

# Southern Planning Committee

## Agenda

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| <b>Date:</b>  | <b>Wednesday, 1st February, 2017</b>   |
| <b>Time:</b>  | <b>10.00 am</b>  |
| <b>Venue:</b> | <b>Council Chamber, Municipal Buildings, Earle Street, Crewe<br/>CW1 2BJ</b> |

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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 - 16)

To approve the minutes of the meeting held on 21 December 2016.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **16/0754N 1, Nesfield Drive, Winterley CW11 4NT: New dormer bungalow, amended design from 15/0349N - Resubmission for Mr Neville Cross**  
(Pages 17 - 26)

To consider the above planning application.

6. **16/4792N Land To The West Of Close Lane, Alsager: Outline planning application for residential development and access, all other matters reserved for C R Muller, Muller Property Group** (Pages 27 - 46)

To consider the above planning application.

7. **16/5371N Admiral Court, Electra Way, Crewe: The proposed construction of a 4 storey office building extending to 6,136 square metres and provision of 182 car parking spaces for Miss Isla Longmuir, Pochin Developments Ltd**  
(Pages 47 - 60)

To consider the above planning application.

8. **16/4175N Land At Former Crewe L M R Sports Club, Goddard Street, Crewe: Erection of 74 one, two and three- bedroom dwellings for Gaynor Mellor, Wulvern Housing Ltd** (Pages 61 - 84)

To consider the above planning application.

9. **16/5609N Bentley Motors Ltd, Pym's Lane, Crewe, Cheshire CW1 3PL: It is proposed to construct a logistics building on existing hard standing to the east of Bentley's Pym's Lane plant. Part of the car park will be reconstructed to form a dispatch area for Mr John Layman, Bentley Motors** (Pages 85 - 92)

To consider the above planning application.

10. **16/2732N Greenbank Cottage, Welshmans Lane, Henhull, Nantwich, Cheshire CW5 6AB: Plot substitution [Change of house type from the previous application 13/4656N] for the creation of 19 dwellings for Mr Sam Leuty-Milner, Tesni Properties Limited** (Pages 93 - 104)

To consider the above planning application.

11. **16/5848C 35, Woodside Avenue, Alsager, Stoke-On-Trent, Cheshire ST7 2DL: Change of use of an existing double garage into a two bedroom dwelling house, including the provision of a new pitched roof for Mr Steve Mellor** (Pages 105 - 112)

To consider the above planning application.

12. **16/4408N Land at Chester Road, Alpraham: Outline application for proposed 2no. residential dwellings for Mr & Mrs D Evans** (Pages 113 - 128)

To consider the above planning application.

13. **16/5403N The Wig Centre, 166 Edleston Road, Crewe, CW2 7EZ: Proposed change of use from ground floor shop and first floor residential use into a 8 Bedroom Sui Generis HMO property for Matthew Little, Aevum Investments Ltd** (Pages 129 - 136)

To consider the above planning application.

14. **16/5562C Rectory Farm, Old Knutsford Road, Church Lawton ST7 3EQ: Outline application for the erection of up to 5 residential dwellings, with primary access defined up to 20 metres, ancillary facilities and associated infrastructure. All matters reserved except access for North West Heritage Ltd** (Pages 137 - 154)

To consider the above planning application.

15. **Outline application for the erection of 29 dwellings with associated works (Re-submission of 15/2844N - Land south of Hassall Road, Winterley** (Pages 155 - 158)

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, 21st December, 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, P Butterill, J Clowes, W S Davies, S Edgar,  
J Rhodes, B Roberts and B Walmsley

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors P Bates and P Groves

**OFFICERS PRESENT**

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

**Apologies**

Councillors D Bebbington and A Kolker

**89 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

With regard to application number 16/1987N, Councillor S Edgar declared that he had previously spoken against the application. He would exercise his separate speaking rights as a Neighbouring Ward Councillor and not take part in the debate or vote.

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

With regard to application number 16/4784N, Councillor B Roberts declared that it was in his Ward. He had not discussed this application and had kept an open mind.

With regard to application number 16/4784N, Councillor J Rhodes declared that it was in her Ward. She had not discussed this application and had kept an open mind.

With regard to application number 16/1987N, Councillor J Clowes declared that she had called in the application on behalf of the parish council but that she had kept an open mind and had not taken part in any discussions regarding the matter.

**90 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 23 November 2016 be approved as a correct record and signed by the Chairman.

**91 16/1987N BASFORD OLD CREAMERY, NEWCASTLE ROAD, CHORLTON CW2 5NQ: NEW INDUSTRIAL BUILDING REPLACING EXISTING BUILDINGS, RETAINING B1, B2 AND B8 CLASSIFICATIONS FOR TOTAL CONCRETE PRODUCTS LTD**

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

Note: Parish Councillor A Broome (on behalf of Hough and Chorlton Parish Council) and Mr P Grant (objector) 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 and the written update, the application be APPROVED subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials in accordance with the details submitted with the application
4. Restriction on operational hours (including deliveries to and from the site) to 8am to 6pm Monday to Friday, 9am to 2pm Saturday and no working on Sundays or public holidays
5. Submission of details of external lighting
6. Any cutting operations that take place outside the buildings shall be restricted to the acoustic cutting area
7. All other fabrication activities shall take place within the building
8. While fabrication and concrete work is taking place inside the buildings, all external doors shall remain closed

9. Submission of a detailed design and method statement including the structure and foundations of the proposed building (for HS2 Safeguarding)
10. Provision of an electrical vehicle charging point
11. Submission of phase I Preliminary Risk Assessment and if necessary a Phase II Ground Investigation and Risk Assessment (Contaminated Land)
12. Submission of a revised scheme of landscaping
13. Details of a concealed entrance sign to the west of the site as entering the Bridge to be submitted and approved
14. Implementation of the approved landscaping
15. Details of an acoustic screen along the northern boundary to be submitted and approved
16. Swept path to be kept clear as shown on the submitted plans

Informatives

1. Asbestos – Duty of responsibility to comply with the HSE
  2. No parking/storage consented on Network Rail access
- (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.

92 **15/5369C SOMERFORD BOOTHS HALL, CHELFORD ROAD, SOMERFORD CW12 2LY: FULL PLANNING APPLICATION PROPOSING THE CONVERSION OF THE GRADE II\* LISTED HALL FROM OFFICES TO RESIDENTIAL AND DEMOLITION OF THE EXISTING BUILDINGS AND THE ERECTION OF A RESIDENTIAL DEVELOPMENT SET IN ATTRACTIVE LANDSCAPING AND OPEN SPACE WITH ASSOCIATED ACCESS AND CAR PARKING ARRANGEMENTS FOR P HOGARTH**

Note: The Principal Planning Officer drew Committee Members' attention to the written update, which set out the Inspector's views on the further modifications needed to the Cheshire East Local Plan Strategy. The Inspector's recommendations meant that more weight could be attributed to the emerging policies of the Cheshire East Local Plan Strategy and housing supply policies which were deemed out of date by the absence of a 5 year supply.

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

### RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to referral to the University of Manchester to notify them of the Council's intended decision, the completion of a s106 legal agreement to secure Public Open Space and its future maintenance and management by a management company comprising of:

- 1100 square metres of onsite new Amenity Greenspace (AGS) (or otherwise agreed)
- Onsite Local Area for Play (LAP) with a minimum of 100 square metres

and the following conditions:

1. Standard Time Limit (3 Years)
2. Accordance with approved and amended plans
3. Submission of materials
4. No alterations to original roof structure
5. Rainwater goods to be cast metal
6. Sample panel of lime render to be submitted
7. Detailed drawings of windows and doors
8. Doors and windows to be timber and painted
9. Any decorative treatment of rendered surfaces of the Hall shall be agreed with the LPA before works commence
10. Any repairs to garden wall to be agreed prior to works commencing
11. Detailed schedule of works to listed building to be submitted
12. Programme of archaeological work to be submitted
13. Detailed scheme / schedule of works to the listed hall
14. Structural survey to be submitted
15. Rooflights to be conservation style
16. Removal of permitted development rights for gates, walls, fences, extensions and outbuildings
17. Full restoration of the hall to be carried out before first occupation of 50% of the proposed dwellings
18. The proposed development to proceed in accordance with the recommendations made within submitted ecological assessments including bat mitigation and great crested newt mitigation
19. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is to be undertaken for nesting birds
20. Detailed proposals for the incorporation of features into the scheme suitably for use by breeding birds including house sparrow.
21. Updated badger survey to be submitted
22. Habitat Management and Landscape Management Plan to be submitted including long-term design objectives, management responsibilities and maintenance schedules for all areas that are not within residential curtilages. To include removal of Rhododendron
23. Tree protection

24. Implementation of Tree protection
  25. Updated Arboricultural Method Statement to be submitted for removal of existing hard standing
  26. Landscaping scheme to be submitted
  27. Implementation of landscaping
  28. Details of boundary treatments to be submitted
  29. Specification details for any areas of hard surfacing within tree root protection zones (to be no dig construction).
  30. Accordance with submitted flood risk assessment
  31. Details of levels to be submitted
  32. Scheme of electromagnetic screening measures to be incorporated into new build dwellings
  33. Scheme of Public Open Space to be submitted including the provision of 1100 square metres of Amenity Greenspace (AGS) and the provision of a Local Area for Play (LAP)
  34. Site to be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
  35. Contaminated land report to be submitted
  36. Scheme for pile foundations to be submitted (if required)
  37. Scheme for dust control during demolition / construction to be submitted
  38. Construction Management Plan to be submitted
  39. Electric vehicle infrastructure to be installed in each new build property
- (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.

**93 15/1437N HOLLY COTTAGE, GAUNTONS BANK, NORBURY, SY13  
4HP: PROPOSED CONSTRUCTION OF ONE DWELLING ON LAND  
ADJACENT TO HOLLY COTTAGE FOR R LEWIS**

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

Note: Parish Councillor J Makin (on behalf of Marbury and District Parish Council), Mr D Smith (objector) and Ms S Jones (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. Time 3 years
2. Compliance with the approved plans
3. Materials to be submitted and approved
4. Retention of boundary treatment
5. Contaminated land report to be submitted and approved
6. Landscaping Scheme
7. Landscaping implementation
8. Construction Method Statement
9. Dust Control Report
10. Contaminated Land

(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.

94 **16/3262C LAND AT RADNOR PARK TRADING ESTATE, BACK LANE, CONGLETON: RESIDENTIAL DEVELOPMENT (USE CLASS C3) COMPRISING 30 NO. NEW AFFORDABLE DWELLINGS INCORPORATING 12 NO. THREE BED HOUSES, AND 16 NO. TWO BED HOUSES AND 2 NO. ONE BED MAISONNETTES WITH ASSOCIATED INFRASTRUCTURE AND INCIDENTAL OPEN SPACE INCLUDING A NEW ESTATE ROAD AND VEHICULAR AND PEDESTRIAN ACCESS OFF BACK LANE FOR WILLIAM FULSTER, M.C.I.DEVELOPMENTS LIMITED AND PLACES FOR PEOPLE GROUP LIMITED**

Note: Mr W Fulster (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, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development represents an overdevelopment of the site due to the lack of car parking provision, insufficient internal separation distances and insufficient private amenity space. The

proposed development is contrary to Policies GR1, GR2, GR6 and GR9 of the Borough of Congleton Local Plan and Policies SE1, SD1 and SD2 of the Cheshire East Local plan and the NPPF.

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

95 **16/3286C 130, HOLMES CHAPEL ROAD, CONGLETON CW12 4NY: DEMOLITION OF EXISTING DILAPIDATED BUNGALOW AND GARAGE AND ERECTION OF 4 NO. DWELLINGS FOR MR DAVID DENTON**

Note: Councillor P Bates (Ward Councillor), Town Councillor A Martin (on behalf of Congleton Town Council), Mr B Haywood (objector) and Mr N Collins (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 – That the application be DEFERRED to secure an alternative design/layout, including a dual frontage property at the junction with Holmes Chapel Road and the properties to be slightly angled at the junction.

96 **16/3974N LAND EAST OF WHITCHURCH ROAD, ASTON: OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 24 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR CRANFORD ESTATES**

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

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

Note: Ms H Walker attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

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

The proposed access point by reason of its siting at a bend in the road would not provide a safe and suitable access for road users and those accessing and entering the site and therefore would be harmful to highways safety which is contrary to Policies BE.2 and BE.3 of the Crewe and Nantwich Local Plan and 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.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of POS and 5 piece LEAP and a scheme of management.
3. Commuted Sum payment in lieu of secondary education provision £65,371

**97 16/4408N LAND AT CHESTER ROAD, ALPRAHAM: OUTLINE APPLICATION FOR PROPOSED 2NO. RESIDENTIAL DWELLINGS FOR MR & MRS D EVANS**

Note: Mr R Lee attended the meeting and addressed the Committee on behalf of the applicant.



The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for further information in relation to the existing approved developments in Alpraham in terms of the cumulative impact of the development.

**98 16/4784N LAND TO THE REAR OF, VALLEY HOUSE, 11, WALTHALL STREET, CREWE, CHESHIRE CW2 7JZ: RESUBMISSION OF PROPOSED CONSTRUCTION OF APARTMENTS AND ASSOCIATED PARKING, BIN STORAGE, CYCLE STORAGE AND ACCESS ARRANGEMENTS FOR D FYLES**

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Standard time 3 years
  2. Approved Plans
  3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
  4. Submission and approval of details of materials
  5. Implementation of landscaping
  6. Implementation of tree protection measures
  7. Gas Protection Measures
  8. Standard Contaminated Land Condition
  9. Implementation of the submitted Construction Management Plan together with the retention of the existing car parking spaces which shall be kept clear for the construction period.
  10. Bins shall be only be stored within “Bin Store Area” except on collection day
  11. Parking spaces shall be provided prior to 1<sup>st</sup> occupation and retained thereafter
  12. Provision of electric vehicle charging points
- (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.

**99 16/4926N WOODLANDS HOUSE, 61B, LONDON ROAD, STAPELEY CW5 7JL: SINGLE DWELLING FOR MR & MRS CLARKE**

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

Note: Councillor P Groves (Ward Councillor) and Mr G Gibbs (objector) 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 – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The proposal would intensify an existing access point and would fail to provide adequate visibility splays at a busy road junction to prevent harm to highway safety. The internal access would also provide inadequate width to allow a vehicle to safely pass through the site which is harmful to highway safety. The development is contrary to Policies BE.2 and BE.3 of the Crewe and Nantwich Local Plan and the NPPF.
2. The position of the proposed access would provide increased vehicle movements causing harm to the living conditions of the neighbouring dwellings by reasons of noise and disturbance. The development is contrary to Policy BE.1 of the Crewe and Nantwich Local Plan and the NPPF.
3. The proposed development does not respect the existing pattern of the development to the detriment of the character and appearance of the area. The proposal is contrary to Policy BE.2 of the Crewe and Nantwich Local Plan, the SPD on development on Backland and Gardens, and the NPPF.

**100 VARIATION OF CONDITION 27 ON APPLICATION 13/1305N - LAND TO THE WEST OF CLOSE LANE, ALSAGER**

The Committee considered a report regarding planning application 15/5654N, which had been refused against officer recommendation by the Southern Planning Committee on 3 August 2016. The committee report had referred to proposed Heads of Terms for a S106 Agreement, in the event that the application was subject to an appeal, but these had not been carried over into the minutes of the meeting.

RESOLVED – That a Deed of Variation of the S106 attached to application 13/1305N be entered into to secure the following:

- 30% of the dwellings to be affordable.
- 6 x bungalows for over 55's 4 x 1 bed; 2 x 2 bed (65:35 split affordable rent: intermediate)
- Commuted sum of £32,539 in lieu of primary education
- Commuted sum of £49,028 in lieu of secondary education

The meeting commenced at 10.00 am and concluded at 3.40 pm

Councillor G Merry (Chairman)

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Application No: 16/0754N

Location: 1, NESFIELD DRIVE, WINTERLEY, CW11 4NT

Proposal: New dormer bungalow, amended design from 15/0349N - Resubmission

Applicant: Mr Neville Cross

Expiry Date: 06-Jan-2017

**SUMMARY:**

The site is within the village settlement zone line of Winterley where policy RES.4 advises that the development of land for housing on a scale commensurate with the character of the village will be permitted provided it is in accordance with policies BE.1 – BE.5.

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 Winterley Settlement Boundary.

**RECOMMENDATION:**

**Approve subject to conditions**

**REASON FOR REFERRAL**

The application is to be determined at Southern Planning Committee by Cllr Hammond for the following reason:

*“Should the Officer recommendation be for approval then following concerns from neighbours I support the request of Haslington Parish Council that this application be determined by Committee. This is on the basis of a poor standard of design contrary to Policy BE2 of the Crewe and Nantwich Replacement Local Plan and Policy BE1 impact on the amenity of neighbouring properties and the future occupants of the proposed development. The applicant's submitted plans do not show the full extent of existing development of the land associated with 1 Nesfield Drive, which would leave very little private garden space for either property on the site.”*

## **DETAILS OF PROPOSAL**

The proposal is for the construction of a two bed detached dormer bungalow. The proposed development would utilise the existing access and driveway.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises part of the rear garden of No. 1 Nestfield Drive, fronting on to Newtons Crescent within the village settlement boundary of Winterley. The site is currently in use as amenity space (garden) and includes a detached garage which is accessed off Newtons Crescent.

## **RELEVANT HISTORY ON SITE**

**7/10515** – Double garage and access – Approved 08 December 1983

**7/19727** – Detached bungalow and garage – Refused 26 July 1991

**P96/0051** – Two Storey Extension – Approved 26 March 1996

**P00/0312** – Two Storey Extension – Approved 30 May 2000

**15/0349N** - New dormer bungalow – Refused 10<sup>th</sup> March 2015

## **LOCAL & NATIONAL POLICY**

### **Development Plan:**

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

### **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)

TRAN.9 (Car Parking Standards)

NE.9 (Protected Species)

RES.4 (Housing in Villages with Settlement Boundaries)

### **Other Material Considerations**

Supplementary Planning Document on Development on Backland and Gardens

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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.

