultural land is considered to be acceptable.

CIL Regulations

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

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

The development would result in increased demand for primary school places in the area and there is very limited spare capacity. In order to increase capacity of the primary schools which would support the proposed development, a contribution towards primary 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 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 policies NE.2 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. 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.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Crewe.

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 flood risk/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.
- The development would provide a safe and suitable access and would not result in a severe highways impact

The adverse impacts of the development would be:

- Limited harm in terms of the loss of open countryside
- Limited harm to the changes to the visual character of the landscape that would result from the proposed development

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

RECOMMENDATION:

APPROVE subject to 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. Primary Education Contribution of £32,539

And the following conditions:

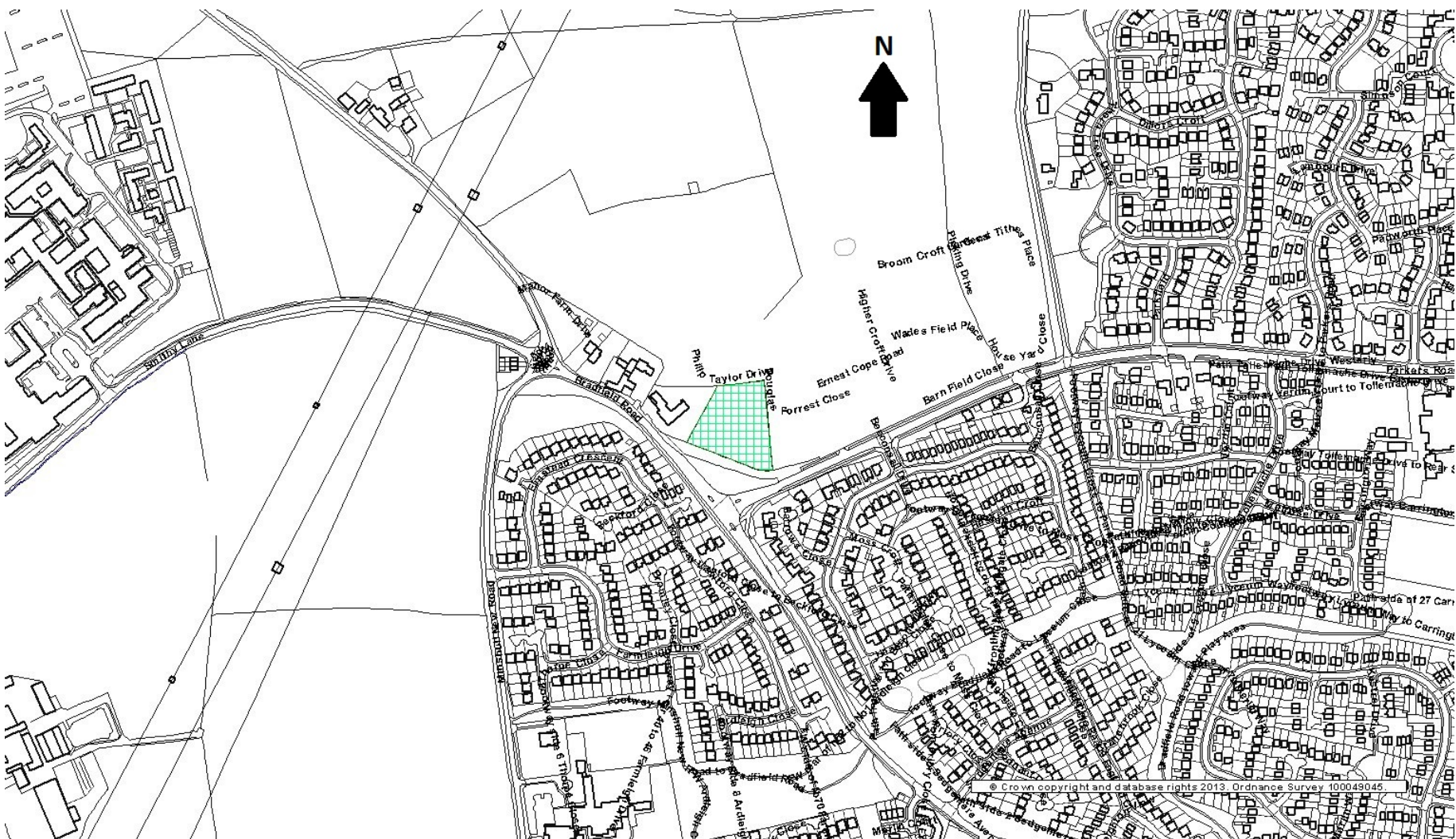
- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**
- 5. Electric Vehicle Infrastructure to be submitted and approved**
- 6. Construction Management Plan to be submitted and approved**
- 7. Piling Details to be submitted and approved**
- 8. Noise mitigation measures to be submitted and approved**
- 9. Submission / Approval of Information regarding Contaminated Land**
- 10. 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.**
- 11. Reserved Matters application to include details of the existing and proposed land levels**
- 12. Tree Protection Details to be submitted and approved**

13. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge) have been submitted to and agreed in writing
14. Nesting bird mitigation measures to be submitted and approved
15. The reserved matters for the landscaping of the site shall include the replacement of any hedgerow which would be lost as part of the proposed development
16. The reserved matters shall provide 1 car parking space for dwellings with 1 bedroom and 2 car parking spaces for dwellings of 2 bedrooms or more

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. Primary Education Contribution of £32,539



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Application No: 16/4268N

Location: Bentley Motors Ltd, PYMS LANE, CREWE, CHESHIRE, CW1 3PL

Proposal: Installation of solar panels on a dedicated car ports situated on existing car park

Applicant: Mr Andrew Robertson, Bentley Motors Ltd

Expiry Date: 30-Nov-2016

SUMMARY:

The site has permission for car parking for employees of the Bentley Motors manufacturing facility.

The NPPF requires that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The proposal would satisfy the economic and social sustainability roles by providing energy from a renewable, low carbon source.

The development is considered to be acceptable in terms of design, highway safety and amenity.

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

RECOMMENDATION:

Approve subject to conditions.

PROPOSAL

This application is for the installation of solar panels on car ports, a wind sensor pole and 11k Distribution Network Operator (DNO) building, on the existing employee car park.

SITE DESCRIPTION

The site is adjoined to the east by a large staff car park for Bentley Motors as well as 'The Legends Sports and Social Club'. The main production plant is further to the east across Sunnybank Road. On the opposite side of Pym's Lane to the north, is the Pym's Lane Waste

Recycling Centre as well as other industrial and commercial units and associated parking further along. To the south is the Crewe to Chester railway line which runs within a cutting. There is a domestic property situated along the western boundary of the site and the proposed development would wrap around the rear garden of this dwelling.

The site falls entirely within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and occupies part of a larger site waste allocation as designated in the Cheshire Waste Replacement Local Plan.

RELEVANT HISTORY

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

P06/0022 - Outline Planning permission approved for Industrial Storage and Distribution (B1, B2 and B8) on 13th January 2006.

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

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

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

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

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

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 93 to 98.