### **CONSULTATIONS:**

**Strategic Highways**– no objection.

**Environmental Health** – no objection to original application subject to conditions relating to piling, dust suppression and a Phase II contaminated land report and an Informative relating to hours of work.

### **VIEWS OF THE TOWN COUNCIL:**

None received.

### **REPRESENTATIONS:**

Six letter of representation have been received from local residents and the issues raised are summarised below:

- Impact on amenity
- High safety
- Potential for ground contamination
- Parking
- Over development of the site

### **SUPPORTING INFORMATION:**

Supporting Statement.

### **APPRAISAL**

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

### **APPRAISAL**

#### **Principle of Development**

The site is within the village settlement zone line of Winterley where policy RES.4 advises that the development of land for housing on a scale commensurate with the character of the village will be permitted provided it is in accordance with policies BE.1 – BE.5. The National Planning Policy Framework states that one of its core principles is that planning should:

*“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*

The development of an infill site within the settlement zone is considered to be acceptable in principle.

### **Reason for Previous Refusal**

The previous application was refused with one reason for refusal:

*It is considered that the proposed residential development would be detrimental to the residential amenity of the future occupiers of the proposed new residential accommodation by way of a deficiency of usable amenity space. The proposed development is therefore contrary to saved Policy BE.1 of the Crew and Nantwich Local Plan 2011.*

The layout of the previously refused application did not show an acceptable level of amenity space and it was considered that this would have an unacceptable impact upon the living conditions of the future residents of the proposal. The Supplementary Planning Document on Development on Backland and Gardens (The SPD) sets out that the dwelling should have no less than 50 m<sup>2</sup> of private amenity space and the original layout did not meet this standard. It is noted that the previous refusal was on amenity grounds only. The revised drawings as submitted now show a planning policy compliant 55 m<sup>2</sup> amount of amenity space as detailed in the amenity section of this report. This addresses the sole reason for the previous refusal. The existing dwelling will also retain a significant amount of private amenity space.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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



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

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

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

### **Environmental Role**

#### **Locational Sustainability**

It is noted that the facilities and local amenities in Winterley are relatively limited however the site is classified as being within the settlement zone line for Winterley where policy RES.4 advises that the development of land for housing on a scale commensurate with the character of the village will be permitted provided it is in accordance with policies BE.1 – BE.5.

#### **Design Standards**

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

It is noted that the immediate area is characterised by a mix of house types, including two storey dwellings, one and a half storey dwellings and bungalows. Newtons Crescent is characterised by bungalows and two storey dwellings. Nesfield Drive is characterised by two and one and half storey dwellings. The design of the proposed dwelling, as a dormer bungalow is generally considered to be in keeping the neighbouring house types and is relatively simplistic and is considered to be acceptable and reflective of the character of the area. The layout of the proposed dwelling meets the separation standards as outlined in the amenity section.

It is considered that the proposed dormer bungalow is appropriately sited in the plot. The existing site comprises a garage building which measures approximately 4.5 m in height at its maximum, 5.8 m wide and 9.2 m in length. The dwelling which would replace the garage would measure approximately 6.0 m in height at its maximum, 6.5 m wide and 10 m in length. It is considered that this increase in size is not significant in terms of the scale and massing. The proposed dwelling would be located on a similar footprint/location within the site as the garage. The replacement building would measure 2.0 m taller than the existing building and this is not considered to be out of character with the surrounding development and that there would not be any significant impact on the streetscene which is residential in character by virtue of the proposal.

The call in request identifies that the submitted plans do not show the full extent of the existing development of the application site and that this would leave very little private garden space for either property on the site. As identified in the amenity section of this report the amenity space proposed for the new dwelling meets the recommended standards and the private amenity space

retained by No. 1, Nesfield Drive is well in excess of the recommendations. The proposed dwelling would not project beyond the existing building line and the layout and design is considered acceptable.

As a result of the above reasons, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 (Design Standards) of the Local Plan.

### **Access**

The Council's Strategic Highways Manager has advised that the proposed access arrangement and parking is acceptable. The proposal will utilise an existing access off Newtons Crescent.

As such, the development is considered to be acceptable and would adhere with Policy BE.3 (Access and Parking) of the Local Plan.

### **Economic Role**

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 of a new dwelling 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.

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

### **Social Role**

The proposal will provide a new market dwelling which in itself would be a social benefit.

### **Residential Amenity**

Policy BE.1 (Amenity) of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space and the separation distances are a material consideration as detailed within the SPD.

The SPD states that there should ideally be a distance of 21m between principal elevations and 13.5 m between a principal elevation with windows to habitable rooms and blank elevation.

The proposed dwelling would face part of No. 6, Newtons Crescent with a separation distance of approximately 23 m. The side elevation facing the neighbour to the north would not contain any

windows. The side elevation of the neighbour to the north does not contain any windows and there is a single storey lean to garage separating the existing and proposed dwellings. The side elevation facing No. 1, Nesfield Drive would face the rear elevation of No. 1 with a separation distance of approximately 18 m. One first floor window is proposed in the side facing elevation of the dwelling and this would serve a bedroom. The drawings show this window to be obscure glazed and this would avoid any issue of overlooking. The rear elevation would feature one dormer window that would serve the bathroom and it is considered reasonable to impose an obscure glazing condition on this window to avoid any issue of overlooking.

The SPD sets out that the dwelling should have no less than 50 m<sup>2</sup> of private amenity space and the proposal conforms with this, with a useable amenity area of approximately 55 m<sup>2</sup> to the rear and side of the proposed dwelling. No. 1, Nesfield Drive would retain approximately 150 m<sup>2</sup> of private amenity space which is sufficient and complies with planning policy.

The proposal is therefore considered to be in compliance with Policy BE.1 (Amenity) of the adopted local plan.

### **Planning Balance**

The proposal is in accordance with relevant policies of the development plan. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted unless material considerations indicate otherwise. The objections in respect of amenity issues, design and highway safety have been considered but there is not considered to be a significant and demonstrable impact that would justify a refusal of planning permission.

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

The proposal is within the settlement zone line for Winterley and an established residential area and is in accordance with development plan policy therefore there is a presumption in favour of development.

The proposed development would be of an acceptable design that would not have a detrimental impact upon neighbouring amenity or highway safety. Therefore the proposed development would adhere with the policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and RES.4 (Housing in Villages with Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposal would also adhere with the NPPF.

### **RECOMMENDATION:**

**APPROVE** subject to conditions

- 1. Time (Standard)**
- 2. Plans**
- 3. Materials for submission**
- 4. Boundary treatment**
- 5. Piling**

6. Dust suppression
7. Phase II land contamination
8. Remove PD rights (a-e) including windows in 1<sup>st</sup> floor gable
9. Landscape scheme details
10. Landscape scheme implementation

#### **INFORMATIVES**

1. NPPF
2. Hours of use

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.



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Application No: 16/4792N

Location: Land To The West Of, CLOSE LANE, ALSAGER

Proposal: Outline planning application for residential development and access, all other matters reserved

Applicant: C R Muller, Muller Property Group

Expiry Date: 02-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.

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.

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).

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings which contributes to the social and economic arms of sustainability. Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the lack of information about whether the site comprises Best and Most Versatile agricultural land, and the locational inaccessibility of the site.

In this instance, it is considered that the dis-benefits of the scheme, outweigh the benefits and that the proposal does not comprise sustainable development.

Accordingly the proposal does not comprise a sustainable development.

|                               |
|-------------------------------|
| <b>RECOMMENDATION:</b> Refuse |
|-------------------------------|

**PROPOSAL:**

The proposal seeks outline planning permission and approval for access for up to 74 no. dwellings.

Access into the site would be obtained via the internal road network via the existing development which would lead from the approved scheme located directly east of the site, currently being developed. An emergency access point is indicated on to Close Lane.

**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 south of the site at Yew Tree Farm has recently been granted outline permission at appeal. The indicative plans show a residential layout of circa 40 units.

Public Footpath No 20 Haslington runs to the western periphery of the site and links with Public Footpath No 19 Haslington which runs outside the site along the northern boundary. The application site is agricultural land which comprises a wooded area to its centre. Existing farm buildings at Moss End Farm adjoin the site.

Close Lane, immediately adjacent to the site contains no pavement and is narrow. The closest pavement located on the Close Lane frontage is the pavement required by condition 14 on 16/3310N. This is circa 500m away from the mid point of this proposed development site, when utilising the existing pavement network within the wider development site. The closest bus stop is a hail and ride stop on Close Lane to the south of Delamere Close. This is circa 800m away from the mid point of this proposed development site using the existing footpaths within the development site

**RELEVANT HISTORY:**

On the adjoining sites –

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 29<sup>th</sup> July 2014 Subject to S106. This scheme indicated 76 family sized dwellings and 56 units for the over 55's and is being developed presently by Stewart Milne Homes This known as Phase 1

14/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015 – This is being developed by Stewart Milne homes as phase 1



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 – this is known as phase 1B

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 20<sup>th</sup> September 2016 – this is on Phase 1B

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, the emergency access point to Close Lane as indicated on the proposed layout is considered not feasible and unsafe, adverse impact on local infrastructure and schools

**Haslington Parish Council** - No comments received.

**Strategic Housing Manager** – No objection – Advises that 14 units should be provided as Affordable rent and 8 units as Intermediate tenure. Would like to see some of the 1 and 2 bedroom units to be for affordable rent so as to allow those single person and smaller household the ability to rent without undue expose to the Spare Room Subsidy or 'Bedroom Tax'.

**Education Services** - A proposal of 74 dwellings is expected to generate -

13 x £11,919 x 0.91 = £141,002 (£1905 per dwelling) primary  
11 x £17,959 x 0.91 = £179,770 (£2432 per dwelling) secondary  
1 x 50,000 x 0.91 = £45,500 (£615 per dwelling) SEN  
Total education contribution: £366,272 or £4952 per dwelling

No objection subject to the required mitigation

**Head of Strategic Infrastructure** - Objection on grounds of the inadequate locational accessibility of this site.

**Environmental Protection** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of an In addition, informatives relating to hours of construction and contaminated land are also sought.

**United Utilities** – No objections, subject to compliance with Flood risk Assessment

**ANSA Greenspace** – Considers the indicative layout of open space and play space on site to be poorly located but accepts that matter could be conditioned in reserved matters to ensure an acceptable layout of open space

**Flood Risk Manager** – No objection subject to conditions concerning drainage

### OTHER REPRESENTATIONS

4 Letters of objection have been received from or on behalf of local addresses have been received on the basis of the following issues -

- Alsager has met its allocation and cant cope with any more.
- Impact upon health and school infrastructure
- Previous developments are an effective rounding off – this is an incursion into open open countryside
- Loss of best and most versatile agricultural land
- Drainage issues on the existing development
- The Applicants locational accessibility assessment measures distances from the existing Close lane development – this site is 300 m further away from the existing Close Lane development
- Part of Close Lane has no footpath. The proposal will increase the volume of traffic on Close Lane which are already congested at peak times
- Resident within phase 1 objects on grounds of feeling cramped by the density of development and loss of privacy

### APPRAISAL:

#### Principle of Development

The application site is a Greenfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy. However, sites immediately adjoining have been granted permission on appeal for residential development.

Directly east of the site, residential development for 40 units was allowed under reference 15/3651N at appeal (Yew Tree Farm) , and directly to the east of Yew Tree Farm a scheme for 132 units ( 76 no. dwellings and 56 no units for the over 55's) was granted on appeal under outline application 13/1305N. Reserved matters approved under application 14/5114C for 74 family dwellings was approved and are

under construction. Nevertheless, this application proposes a further up to 74 no. dwellings as a further continuation beyond Yew Tree Farm.

The proposed development would not fall within any of the categories of exception to Policy NE.2 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.

## **LOCAL PLAN MAIN MODIFICATION /HOUSING LAND SUPPLY**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “*no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions*”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address

it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### 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 of 13/1305N (400m from outer edge)
- Public Right of Way (500m) – located north and west of the site

The following amenities/facilities fail the standard:

- Bus Stop (500m) – approx. 660m
- Supermarket (1000m) – 2150m
- Outdoor Sports Facility (500m) – 2010m
- Convenience Store (500m) – 1300m
- Pharmacy (1000m) – 2300m
- Secondary School (1000m) – 2010m
- Medical Centre (1000m) - 3000m
- Child Care Facility (nursery or crèche) (1000m) - 2150m
- Community Centre/Meeting Place (1000m) – approx. 2850m
- Post box (500m) – 1300m
- Post Office (1000m) – 2880m
- Railway Station (2000m) – 3100m
- Public House (1000m) – approx. 1330m
- Public Park/Village Green (1000m) – approx. 1300m
- Primary School (1000m) – 1130m

The site fails against most of the criteria in the North West Sustainability Checklist. However, it has been accepted by the Council in previous applications and appeals that sites close to this (such as 13/1305N with the provision of a pavement link to Delamere Close allowing access to the hail and ride bus stop on Close Lane and £500,000 bus service contribution, and 14/4241C allowed on appeal for 8 dwellings) are generally locationally sustainable.

However, each application needs to be considered on its own merits and this proposal is materially different given the distances that any future resident within this site would have to walk through the existing housing estate (either currently being developed or as a future phase of the development) to access the hail and raid bus service to the south of Delamere Close. Additionally this site is for significantly greater scale (up to 74 units) as opposed to the 8 dwellings approved under 14/4241c.

The facilities are located towards and within the town centre. Alsager is identified as a key service centre in the emerging Core Strategy where development can be expected on the periphery, however that development needs to be accessible to a choice of means of transport to enable residents to avail themselves of those facilities.

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.

In his decision, the Inspector on appeal 13/1305N accepted in paragraph 104 that given the original 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. The mid point of the proposed development site is circa 650m from that pavement to the Close Lane frontage required under 13/1305n, accessed through the existing development pavements.

There was no dispute between both parties during the appeal process that the original site (13/1305N) 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.

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.

On that basis, it was considered that the site (13/1305n) was going to be accessible to the newly provided bus service (peak hour extension to bus service that terminates before Delamere Close), subsequently this then would result in greater locational accessibility in that case and on that basis it was agreed that the appeal scheme would be locationally sustainable, notwithstanding the relative isolation of this site. It was on this basis alone that the Council's original objection to that application was withdrawn

However, this proposal is significantly further away and the only safe route for pedestrians will be through the approved housing layouts adjoining the site. The distances involved exceed the Guidelines and on that basis, it is concluded that this proposal for up to 74 additional dwellings will be a car dependent proposal. On this basis, this proposal is considered to be locationally unsustainable. This is considered to be a significant dis-benefit.

However, given the housing land supply situation, the 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 in the overall balance.

## **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, noise mitigation, gassing, travel planning, electric vehicle infrastructure

## 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 as well as travel planning.

This could be secured by condition.

## Highways and Traffic Generation/ Locational Accessibility.

This application is an outline form. Access is proposed via the existing developments (13/1305n and 15/3651N either under construction or to be built) The site's inner road layout details are not yet provided and would be dealt with via a reserved matters application. The Strategic Infrastructure considers this application should be considered in the light of the cumulative impact of the development in terms of the numbers of units that would be permitted. Having regard to the numbers approved under 13/1305n and 15/3651N, the number of units approved are 172 and this application would add the total number of units to 246 accessed via Close Lane.

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

*Paragraph 32 of the National Planning Policy framework states that:-*

*'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

A Transport Assessment has been submitted. The Strategic Highways Manager is of the opinion that the site can be appropriately and safely accessed via Close Lane through the on going development site. He also notes that the proposal also involves mitigation in the form of signalisation of the junction of Close Lane with Crewe Road in mitigation of the development, which he considers acceptable. However, the Strategic Highways Manager has significant concern about the locational accessibility of the site and the distances that future residents would have to walk through the under construction housing estate to the closest bus stop on the other side of Delamere Close, on Close Lane. The distances are circa 800m from the mid point of this development site

The locational sustainability of the site is considered therefore poor as the site is a considerable walking distance from the town centre and local facilities. Indeed information submitted on previous applications on the development site (13/1305N) from McCarthy and Stone in respect of application 15/5654n was that they were uninterested in the site for an older persons development because it was too far away from the town centre.

Public transport provision in the local area is very infrequent and only limited destinations can be reached. The bus service on Close Lane itself only runs after 10 am on a weekday until mid afternoon. Whilst the bus service contribution on 13/1305N was secured for 5 years at £50,000 per annum, this was reliant on other developments that have yet to come forward.

It is likely that this development would be a fully car reliant development and is not consistent with policy concerning sustainable development and

### **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.”*

This scheme is submitted in outline form with only the means of access applied for at this stage. The indicative plan shows an extensive built form of development that extends to the boundaries of the site, two of which are sensitive PROW's. The emerging Urban Design Guide also requires developments to respect the characteristics of sites and their environment and a sensitive treatment would be required at reserved matters stage. The indicative layout is not considered to be a good example of site layout planning, and appears to have a preponderance of larger family dwellings on relatively small plots, which is a cause of concern in design terms. However, additional landscaping and a reducing in the amount of site coverage by built form could reduce the impact, particularly to the sensitive PROW boundaries of the site. However, given the outline nature of the site, a layout could be developed based on a greater mix of a range of housing sizes that will allow for greater amounts of open space and less urbanising form of development than indicated. Conditions could be imposed to require a greater mix of units and buffers to the PROW boundaries.

### Agricultural Land Quality

Policy NE12 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

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 approved development on 13/1305N 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.

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 submitted an Agricultural Land Classification report. This has concluded that in the opinion of the surveyor the land comprises Grade 3b agricultural quality. However, this is not based upon any resurvey of the site. There is accordingly a lack of information in this regard. This land is arable land and according to information submitted by neighbours has been producing a maize crop until relatively recently. The larger development site adjoining is known to have a preponderance of Grade 2 land, so whilst this site may be Grade 3 there is insufficient information concerning the sub – category to enable this matter to be factored into the planning balance.

Paragraph 26 of the Natural Environment National Planning Policy Guidance advises that;

*‘The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. This is particularly important in plan making when decisions are made on which land should be allocated for development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.’*

As insufficient information has been submitted, the Planning Authority is unable to factor this into the planning balance. This is a reason to refuse this application

### **Trees/Hedgerows**

This is an outline application with access with all other matter reserved, but an indicative layout has been provided. The site can be accessed without the loss of any significant trees, with the internal service roads and indicative layout maximising the existing open space pasture land.

Should this application proceed to reserved matters consideration should be given to moving the POS adjacent to the access road so it adjoins the adjacent POS depicted on indicative layout plan submitted as part of application 16/4729N; this enables the tree to be retained outside domestic gardens and managed as part of POS decreasing any post development pressure.

## Landscape

This development is dominated by the housing environment previously granted, Close Lane runs along the northern boundary, Close Lane also shares a route with Footpath 19 Haslington along the northern boundary. Moss End Farm is located along the north western boundary. A track, which is also the route of Footpath 20 Haslington runs along the western boundary of the site. The southern boundary is formed by a fence, to the south of which is farmland. The western boundary is adjacent to agricultural land with outline permission for dwellings (Phase 2). The M6 motorway is located approximately 250m to the west of the application site.

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).

The submitted LVIA also offers a site specific character and area appraisal which identifies three local character areas, Small Scale Farmland (LCA1), Alsager suburban settlement (LCA2) and Open Farmland (LCA3). The assessment identifies that the application site lies within LCA1 and that it is of good value and of medium sensitivity, with a medium landscape susceptibility to change. The assessment indicates that there would be a medium adverse landscape effect at year 1 and that this would reduce to a low adverse landscape effect at year 15. The visual assessment identifies 11 receptors (Table 2), and indicates the visual effect at years 1 and 15. The visual assessment identifies that the effects of the proposed development may be large for locations immediately adjacent to the development site, but that with the establishment of mitigating planting, the magnitude of change for some of these viewpoints will have been reduced to Medium. Changes beyond the immediate locations are more limited as vegetation screens much of the site from more distant views.

While the Landscape Architect would broadly agree with the submitted LVIA, he does have some concerns about the illustrative layout. This is an outline application and the layout is therefore indicative, but the Landscape Architect considers that a development such as this should offer opportunities to create a high quality and robust new Landscape framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats, and particularly attention to design and specification of landscape boundary treatments. The National Planning Policy Framework (NPPF) highlights the importance of high quality design that also responds to local character and that reflects the identity of local surroundings, with appropriate landscaping. In this case, no such information is provided and the extensive distribution of built form throughout the site, as indicated, may be entirely inappropriate in landscape terms, notwithstanding the changes in the locality attributable to the current housing development being undertaken.

This can be achieved with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

## Ecology

### Great Crested Newts

A number of ponds around the application site have been assessed for their potential to support great crested newts. A full survey of a number of ponds was also completed a few years ago that did not record any evidence of this species.

An additional appraisal has now been submitted to consider an additional pond not included with the original application.

Great crested newts are not reasonably likely to be affected by the proposed development.

### Watercourses and Water Voles

The submitted Phase One habitat survey report states that no evidence of water voles was recorded during the survey. In the event planning consent is granted a condition should be attached requiring the provision of a 5m undeveloped buffer from the top of the bank of the ditch.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. A number of hedgerows are located around the site boundary. The proposed access between this proposed phase and the consented phase 2 is likely to result in the loss of a section of hedgerow. It appears likely that the other hedgerows around the site could be retained but this is not clear from the submitted layout plan as the boundary features of the site are obscured by the red line drawn on the plan.

The ecologist recommends that the existing hedgerows be shown for retention on the submitted plans and that new hedgerow planting be proposed to compensate for that lost.

### Bats and Trees

The trees on site have been surveyed for their potential to support roosting bats. Most of the trees have been assessed as having negligible potential to support roosting bats, with a single tree having been assessed to have low potential to support roosting bats. Based upon the submitted plans I advise it is feasible for these trees to be retained.

The ecologist advises that provided the condition below is attached the proposed development would be unlikely to have a significant adverse impact upon bats. If planning consent is granted I recommend that a condition be attached requiring the lighting strategy for the site to be agreed with the LPA. The lighting strategy should be low level and directional and the design informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

### Reptiles

Grass snakes have been recorded in this broad locality of this site. The habitats on this site are largely unsuitable for this species. The required condition detailed above would safeguard the habitats associated with the on site ditch which may offer some opportunities for this species.

### Suggested Conditions

In the event planning permission is granted the following ecology conditions are appropriate to mitigate ecological impacts

- 5m undeveloped buffer adjacent to watercourses
- Lighting scheme in accordance with Bat Conservation Trust to be submitted with reserved matters application
- Details of bat and barn owl boxes to be submitted with reserved matters application.
- Landscaping scheme including retention of hedgerows and provision of replacement planting to compensate for any unavoidable losses of hedgerow.
- Bat and bird boxes

### **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 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 raised no objection subject to conditions.

### Environmental Conclusion

The proposal would result in the loss of a parcel of agricultural land allocated as Open Countryside and would cause harm to the rural character and appearance of the site and surrounding area. Whilst regard has been given to previous assessments of locational sustainability issues pertaining to the

adjoining sites, this site is considered to be more remote and the walking distances (at circa 800m from the mid point of this site to the 'hail and ride' bus stop on Close lane) are considered to be too far to be a walking distance that future residents would find desirable. The site is therefore considered to be locationally unsustainable. On this basis, it can not be concluded that the proposal is environmentally sustainable.

Other environmental considerations such as; landscape, flooding, ecology, trees 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 benefit by virtue of new residents in up to 74 units spending money in the area and using local services. The proposal is considered to contribute to the economic arm of sustainability

### Social Role

The proposed development would provide open market and 30% social housing which in itself, would be a social benefit.

### 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 74 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 22 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the Net demand in Alsager 2013/14 to 2017/18 is for 38x 2 bedroom, 15x 3 bedroom and 2x 4 bedroom for general needs plus **5x 1 bedroom dwellings for Older Persons**. The majority of the demand on Cheshire Homechoice is for 104x 1 bedroom, 96x 2 bedroom, 50x 3 bedroom and 14x 4 Bedroom dwellings therefore 1, 2 and 3 bedroom dwellings on this site would be acceptable with some of the units being made accessible for those with mobility issues and for older persons as a need is shown above.

The Strategic Housing Manager advises -

***14 units should be provided as Affordable rent and 8 units as Intermediate tenure. I would like to see some 1 and 2 bedroom units to be for affordable rent so as to allow those single person and smaller household the ability to rent without undue expose to the Spare Room Subsidy or 'Bedroom Tax'. I would also like to see in the Reserved Matters application the provision for Older Person's accommodation using bungalows, cottage style flats or lifetime homes.***

The Vulnerable and Older People Housing Strategy is showing the population in Alsager that are over 55 years old is 4357 persons.

The Strategy also mentions the following:

Cheshire East is due to experience a disproportionately acute accommodation demand for older people. The existing proportion of older people in Cheshire East is already above the national average and is set to rise at a heightened rate compared with the rest of England. The projected increase in the population over 65 by 2030 is 43% for England and 46% for Cheshire East whilst the population aged 75 and over is expected to increase by 70% in the same period.

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

### **Housing Mix**

This is an outline application; however, the indicative plan appears to show a preponderance of larger units. Policy SC4 of the Local Plan Strategy concerns housing mix and requires a range of sizes of units to meet the needs of all sections of the community. This policy is not subject to objection and can therefore be afforded considerable weight as a material consideration in this case. It is acknowledged that the application is in outline form, however, the indicative layout is not likely to provide a range of housing types to meet the needs of all sections of the community and this is a cause for concern. However, a condition could be imposed to ensure a range of sizes of units, particularly within the market sector to meet the needs of all sections of the community, not merely providing for 30% affordable units and the remaining units being almost exclusively 3/4/5 bed units which has been the predominant pattern of recent developments in this area.

### **Public Open Space**

Policy RT.3 requires that of 20 dwellings or more require a minimum of 15sq.m of shared recreational open space (informal recreational use/amenity green space) plus a further 20 sq.m shared children's play space (formal play) giving a total of 35sq.m per dwelling. It is acknowledged that a NEAP facility is being provided within 400m of the site therefore new residents could utilize this facility. Should planning permission be granted this development demands new informal recreational space of 1,110sq.m. In line with RT3, it should be provided in a single, open and supervisable location that is close to and safely accessible on foot from every family dwelling in the development. It should be provided in a structured way and the provision of numerous small areas should be avoided.

The applicant is proposing 2,600sqm located along the western and southern boundary. The open space on the western boundary is a dense wooded area and although may not contain actual ponds is very wet and inaccessible. This area is more akin to natural and semi natural area not informal play. It is recognised that this area is a potential constraint to the development but may contribute to habitat/ecological value however it appears to be SLOP (Space left over after planning) and should not be used as recreational space.

The POS to the south of the site contains a 1 meter wide brook with 1.5 – 2.5 m steep embankments on its periphery which is not ideal to encourage children to use as play space. The Planning Statement states no structures will be constructed within 8m of the watercourse.

Fields in Trust (FiT) standards for Planning and Design for Outdoor Sport and Play recommend that recreational space should be sited in open welcoming locations that are attractive integrated with other open space with accessible surfaces designed with DDA in mind.

Each application has to stand on its own merit however the awareness of surrounding development needs to be taken into account. Whilst this layout is indicative, the expert opinion of the Open Space Officer considers the POS would be better suited more centrally located adjacent to the proposed POS on Outline application 15/3651N giving a larger usable area. This would also help to reduce potential nuisance of ball games to the rear of plots 54 -57 (as indicated on the illustrative layout). The footpath connection shown on the wider context plan could be located in the south within the 8m watercourse buffer with safety measures.

As this is on the edge of Alsager within the rural parish of Haslington, it is essential that the full POS is on site. Previous applications have some POS but contain SUDS, rough grassland and woodland, ecological benefit therefore unsuitable to play informal ball games, tag etc.

### Education Impacts

The development of 74 dwellings is expected to generate:

13 primary children (11 x 0.19) 1 SEN  
11 secondary children (11 x 0.15)  
1 SEN children (11 x 0.51 x 0.023%)

The development is expected to impact on primary, secondary and SEN 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 primary and secondary school places still remains.

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

13 x £11,919 x 0.91 = £141,002 (£1905 per dwelling) primary  
11 x £17,959 x 0.91 = £179,770 (£2432 per dwelling) secondary  
1 x 50,000 x 0.91 = £45,500 (£615 per dwelling) SEN  
Total education contribution: £366,272 or £4952 per dwelling.

The Applicant has accepted this request. On the basis that a S106 Agreement could be completed, this impact would be neutral.

### Social Conclusion

It is therefore concluded that the proposal is a socially sustainable form of development and that the contribution to affordable and general housing does weigh in favour of the proposal.

### 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:**

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 which is a significant social benefit given the lack of a 5 year housing land supply

The proposal would have a significant landscape and visual impact given that a rural landscape will change, however, a development could be accommodated provided that existing landscape features are sympathetically treated, particularly from within the sensitive receptors adjoining the site such as the PROW network and Close Lane. It is inevitable that the proposal would affect the visual character of the landscape by building upon it.

In terms of sustainable design, the scheme does not demonstrate its performance in terms of climate change mitigation and adaptation. However, as this is an outline application, this could be dealt with by condition. Likewise the housing mix could be dealt with by condition to ensure there is a mix of market and affordable units across a range of units to comply with Policy SC4.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of all education sectors.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, tree, ecology. It therefore complies with the relevant local plan policy requirements for residential environments

Balanced against these benefits must be the adverse impacts, which in this case relates to the isolation of the site and the lack of accessibility of future residents to a choice of means of transport other than the private car. This is a significant failing in terms of the environmental arm of sustainability.

However, the site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit for a significant number of those amenities/facilities. Whilst the Checklist does not require full compliance, such are the distances involved, on a road that has only

limited bus services which is only accessible through the proposed housing estate, that all such facilities are considered inaccessible to site.

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 REASON:**

1. The proposal will result in the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and PG5 (open Countryside) of the Cheshire East Local Development Strategy Consultation draft March 2016. The proposed site is also an unacceptable housing site by means of its lack of accessibility and connectivity to the closest bus stop on Close Lane, and its isolation which will result in a car reliant form of development. Accordingly, the adverse environmental impacts of granting planning permission would significantly and demonstrably outweigh the social and economic benefits of the proposal. 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 a sustainable form of development.
2. Insufficient information has been submitted concerning agricultural land quality to demonstrate that this proposal will not result in loss of the best and most versatile agricultural land contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

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

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

- 30% of the dwellings to be affordable in a 65:35 split
  - Education contribution – £1905 per dwelling - primary
  - £2432 per dwelling) - secondary
  - £615 per dwelling) - SEN
  - Total = £4952 per dwelling



- **Detailed open space scheme, maintenance scheme and management agreement scheme for the open space/children's play to be submitted and approved and implemented in perpetuity.**



Application No: 16/5371N

Location: Admiral Court, ELECTRA WAY, CREWE

Proposal: The proposed construction of a 4 storey office building extending to 6,136 square metres and provision of 182 car parking spaces.

Applicant: Miss Isla Longmuir, Pochin Developments Ltd.

Expiry Date: 07-Feb-2017

**SUMMARY**

The principle of employment development is supported within the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. Furthermore employment development on this site is supported within the emerging Cheshire East Development Strategy and the site forms part of a long standing allocation within the Crewe and Nantwich Replacement Local Plan. Therefore the principle of development is considered to be acceptable.

The development would provide important economic benefits in terms of new jobs within Crewe and this weighs in favour of this application.

The development would not have a detrimental impact upon residential amenity, trees the highway network, flood risk/drainage, ecology or the wider landscape.

The design is considered to be acceptable in this location.

It is considered that the benefits outweigh any harm identified and as such the application is recommended for approval.

**RECOMMENDATION**

**Approve with conditions subject to completion of a Unilateral Undertaking**

**PROPOSAL**

This is a full application for the erection of a four storey office building, together with car parking (182 spaces) and landscaping.

The proposed development would take the form of an L-shaped block which would be sited to the north of the plot. The development would provide 6,136sq.m of office space.

The vehicular access to serve the site would be taken from Emperor Way to the west of the site.

The application includes the provision of 182 car parking spaces to the front of the building together with a small ancillary building housing a generator, substation and bin store.

### **SITE DESCRIPTION**

The application site extends to 0.82 hectares and is an area undeveloped land located on the northern side of Electra Way to the east of Emperor Way. The site lies within the Crewe Settlement Boundary.

To the east of the site on the opposite side of Emperor Way is a flat roofed five storey hotel with a three storey office building to the rear. To the west of the site is a three storey office building with hipped roof. To the northern boundary of the site is an area of vegetation/landscaping and land levels drop down to an existing watercourse which is located to the north.

### **RELEVANT HISTORY**

P07/1481 – Reserved Matters - Erection of New Office Development with Associated Parking Facilities and Landscaping, to include 2no. Two Storey Units and 1no. Three Storey Unit Providing a Flexible Mix of Office Spaces – Approved 9<sup>th</sup> January 2008

P06/0324 - Environmental Information for Part Full/Part Outline Application for the Erection of 7,910 sq m B1 Office Development and Full Application for Erection of 114 Bedroom Hotel with Associated Car Parking, Access, Servicing and Landscaping Arrangements -

P06/0313 - Part Full/Part Outline Application for the Erection of 7,910 sq m B1 Office Development – Approved 3<sup>rd</sup> July 2006

P99/1021 - Outline Application for Office Development and Associated Access and Landscaping – Approved 3<sup>rd</sup> February 2000

P99/0927 - Screening opinion for outline application for office development.

7/13981 - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

7/11951 - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

### **POLICIES**

#### **National Planning Policy**

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

14 - Presumption in favour of sustainable development

17 – Core planning principles

18 – 22 Building a Strong Competitive Economy

28 – Supporting a Prosperous Local Economy

109-125 – Natural environment

**Local Plan policy**

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
E.1.1 – Existing Employment Allocations  
TRAN.3 – Pedestrians  
TRAN.9 – Car Parking Standards  
TRAN.5 – Provision for Cyclists  
RT.9 – Footpaths and Bridleways

**Cheshire East Local Plan Strategy – Submission Version**

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

PG6 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 – Efficient use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows and Woodland  
SE6 – Infrastructure  
SE9 – Energy Efficient Development  
IN1 – Infrastructure  
IN2 – Developer Contributions

**Other Considerations**

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

**CONSULTATIONS:**

**CEC Head of Strategic Infrastructure:** No objection subject to a condition relating to a construction management plan and a s106 contribution will be required for the monitoring of the travel plan at a cost of £5k to cover a 5 year monitoring period. Furthermore a s106 contribution will be required for the traffic management works to mitigate the impact of parking, at a cost of £7.5k.

**CEC Environmental Health:** No objection – conditions suggested in relation to construction management plan, piling, electrical vehicle infrastructure, travel plan, dust control and contaminated land. Informatives suggested in relation to hours of operation and contaminated land.

**CEC Flood Risk Manager:** No objection. Conditions suggested.

**United Utilities:** No objection subject to the imposition of a planning condition.

## **VIEWS OF THE PARISH COUNCIL**

**Crewe Town Council:** Welcome the application and the creation of jobs by a local company, but in view of existing parking problems on the Business Park which also impacts on nearby residential areas, we would request careful evaluation of the parking provision.

## **REPRESENTATIONS**

A letter of support has been received from Cllr Brookfield raising the following points of observation;

- Welcome this planning application and the employment it brings to Crewe.
- It is requested that the Council work with employers, other organisations and local members to address the significant parking problems in this area
- Whilst it is noted that this application makes a very good effort in providing 182 parking spaces I would contest that this is still not adequate due to the number of potential employees. There is little public transport in terms of a bus service serving the Business Park and inevitably employees use private cars.
- 182 car parking spaces does not quite meet the National Planning Framework requirements in providing 1 parking space for 30sqm of floor space - it is significant when compared to other companies on the Business Park.

## **APPRAISAL**

### **Principle of Development**

The National Planning Policy includes a strong presumption in favour of economic growth in support of this application with Paragraph 19 stating 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’*

Paragraph 20 of the NPPF then goes onto state that:

*‘To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century’*

And at paragraph 21 the NPPF states that Local Planning Authorities should:

*'set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth'*

The proposed development relates to an office development which is defined as a *'main town centre use'* as part of the NPPF. As a result the proposed office use would usually require a sequential test and impact assessment as it is not located within an existing centre.