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
NE.19 – Renewable Energy

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 8 Renewable and Low Carbon Energy
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
EG1 Economic Prosperity

CONSULTATIONS:

Network Rail:

Make comments relating to land adjacent to the existing operational railway.

Minshull Vernon Parish Council

No objection.

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 principle of car parking on this site has already been established under application numbers 12/4426N and 13/5114N which have now been implemented.

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 car park being laid out as previously approved with the addition of the solar panel 'car ports' being installed. These would have some visual impact on the area, but it is not considered that it would be any worse than the visual impact of parked vehicles on the site.

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 would not result in the loss of parking provision at the site; therefore there are no highway implications. The proposal is therefore in compliance with Policy BE.3 of the adopted local plan.

Renewable Energy

The proposal is for solar panels for the production of renewable energy, which meets the requirements of Policy NE.19 of the adopted local plan and policy SE 8 of the emerging local plan.. The NPPF supports the delivery of renewable and low carbon energy and in paragraph 93 states that it is “*central to the economic, social and environmental dimensions of sustainable development.*” As such in these terms it is considered to be acceptable.

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 renewable energy to the Bentley facility to the economic benefit of the company and therefore the economy.

SOCIAL SUSTAINABILITY

As stated in the Environmental Sustainability Section, paragraph 93 considers the provision of renewable and low carbon energy to be central to the economic, social and environmental dimensions of sustainable development.

Built Heritage

This site lies close to the locally listed Art Deco design Bentley’s building. Whilst the proposed height of the mounts will make the solar array more visible than is usual, the distance of the proposed array from the locally listed building, the presence of other buildings between the array and the locally listed building and the presence of the existing boundary hedges to Pyms Lane will all serve to reduce the impact of the current proposals upon the locally listed building and its setting.

Conclusion – The Planning Balance

The site is already used for car parking for employees of the Bentley Motors manufacturing facility.

The NPPF requires that Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

The proposal would satisfy the economic and social sustainability roles by providing energy from a renewable, low carbon source.

The development is considered to be acceptable in terms of design, highway safety and amenity.

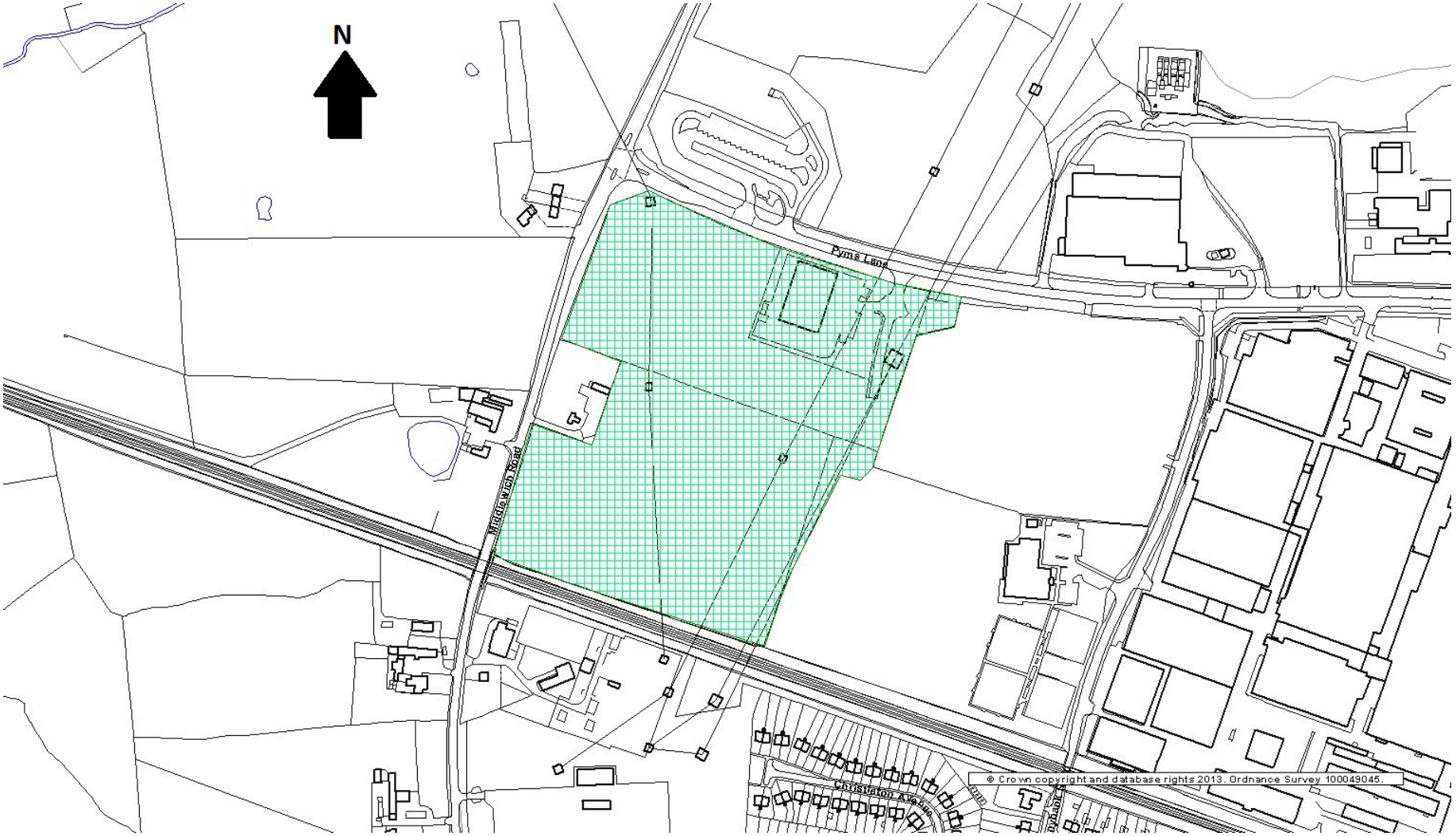
It is considered that the scheme represents a sustainable form of development supported by local policy and the NPPF and that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**

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: 16/5038N

Location: 40, WEST STREET, CREWE, CW1 3HA

Proposal: Proposed change of use of hairdressing salon to house of multiple occupation

Applicant: Mr Paul Samuda

Expiry Date: 13-Dec-2016

SUMMARY:

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions the proposal is considered to be acceptable in terms of its impact upon residential amenity and the character of the area satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the proposal would create additional residential accommodation in a sustainable location within the Crewe Settlement Boundary.

RECOMMENDATION:

Approve subject to conditions

REASON FOR REFERRAL

The application was called to be determined at Southern Planning Committee by Cllr. Brookfield, Cllr. Bailey and Cllr. Flude for the following reasons:

- 1. Little or actually, no dimensions on the drawing to indicate sizes of room etc.*
- 2. Positions of furnishing not shown, i.e. Bed, chairs, wardrobes & food storage for individuals sharing kitchen.*
- 3. No indication of facilities provided in the kitchen cum dining room, is the washing machine included and are occupiers expected to dine in the kitchen?*
- 4. The access to the rear yard is the only means of natural light if glass doors are used, constituting poor security.*
- 5. Only one shower room appears to have any window ventilation with no indication of wash hand basin.*

6. *Narrow windowless corridors constituting safety hazard in the event of fire or medical emergencies.*
7. *Inadequate storage provision for waste/ recycling bins.*
8. *No arrangements for vehicular parking.*

PROPOSAL

Full planning permission is sought for the change of use of a hair dressing salon to a house of multiple occupation (HMO).