However in this case the application site is allocated for office use under Policy E.1 (Existing Employment Allocations) of the Crewe and Nantwich Local Plan. Specifically this policy identifies that on Crewe Business Park B1 (office) uses are allocated together with uses required by and associated with Manchester Metropolitan University. Therefore the proposed development would comply with Policy E.1.

The emerging Cheshire East Local Plan Policy EG1 (Economic Prosperity) supports the provision of employment development (including B1 uses) within the Principal Towns. Proposals for employment development on non-allocated employment sites (this site is not allocated within the emerging Local Plan) will be supported where they are in the right location and support the strategy, role and function of the town.

In this case, the proposed employment development has considerable support within the NPPF and the Crewe and Nantwich Replacement Local Plan. The principal of the development is considered to be acceptable and the sustainability of the development will need to be considered as part of the planning balance.

### **Highway Implications**

The test contained within the NPPF is that:

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*

The application site is located in an established location and business park with adequate footways, cycleways and sheltered bus stops within a short walking distance from the site.

A Travel Plan has also been submitted to promote sustainable modes of travel, and will be updated after occupation and monitored in liaison with CEC.

The proposed access would be sited onto Emperor Way (a private road) to the west of the site which would enable the retention of the two lines of trees along the Electra Way frontage. The access would have adequate width. An established safe and suitable access to Emperor Way already exists from Electra Way.

The Council's parking standards for a B1 use are 1 space per 30sqm of GFA. CEC standards would equate to a requirement for 205 car parking spaces. The application proposes 182 parking spaces which is 23 spaces short.

The Transport Assessment (TA) has used data from standard trip generation software to determine the likely parking accumulation that would result from this size and type of development. Whilst the

use of this method to justify a lower parking provision can be accepted, the detail of the method used in this situation can be questioned and the proposal could lead to additional off-site parking.

During the case officer site visit cars were seen to be parking within the grass verge along Electra Way and wheel tracks were seen along the footways outside the site and along Electra Way. This proposal could lead to further indiscriminate parking taking place and as such the Head of Strategic Infrastructure has suggested that the applicant should contribute £7,500 towards a traffic management scheme which would mitigate the impact of this additional parking. It is also suggested that a contribution of £5,000 will be required for Travel Plan monitoring in this location.

The proposal would generate around 100 to 130 two-way vehicle trips during the peak hour. The impact on the Electra Way/A534 Crewe Road junction was assessed using standard software and was found to be negligible.

Accordingly, the Head of Strategic Infrastructure has raised no objection in relation to this planning application.

### **Amenity**

There are no residential uses within close proximity to the site. The nearest residential dwellings (excluding the nearby student accommodation) are approximately 200m from the site. The site is well screened and there are intervening buildings to the nearest residential dwellings. On this basis it is not considered that the development would have a detrimental impact upon residential amenity.

### **Air Quality**

An Air Quality Impact Assessment (AQIA) has been submitted as part of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows. The report considers both the impacts from construction and operational phases of the premises to be not significant on local air quality, although it should be noted that Crewe does have three AQMA's within the town and any changes in traffic flow could impact these areas.

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

In order to ensure that sustainable vehicle technology is a real option for future members of staff a condition will be attached in relation to electric vehicle infrastructure.

### **Contaminated Land**

A land contamination assessment has been submitted in support of the above application. It includes a recent summary of older reports (a Phase I preliminary risk assessment and a Phase II ground investigation). Although a low potential for land contamination was identified, further ground investigation for geotechnical purposes is proposed – which shall include some



contamination assessment. This will be controlled through the imposition of a planning condition. The Contaminated Land team has no objection to this application.

### Landscape

The site is located within an existing employment area and the trees around the boundaries of the site are to be retained (the impact upon trees is considered below). It is not considered that this development would have a detrimental impact upon the wider landscape in this urban area of Crewe.

### 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 application site is a vacant plot of land which is sited between existing office development and a hotel on the northern side of Electra Way. To the west of the site is an existing hotel (5 stories in height) with a 3 storey office building to the rear. These buildings are both flat roofed and are a mix of render and grey cladding. To the east of the site is a 3-storey office building which is finished in red brick with a hipped roof.

This proposal relates to the provision of an L shaped office block which would be located to the northern boundary of the site with car-parking to the frontage of the site. The proposed building would be 4 stories in height and a sectional plan submitted with the application indicates that the proposal would be taller than the adjacent units to the west and east. The parapet wall of the proposed office would be approximately 18.6m in height with a louvered plant room sited on the roof (this would be set back from the parapet wall). Although the proposed building would be slightly taller than the hotel and office at either side the proposal would be set back into the site and any impact variation in height would not be conspicuous when viewed in the street scene. As a result the height of the proposed building is considered to be acceptable in this location.

In terms of the layout of the site the proposed development would be sited to the northern boundary of the site with car-parking to the south of the site. The two rows to the south of the site (one along the southern boundary and the other within the existing grass verge) would be retained as part of the proposed development.

Ideally the proposed car-parking would be sited to the rear of the building which could then be sited further south in line with the office building to the east and the hotel in the west. This would help to screen the proposed car-parking from the street scene. In response to this the applicant has stated that the building has been sited on the northern boundary of the site to take advantage of the views over the landscaped area to the north which includes trees, landscaping, a footpath and a stream. In addition the applicant has identified that the two rows of trees to the south would be retained and that a high quality scheme of landscaping scheme will be secured within the car

park area. It should also be noted that the car-parking area for the adjacent hotel is also visible from within the street scene from both Electra Way and Emperor Way.

The detailed design of the building includes a flat roof with parapet wall (a recessed plant room would be sited on the roof of the building). The L shaped building includes a projecting entrance feature which would largely be glazed and would be 4 stories in height (but set slightly lower than the parapet wall). This glazed feature with the use of both hard and soft landscaping around the entrance of the site would make the entrance a prominent feature on the front elevation of the building.

The building has been designed to include a large number of openings which will be required to serve the proposed office use. The fenestration will be located in vertical rows along all elevations of the building this together with the use of cladding provides a horizontal emphasis and rhythm to the building.

The materials palette to be used on this building would be render, anodised metal cladding and a dark grey brick plinth. These proposed materials are considered to be appropriate in this modern employment area and would not appear out of character with the adjacent hotel and office development.

It is considered that the design and layout of the development is acceptable and that it would comply with policy BE.2 and the NPPF.

### **Trees**

This application includes an Arboricultural Implications Assessment (AIA) and Method Statement (AMS).

The AIA indicates that a category C group of young trees (G1) would have to be removed from the site and a further Grade B group (G2) would have to be pruned back to allow for safe works distance. The report suggests that the loss of G1 would have low arboricultural impact. The group to be pruned (identified as mainly Hawthorn, Blackthorn and Field Maple) is described as relatively young and expected to respond well to the level of pruning proposed.

The AIA also identifies that there would be construction works including drainage and a part of a patio area encroaching into the root protection area of Group G2.

Protection measures are proposed for retained trees with works in root protection areas to be undertaken under arboricultural supervision with no dig construction for part of a patio.

The submitted tree protection plan shows a line of tree pruning and a tree protection fence beyond the site edge red boundary. The implications identified in the AIA confirm that it would be preferable to achieve greater separation to protect the vegetation in G2 and to allow sufficient space to construct the development without the need to resort to pruning and construction works in the root protection area.

In this case the harm is considered to be relatively limited and conditions will be attached to any approval.

## Ecology

### Great Crested Newts

A number of ponds are located within 250m of the proposed development. Great Crested Newts have been recorded as being present at three of these ponds. The application site however offers limited habitat for Great Crested Newts and does not support any features likely to be utilised by newts for shelter and protection and the proposed development would not result in the fragmentation or isolation of Great Crested Newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process and the loss of relatively low quality terrestrial habitat. In order to address the risk newts being harmed during the construction phase the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' be implemented.

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

In order to compensate for the loss of terrestrial newt habitat the applicant is proposing the enhancement of a number of offsite ponds. These ponds are located on land within the ownership of Cheshire East Council. The Council's Ecologist advises that the enhancement of these ponds would deliver significant benefits for the local Great Crested Newt population. These works will be secured through the imposition of a planning condition.

### Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste. An informative will be attached to the decision notice to remind the developer of their responsibilities in relation to this issue.

### Bats

To avoid any impacts on foraging bats resulting from any lighting associated with the proposed development the Council's Ecologist recommends that if planning permission is granted a condition should be attached requiring any lighting proposed to be agreed with the LPA.

## Other protected Species

No evidence of other protected species was recorded during the submitted survey. However, as the status of other protected species on a site can change within a short timescale the Councils Ecologist recommends that in the event planning consent is granted a condition should be attached requiring an updated survey to be submitted to the LPA prior to the commencement of development.

## Nesting Birds

If planning consent is granted a condition can be attached to safeguard nesting birds.

## **Flood Risk/Drainage**

In this case part of the site is located within Flood Zone 1 which has a low probability of flooding, although an area of Flood Zone 2 skirts around the northern boundary of the site.

The submitted Flood Risk Assessment (FRA) indicates that a surface water outlet for the site has been installed as part of the earlier Phase 1 development (the hotel and office to the west) and the surface water will continue to discharge from this outfall to Valley Brook at a rate of 26.5 l/s as established by that drainage system. An additional below ground cellular attenuation is to be installed beneath the car park of the Admiral Court Development to supplement that existing beneath the constructed Phase 1 development such that all storm events up to and including the 1 in 100 year plus climate change event are catered for.

The Councils Strategic Flood Risk Manager and United Utilities have considered the Flood Risk Assessment and have raised no objection subject to the imposition of a planning condition.

## **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.

In this case there is a deficiency in parking provision on this site and there are existing on-street parking issues in this area. The Council has a scheme of Traffic Management Scheme for this area which would help to protect against inappropriate parking on the existing grass verges whilst the Travel Plan monitoring would also look at reducing the use of private vehicle to this development. The contributions are necessary, directly related to the development and fair and reasonable.

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

## **PLANNING BALANCE**

The principle of employment development is supported within the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. Furthermore employment development on this site is supported within the emerging Cheshire East Development Strategy and the site forms part of a long standing allocation within the Crewe and Nantwich Replacement Local Plan. Therefore the principle of development is considered to be acceptable.

The development would provide important economic benefits in terms of new jobs within Crewe and this weighs in favour of this application.

The development would not have a detrimental impact upon residential amenity, trees the highway network, flood risk/drainage, ecology or the wider landscape.

The design is considered to be acceptable in this location.

It is considered that the benefits outweigh any harm identified and as such the application is recommended for approval.

### **RECOMMENDATIONS**

**APPROVE** subject to the completion of a Unilateral Undertaking to secure the following;

- **A contribution of £7,500 towards a Traffic Management Scheme**
- **A contribution of £5,000 towards Travel Plan Monitoring**

**And the following conditions;**

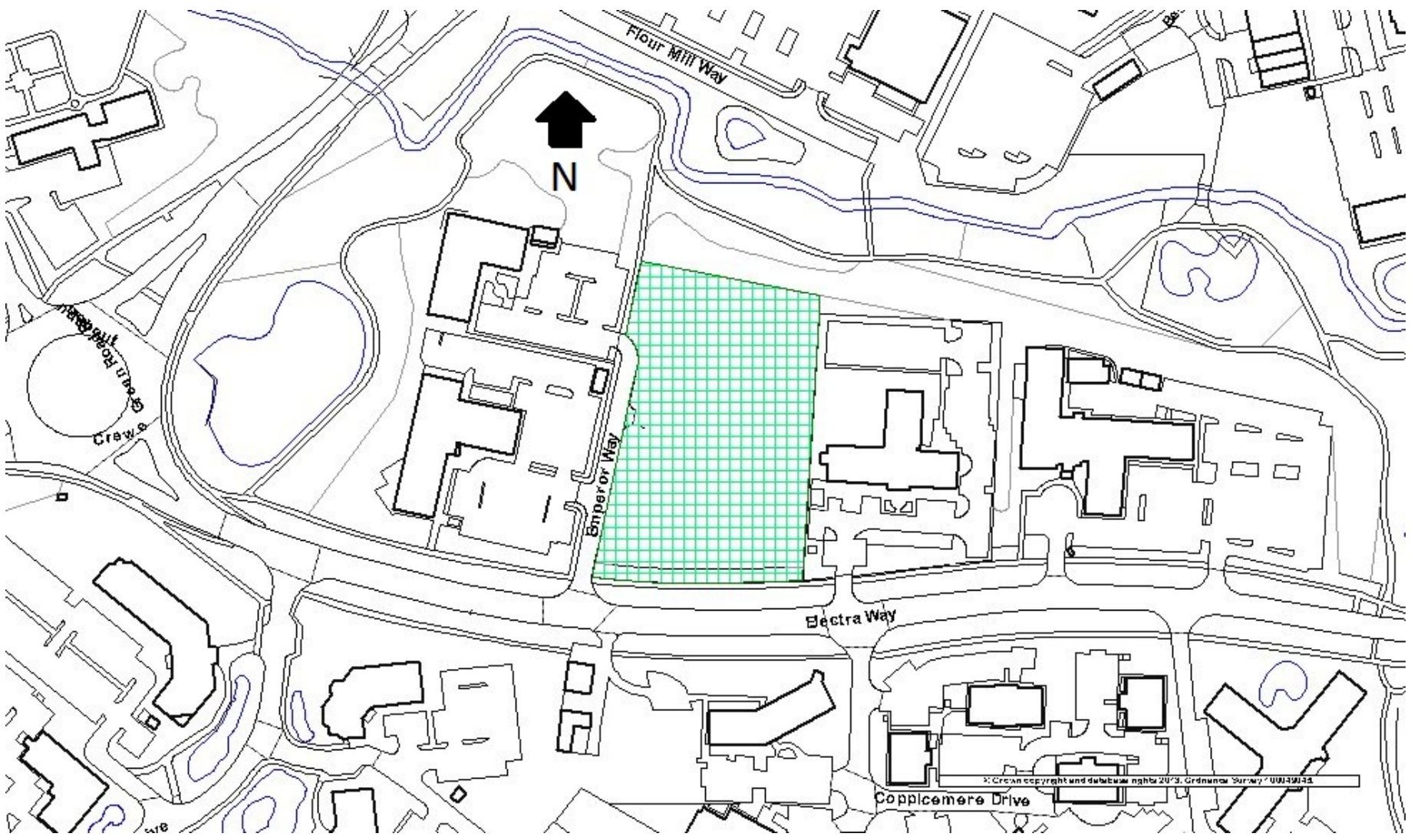
- 1. Standard Time 3 years**
- 2. Approved Plans**
- 3. Prior to the use of any facing/roofing material details of materials to be submitted and agreed**
- 4. Prior to the use of any facing/roofing material details of boundary treatment to be submitted and agreed**
- 5. Details of Levels to be submitted and agreed**
- 6. Prior to the use of any facing/roofing material details of landscaping to be submitted and agreed**
- 7. Landscaping implementation**
- 8. Development to proceed in accordance with the GCN reasonable avoidance measures**
- 9. Method Statement for off-site habitat works to ponds including a timetable for implementation shall be submitted and agreed**
- 10. Nesting birds timing of works**
- 11. Prior to the use of any facing/roofing material details of external lighting to be submitted and agreed**
- 12. Prior to the commencement of development an updated survey for other protected species shall be submitted and agreed**
- 13. Piling Method Statement to be submitted and agreed**
- 14. Travel Plan to be submitted and agreed**
- 15. Contaminated Land**
- 16. Provision of electric vehicle charging points**
- 17. Construction Management Plan to be submitted and agreed**
- 18. Compliance with the submitted FRA**

19. Detailed design and associated management and maintenance plan of surface water drainage to be submitted and approved
20. Implementation of the tree protection measures
21. Addendum to the AMS to include details of the supervising arboriculturalist

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 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, the following Heads of Terms should be secured as part of any Unilateral Undertaking:

- A contribution of £7,500 towards a Traffic Management Scheme
- A contribution of £5,000 towards Travel Plan Monitoring



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Application No: 16/4175N

Location: Land At Former Crewe L M R Sports Club, Goddard Street, Crewe

Proposal: Erection of 74 one, two and three- bedroom dwellings

Applicant: Gaynor Mellor, Wulvern Housing Ltd

Expiry Date: 30-Nov-2016

### **SUMMARY**

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted. The site also falls on a parcel of Protected Open Space.

A needs assessment has clarified that there are no viable alternative sites that can be developed as a replacement facility.

Following discussions between the applicant, Sport England and the Council's Open Space Officer, it was agreed that a financial contribution to offset the loss would be appropriate.

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

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

The dis-benefits of the scheme would be the loss of the Open Space itself, the lack of Open Space contribution to account for the additional demand of the development upon the existing provision, the lack of a primary school education contribution to account for the additional demand of the development upon the existing provision, the overdevelopment of the site resulting in knock-on design concerns and the impact upon the future amenities of the occupiers of 8 of the 74 dwellings due to the proximity of these dwellings to 3 and 4-storey development.

The Open Space has not been in use for a considerable time and a commuted sum is proposed to overcome the loss and provide provision elsewhere. Sport England raise no objection subject to this commuted sum being provided.

The benefits of 74 affordable dwellings is considered to be significant. In terms of the planning balance, it is considered that the weight afforded to this provision is

sufficient to outweigh the lack of provision in relation to open space, the impacts upon the local primary school capacities, design and amenity concerns.

For the above reasons, on balance, the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to S106 Agreement to secure the affordable housing provision, a off-site public open space contribution, a contribution to provide double yellow lines on Goddard Street and a contribution to provide and maintain trees on the highway verge and conditions

## **REASON FOR REFERRAL**

The application is referred to Planning Committee as it involves residential development of 20 dwellings or more.

## **PROPOSAL**

Full Planning Permission is sought for the erection of 74 affordable dwellings.

Revised plans have been received during the application process in an attempt to address the concerns of consultees and to try and resolve any pre-commencement conditions.

## **SITE DESCRIPTION**

The application site comprises a vacant sports club building and associated outbuildings including a small grandstand. It is situated on the western side of Goddard Street, Crewe and is largely bound by residential development. The associated sports ground is a protected open space.

## **RELEVANT HISTORY**

**12/0194N** - Application For Prior Notification Of Proposed Demolition – Approval not required 8<sup>th</sup> March 2012

**P07/1181** - 38 Dwelling Houses and Three Flats and Car Parking for 57 Spaces with Cycle Parking, Smoking Shelter and Substation – Withdrawn 15<sup>th</sup> October 2009

**7/09123** - Extension to existing social club premises – Approved 20<sup>th</sup> July 1982

**7/07845** - Alterations and extension – Approved 9<sup>th</sup> April 1981

## **LOCAL & NATIONAL POLICY**

### **Development Plan**

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

The relevant Saved Policies are;

RES.2 - Unallocated Housing Sites, RES.3 - Housing Densities, RT.1 - Protection of Open Spaces with Recreational or Amenity Value, RT.3 - Provision of Recreational Open Space and Children's Playspace in new housing developments, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure and BE.6 - Development on Potentially Contaminated Land

### **National Policy**

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

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

### **Emerging Cheshire East Local Plan Strategy**

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

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

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to a S106 Agreement to provide a commuted sum of £3,150 to provide and maintain the inclusion of trees along the edges of the approved highway and a TRO amendment for double yellow lines (£4,000). In addition, a condition seeking the prior approval of a Construction Management Plan is also proposed.

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; The prior submission of a piling method statement; the prior submission of a dust mitigation scheme; the prior submission of a Construction Phase Environmental Management Plan; the submission of a travel pack prior to the occupation of the development; that an overnight electric vehicle charging point for each dwelling shall provided for each dwelling; the prior submission of a dust mitigation scheme; the prior to occupation the approved Contaminated Land remediation strategy shall be carried out and a verification report submitted to the LPA, prior to occupation, the submission of a soil verification report (imported soil for landscaping), and that the development should stop if contamination identified. Informatives in relation to contaminated land and hours of construction are also proposed

**United Utilities** – No objections, subject to a number of conditions including; That the approved drainage be carried out in accordance with the submitted Foul & Surface Water

Drainage Design Drawings at a restricted rate and the implementation of a Sustainable Drainage Management and Maintenance Plan

**Flood Risk Manager (Cheshire East Council)** – No objections subject to the following conditions; that the development shall be carried out in accordance with the submitted drainage strategy and that the surface water must drain from the development at the restricted rate

**Sport England** – No objections, subject to the provision of £70,000 to account for the loss of the playing fields

**ANSA (Open Space Officer)** – No objections, subject to the provision of a commuted sum for off-site provision of £194,250 for the policy required Open Space provision and the provision of a commuted sum of £70,000 to account for the loss of the playing fields (in line with Sport England's comments).

**Housing (Cheshire East Council)** – No objections

**Education (Cheshire East Council)** – No objections, subject to a commuted sum of £130,155 to be paid to the Local Planning Authority for the impact of the development upon the local Primary School Provision

**Crewe Town Council** – No objection

### REPRESENTATIONS

Letters were sent to the occupiers of the properties adjacent to the application site. In addition, a site notice was erected and the development advertised in the local press. In response, 4 neighbouring letters of representation have been received. The main areas of concern raised include;

- Principle of housing on the site
- Amenity – Loss of privacy, impact of noise upon future residents from existing business

### APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposed development considering the schemes; economic, social and environmental roles
- Viability
- CIL compliance
- Planning balance

### Principle of development

New Housing

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

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

### Protection of Open Space

The application site where the 74 dwellings are proposed is protected under Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) of the Borough of Crewe and Nantwich Replacement Local Plan. The lawful use of the site is as a Football ground although it is no longer used for such purposes and has fallen into disrepair.

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

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

The application is supported by a Sports Needs Assessment (SNA) which appraises alternative playing sites in Crewe which could be used to provide alternative provision to mitigate the loss of the application site.

The report concludes that none of the sites identified, of which there were 3, were suitable for various reasons. Therefore, the report recommends a number of options on how to proceed including;

- Re-review the other potential sites in Crewe where a pitch could be created. However, discussions with the Council have indicated that this is difficult to achieve.
- Provide a commuted sum to make improvements at a nearby site
- Provide additional pitch capacity at a new site in the Crewe area via a commuted sum

Following a meeting with the Council's Open Space Officer and a representative from Sport England, it was agreed that given the status of the early Council's Playing Pitch Strategy (PPS), it was difficult to be definitive in terms of need. Therefore whilst the solution to provide an alternative playing field was the favoured option, the analysis of the options had raised various issues.

As such, the principle of a commuted sum of £70,000, to be secured by the way of a S106 Agreement, would be an acceptable form of mitigation. This sum was calculated based on Sport England Facilities Costs (2016).

As a result of the above reasons, the proposed mitigation is considered to be acceptable and would adhere with both Local Plan and Sport England policies.

The principle of the development is therefore considered to be acceptable.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

### **Economic Role**

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

As such, it is considered that the proposed development would be economically sustainable, however this benefit would predominantly be realised during the construction phase.

### **Social Role**

#### Affordable Housing

The proposed development is a 100% affordable housing scheme.

Wulvern (Registered Social Landlord) detail within their Planning and Affordable Housing Statement that of the 74 units proposed, 64 shall be Affordable rent and 10 shall be Shared ownership. The applicants have secured funding from the Homes and Communities Agency (HCA) for this project.

The Council's Housing Officer has advised that there is a need for this kind of accommodation in Crewe, particularly for the Affordable Rented accommodation.

The applicant has asked for this to be secured as part of a S106 Agreement.

As such, this presents a significant planning benefit.

#### Open Space

Notwithstanding the loss of the Open Space on which the development is sought as considered within the Principle section of this report, consideration is also required of the impact upon the local Open Space capacity in the area that would be impacted by the proposal and the additional demand.

Local Plan policy dictates that such considerations are made for residential developments comprising of 20 units or more.

No open space provision is being offered as part of the development. The Council's Open Space Officer has therefore advised that a calculation based on the number of dwellings sought would require a commuted sum of £194,250.

Without this financial contribution, there would be resultant social dis-benefit. This needs to be factored into the planning balance

This is further considered within the viability section of this report.

### Education

The Council's 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 at present being Monks Coppenhall Primary School, by an additional 210 places, and Hungerford Primary Academy by an additional 210 places. The expansions are being jointly funded by basic need funds and S106 funding.

The 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 12 primary children as a direct cause of the Former LMR Club development.

The development is not forecast to impact secondary school or Special Educational Need (SEN) provision.

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

$12 \times £11,919 \times 0.91 = £130,155$  (primary)  
Total education contribution: £130,155

Without this financial contribution, there would be resultant social dis-benefit as a result of this scheme which needs to be factored in the planning balance

This is further considered within the viability section of this report.

### Residential Amenity

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

The closest residential properties to the proposed dwellings would be the occupiers of the closest dwellings on the following roads; West Street (north), Goddard Street (east and south), Partridge Street (South) and Dale Way to the West.



Paragraph 3.9 of the Development on Backland and Gardens SPD advises that the separation distance between principal elevations of dwellings, should be approximately 21 metres.

To the north of the site is a rear alleyway which runs along the full length of the boundary, just outside of the site, which serves the rear gardens/yards of the properties on West Street.

Investigations indicate that the proposed dwellings would predominantly closely adhere with the policy minimum recommended separation standards to these closest properties. There are occasions where this standard is breached, however as the character of this area of Crewe is defined by residential development within relative close proximity, it is not considered that the impact upon these neighbouring dwellings to the north would be significant or uncharacteristic of the area with regards to loss of privacy, light or visual intrusion. The applicant has also confirmed, that where these separation standards are in breach, the proposed dwellings have been designed to ensure that there are no sole windows to principal habitable rooms at first-floor level, allowing the inclusion of obscure glazing (which can be secured by condition). All the windows in question are either bathrooms/WC's or hallways/landings.

To the east, the closest neighbouring dwellings are on the opposite side of Goddard Street to the application proposal. The dwellings sought to the east of the site would comfortably adhere to the 21 metre minimum standard between their front elevations and the front elevations of Goddard Street dwellings on the opposite side of the road eliminating any significant concerns with regards to loss of privacy, light and visual intrusion to this side.

Just beyond the south-east corner of the site is the side elevation of No.10 Goddard Street.

Within the relevant side elevation of this property, which faces onto the application site, there are 4 windows, x2 at first-floor and x2 and second floor.

A planning history search identifies that these openings serve; an en-suite and a bedroom (also served by another opening) at first floor and the same at second floor.

At its closest point, this neighbouring side elevation shall be approximately 4 metres away from the proposed side elevation of the dwelling proposed on Plots 41 and 62.

However, given that there are no sole windows to principal habitable rooms within the side elevation of No.10 Goddard Street, and because the only windows on the side elevations of plots 63 and 74 are an inset door to a living room, subject to the inclusion of privacy screens on the far southern end of the balconies to these plots, which have been demonstrated on revised plans during the application process, it is not considered that the development would create any issues to these neighbouring properties with regards to loss of privacy, light or visual intrusion.

The development would be sufficiently far enough from all other residential development to the south off Partridge Way so not to create any amenity concerns to this side.

To the west are the residential developments off Dale Way (off Dunwoody Way). These comprise of Junction House and Carriage House, both 3 and 4-storey developments.

To the west of the application site, the dwellings have been inset in order to overcome any conflicting amenity concerns with this neighbouring site.

Within the relevant side elevation of Junction House facing the application site there are 12 openings. These comprise of 3 openings over 4 floors and serve either as; hallway windows or secondary windows to open plan kitchen/dining and lounge areas.

The side elevation of the closest dwelling proposed on Plot 21 would be located directly parallel and approximately 17 metres away from these neighbouring windows.

The dwelling proposed on Plot 21 would be 2-storey and comprise of a secondary lounge/living room window only.

As none of the windows on either the existing or proposed development would serve as sole windows to principal habitable rooms, the separation standards do not apply and it is considered that the development would not create any concerns with regards to loss of privacy, light or visual intrusion for the occupiers of Junction House.

The dwelling proposed on Plot 20, although closer to Junction House than the dwelling on Plot 21, it would be offset from the relevant windows in Junction House, and as such, create no significant concerns.

The other neighbouring residential block to the west is Carriage House. According to the submitted plans, the closest proposed dwellings (block 8 – plots 16-18 and block 7 – plots 13-15), would be between 20 and 23 metres away, and partially offset from the eastern elevation of this neighbouring part 3 storey / part 4 storey development.

Within the relevant elevations of Carriage House there are 20 openings over 4 floors on the southern section of the block and 15 openings over 3 floors on the northern section of the block facing the application site.

According to a planning history search, some of these openings comprise of sole windows to principal habitable rooms.

Within the rear elevations of the dwellings proposed in blocks 7 and 8, there are also sole windows to principal habitable rooms.

However, as these distances adhere to the 21-metre minimum standard, it is not considered that the occupiers of Carriage House would be detrimentally impacted by the proposed development in terms of loss of privacy, light and visual intrusion.

With regards to the amenities of the future occupiers of the proposed development itself, there is a concern with regards to a substandard degree of privacy, light and visual intrusion being afforded to the future occupiers of the dwellings proposed in Block's 7 and 8 to the west of the site. This is because they would be relatively close (between approximately 20-23 metres away) from 3 and 4 storey development.

Paragraph 3.9 of the SPD states that '*...in the case of flats there should be 30m [metres] between principal elevations with windows to first floor habitable rooms.*' The proposal would not adhere to this standard and therefore could result in an unacceptable degree of overlooking for the future occupiers of these dwellings.

In an attempt to help temper this impact, the applicant has advised that the dwellings which lie parallel to the 4-storey development (Junction House), will not comprise of any sole windows to principal habitable rooms at first-floor level. Should the application be approved, it is recommended that these openings are conditioned to be obscurely glazed to prevent them from being overlooked. These windows comprise of bathroom/WC or hallway and landing windows only.

With regards to the private amenity space afforded to the future occupiers of the housing proposed, the guide within the SPD is a minimum of 50sqm.

Although the spaces proposed would not achieve this standard in many cases, it is considered that each unit would still have access to sufficient private amenity space in order to carry out normal functions e.g. dry washing, sit out etc.

In terms of the impact of environmental disturbance, this is assessed by the Council's Environmental Protection Team who have raised no objections, subject to a number of conditions including; The prior submission of a piling method statement; the prior submission of a dust mitigation scheme; the prior submission of a Construction Phase Environmental Management Plan; the submission of a travel pack prior to the occupation of the development; that an overnight electric vehicle charging point for each dwelling at plots 3, 4, 6-16, 19-21, 23, 24, 26, 27, 29, 31-38, 40; the prior submission of a dust mitigation scheme; prior to occupation the approved Contaminated Land remediation strategy shall be carried out and a verification report submitted to the LPA, prior to occupation, the submission of a soil verification report (imported soil for landscaping) and that the development should stop if contamination identified. Informatives in relation to contaminated land and hours of construction are also proposed.

In response to a letter of objection from a commercial premises on West Street to the north of the application site, the applicant also undertook a noise assessment and a subsequent supplementary document.

The neighbouring unit was concerned that the noise his business would create could have a detrimental impact upon the future occupiers of the closest of the proposed dwellings and in turn, result in complaints.

This report, and the supplementary document has been reviewed by the Council's Environmental Protection Officer. In response, the Officer has concluded that they were in agreement with the methodology, noise measurement locations and prediction calculations, of timber workshop operations and advised that they have no objections to the proposed application on these grounds.

To conclude, it is not considered that the proposed development will have any significant impacts upon the amenity of the occupiers of the surrounding dwellings, subject to conditions where necessary.

Although the future occupiers of the dwellings proposed on plots 14-18 could be impacted in regards to overlooking in particular, this impact is tempered by the fact that 2 of the 4 plots would include windows which can be obscurely glazed at first-floor level. Furthermore, the relationship between the existing and proposed built form would be slightly offset and still relatively significant.

As a result, subject to conditions, it is considered that the proposal would adhere with SPD2 and therefore Policy BE.1 of the Local Plan.

### Social conclusion

The proposal would provide significant social benefits due to the provision of 74 affordable homes where there is an identified need.

Although there is a requirement to provide financial commuted sums to offset the impact of the development upon local primary school capacity and to upgrade off-site open space provision, it has been demonstrated that this provision cannot be provided in this instance due to viability concerns. This is further expanded upon in the viability section of this report. Notwithstanding this point, this lack of contribution in relation to both Education and Open Space represents a social dis-benefit.

Although the impact upon neighbouring amenity would not be significant, there are concerns about the future occupiers of the dwellings to the west of the site due to their proximity to 3 and 4-storey development. However, as advised above, this is to an extent tempered by the inclusion of windows that can be obscurely glazed, a slight off-set relationship and still a considerable distance between existing and proposed built form.

On balance, the benefit in principle of providing 74 needed affordable dwellings is considered to outweigh the social impacts of the development with regards to a lack of education provision, a lack of open space provision and the impact upon amenity of the future occupiers of the units.

The development is therefore considered to be socially sustainable.

### **Environmental role**

#### Design

This is an urban site and therefore higher density development is appropriate to the character of the area. However, it is important that the by-products of this higher density do not lead to a character of development that is inappropriate or of a quality below that which we seek to achieve in the Borough. Policy BE.2 of the Local Plan advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. The Draft Residential Design Guide also advocates a high standard of residential design.

#### *Goddard street frontage*

Normally from an urban design perspective, the building would be closer to the street and have a more direct relationship. This is the typical character of Crewe with either back of street terraces or terraces with small defensible gardens (usually 3 ft. brick walls). This proposal sets development further back and creates what would normally be back garden between the building and Goddard Street, with parking and a garden boundary between.

This design proposal reduces the interaction and surveillance of the street. As such, the Council's Urban Design Officer has advised that it will be especially crucial for the upper floors to provide the surveillance over the street.

Goddard Street is a busy link to the Morrisons supermarket and beyond. The Council's Urban Design Officer has advised that the provision of parking on the street edge with limited surveillance from ground floor could lead to more anti-social activity, such as criminal damage.

The balcony on the upper floor will provide scope for surveillance in the warmer months but is unlikely to do so in the winter and also Spring/Autumn save on limited occasions.

As a result of the above reasoning, the Council's Urban Design Officer recommended at pre-application stage that the buildings on this frontage, be brought further forward but if this was not achievable, it was advised that the issues discussed above will need to be satisfactorily addressed in developing the design.

In consideration of the application proposal, the Council's Urban Design Officer has advised that the building is still set some way from the street edge with rear gardens between it and the Goddard Street frontage. It is advised that the bin storage and parking at the edge of the plots will further divorce activity within the building from the street. Whilst the proposed trees will add to the streetscene of Goddard Street, the Council's Urban Design Officer has advised that they could also aggravate surveillance from upper floors (the scheme is heavily reliant on surveillance from these floors given the rear garden relationship at ground floor).

The applicant has responded to these concerns. In terms of moving the dwellings closer to the Goddard Street frontage, the applicant has advised that this cannot be achieved because of the following reasons;

- *'It would compromise the only usable garden space of the properties. This is particularly important as they are intended to be occupied by families and Wulvern Housing consider garden space to be essential.'*
- *'It would compromise the parking spaces for residents which are necessary.'*
- *'It would give more oblique views from the properties, thereby reducing surveillance.'*
- *'There is a mixture of approaches to property frontages on Goddard Street and Richard Moon Street, most of which are set back from the pavement with open grassed areas to the front.'*

However, the applicants have advised that they have been able to make the following changes to the Goddard Street frontage on the advice of the Council's Urban Design Officer;

- *'Reduced the height of the bin stores to 1200mm and opened up the boundary wall by enlarging the area of railings to increase visibility to the street from the ground floor.'*
- *'The trees shown on the Planting Plan are small trees with a narrow spread and a clear stem of 2m. This will help to ensure that surveillance is not obscured while providing an attractive and softened frontage to the development.'*

The number of dwellings sought on this plot does not appear to allow for the dwellings proposed on the Goddard Street frontage to be brought forward in line with the character of the area. As such, the applicant's have tried to alleviate the Council's Urban Design Officer's concerns by either; keeping the built form in the front gardens to a minimum; providing further railings instead of solid boundary treatment and careful species planting.