No extensions are proposed and the HMO will include five bedrooms in total, two on the ground floor and three on the first floor.

SITE DESCRIPTION

The application is for the conversion of the existing two storey premises to form a HMO with five bedrooms in total, two on the ground floor and three on the first floor. The ground floor is currently a hair dressing salon (A1).

The ground floor would form a kitchen/dining room and two bedrooms with en-suite bathrooms. There would be two accesses to the building, one on the south side of the building and accessed from the rear of the property and one on the north accessed from West Street. The first floor would comprise three bedrooms with en-suite bathrooms.

As part of the scheme external alterations to the front elevation would be carried out. The proposed development would comprise the removal of the existing shopfront and infilling with a replacement 4 pane window and infilling with brick to match the existing building.

RELEVANT HISTORY ON SITE

There is no relevant planning history pertaining to the application site.

LOCAL & NATIONAL POLICY

Development Plan:

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

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.18 - Shop Fronts and Advertisements
RES.9 – Houses in Multiple Occupation

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
EG1 Economic Prosperity

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14 and 19.

CONSULTATIONS:

Head of Strategic Infrastructure (HSI) – No comments received at the time of writing the report.
Environmental Protection – No objection subject to a dust control condition, a construction hours of operation informative and a building regulations informative.

Strategic Housing, Standards & Adaptations – No objection, the proposal conforms with the minimum room sizes.

VIEWS OF THE TOWN COUNCIL:

Crewe Town Council – Object to the application due to the lack of off street parking given the no street parking restrictions on West Street and bedroom sizes.

REPRESENTATIONS:

None received.

SUPPORTING INFORMATION:

None received.

APPRAISAL

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

Principle of Development

The site lies in the Crewe Settlement Zone Line as designated in the adopted Crewe and Nantwich Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Locational Sustainability

The proposal site is situated within the settlement boundary of Crewe where there is a presumption in favour of sustainable development. Policy RES.9 states that:

Proposals for the sub-division of buildings to provide self- contained residential units will be permitted, provided that:

- The building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with policies BE.1 and BE. 2;

The proposed accommodation is considered to be acceptable in terms of the size and no extensions are proposed.

- The proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;

The external alterations would match both neighbouring buildings and as such it is not considered that there would be an adverse change to the external appearance of the building. The materials used shall match the host building and are considered acceptable.

- The development does not detract significantly from the amenities of neighbouring residents, through noise transmission or overlooking, (in accordance with policy BE.1); and

The application site is located within a predominantly residential area and the use is considered to be acceptable in this location. It is noted that there are a variety of uses on West Street however the two neighbouring buildings are residential therefore it is not considered that there will be any significant impact on the amenity afforded to the occupiers (see amenity section).

- Provision is made within the site for adequate and properly located car parking and safe access (in accordance with policies TRAN.9 and BE.3). Where sufficient off-street parking provision is not possible due to the constraints of the site, kerbside facilities may be acceptable provided that their use does not create or worsen dangerous highway conditions, or significantly detract from the amenity of local residents.

The application site is located within the Crewe Settlement Zone Line and it is considered that this is a sustainable location. The site is within walking distance of local amenities and Crewe town centre.

Design

There are no design implications arising from the development as all alterations are appropriate to the building and area. There are some fenestration alterations to the front elevation but this will have no significant impact on the visual appearance of the building or the surrounding streetscene. It is therefore considered that the proposal is acceptable in this location.

Highways

At the time of writing this report no comments have been received from the Councils Highways Officer. An update will be provided in relation to this issue.

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'

It is accepted that the construction works associated with the change of use would bring the usual economic benefits to the closest facilities in the area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

SOCIAL SUSTAINABILITY

The proposal would create additional residential accommodation in an accessible location within the town centre.

Amenity

The site adjoins two residential units and therefore the proposed use is a complimentary use. Furthermore, the Environmental Health department have raised no objections.

The property has a small amount of useable private amenity space to the rear of the dwelling. It is considered that the location of the site gives easy access to indoor and outdoor recreation facilities and there is space available for cycle, refuse and domestic storage and possible clothes drying. It is therefore considered that the proposed change of use is acceptable.

Housing standards have been consulted on the proposal and have raised no objection to the change of use. Internal Cheshire East recommended guidance states that bedrooms should be at least 10 m² where a separate communal living area isn't provided for. In this instance it is not considered that a combined dining/kitchen area (as proposed) qualifies as a separate communal living area. The bedrooms sizes are set out below:

Bed 1 – 8.5 m²

Bed 2 – 9.8 m²

Bed 3 – 14 m²

Bed 4 – 8.3 m²

Bed 5 – 9.9 m²

The only legislation (Housing Act 1985) in place for bedroom sizes states that a minimum of 6.5 m² is required and as such the amenity afforded to the future occupiers is considered of an acceptable standard in this location.

Conclusion and Planning Balance

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

The proposal is considered to comply with the 4 criteria of Policy RES.9 for the reasons given above. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the development would create additional residential accommodation within an accessible location.

RECOMMENDATION

Subject to no objections being raised by the Head of Strategic Infrastructure APPROVE subject to the following conditions:

- 1. 3 years commencement**
- 2. Compliance with approved plans**
- 3. Materials as specified**
- 4. Refuse and cycle storage to be provided as shown**

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

Application No: 16/3664N

Location: THE WHITE LION, AUDLEM ROAD, HANKELOW, CW3 0JA

Proposal: Demolition of public house and erection of 5no. four-bedrom detached dwellings

Applicant: Mr Timothy Guttridge

Expiry Date: 27-Sep-2016

SUMMARY

The site is located within the Settlement Boundary of Hankelow village. Within the settlement boundaries of the village, Policy RES.4 advises that the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted in accordance with Policies BE.1-BE.5.

Given that the application property sits within the village boundary which consists of other residential properties it is considered that the proposal to erect 5 dwellings on this previously-developed and vacant site is acceptable in principle from a pure land use perspective.

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

It is therefore necessary to consider 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 are that the proposal would result in the loss of the existing public house which is listed as an Asset of Community Value. However it has been demonstrated that the public house is not a viable business in the past and with little prospect of being viable in the future and that demand is limited for commercial use in this rural location. Therefore it is not considered to make a positive contribution to the local community.

The proposal would also bring positive planning benefits such as provision of market housing, a minor boost to the local economy, redevelopment of a previously developed site and is considered to be locationally sustainable given the location to the bus stop and the frequency of service.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE with conditions

REASON FOR DEFERAL

Call in request from Cllr Bailey

PROPOSAL

The proposal seeks consent for the demolition of public house and erection of x5 number of four-bedroom detached dwellings

SITE DESCRIPTION

The application site is a long established disused public house building, which is currently known as The White Lion, is situated on the corner of Audlem Road and Longhill Lane in Hankelow.

The area consists of predominantly residential properties which bound the site to the east, south and east and also across the road to the west.

The site comprises a two storey building together with a single storey extension to the south and several single storey extensions and outbuildings to the rear.

The principal buildings are positioned along the western boundary of the site fronting the highway (Audlem Road). The eastern portion of the site comprises a large car parking area and small garden/amenity area ('beer garden').

There are two points of access to the site; one at the south western corner adjoining Audlem Road and the other at the north east of the site adjoining Longhill Lane. The site measures 2,024 square metres (0.2 hectares).

The site is within the village settlement boundary as per the Crewe and Nantwich Local Plan and is classified as an Asset of Community Value

RELEVANT HISTORY

7/03337 – Re-siting of a private garage (approved 1977)

7/16868 – Alterations and extensions (approved 1989)

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Local Plan 2011

Policy BE.1 – Amenity
Policy BE.2 – Design Standards
Policy BE.3 – Access and Parking
Policy BE.4 – Drainage, Utilities and Resources
Policy NE.5 – Nature Conservation and Habitats
Policy NE.10 – New Woodland Planting and Landscaping
Policy RES.2 – Unallocated Housing Sites
Policy RES.3 – Housing Densities
Policy TRAN.9 – Car Parking Standards
Policy CF.3 – Retention of Community Facilities

Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 – Overall Development Strategy
Policy PG2 – Settlement Hierarchy
Policy SD 1 – Sustainable Development in Cheshire East
Policy SD 2 – Sustainable Development Principles
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE5 – Trees, Hedgerows and Woodlands
Policy SE13 – Flood Risk and Water Management
Policy CS4 – Residential Mix
Policy EG 2 – Rural Economy

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

National Policy

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

14 – Presumption in favour of sustainable development
17 – Core planning principles
47-50 – Wide choice of quality homes
56-68 – Requiring good design
70 – Promoting Health communities

Supplementary Planning Documents (SPD):

North West Sustainability Checklist

Community Right to Bid: Non-statutory advice note for local authorities

CONSULTATIONS

Highways (Cheshire East Council)

No objection

The proposal will unlikely result in a net increase in pedestrian and vehicle trips and the highways impact will be minimal

Environmental Protection (Cheshire East Council)

No comments received at the time of writing the report

Archaeology

No objection subject to condition requiring the implementation of a programme of archaeological work prior to commencement

United Utilities

No objection however advice/guidance notes offered to the applicant which can be attached by informative

Parish Council

- Contrary to NPPF paragraph 70 which requires LPA's to plan for cultural facilities/services and to guard against the unnecessary loss of these facilities
- Statement is inaccurate regarding the facilities at the Golf Club at Hankelow and the Community Rooms in Hankelow Methodist Chapel. Both of these venues are operated privately and in respect of the Chapel, where pre-booking for hire is required, there are covenants which restrict its use, including a prohibition on the serving of alcohol. Brookfield Golf Club, although open to non-members, is a private concern orientated towards the needs of its member clientele who pay a premium for the facilities provided by the Club. It is not an alternative to the White Lion, nor does it seek to be. Moreover, it is only available for part of the year (closed between September and April after 5.00 pm).
- The pub has been used for myriad activities over the years including quiz nights (monthly from 2011-2015), dominoes, meetings of Hankelow Amenities Group; the Neighbourhood Plan Steering Group and the annual community dinner. It also serves a wider community than Hankelow parish, drawing residents from Audlem, Hatherton, Buerton and surrounding area.
- The pub has a 200-year history as a successful public house as evidenced in the application under the Community Right to Bid scheme, despite a few recent turbulent years. During 2013-2015 the pub won two awards and was drawing favourable customer comments from a wide area.
- It features not only as a building, but also as one of the reasons why some residents moved to the village and is an important part of community cohesion.
- Contrary to policy BE1 as it represents an inappropriate use of the site taking account of the local area.
- Contrary to policy CF3
- Increase in traffic movements
- Use inappropriate to the local area

- Proposal is unnecessary as housing stock being met by other sites
- The applicant did not consult with the Parish Council in advance of submitting the application contrary to the Localism Act 2011
- Building is listed as an Asset of Community Value
- A Ministerial statement published in January 2015 announced an intention to change the law to provide event greater protection for pubs which play a crucial role at the heart of communities and this would stop valued community pubs from being demolished or converted into difference uses against the will of local people.
- The Government provided £250,000 to 'Pub is the Hub' and to the Plunkett Foundation in 2013-2014 and 2014-2015 to help pubs to diversity into providing a wide range of community-focused services to help local residents buy and operate co-operative pubs. The Community Right to Bid, which came into effect in 2012, gives community groups a fairer chance to prepare a bid to buy community buildings that are important to them.
- The Government has provided a £19m support programme to help eligible community groups to take on community ownership.
- The applicant's 'Market Demand Report' is considered to be flawed. The reason for the failure of the business pre-January 2016 can be attributed, in part, to the fact that the public house was only open for part of the week and a large part of the premises was not heated. Moreover, the future success of the pub cannot be gauged accurately on the short period from January 2016 to date.
- The Parish Council will seek to establish the building as a community pub, applying for financial support from eg, the Plunkett Foundation. There is overwhelming community support for retaining this building as a public house and an independent village committee has been established with the aim of taking this forward.
- The Parish Council challenges whether the owner has marketed the building for sale or proceeded direct to seeking planning permission to demolish.

REPRESENTATIONS

7 letters of support have been received which raise the following points;

- The pub is not and will never be viable
- Housing development more useful to the community than an empty pub
- Not sustainable business
- Proposal would be visually in keeping with the area
- Limited housing proposal would meet local need for housing

39 letters of objection have been received which raise the following points;

- Local landmark
- Fulfils local need
- Sustainable as a pub
- Role of the pub could be enhanced
- Increased need for community facility given housing growth
- HS2 and Northern Power House would increase visits to the village
- Have alternate schemes been considered
- Exacerbate drainage problems
- Proposals are higher density than exists in the village

- Building Listed as an Asset of Community Value and should be retained
- Article 4 directive should be used to prevent further changes along with policy to retain public houses
- Cultural and heritage value should be protected
- When open the pub provided at meeting place and successful quiz nights were held
- Pub included in a local pub guide on Trip Advisor
- Loss of employment
- Parish Council were not approached regarding the failing of the pub
- Applicant was offered the chance to meet with a community group but has decided to await the determination of the application
- Contrary to local and national planning policies
- The local Golf Clubs are restricted in hours and use and cannot full fill the gap left
- Loss of community facility is unsustainable
- Insufficient evidence regarding the viability of the pub
- Could be successful under the right management
- Site benefits from passing trade
- Hanklow is visited by walkers and cyclists
- Other rural pubs are successful
- Hanklow does not need more housing
- Bats in the roof space
- Replacement buildings are not locally distinctive
- Loss of light
- Noise and dust from construction

APPRAISAL

The key issues are:

- The principle of the development
- Loss of existing employment use
- Loss of an asset of community value
- Amenity
- Ecology
- Impact on trees/important landscape features
- Character/appearance
- Highway safety

APPRAISAL

Principle of development

The proposal would meet one of the core planning principles as contained within the NPPF which states that planning should;

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

The site is located within the Settlement Boundary of Hanklow village. Within the settlement boundaries of the village, Policy RES.4 advises that the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted in accordance with Policies BE.1-BE.5.