It is not considered that these solutions would overcome this principal concern of the dwellings set-back position within the streetscene and the knock-on surveillance issues. However, this is as far as the applicant is willing to compromise to overcome this concern.

### *Internal Layout*

The Council's Urban Design Officer originally advised that his concerns regarding the layout comprised of the scheme being heavily car dominated with little soft landscape opportunity. There was also a lack of information in relation to the soft and hard landscaping sought and he considered this as being an important consideration at application stage, rather than by condition.

The Council's Urban Design Officer advised that the approach to boundaries within the heart of the scheme illustrated just how tight this layout was in space terms.

In response to these concerns, the applicant provided further information and made a number of revisions to the proposed layout plan including;

- Full soft landscape details on a Planting Plan which clarifies the opportunities for soft landscaping throughout the scheme.
- The provision of trees to the rear gardens to the north, centre and south of the site.
- The provision of landscaping strips with small trees included to the streets in locations which are wide enough to support trees. These are shown on the Planting Plan.
- Additional trees to plots 20 & 21 to provide screening from Dunwoody Way in the south-west corner.

Again, without a reduction in the number of dwellings being sought, the applicant has attempted to accommodate as much soft landscaping into the scheme as possible.

### *Detailed design*

The approach to a more contemporary design for buildings is endorsed and supported by the Council's Urban Design Officer. However, the approach needs to be carried through into the execution of detail both in terms of buildings but also boundaries, to help gel the scheme with the wider neighbourhood. The Urban Design Officer commented that there was a high reliance on railings to define boundaries between public and private when really this should be brick walling, presumably because of the limited space for walling. It was also noted that the boundaries were quite fragmented by the punctuation of parking spaces which could well lead to a street scene that lacks consistency and quality, amplifying issues in relation to the streetscape generally and feeling quite heavily car dominated.

On a positive note, the applicant had agreed to integrate the reclaimed Goddard Street kerbstones within the development which is a positive addition to the scheme.

In response to these comments, the applicant has made the following change to the scheme;

- Additional brick wall between plots 1 and 4.

It is not considered that this partial change in boundary treatment will overcome the Urban Design Officer's concerns on this scheme with regards to the detailed layout which again, is a result of the high density of the proposal.

### *Design Conclusions*

In the opinion of the Council's Urban Design Officer, there were a number of elements of the original submitted scheme that would lead to a red assessment under BfL12 criteria. It was advised that this is largely as a consequence of the density of the development and the impact of the double sided block on the Goddard Street frontage, creating a very cramped scheme, leading to issues re: prominence and impact of parking, impacts upon the quality of streets and public space and integration. The arrangement of the Goddard Street frontage block also gives rise to concern about surveillance and interaction with the street and therefore the wider relationship with the neighbourhood.

Whilst the changes made to the scheme in an attempt to address these concerns offer a degree of improvement on the original layout, there remain concerns that the scheme as proposed, falls short in delivering the type of quality, or indeed the quality of design that the authority aspires too.

### Highway Safety

The application is supported by a Transport Statement (TS) which is assessed below;

### *Sustainable access*

There are footways on both sides of Goddard Street which link into the footways on West Street and Richard Moon Street. There are dropped crossings on Goddard Street at the West Street junction and immediately to the west of the junction there is a controlled pedestrian crossing.

The closest bus stops to the site are situated on West Street. Services 1A, 6, 6E, 31 and 31A use these stops in both directions. These buses provide access to the town centre, the railway station, Crewe Business Park, Leighton Hospital, Nantwich, Shavington and Northwich.

### *Safe and suitable access*

The Council's Head of Strategic Infrastructure (HSI) has advised that the access is designed to adoptable standards for this size of development and sufficient access visibility will be available. The access will have dropped kerbs and tactile paving.

Off-road parking has been proposed at 1 space for a 1 or 2 bed unit, and 2 spaces for a 3 bed unit. Car ownership data for these type of units in this area shows that the proportion of properties with 2 or more cars is in the region of 3% to 5% which would approximate to 4 properties in this development. In addition to this, the grouped car parking will not be assigned to individual properties which will increase the efficiency of the provision. The Council's HSI has advised that the relaxation of parking standards will have a minimal impact upon the highway.

Cycle parking is also proposed within the building.

The new vehicle access will be located approximately 60 metres south of West St which, the HSI advises, is of sufficient distance. The HSI has advised that whilst on a site visit, on-street parking was observed to occur on Goddard St close to the junction of Goddard St/West St on both sides of the road. Although Goddard St is wide, this on-street parking hinders the movement of vehicles entering and exiting to/from West St.

As such, the Council's Highways Officer has advised that a Traffic Regulation Order (TRO) amendment is recommended that will change the existing single yellow to double yellow, and will be extended from the junction to the site access. This would only be required on one side of the road.

Driveway access for 12 properties from Goddard St is proposed. This will provide active frontage and as Goddard St is unclassified, this is accepted by the Council's HSI.

### *Network Capacity*

A development of this type and size would generate less than 40 two-way vehicle trips during the peak hour, or little more than 1 vehicle every 2 minutes, and any highways impact is considered minimal by the Council's HSI.

### *Conclusion*

The Council's HSI has advised that the application site is in an established location with pedestrian access available to local amenities and services, and bus stops. The HSI advises that the proposed accesses are suitable and parking provision is accepted.

The HSI raises no objections to the proposal, subject to the prior submission/approval of a Construction Management Plan (CMP) and a Section 106 Agreement to secure the required TRO amendment at a cost of £4,000 and £3,150 towards the provision and maintenance of trees within the development site.

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

### Nature Conservation / Ecology

The application is supported by an Ecological Appraisal.



### *Hedgehogs*

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. The Council's Nature Conservation Officer (NCO) has advised that 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.

As such, the Council's NCO has advised if planning consent he recommends that a condition be imposed on the application comprising of;

*'Gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m as detailed on submitted proposed boundary drawing ref 14-016 102 C.'*

### *Bats*

The Council's NCO has advised that the grassland habitats, hedgerows trees around this site are likely to be used by small numbers of widespread species of bats for foraging. The site however is unlikely to be of particular importance for foraging /commuting bats. The Council's NCO has advised that the creation of new hedgerows and native species planting would help to mitigate the adverse impact of the development upon foraging bats. As a result of these comments, the applicant submitted and updated planting scheme to include more appropriate planting. The Council's NCO advised that this revision satisfied this concern and now offers more wildlife friendly species.

The NCO also recommends that a condition be attached requiring the applicant to submit a lighting scheme developed in accordance with the advice set out in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009), prior to its installation.

A condition requiring the provision of bat and bird boxes was proposed. This detail has been submitted by the application to the satisfaction of the Council's Nature Conservation Officer. As such, its implementation only, shall be conditioned.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy NE.9 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy.

### Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a primary consideration in this instance. However, the application supported by a Flood Risk Assessment (FRA).

The Council's Flood Risk Manager has reviewed the submission and advised that he has no objections subject to the following conditions; that the development shall be carried out in accordance with the submitted drainage strategy and that the surface water must drain from the development at the restricted rate.

United Utilities (UU) were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a number of conditions including; that the development must proceed in accordance with the Foul and Surface Water Drainage Drawings received and that the surface water must drain at the restricted rate of 23.4ls and the implementation of a sustainable drainage management and maintenance plan.

As such, subject to the inclusion of these conditions, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

### Landscape and Trees

#### *Landscape*

This is a brownfield site to the north west of Crewe. Much of the site is overgrown grassland and scrub with various boundary treatments. There is some hard standing present. There are trees present on the boundaries; a copper leaved Sycamore, a young Cherry, a group of young Sycamore, a young Oak and a line of mature Cupressus Leylandii (fronting Goddard Street).

Traditional terraced and mixed use development lies to the north, separated by a gated alley, Goddard street lies to the east (with a traditional sett surface), new apartment developments lie to the west and south east and an area of mounded rough ground to the south west. (The latter area appears to form part of the site of apartments approved under 12/0239N which has been implemented in part.)

The Council's Landscaping Officer, in consideration of the original landscape plans advised, as also noted by the Council's Urban Design Officer, that some areas of the site would be dominated by car parking and hard landscape treatment and there a limited opportunities to provide this.

As a result of this concern, the applicant updated the Landscaping plan and incorporated the following;

- Trees returned to the rear gardens to the north, centre and south of the site.
- Landscaping strips with small trees are included to the streets in locations which are wide enough to support trees. These are shown on the Planting Plan.
- Additional trees to plot 20 & 21 to provide screening from Dunwoody Way in the south-west corner.

In order to provide the trees within the streetscene, on the grass verge, the applicant has agreed with the Highways Officer, that this shall be acceptable, subject to a contribution of £3,150 for their maintenance.

These trees will also have the benefit of preventing 'fly parking' on some of the grass verges proposed.

It is considered that this revised layout and planting plan is an improvement upon the original proposal.

## Forestry

The application is supported by an Arboricultural Impact Assessment (AIA). The assessment affords all the trees as Grade C and indicates that the copper leaved Sycamore would be retained in the layout with protective measures. The remaining specimens would be removed.

The Council's Tree Officer has advised that the trees which would be removed are not of high amenity value should not be considered a constraint to development.

In the event of approval of the layout as it stands, a condition is recommended to require adherence to the tree protection measures shown on the Ascerta Draft protection plan P.736.16.03.

## Environmental Conclusion

The proposed revised development would be of a design which creates a number of concerns predominantly due to the number of dwellings proposed.

The development is not considered to create any highway safety concerns, subject to a S106 contribution for a TRO amendment and the provision of tree planting within the development site.

No ecology, forestry, flooding or drainage objections are raised subject to conditions where necessary.

Concerns are raised about the extent of soft landscaping due to the density of the site and the limited amount of opportunities to provide this.

As a result of the design concerns raised, it is considered that the development would be environmentally un-sustainable.

## **Viability**

The NPPF, when considering viability as a material planning issue, states as follows:

*'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'*

In terms of the requests for S106 contributions these have come from education, open space and highways. In this case, the applicant had previously agreed to pay some contributions towards the development to offset the impacts of the development. These include;

1. £70,000 towards the provision of off-site Public Open Space / facility to mitigate any objection from Sport England
2. £4,000 towards a TRO amendment to provide double-yellow lines on Goddard Street
3. £3,150 towards the provision and maintenance of on-site trees

However, a submitted viability report from the applicant, and a subsequent addendum advised that the development could not financially support the following required contributions;

1. Open Space (£194,250) and;
2. Education (£130,155)

This has been independently verified by the Council's external consultant and been found to be correct.

Accordingly, whilst the provision of the affordable dwellings contributes to social sustainability, that contribution is diminished by the fact that no mitigation to the recreational/open space provision will be provided and other costs such as the primary education contribution that this development would generate will have a social cost to the Crewe area. This will need to be assessed within the planning balance.

### **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 scheme, via planning policy triggers and identified need generates required financial contributions towards; Education (£130,155), Open Space (£194,250), Open Space replacement provision (£70,000), an updated TRO for double-yellow lines (£4,000) and the provision and maintenance of trees (£3,150).

The applicant has submitted a viability report to advise that the larger required contributions in relation to Open Space (£194,250) and Education (£130,155) cannot be provided without making the scheme unviable. This has been verified and accepted by Independent external consultants employed by the Council.

Notwithstanding this, the applicant has agreed to provide some of the contributions towards Open Space replacement provision (£70,000), a TRO amendment for double yellow lines (£4,000) and the provision and maintenance of trees on the highway verge (£3,150).

The affordable housing provision (100%), has been sought by the application to be secured via a S106 Agreement.

As these provisions do indeed relate to either policy provision and/or justifiable need, it is considered that these requirements are 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 within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted. The site also falls on a parcel of Protected Open Space.

A needs assessment has clarified that there are no viable alternative sites that can be developed as a replacement facility.

Following discussions between the applicant, Sport England and the Council's Open Space Officer, it was agreed that a financial contribution to offset the loss would be appropriate.

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

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

The dis-benefits of the scheme would be the loss of the Open Space itself, the lack of Open Space contribution to account for the additional demand of the development upon the existing provision, the lack of a primary school education contribution to account for the additional demand of the development upon the existing provision, the overdevelopment of the site resulting in knock-on design concerns and the impact upon the future amenities of the occupiers of 8 of the 74 dwellings due to the proximity of these dwellings to 3 and 4-storey development.

The Open Space has not been in use for a considerable amount of time and a commuted sum shall be received to overcome the loss and provide provision elsewhere. This is a neutral impact in terms of the planning balance

Given the continuing need for affordable housing in Crewe, the weight afforded to the provision of 74 affordable dwellings is considered to be significant in terms of the planning balance and that the weight afforded to this provision is sufficient to outweigh negative impacts of the proposals in terms of the lack of provision in relation to open space and the impacts upon the local primary school capacities, given the proven viability impacts demonstrated in this case

On balance, the application is recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure;**

- 1. 100% Affordable Housing provision**
- 2. £70,000 towards the provision of off-site Public Open Space / facility**
- 3. £4,000 towards a TRO amendment to provide double-yellow lines on Goddard Street**
- 4. £3,150 towards the provision and maintenance of on-site trees**

**And conditions;**

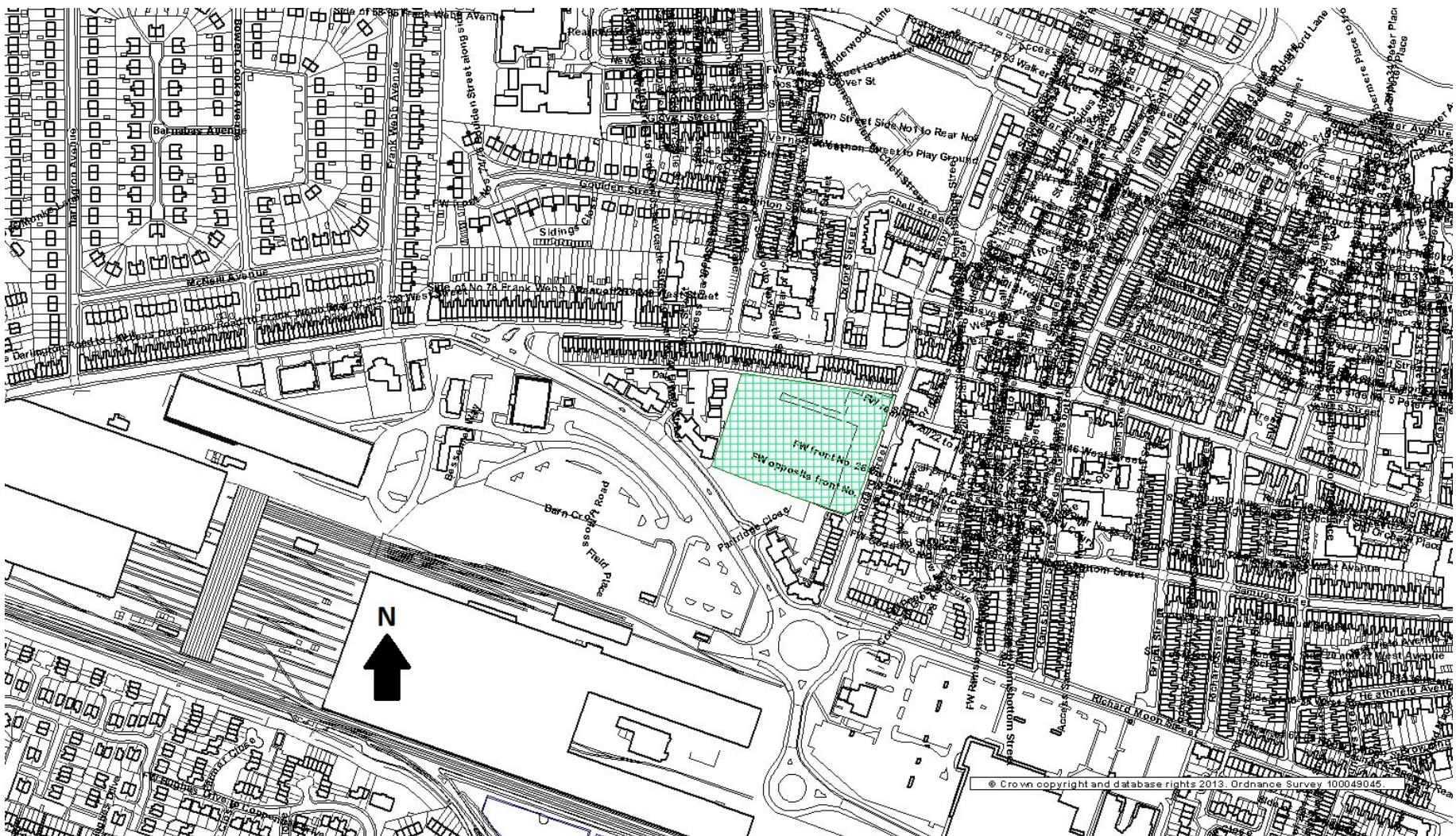
- 1. Time (3 years)**
- 2. Plans (including planting plans)**
- 3. Prior submission/approval of facing and roofing materials**
- 4. Prior submission/approval of hard surfacing materials**
- 5. Implementation of balcony privacy screens on southern elevation of Block 1 at plots 63 and 74**
- 6. Removal of PD Rights Part 1 Classes A-E (except for garden sheds)**
- 7. Notwithstanding condition 6, details of all garden sheds to be submitted and approved prior to commencement**
- 8. Obscure Glazing requirement – First-Floor rear elevations of plots 7-12 and 16-18, plot 20 bathroom and landing only, plot 21 western gable-end ground-floor opening**
- 9. Prior submission/approval of a piling method statement**
- 10. Prior submission/approval of a dust mitigation scheme**
- 11. Prior submission/approval of a Construction Phase Environmental Management Plan**
- 12. Submission of a travel pack prior to the occupation of the development**
- 13. Overnight electric vehicle charging point for each dwelling at plots 3, 4, 6-16, 19-21, 23, 24, 26, 27, 29, 31-38, 40**
- 14. Bin stores on the Goddard Street frontage – no taller than 1.2 metres**
- 15. Prior submission/approval of a dust mitigation scheme**
- 16. Prior to occupation the approved Contaminated Land remediation strategy shall be carried out and a verification report submitted to the LPA**
- 17. Prior to occupation, the submission of a soil verification report (imported soil for landscaping)**
- 18. Development should stop if contamination identified**
- 19. Prior submission/approval of a Construction Management Plan**
- 20. Implementation of Boundary Treatment Plan (Including gaps for Hedgehogs)**
- 21. Prior to installation, submission/approval of an external lighting scheme (bats)**
- 22. Bat and Bird Boxes – Implementation prior to occupation**
- 23. Development shall be carried out in accordance with the submitted drainage strategy**
- 24. Surface water must drain from the development at the restricted rate 23.4l/s**
- 25. Development shall be carried out in accordance with the submitted Foul and Surface Water Drainage Drawings**
- 26. Implementation of sustainable drainage management plan**
- 27. Prior submission/approval of hard landscaping, including street furniture**
- 28. Tree protection - Implementation**
- 29. Landscaping – Implementation**

**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 their absence the Vice Chair) of the Southern Planning Committee to correct any technical slip or omission in the**

wording of the resolution, between approval of the minutes and issue of the decision notice.