Given that the application property sits within the village boundary which consists of other residential properties it is considered that the proposal to erect x5 dwellings on this previously-developed and vacant site is acceptable in principle from a pure land use perspective.

Consideration against Policies BE.1-BE.5 (amenity, design, highway safety, drainage and infrastructure) are accessed below along with consideration of the environmental value of the site.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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

Environmental role

Locational Sustainability

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

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

Recommended standards (m denotes metres):

Post box (500m)

Post Office (500m)
Amenity Open Space (500m)
Children's Play Space (500m)
Primary School (1000m)
Outdoor Sports Facility (500m)
Local meeting place (1000m)
Leisure Facilities (Leisure Centre and Library) (1000m)
Public House (1000m)
Child Care Facility (nursery or crèche) (1000m)
Bus Stop (500m)
Public Right of Way (500m)
Pharmacy (1000m)
Railway station (2000m where geographically possible)
Any transport node
Bank or cash machine (1000m)
Supermarket (1000m)
Secondary School (1000m)
Medical Centre (1000m)
Convenience Store (500m)

No assessment has been provided against the above criteria. However the proposal would likely fail most of the criteria. This assessment identifies that the site would not be located near to a number of key services, which are located in Audlem village

However the site is approximately a one minute walk from the nearest bus stop which offers frequent services to Nantwich, Audlem and Whitchurch via the bus service 73. The site is situated off the Audlem Road which connects Hankelow to Nantwich (approximately 6 miles to the north) and Audlem (approximately 1.7 miles to the south).

Audlem provides shops, a primary school and community facilities with some opportunity for access to jobs as well, although there are no major employment site.

As a result, whilst the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car, it is considered that the access to the regular bus service to the nearby large service centres of Audlem, Nantwich and Whitchurch, that the site would represent a sustainable location and as such would adhere to the NPPF.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

Design

The area is characterised by predominantly detached residential properties consisting of bungalows and regular 2 storey dwellings with a mixture of traditional and modern design and with render and red brick finishes.

Properties are arranged linearly in a row of ribbon development with a single layer of properties fronting the road; however this built pattern is broken to the north and south by built form which extends further to the south-east.

The proposal seeks to demolish the existing public house and erect x5 detached properties, with 2 of these properties fronting Audlem Road and 3 of these properties fronting Longhill Lane.

Given that detached properties are the predominant property type it is considered that the detached properties proposed are appropriate to the setting. The design seeks to mirror locally distinctive features such as the use of mock Tudor frontages, which is a feature noted on other properties fronting Audlem Road.

The arrangement of the properties is a consequence of the siting at a corner plot and is not considered to be contrary to the existing urban grain noting that they follow the road frontage.

Property frontages, depths and heights are comparable to other properties in the locality and the ratio of built form to garden areas is also comparable, particularly in relation to properties on Long Hill Lane.

Finally the proposals also respect the existing building lines noting that plots 1 and 2 are set behind the built line of Holly Cottage of Audlem Road, plot 3 would be sited no closer to the road than that of the existing public house and plots 4 and 5 set behind the build line of Smithy House off Longhill Lane.

As a result it is considered that the properties can be accommodated on the site without causing significant harm to the overall character/appearance of the area.

Trees

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

The site does not contain any trees. Limited planting was noted to the eastern boundary which is to be retained and additional planting is proposed to the Audlem Road frontage to the north.

As a result the proposal would not cause harm to existing landscape features and would provide the opportunity to increase trees/planting on site.

Highway Safety

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

The proposal has been assessed by the Councils Highways Engineer who concludes that the proposal will unlikely result in a net increase in pedestrian and vehicle trips over and above that associated with the use of the existing public house. Therefore the highways impact will be minimal.

Sufficient visibility splays are also to be provided and shown on plan 'SCP/16220/F02 ver C'. Off-road parking provision accords with Council standards and adequate on-site turning areas have been proposed.

As a result it is not considered that the proposal would pose any significant harm to the existing highway network.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

United Utilities have been consulted as part of the application and have raised no objections subject. However it is considered that drainage details could be secured by condition to prevent local flooding.

It is also considered that the removal of the large area of built development including existing hardstanding will present a benefit in terms of control of surface water run off.

Ecology

The application has been supported by a protected species survey prepared by a suitably experienced ecological consultant.

This identifies that evidence of bat activity in the form of bat droppings and feeding remains was recorded within the existing buildings, however the bat activity surveys did not record any evidence of bats currently roosting within the building.

The Council's Ecologist has also assessed the proposal and has concluded that the existing buildings are unlikely to currently support a legally protected bat roost. However he has recommended a condition requiring an updated Bat Survey if works are not commenced before June 2017.

Therefore it is not considered that the proposal could be accommodated with posing any significant concerns from an ecology perspective.

Environmental Conclusion

On balance the proposed development is considered to constitute sustainable development from a locational perspective with a neutral impact in terms of trees, ecology, design, flooding and drainage, subject to conditions where necessary.

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

Economic Role

It is accepted that the construction of a housing development would bring the usual economic benefits to the closest public facilities in the closest villages 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 residents spending money in the area and using local services.

Social Role

The proposal would provide additional housing stock which would go some way to addressing the national housing shortage.

Loss of existing pub/Asset of Community Value

This consideration relates to both social and economic aspects of sustainability.

Since the application was submitted the existing Public House was successfully nominated as an Asset of Community Value (ASV).

Paragraph 70 of the NPPF advises planning policies and decisions should guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs

Policy CF.3 of the local plan advises that proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted, unless a suitable alternative provision is made.

As the proposal seeks to demolish the existing public house, it is therefore necessary to consider whether the public house makes a positive contribution to the life of the community and if so whether its loss would be unnecessary and if alternate provision has been made to mitigate its loss.

To assist in the assessment, the application has been supported by a marketing statement under taken by a local estate agent, Butters John Bee. This report advises as follows:

- *Analysis of information and local market knowledge*

We have researched the businesses operating at the property to ascertain the reasons for business failures. The property location does not benefit from significant passing traffic and Hankelow, aside from Golfing facilities is not a destination for visitors whilst nearby villages and towns are considered to be destination choices for drinking and eating establishments.