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







Application No: 16/5609N

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

Proposal: It is proposed to construct a logistics building on existing hard standing to the east of Bentley's Pym's Lane plant. Part of the car park will be reconstructed to form a dispatch area.

Applicant: Mr John Layman, Bentley Motors

Expiry Date: 06-Mar-2017

**SUMMARY:**

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

Whilst the proposal would be in an area designated as public open space (incorporating land designated as sports playing field), the loss of this land has previously been accepted under a different proposal which has now been implemented (planning ref; 15/3869N refers).

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

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

**RECOMMENDATION:**

**APPROVE subject to conditions**

**PROPOSAL:**

This application seeks full planning permission for the construction of a logistics building on existing hard standing to the east of Bentley's Pym's Lane Plant. Part of the existing car park will be reconstructed to form a dispatch area. The proposed building is for product storage to increase the efficiency of product movement within the Bentley site.

### **SITE DESCRIPTION:**

This application relates to land owned by Bentley Motors, within the settlement boundary of Crewe. The application site is located directly to the east of the main plant, which is used to manufacture motor vehicles. The site comprises of an area of hardstanding presently used to park finished vehicles. In terms of the development plan, which comprises of the Crewe & Nantwich Local Plan, part of the site is allocated as public open space. The site is enclosed by the existing Bentley plant although further to the north, east and south there are residential properties, and to the south west there are allotments.

### **RELEVANT HISTORY:**

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

12/4373N - New build showroom with associated car parking approved on 6<sup>th</sup> 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 30<sup>th</sup> 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 1<sup>st</sup> May 2013

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

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

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

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

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

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

15/3869N - It is proposed to convert the existing field into a private car park for Bentley Motors. The site is an existing green area which will be converted to hard standing material to suit the needs of a car park. The car park will be enclosed with fences. North east and south of the proposed car park, a 14m width band will be dedicated for planting. – Approved 18-Mar-2016

16/0341N - Demolition of all existing on-site buildings and structures, the construction of a five storey engineering technical centre comprising offices at the front of the building and warehousing at the rear, the construction of a two storey design centre comprising offices and a workshop together with associated works – Resolved to approve – 18-May-2016

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

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

#### **Development Plan:**

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

The relevant Saved Policies are:-

#### **Crewe & Nantwich Local Plan Policy**

BE.13 (Buildings of Local Interest)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Accessing and Parking)

E.4 (Development on Existing Employment Areas)

TRAN.3 (Pedestrians)

TRAN.8 (Existing Car Parks)

TRAN.9 (Car Parking Standards)

RT.1 (Protection of Open Spaces with Recreational or Amenity Value)

RT.5 (Allotments)

#### **Cheshire East Local Plan Strategy Submission Version**

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

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

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

**CONSULTATIONS:**

**Highways:** No objection

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

**Flood Risk Officer:** No comments received

**United Utilities:** No objection subject to a surface water drainage condition and provided that only foul drainage is connected to the foul sewer.

**CREWE TOWN COUNCIL:**

No comments received.

**REPRESENTATIONS:**

None received at the time of report preparation.

**APPRAISAL:**

**Principle of Development**

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

The area has a longstanding association with the manufacturing and the production of motor cars and as such, it is considered that the compatibility of the site and the area for such use is well established. However, the site is located towards the eastern perimeter of the plant where there are residential properties to the east along Minshull New Road. Consequently, the impact on these neighbours will be explored further in this report.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably and this view is further

reinforced in Policy EG1 of the Council's emerging Local Plan Strategy Proposed Changes Version.

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

### Public Open Space

In terms of local plan designation, part of the proposed building would creep into allocated formal open space including designation as a school sports playing field and informal open space. However, it is important to note that the loss of such has already been accepted when planning permission was recently granted under planning ref; 15/3869N to change this land to a private car park for the storage of finished motor vehicles. This has recently been implemented and the loss of open space was compensated for by way of financial contributions towards, 'James Atkinson Way Play Area' and 'Hulme Street Allotments'. In light of this, it is not considered that there is any tension with Local Plan Policy RT.1 seeks to protect open spaces which have recreational or amenity value from development as the area that has already been lost and compensated for. As such, the principle of the development is found to be acceptable.

### Design

The NPPF and local plan policies BE.2 and SE.1 emphasise the importance of securing high quality design appropriate to its context. NPPF paragraph 61 states that:

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

The site has already been incorporated into the main Bentley Plant. The surrounding development turns its back on the area and the site is poorly overlooked. Thus, the contribution that the site makes to the character and appearance of the wider area is limited having regard to the context of the site, which is visually enclosed.

The proposed building would be of modular steel framed construction with composite panel walls similar in appearance to the existing factory buildings at the site. It would be configured in two blocks with an apex duo pitched roof joining each other to provide a valley roof joint which would keep the overall height of the building down. In terms of size, the building would measure 125 metres in length with a 6.2 metres eaves height and 11.2 metre ridge height. The size and scale would be commensurate with the surrounding buildings at the plant. The building would be well grouped with the existing eastern edge of the factory plant and would not therefore appear incongruous. The application is therefore acceptable in design terms. There are no landscape or tree issues raised by this proposal.

## **Residential Amenity**

With respect to the proposed use, the building would be used for storage purposes and would not accommodate any other part of the manufacturing process. Further, the building would be grouped with the existing buildings found on the eastern end of the plant with the land in-between the proposed building and nearest adjoining residential uses given over to outdoor parking. It is considered that sufficient separation would be maintained with the nearest adjoining residential uses so as to not materially harm their amenity by reason of noise. There has been no objection from the council's Environmental Protection Unit.

With respect to loss of light and the visual dominance of the building, as already mentioned, the building would be set back and well grouped with the existing plant. The nearest neighbouring property would be situated approximately 70 metres distance from the far north easterly corner of the building. This would be sufficient to ensure no issues of loss of light, visual intrusion or direct overlooking occur.

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

## **Parking, Highway Safety and Traffic Generation**

The proposed building would be used for the storage of parts and products used in the manufacture of motor vehicles. The main purpose of the building is to increase the efficiency of product movement within the Bentley plant. The site will be accessed from the existing internal road network of the Bentley site and the existing accesses onto Pym's Lane will be utilised. Employees generated by this proposal will be relocated from another part of the Bentley site, but in the context of the operations of the site, will not be significant. The impact of the proposal upon the public highway will be minimal and no objection is raised from the Head of Strategic Infrastructure (HSI – Highways). The proposal therefore accords with Policy BE.3.

## **Drainage**

In terms of drainage, the redevelopment of the site is considered to be acceptable with the use of appropriate conditions. Conditions requiring the use of sustainable urban drainage measures and a scheme to manage surface water are recommended. With the imposition of such conditions, the impact that the development would have on drainage and flooding would be acceptable.

## **PLANNING BALANCE & CONCLUSIONS**

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

Whilst the proposal would be into an area designated as public open space (incorporating land designated as sports playing field), the loss of this land has previously been accepted under a different proposal which has now been implemented (planning ref; 15/3869N refers).

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

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

### **RECOMMENDATION:**

**APPROVE** subject to the following conditions:

- 1. Standard time limit (3 years)**
- 2. Accordance with approved plans**
- 3. Materials as per application**
- 4. Details of sustainable drainage scheme to be submitted**
- 5. Only foul drainage connected to foul sewer**
- 6. Surface water drainage strategy to be submitted**
- 7. Submission of a contaminated land survey**
- 8. Details of external lighting to be submitted**
- 9. Dust control scheme to be submitted**
- 10. Piling method statement to be submitted**

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

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





Application No: 16/2732N

Location: Greenbank Cottage, Welshmans Lane, HENHULL, Nantwich, Cheshire, CW5 6AB

Proposal: Plot substitution [Change of house type from the previous application 13/4656N] for the creation of 19 dwellings

Applicant: Mr Sam Leuty-Milner, Tesni Properties Limited

Expiry Date: 21-Sep-2016

**SUMMARY:**

The site is designated as being within Open Countryside in the adopted local plan, however permission for the 19 dwellings was granted on appeal in June 2015. The principle of residential development on the site has therefore been established.

The proposal only seeks permission for changes to the approved house types, therefore the relevant issues are design and amenity.

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

**RECOMMENDATION:**

**Approve subject to conditions subject to the completion of a Section 106 Agreement to secure a contribution to primary education and affordable housing provision**

**PROPOSAL**

This application seeks full planning permission for the creation of 19 dwellings of different house types to those approved under application 13/4656N.

The dwellings would comprise 4, one bedroom flats, 1, three bedroom house, 9, four bedroom houses and 5, five bedroom houses. A single access would be taken from Welshman's Lane, ending in a turning head at the end of the site.

**SITE DESCRIPTION**

The application site is an area of land to the east of Welshman's Lane, Nantwich. There was previously a detached cottage occupying the most southerly part of the site, however this has now been demolished. It is a relatively flat site with allotments to the north and residential dwellings to the south.

To the north is the Kingsley Fields site (13/2471N), where an outline application for up to 1,100 dwellings and other facilities has been approved. There is however land between the application site and the Kingsley Fields site.

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

## **RELEVANT HISTORY**

13/4656N Appeal allowed for demolition of Greenbank Cottage and the erection of 19 dwellings – 22<sup>nd</sup> June 2015

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

### **Development Plan:**

#### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

The relevant Saved Policies are: -

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

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

#### **Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (CELP)**

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

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability  
SC 4 Residential Mix  
SC 5 Affordable Homes  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
PG6 Spatial Distribution of Development  
EG1 Economic Prosperity

### **CONSULTATIONS:**

#### **Highways:**

No objection.

#### **Environmental Protection:**

Recommend informatives relating to noise and contaminated land.

#### **Nantwich Town Council:**

Object to the proposal on the grounds of density, scale, layout and design.

#### **Henhull Parish Council:**

Object to the proposal on the grounds of increased density.

### **REPRESENTATIONS:**

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

At the time of report writing representations from 3 properties have been received which can be viewed in full on the Council website. The objections raise the following concerns:

- Incorrect plans
- Trees
- Loss of habitat
- Amenity
- Car parking
- Impact on wildlife
- Privacy and overlooking
- Flood risk
- Highway safety

### **APPRAISAL**

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

#### **Principle of Development**

The principle of allowing residential development on this site was established when the appeal on application 13/4656N was allowed.

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**

### **Landscape and Trees**

Thirty one individual trees and fourteen groups of trees were surveyed and identified within the impact assessment. In terms of BS5837:2012 the majority of the trees have been categorised as moderate value (Cat B) however, in some instances these should be downgraded to C especially those mature trees located on the northern allotment boundary which have been poorly managed previously. All three mature trees (T1, 4, and 6) present significant signs of reduced vigour and vitality. The trees have deteriorated since the last inspection with Inonotus fungal brackets evident, bringing into question the structural

integrity of all three trees given the present hazard potential associated with the adjacent allotments and the proposed development and domestic garden curtilages.

The application identifies the loss of three trees (T9, 11 & 12) from the south east corner of the site. All three appear to have established as multi stemmed coppiced re-growth which may have been predicated as a result of historic electricity line management. Whilst access to examine the trees in detail is difficult given the on site constraints the generic tendency of the respective species to form included bark unions, and associated long term potential structural weakness make them un-suitable for formal protection. Evidence of decay and an associated fungal bracket was noted on the stem of T12. The close proximity of an existing H electricity pole and associated equipment will also necessitate the ongoing management and significant cutting back of T9.

None of the remaining trees identified for removal are considered worthy of formal protection.

### **Ecology**

One tree, T1 has been identified as having high bat roost potential. This tree has two bat boxes attached which were installed as mitigation for the loss of a bat roost associated with the recently demolished cottage on this site. This tree is stated as being retained as part of the development proposals. Due to the poor condition of this tree it may be that future occupiers wish to undertake works to make this safe at some time in the future, it is likely that this could be achieved without compromising the tree's bat roost potential.

It is therefore recommended that a condition be attached ensuring that no works are carried out to this tree without consent.

Three other trees have been identified as having low bat roost potential. Two of these trees are proposed for removal. It is considered that the removal of these trees is unlikely to affect roosting bats. The submitted report however recommends, in accordance with best practise, that these trees be felled over the winter period.

Evidence of Badger activity was recorded on site including some potential setts which appeared disused. Based on the current level of badger activity, it is considered that Badgers are unlikely to be significantly affected by the proposals. However, as the status of the setts on site could change in a short timescale it is recommended that if planning consent is granted, a condition should be attached which requires an updated Badger survey to be submitted prior to the commencement of development.

Hedgerows are Biodiversity Action Plan priority habitat and a material consideration. It is likely that the proposals will result in the loss of hedgerows from the Welshman's Lane frontage. It is recommended that if planning consent is granted suitable replacement native hedgerow planting is secured as part of any detailed landscaping scheme for the site. This would also ensure that the loss of bat foraging and commuting habitat is minimised.

### **Design & Layout**

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

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

The proposal is for a development of 19 dwellings set out in the form of a cul-de-sac, very similar to that approved at appeal. The Inspector at the appeal did say that it would create a relatively suburban layout, however he considered that suitable planting and the retention of the remaining boundary hedges would soften this and as such he considered it to be acceptable.

The proposed dwellings are of a traditional design with gable features and pitched roofs. The materials to be used are brickwork to the lower floors with timber boarding above which is considered to be acceptable in this context.

When comparing the approved development with the one proposed in this application, it should be noted that the proposed layout is very similar to that approved and the houses are two-storey dwellings with a mix of one, three, four and five bedroom dwellings, as was the case with the previous application, this is shown in the presentation. As such a reason for refusal on these grounds could not be sustained.

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

### **Highways**

From a highways perspective, the access and layout largely reflect the previous application 13/4656N for which there was no highways objection.

Footway access should be conditioned as was the case of the previous application.

No objection is raised by the Head of Strategic Infrastructure subject to this condition and informatives relating to the adoption of the road and the footway.

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

### **Air Quality**

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. As such a condition should be imposed requiring electric vehicle charging points for each new dwelling.

### **Drainage**

There were no technical objections on drainage grounds to the approved scheme and the Inspector considered it necessary to impose a condition requiring drainage details to be submitted, prior to commencement of development. This condition should be imposed if permission is granted for the proposed development.

## **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 help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

The site is close proximity to Nantwich town centre with all the facilities and services that are available there.

### **Affordable Housing**

The affordable housing provision of 5 dwellings was secured by Section 106 Agreement, when the previous application was granted on appeal. This should be carried forward into the new legal agreement.

### **Residential Amenity**

The proposal is for 19 dwellings on this site. The required separation distances would be achieved between the existing and proposed dwellings, meaning that there would be no significant adverse impact on privacy or light levels.

As originally submitted, there were balconies proposed on some of the properties that would have overlooked neighbouring gardens. These have now been removed.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

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

### **Health**

There are at least 10 medical centres within 0.5 to 5 miles of the site, all of which are accepting patients. As such a contribution to health care could not be justified.

### **Education**

On the previous application requests were made for contributions to primary and secondary education. As part of the appeal the Inspector concluded that a contribution to primary education could be justified, but not the contribution to secondary education.

## **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

During the application process it was pointed out that the site edged red included land that was not in the ownership of the applicant. Revised plans were submitted to address this issue.

## **S106 Contributions:**

### **LEVY (CIL) REGULATIONS**

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

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

As explained within the main report, contributions to primary education are directly related to the development and fairly and reasonably related in scale and kind to the development. The provision of affordable housing is also necessary. These would help to make the development sustainable.

## **Conclusion – The Planning Balance**

The site is designated as being within Open Countryside in the adopted local plan, however permission for the 19 dwellings was granted on appeal in June 2015. The principle of residential development on the site has therefore been established.

The proposal only seeks permission for changes to the approved house types, therefore the relevant issues are design and amenity.

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

## **RECOMMENDATION**

**Approve subject to the conditions listed below and the completion of a s106 Agreement for a contribution of £32,536.00 to primary and the provision of 30% affordable housing.**

- 1. Commencement of development**
- 2. Approved plans**
- 3. Details of materials to be submitted**



4. Retention of trees identified for retention within the site
5. Submission of tree protection measures
6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
7. Provision of one electric vehicle charging point for each dwelling
8. Submission of details of foul and surface water drainage
9. Submission of details of hard and soft landscaping
10. Implementation of landscaping scheme
11. Protection for breeding birds
12. Incorporation of features for breeding birds
13. Submission of details of external lighting
14. No works to be undertaken to Tree T1, located within the garden of Plot 1 without written agreement of the LPA
15. Updated Badger survey to be submitted prior to commencement of development

**Informatives:**

- I. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
- II. The applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.
- III. The applicant will be required to enter into section 278 agreement for the proposed footway works.

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

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following Heads of Terms for a 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 School Education Contribution of £32,536.00



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Application No: 16/5848C

Location: 35, WOODSIDE AVENUE, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2DL

Proposal: Change of use of an existing double garage into a two bedroom dwelling house, including the provision of a new pitched roof.

Applicant: Mr Steve Mellor

Expiry Date: 30-Jan-2017

**Summary**

The site is within the Settlement Zone Line of Alsager where there is a presumption in favour of development.