Between 2006 and 2016 eight separate tenants have occupied the property with variations of public house 'with food' offers. All experienced business failure with the landlord effectively subsidising the business with rent free periods and experiencing significant unpaid rent (arrears). We highlight two points that the business activity highlights:

- 1) In 2009 the type of food offer changed to Indian Cuisine until 2012 until the business failed. This demonstrates that a variety of restaurant offers have been tested and operated from property but a sustainable business could not be achieved.*
- 2) The White Lion won the Nantwich Food award for best Pub with food in 2013 and 2014 whilst occupied by Mr Peter Haywood but the business still failed even with a 10 month rent free and resulted in a lease assignment.*

- *Conclusion of Butters John Bee*

We are of the opinion a pub and restaurant business cannot be sustained at the property due to the following reasons:

- 1. Hankelow has a small population who have demonstrated in the past a lack of consumer support for the White Lion with the conclusion there is no local demand for the services provided.*
- 2. The rural/village location with a lack of passing trade.*
- 3. The effect of significant competition from a number of local pubs/restaurants at Audlem, Woore, Whitchurch and Nantwich and a lack of incoming consumers to Hankelow.*
 - Combermere, Audlem appx 1.5 miles away*
 - Birdge Inn, Audlem appx 1.5 miles away*
 - The Shroppie Fly, Audlem appx 1.5 miles away*
 - The Deli Café, Audlem appx 1.5 miles away*
 - The Pinfold Café, Audlem appx 1.5 miles away*
 - The Chetwode Arms, Mill Green. appx 2.8 miles away*
 - Coopers Arms, Woore appx 5 miles away*
 - The Swann, Woore appx 5 miles away*
 - Falcon Inn, Woore appx 5 miles away*
 - The Globe, Audlem Road. appx 5.7 miles away*
 - The Globe, Maer. appx 6 miles away*

Butters John Bee have substantial experience of marketing a variety of property types including public houses and restaurants to either sell or lease in Cheshire, Shropshire and North Staffordshire. It is our opinion the property no longer supports a viable public house and restaurant use and an owner occupier or commercial tenant is unlikely to be found with long terms business viability. There is no evidence that trading conditions for this property will improve and it is highly likely that further businesses will fail resulting with the property being vacant for prolonged periods of time and the fabric and condition of the property will deteriorate and fall into disrepair leaving a prominent building adversely affecting the character of village.

There is no evidence of market demand for alternative commercial use. It is our opinion the property will attract significant demand for change of use to residential development which is sympathetic to the character of the village.

Marketing period

For over 12 years the property has been let to a number of tenants. After each failed the applicant undertook a marketing exercise to identify a new tenant. The most recent exercise was when the property was void between April 2012 and January 2013. During this time, the property was marketed for a period of 9 months with no interest received until Mr Peter Heywood agreed to take the lease on in January 2013 (points 7 & 8 of the market report) and the marketing ceased. A copy of that marketing information is attached.

The property has always been marketed for a use that it has planning permission for, hence A4 uses, typically pub tenants, would have been attracted to this property. The nature and design of

this property did not attract other potential community uses in this time as these would have clearly come forward over the various marketing stages. If a prospective occupier had come forward for an alternative use (that required planning permission), it would have been necessary for a planning application to be submitted prior to that tenant agreeing the lease. However no such uses came forward.

As you will have seen in the Market Demand Report, this 'stop-start' marketing exercise attracted a range of end-users over the last 12 years however given their limited success this merely led to a continuing curve of the public house's decline as no tenants were able to make a viable business.

With this taken into account, the applicant decided to consider alternative options to use the site when the property became vacant in February 2016. A planning application was prepared to redevelop the site with the intention of informing a new marketing exercise to establish a wider range of uses, including residential development, should planning permission be granted. With this taken into account, this is why there is no evidence for marketing in the last 10 months.

Additional supporting information

The Planning Statement and the Market Demand Report both demonstrate that the applicant has offered significant incentives to his tenants since he took ownership of the property in 2004 to provide an environment where the public house could be run in a viable way. This included 3, 6 and 10 month rent free periods at the beginning of the leases to the respective tenants in order to give them the best possible start to their business. Notwithstanding this, all of these ventures failed to be profitable and consequently the tenants terminated their leases within 2 years of occupation (or they were made bankrupt). In addition to this, this public house has been run without a tie to a specific brewery, this enabled tenants to purchase their beers, wines and spirits from wherever they chose to and therefore go for the most affordable deals available (with public houses that are tied to breweries typically paying 50% more for their alcohol than non-tied public houses). The applicant understands that in all of these cases, none of the ventures proved to be profitable.

Whilst the applicant (who is the landowner) was never party to the financial information of his tenants, his knowledge of the industry (as he owns a number of other more successful public houses and retail properties) suggests that the profit margins that could be achieved for the White Lion would have been relatively tight (once payment of rates, staff wages, stock and other costs are deducted from the overall turnover). A public house in this location, with its relatively small local customer base within walking distance, means that it would need to achieve most of its income from passing trade or for it to succeed as a 'designation pub'. Given the unreliability of this element of the business model, it is often difficult to obtain finance backing from banks due to fluctuation in the income stream. This becomes even more difficult when there are a significant number of public houses and restaurants in nearby Audlem (which has a significantly greater pull as a tourist and visitor location due to its canal, village character, associated shops and services as well as community events, and has a higher population).

Replacement/alternative community facilities

Whilst the loss of this community facility is regrettable, a building of this significant size (which has been designed specifically as a public house and restaurant) would make it very difficult for

another community uses to utilise all of the space efficiently. The significant car parking area and public house garden also provides issues of public liability that would need to be carefully managed. Furthermore, the option of subdividing the plot to provide a smaller building for a community use with the remainder developed for housing is likely to result in an unviable scheme with a community use that would likely also fail (as history of the White Lion suggests). It is key for this site to be designed appropriately in order for this prominent site to continue to be in keeping with the character of Hankelow, and the proposed development removes a building which is not of particular high quality. Furthermore, the site's location on the road junction between Audlem Road and Longhill Lane means that access and car parking for the site needs to be carefully designed to ensure that it meets highway safety standards. By introducing a mixed use into the site, this is likely to result in an over-development of the scheme which would compromise highway safety and would be unlikely to be supported by your highway officer.

Officer appraisal

The information provided advises that the property has been let to 8 separate tenants over the last 10 years. However all attempts appear have failed to operate successfully over this period of time with the landlord subsidising the business rent free periods. The reasons for the failures are stated as being due to the lack of demand given the small population of Hankelow (approximately 272 people), the rural location and lack of passing trade and the impact from competition from other public houses.

Whilst it would appear that the pub was performing well in the years 2013/2014 by winning the Nantwich Food award for best Pub with food, this achievement in itself does not appear to have been enough to sustain the business.

As a result the evidence provided suggests that the pub has not operated successfully for the last few years and Butlers John Bee do not consider that it will be able to operate as a viable business in the future. No financial figures have been provided showing the decline in turn over of the business however the applicant advises that this is due to the landowner not having the figures from the tenants and given the number of historical tenants who have operated from the premise. However the supporting statement provided by the applicant suggests that the profit margins that could be achieved for the White Lion would have been relatively tight.

The reasons suggested being that a public house in this location, with its relatively small local customer base within walking distance, means that it would need to achieve most of its income from passing trade or for it to succeed as a 'designation pub'. It also advises that given the unreliability of this element of the business model, it has been difficult to obtain finance backing from banks due to fluctuation in the income stream. The supporting information also advises that competition from a number of public houses and restaurants in nearby Audlem is another factor. The applicant has also given consideration to retaining part of the building for community use however considers that design of the building, which has been designed around its use as a public house/restaurant, would make it very difficult for another community uses to utilise all of the space efficiently. They also consider that the significant car parking area and public house garden also provides issues of public liability that would need to be carefully managed. They have considered the option of subdividing the plot to provide a smaller building for a community use with the remainder developed for housing however consider this is likely to result in an unviable scheme with a community use that would likely also fail. They also consider multi uses at this road junction

and the site's location on the road junction would compromise highway safety. This highway point is not evidenced and therefore no weight should be given to this consideration.

It is considered that the applicant has demonstrated a strong case in support of their application. It is considered that the use of the building as a public house is not viable and there is no evidence of market demand for alternative commercial use. As a result it cannot be considered to make a positive contribution to the social or cultural life of the community.

As the proposal would result in the loss of an ACV regard should be had to guidance contained in The Community Right to Bid: Non-statutory advice note for local authorities which advises of the following:

"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case"

It is therefore for the Local Planning Authority to consider whether the ACV is a material planning consideration and how much weight to attach to it in the decision making process.

In this instance it is clear from the number of neighbour comments that the local community considers the public house to be a valued community facility. Therefore the impact on the ACV is considered a material planning consideration which carries significant weight in the decision making process.

It is therefore necessary to weigh up the benefits and adverse impacts of the proposal in the planning balance. The benefits are the removal of a building which has been demonstrated to be unviable for commercial use and with no evidence of market demand for future uses and replacement with additional housing stock which would go some way to addressing the national housing shortage. The dis-benefits are the loss of the ACV and the impact this would have on the local community.

Paragraphs 7 & 14 of the NPPF refers to the presumption in favour of sustainable development as being the social, economic and environmental roles. It is therefore necessary to assess the proposal against each role.

Social – the public house when in use would provide social benefit to the local community and provide a local meeting place. However given that the public house is currently vacant and has been for 10 months, it is not currently providing any social benefit to the local community. The proposal would however see the provision of market housing which would go some way to addressing the nation housing shortage and would full-fill part of the social role.

Economic – given that the public house has been deemed unviable both now and in the future, it is not providing and will continue not to provide any economic benefit to the local community. Balanced against this, the proposal would provide some limited economic benefit in the form of employment during the construction period and the spending power of future occupants.

Environmental – the existing building does not have any heritage value, therefore its loss and replacement with housing is considered to have a neutral visual impact. The replacement buildings would be constructed to modern building standards and materials which would improve the environmental function of the building.

In conclusion whilst the loss of the community facility is regrettable, it has been demonstrated that the public house is not a viable use and with no evidence of market demand for future uses, on balance it is considered that the loss of the ACV is outweighed by the benefits of the proposal to provide additional housing stock to meet the national housing shortage than retain a building which is not viable for commercial use and is considered a sustainable form of development.

On this basis it is not considered necessary to seek to provide an alternate community facility.

Residential Amenity

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

Holly Cottage

The nearest property (plot 1) would be sited 1.5m to the windowless side elevation. Whilst it would project approximately 3.5m from the rear built line of Holly Cottage, it would be sited approximately 1.5m from the shared boundary and also complies with the unofficial 45-degree code which suggests no harm through loss of outlook/oppressive impact.

There would be potential light loss during the early morning however the impact would be limited to a short period and would not impact on the main usable garden area. Such a relationship between properties is also not uncommon in modern housing estates.

Poolside Cottage

The nearest property (plot 3) would be sited 16.5m to the side boundary, plot 5 would be sited 25m to the side boundary and plot 4 would be sited 18m to the windowless side elevation, these separation distances are considered sufficient to prevent significant harm to living conditions.

Smithy House

The nearest property (plot 5) would be sited 21m to the side elevation containing secondary living and bedroom windows, this separation distance is considered significant to prevent significant harm to living conditions.

Internal plot layouts

The proposals provide adequate separation distances internally to prevent overlooking between windows. Whilst plot 5 would be sited just 6.5m from the boundary shared with plot 2, the impact would be limited to the end section of garden and would not impact on the main usable garden area. This relationship is also not uncommon in modern housing estates.

As a result it is not considered that the proposal would cause significant harm to the living conditions of the occupiers of neighbouring properties.

Other matters

The proposal is not of a size to require any contributions to affordable housing, open space or education.

It is noted that a Hankelow Neighbourhood Plan is currently being prepared, however it is yet to reach Regulation 14 stage and therefore cannot be attached any significant weight at this stage.

Planning Balance

The site is located within the Settlement Boundary of Hanklow village. Within the settlement boundaries of the village, Policy RES.4 advises that the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted in accordance with Policies BE.1-BE.5.

Given that the application property sits within the village boundary which consists of other residential properties it is considered that the proposal to erect x5 dwellings on this previously-developed and vacant site is acceptable in principle from a pure land use perspective.

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

It is therefore necessary to consider 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 are that the proposal would result in the loss of the existing public house which is listed as an Asset of Community Value. However it has been demonstrated that the public house is not a viable business in the past and with little prospect of being viable in the future and that demand is limited for commercial use in this rural location. Therefore it is not considered to make a positive contribution to the local community.

The proposal would also bring positive planning benefits such as provision of market housing, a minor boost to the local economy, redevelopment of a previously developed site and is considered to be locationally sustainable given the location to the bus stop and the frequency of service.

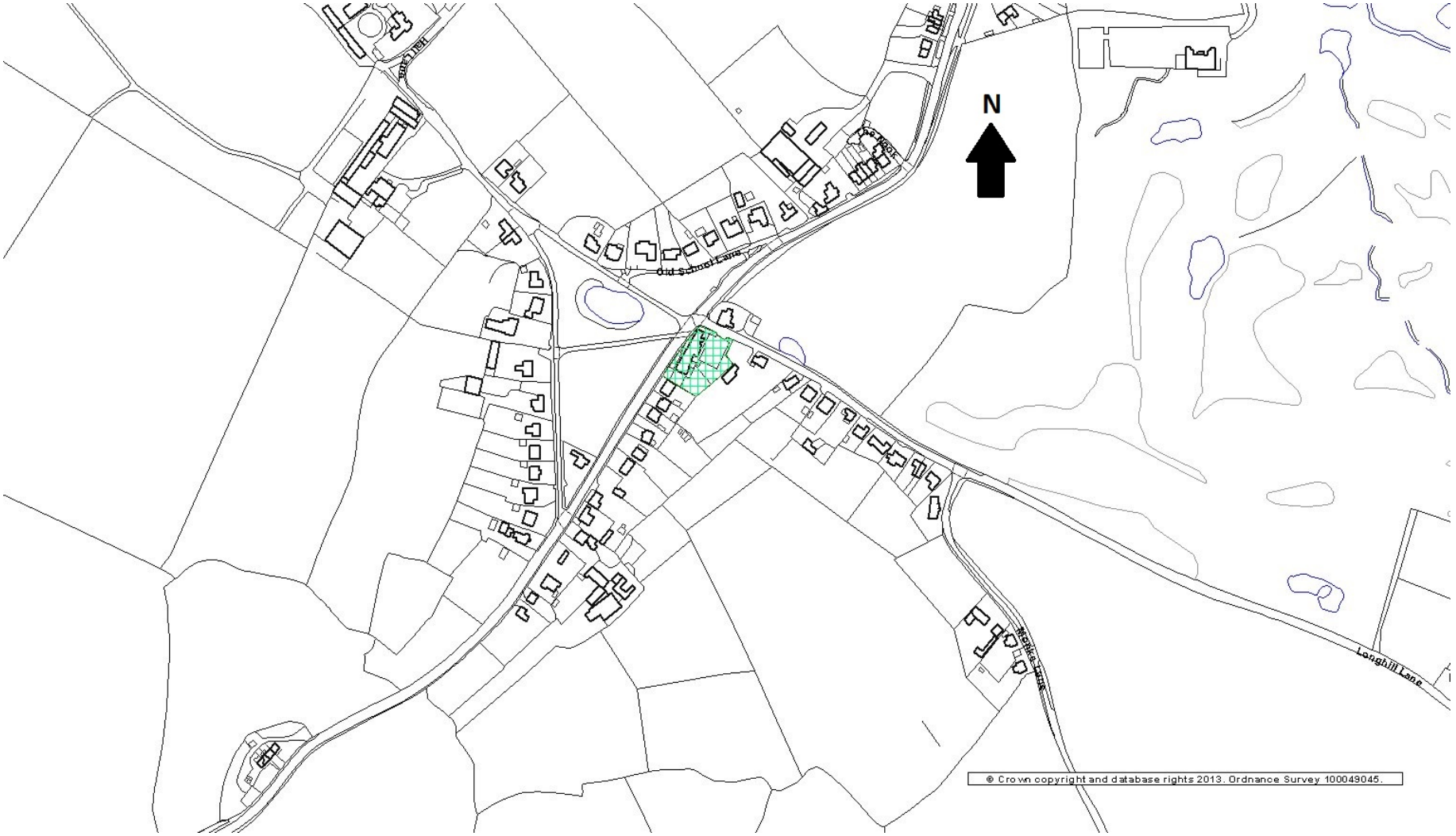
Applying the tests within paragraph 14 it is considered that the benefits outweigh the adverse impacts. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) Time period within 3 years
- 2) Approved plans
- 3) Material to be provided
- 4) Bet survey required if not commenced before June 2017
- 5) Implementation of a programme of archaeological work
- 6) Existing and proposed land levels to be provided
- 7) Drainage strategy to be provided
- 8) Removal of permitted development rights for extensions

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.



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	23 rd November 2016
Report of:	David Malcolm - Head of Planning (Regulation)
Title:	Outline application for residential development of up to 33 units with all others matters reserved, except for access and landscaping.
Site:	Land north of Pool Lane, Winterley

1.0 Purpose of Report

- 1.1 To agree Heads of Terms for the legal agreement at the forthcoming appeal.

2.0 Decision Required

- 1.2 To agree Heads of Terms for the legal agreement at the forthcoming appeal at Land north of Pool Lane, Winterley

3.0 Background

- 3.1 On 31st August 2016 Southern Planning Committee resolved to refuse application 16/1728N against the recommendation 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'

- 3.2 **As part of that report, reference was made to the proposed heads of terms for the legal agreement which stated:**

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 to be maintained by a private management company*
3. *Secondary School Education Contribution of £81,713.45*

- 3.3 The above Heads of Terms were not carried over onto the committee resolution/minutes to refuse the application. In this case the Council has received the appeal forms but is still awaiting the appeal start letter. The start letter will include the date for the completion of the S106 Agreement.

5 Officer Comment

- 5.1 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.
- 5.2 As explained within the main report, POS 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. This is directly related to the development and is fair and reasonable.
- 5.3 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.
- 5.4 On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the Southern Planning Committee should accept the Head of Terms on the basis that they are comply with the CIL Regulations.

7 Recommendation

- 7.1 To agree to the Heads of Terms for the legal agreement at the forthcoming appeal at Land to the north of Pool Lane as follows;

RESOLVE to enter into a Section 106 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 to be maintained by a private management company

3. Secondary School Education Contribution of £81,713.45

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

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

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 1.3 To agree Heads of Terms for the legal agreement at the forthcoming appeal at Land to the north of Pool Lane, Winterley.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Daniel Evans (Principal Planning Officer)
Tel No: 01270 686751
Email: Daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 16/1728N*

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	23 rd November 2016
Report of:	David Malcolm - Head of Planning (Regulation)
Title:	Outline application for the demolition of 46 Chestnut Avenue, Shavington and erection of 44 dwellings (including access) and associated works.
Site:	Land to the rear of 46 Chestnut Avenue, Shavington CW2 5BJ

1.0 Purpose of Report

- 1.1 To agree Heads of Terms for the legal agreement at the forthcoming appeal.

2.0 Decision Required

- 1.2 To agree Heads of Terms for the legal agreement at the forthcoming appeal at Land to the rear of 46 Chestnut Avenue.

3.0 Background

- 3.1 On 3rd August 2016 Southern Planning Committee resolved to refuse application 16/0015N against the recommendation for the following reason;

'The proposed development, together with adjoining housing developments, by virtue of the loss of open countryside and cumulative impact and erosion upon the Green Gap, is contrary to Local Plan Policies NE.2 (Open Countryside), NE.4 (Green Gap) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and PG5 of the Cheshire East Local Plan Strategy (Consultation Draft) March 2016 and policies within the NPPF'

- 3.2 **As part of that report, reference was made to the proposed heads of terms for the legal agreement which stated:**

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 to be maintained by a private management company

3. SEN Contribution of £45,500

- 3.3 The above Heads of Terms were not carried over onto the committee resolution/minutes to refuse the application and the S106 for this appeal needs to be completed by 7th December 2016.

5 Officer Comment

- 5.1 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.
- 5.2 As explained within the main report, POS 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. This is directly related to the development and is fair and reasonable.
- 5.3 The development would result in increased demand for SEN places in the area and there is very limited spare capacity. In order to increase capacity of the SEN schools which would support the proposed development, a contribution towards SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.
- 5.4 On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the Southern Planning Committee should accept the Head of Terms on the basis that they are comply with the CIL Regulations.

7 Recommendation

- 7.1 To agree to the Heads of Terms for the legal agreement at the forthcoming appeal at Land to the rear of 46 Chestnut Avenue, Shavington as follows;

RESOLVE to enter into a Section 106 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 to be maintained by a private management company

3. SEN Contribution of £45,500

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

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

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 1.3 To agree Heads of Terms for the legal agreement at the forthcoming appeal at Land to the rear of 46 Chestnut Avenue, Shavington.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Daniel Evans (Principal Planning Officer)
Tel No: 01270 686751
Email: Daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 16/0015N*