From an economic sustainability perspective, the scheme will assist in the local building business and bring economic benefits to Alsager town centre.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, bin storage provision, and traffic generation terms. It would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

**RECOMMENDATION:**  
**Approve subject to Conditions**

**CALL IN**

The application has been called in to Committee by Cllr Martin Deakin on the following grounds:

*1) It is contrary to section 6 paragraph 48 of the NPPF, "Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such*

*sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance of development should be realistic having regard to the Strategic Housing Land Availability Assessment , historic windfall delivery rates and expected future trends, and should NOT include residential gardens". This application constitutes an example of such "garden grabbing" and was the principle factor in the Town Council's objection.*

*2) The proposed highway entrance is considered unacceptable and will result in highway safety concerns. The proposed development would include a shared access and it is also believed that the application will have an adverse environmental impact on the area's wildlife. This will result from the loss of the existing garden land which will harm the local wildlife habitat.*

### **DESCRIPTION OF SITE AND CONTEXT**

The site is located in Alsager in a wider area of established housing. The site is located within the rear garden of an existing two storey end terraced house (35) which has been converted to two, one bedroom self contained flats. To the east of the application site lies East Court Garage access road (un-adopted).

The site is within the Alsager Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review (2005).

### **DETAILS OF PROPOSAL**

This is a full planning application for the creation of a two bedroom dwelling in the rear garden of 35 Woodside Avenue, Alsager. The dwelling would be created from a disused garage on the site, which is falling into disrepair. A new pitched roof would be added to the building and it would be converted to a two bedroom dwelling.

### **RELEVANT HISTORY**

16/1307C – Two semi-detached dwellings (Land rear of 31A Woodside Avenue) - Approved 11<sup>th</sup> May 2016

### **POLICIES**

#### **National Policy**

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

#### **Local Plan Policy**

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, Servicing and Provision of Parking  
H2 – Provision of New Housing Development

### **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:

MP1 - Presumption in favour of sustainable development,  
PG1 - Overall Development Strategy,  
PG6 - Spatial Distribution of Development,  
SD1 - Sustainable Development in Cheshire East,  
SD2 - Sustainable Development Principles,  
SE1 – Design,  
SE2 - Efficient use of land,  
SE3 - Biodiversity and geodiversity,  
SE4 - The Landscape,  
SE9 - Energy Efficient Development,  
SE12 - Pollution, Land contamination and land instability,

### **CONSULTATIONS (External to Planning)**

**Highways:** No objection.

**Environmental Health:** No objection subject to conditions/informatives relating to piling, hours of construction, contaminated land and air quality.

#### **Alsager Town Council:**

Objects to the proposal on the grounds of over-development, 'garden grabbing', highway safety and wildlife.

### **OTHER REPRESENTATIONS**

None received at the time of report writing.

### **SUSTAINABILITY**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

### ENVIRONMENTAL ROLE

#### Principal of Development

The site is located within the Settlement Zone Line of Alsager, where there is a presumption in favour of development. It is surrounded by residential properties and has good access to services and facilities. Therefore it is considered that the principle of the development is acceptable and the development would be appropriate in this location.

#### Design

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

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

The building would take the form of a dormer bungalow, which is considered to be acceptable in its context. It would be constructed from traditional materials that are considered appropriate.

The dwelling would be sited within the rear garden of number 35 Woodside Avenue, to which the Town Council has objected. However, it should be noted that approval has been granted for two dwellings in the rear garden of 31A Woodside Avenue, which is next door but one to the site. As such it would be difficult to justify a reason for refusal on these grounds.

#### Landscape



The site is currently very over grown with vegetation and it is not an attractive feature in the local area. The proposal would result in the site being cleared and landscaping and boundary treatments can be controlled by condition and it is therefore considered that the appearance of the area would be improved..

### **Highways Implications**

The parking provision is to standard and the residential access would be off an unadopted road. A number of properties off this track have previously been approved and the width of the track just off Moorhouse Ave is narrow, and should be widened to at least 4.25m for a length of at least 5m from the extent of highway (edge of footway). Visibility onto the adopted road of Moorhouse Avenue is adequate.

No objection is raised by the Head of Strategic Infrastructure with the condition that prior to occupation, the access track is widened as described above. This would be completed via a s184 Agreement.

### **Ecology**

The Town Council and local Ward Member have raised the issue of the impact on wildlife from the development. Whilst the site is over grown it is not considered to contain any significant habitats. The Council's Principal Nature Conservation Officer has assessed the application and concluded that there would not be any significant ecological issues associated with the proposed development.

### **Environmental Role Conclusion**

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

### **ECONOMIC ROLE**

The proposal would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

### **SOCIAL ROLE**

#### **Housing**

The proposed development would provide one open market dwelling within the established settlement boundary of Alsager which is a social benefit.

#### **Amenity**

The proposed dwelling would be 13.4m away from the rear extension at number 35 Woodside Avenue. Whilst this would not meet separation distances, given the fact that there are no windows proposed in the first floor level of the proposed dwelling, the fact that it would be set at a lower level than this property and the fact that boundary treatments could screen views between ground floor windows, it is not considered that a refusal on these grounds could be sustained.

With regards the residential amenity of future residents, adequate amenity space (65sqm) would be provided for future occupiers of the proposed dwelling.

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

The rear garden would be over looked by windows on number 35 Woodside Avenue, however this is not considered to be significantly detrimental in amenity terms. In addition this is a marketing issue for the developer. Weighed into the balance this issue is also outweighed by the benefits of providing additional housing within the settlement boundary.

Environmental Protection have requested information relating to noise from the neighbouring electricity sub-station. Following a site visit it was noticed that this building did not appear to generate noticeable noise levels, as such it is considered that this can be controlled by condition.

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

### **PLANNING BALANCE**

The site is within the Settlement Zone Line of Alsager where there is a presumption in favour of development.

From an economic sustainability perspective, the scheme will assist in the local building business and bring economic benefits to Alsager town centre.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, bin storage provision, and traffic generation terms. It would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

### **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

**And the following conditions:**

1. **Standard time 3 years**
2. **Approved Plans**
3. **Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
4. **Submission and approval of details of materials**
5. **Landscaping details including boundary treatment to be submitted and approved**
6. **Implementation of landscaping**
7. **Submission of a noise assessment**
8. **Provision of an electric vehicle charging point**
9. **If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.**

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



Application No: 16/4408N  
Location: Land At, CHESTER ROAD, ALPRAHAM  
Proposal: Outline application for proposed 2no. residential dwellings  
Applicant: Mr & Mrs D Evans  
Expiry Date: 08-Dec-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 and although it would provide 2 dwellings it is not 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 limited 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

**APPROVE with conditions**

## REASON FOR DEFERRAL

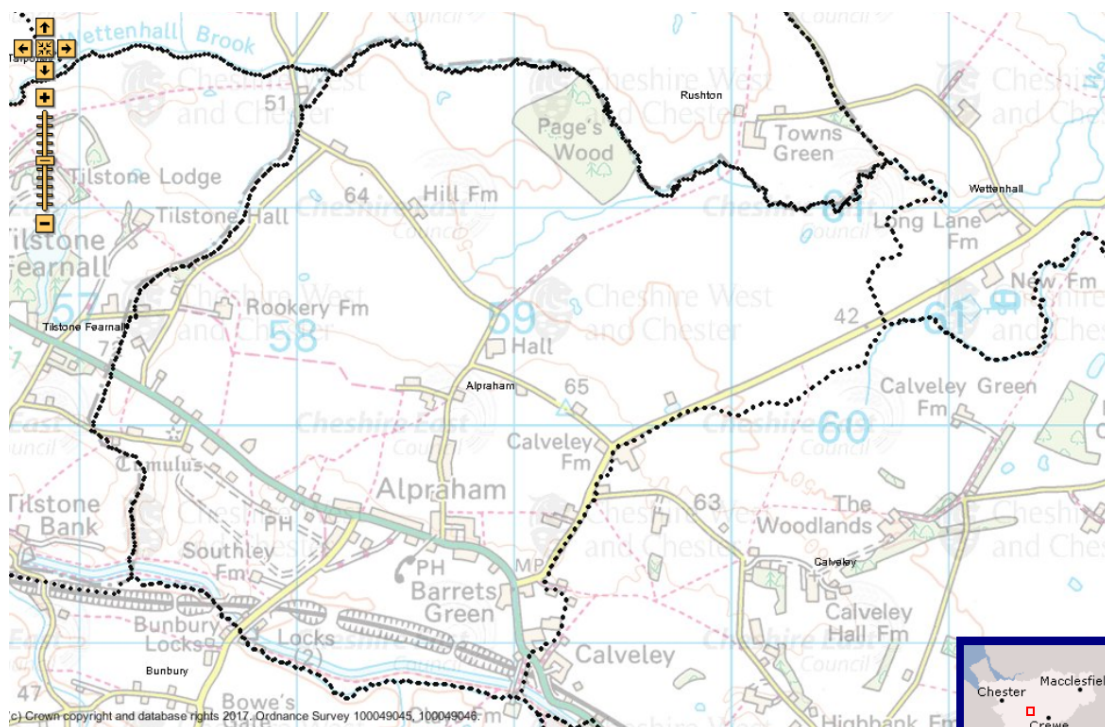
Departure from the Local Plan

## UPDATE SINCE PREVIOUS COMMITTEE

The application was deferred by members at the 21<sup>st</sup> December 2016 planning committee to consider further information in relation to the existing approved developments in Alpraham in terms of the cumulative impact of the development.

Therefore as requested the case officer has searched for all applications approved in the last 3 years within the Alpraham boundary, this has identified that 51 new dwellings have been approved.

2011 census data identifies that the population for Alpraham Parish was 407 people from 162 households. Therefore when added to the previous planning approvals there has been an increase in households by 31.4%, with the current proposal equating to 32.7% increase in the total number of households which equates to a 1.3% increase.



## **PROPOSAL**

The proposal seeks outline consent with all matters except access for the erection of 2 detached dwellings.

## **SITE DESCRIPTION**

The application site comprises an open field in this open countryside location. The area consists of predominantly residential properties in a row of ribbon development.

The nearest residential properties are sited to the north, south and west of the site. Land level drops from the road into the site and also drops to the east

There is no existing access. The boundary treatment consists 1m high planting to Chester Road to the north, 1.6m high hedge to the boundary shared with Jasmine Cottage to the west, 1m high post and rail fence to the east and trees/planting to the southern boundary.

No significant trees are located on the site.

## **RELEVANT HISTORY**

No relevant planning history

## **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

## **CONSULTATIONS**

### **Highways (Cheshire East Council)**

No objection

### **Environmental Protection (Cheshire East Council)**

No objection subject to the following conditions:

- 1) Dust control measures
- 2) Contaminated land
- 3) Working hours for construction

### **United Utilities**

No objection subject to the following conditions:

- 1) Foul and surface water drainage
- 2) Sustainable Drainage System

### **Alpraham Parish Council**

The application would require an additional access point onto the already busy A51. We note the original plan of the applicant was to use a single access for both properties and this was advised against at pre-application. This would, in our opinion, have been a more appropriate solution to minimise access onto this busy main road. The Parish Council has ongoing concerns regarding the sewage disposal in this area and the management of soakaway systems into surrounding drainage has been an issue for some years. These properties would appear to



contribute to this issue and would have a negative effect on surrounding properties and the general sanitation and drainage in the area.

## REPRESENTATIONS

3 letters of objection have been received raising the following points:

- Inadequate neighbour consultation
- Request an extension of time for neighbour comments
- Drainage concerns
- Traffic and parking concerns
- Loss of privacy
- Loss of outlook
- Overbearing impact
- Noise and disturbance
- Not considered to constitute an in-fill development
- No need for houses of this type
- Impact to wildlife

## APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Amenity
- Impact on trees/important landscape features
- Character/appearance
- Highway safety

## 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. The issue of whether or not the proposal is sited within an otherwise built up frontage is finely balanced as it has properties sited to the north, west and south with open land to the east and south-west. On balance given the absence of building to the east and south-west of the site, it is not considered to be sited in an otherwise built up frontage.

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**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the

extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **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.

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:

- Post Box (500m) – 500m
- Amenity Open Space (500m) – 300m
- Children’s Play Space (500m) – 300m
- Outdoor Sports Facilities – bowling green 200m
- Public House (1000m) – 200m & 500m
- Bus Stop (500m) – x3 No. bus stops either side of the road all within 200m)
- Public Right of Way (500m) (Bridleway BR13 – 125m and Public Right of Way Alpraham Footpath FP4 – 300m)

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

- Post Office (2.1 miles)
- Primary School (1000m) site within Calveley Primary Academy – 2.8 miles
- Secondary school (1000m) Site with catchment area of Tarporley High School and 6th Form – 2.3 miles

Not provided

- Leisure Facilities (Leisure Centre or Library) (1000m)
- Child Care Facility (nursery or crèche) (1000m) Pharmacy (1000m)
- Railway station (2000m where geographically possible)
- Bank or cash machine (1000m)
- Supermarket (1000m)
- Secondary School (1000m)
- Medical Centre (1000m)
- Convenience Store (500m)
- Local meeting place (1000m)

Based on the above figures the proposal meets 7 out of the 20 elements appraised. This assessment identifies that the site would not be located near to a number of key services including child care, schools, or medical centre, which are located in Bunbury village.

However on the other hand the site is in close proximity to Alraham Village (12m outside settlement boundary) and facilities including play area, sports facilities and public house. The number 84 bus route also passes the site and this has a service to Chester, Tarporley, Crewe and Nantwich every hour Monday to Saturday but with a slightly reduced service on Sunday until approx. 5pm. The bus stop is located 20m to the east of the site which is assessable by footpath. As a result many of the services in these centres would be readily available without the need for car travel.

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

It is noted that an appeal decision for a site in Alraham (ref 15/2514N), concluded that particular site was not sustainable. However that site was further away from both the settlement boundary and the application boundary by some way (700m away to the west from the current application site) and the bus route was not assessable by public footpath. The current proposal is much closer to the settlement boundary and to bus stop is located 20m from the site via footpath. In this case therefore it is considered that a different conclusion is justified and this has been supported by a number of planning decisions which have been approved by Southern Planning Committee.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

### **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 settlement boundary to the north which would limit the actual visual impact.

However notwithstanding the actual visual impact, the proposal would result in the loss of open countryside which has limited weight against the proposal.

### **Landscape**

Based on the layout and indicative property designs and potential for additional planting, the landscape and visual appraisal concludes to the effect that the site has the capacity to absorb the proposed changes without any significant effects on the surrounding landscape or on the visual amenity of adjacent receptors.

Whilst the anticipated effects appear to be localised, adverse visual effects have been identified for users of Nantwich Road and Bunbury Road together with a number of residential properties close to the site. The effects are all categorised as negligible in the report. Development of the site would alter the character of the site removing an open area of agricultural land from the street scene.

Should the proposals be deemed acceptable, a reserved matters application would need to provide comprehensive details of proposed levels, (supported by sections showing existing and proposed). The height of buildings would need to be considered carefully at reserved matters stage.

In order to assess screening, a detailed landscape proposal should also be submitted with a final layout design which again can be assessed at reserved matters stage.

Finally it is considered necessary to attach a condition to any planning approval requiring the retention and protection of the roadside hedge (apart from the access points).

### **Trees**

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

There are no trees on the site, therefore it is not considered to pose any threat to existing trees on site. However the proposal is considered an opportunity to provide some additional planting to soften the visual impact of the development which can be addressed at reserved matters stage.

### **Design**

An illustrative site plan has been provided which attempts to show one possible way in which the site may be developed. The plan indicates that the properties could be accommodated on site in a way which respect the existing property build lines and therefore would not be overly prominent in the street scene.

No details have been provided indicating the type of properties, the height or appearance. These issues would be addressed at reserved matters stage.

The locality contains a mixture of property style, types, sizes and design therefore it is considered that the site could accommodate either 2 storey or bungalow properties in the street scene without causing significant harm to the existing pattern of built form.

The illustrative plan demonstrates that the properties could be accommodated on site whilst respecting the existing urban grain and with property width and plot fills which would be comparable with other properties in the locality.

The material pallet of the area is mixed Cheshire brick/render walls & slate/tiled roofs. It is therefore considered that a continuation of these materials would be appropriate to the setting, however again this would be addressed at reserved matters stage.

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 proposal has been assessed by the Councils Highways Engineer who is satisfied that the proposed access could safely be accommodated, with adequate space within each plot for off-street parking provision to be in accordance with CEC minimum standards and for all vehicles to enter and exit each plot in a forward gear.

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 not raised any objection subject to conditions regarding foul and surface water drainage and sustainable drainage systems.

Subject to the above conditions it is not considered that the proposal would result in any concerns from a flood risk perspective.

### **Ecology**

A supporting Phase 1 Habitats Report has been provided which has been assessed by the Councils Ecologist who advises that he is satisfied with the survey and ecological assessment of the site and risk to protected species. The Councils Ecologist is satisfied that the risk to protected species is negligible, however he recommends a condition pertaining to breeding birds, should the Council be minded to approve the application.

Therefore subject to the above conditions it is not considered that the proposal would pose 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 provision of 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.

The proposed dwellings are shown as being sited 28m to properties at Vine Tree Farm to the north and 35m to the nearest facing windows of the nearest property to the south Amberlee. These separation distances comply with Council separation policy of 21m (main face to main face) and are not therefore considered to cause any significant harm to living conditions. Whilst representations have been received regarding loss of view/outlook it should be noted that the properties are shown as being sited 10m to the boundary shared with Amberlee and 19m to the boundary shared with Vine Tree Farm, these distances are significant to prevent any significant harm through loss of outlook/overbearing impact.

The proposed dwellings are shown as being sited 15.5m to the windowless side elevation of Jasmine Cottage to the west. This separation distance complies with Council separation policy of 13.5m (main face to side elevations) and is not therefore considered to cause any significant harm to living conditions.

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**

Loss of a view is not a consideration relevant to the determination of a planning application.

Issues of noise and disturbance during construction can be dealt with by an informative which limits working hours. It is not considered that residential use of the property would result in any significant harm through noise and disturbance.

## **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 limited 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 proximity 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.

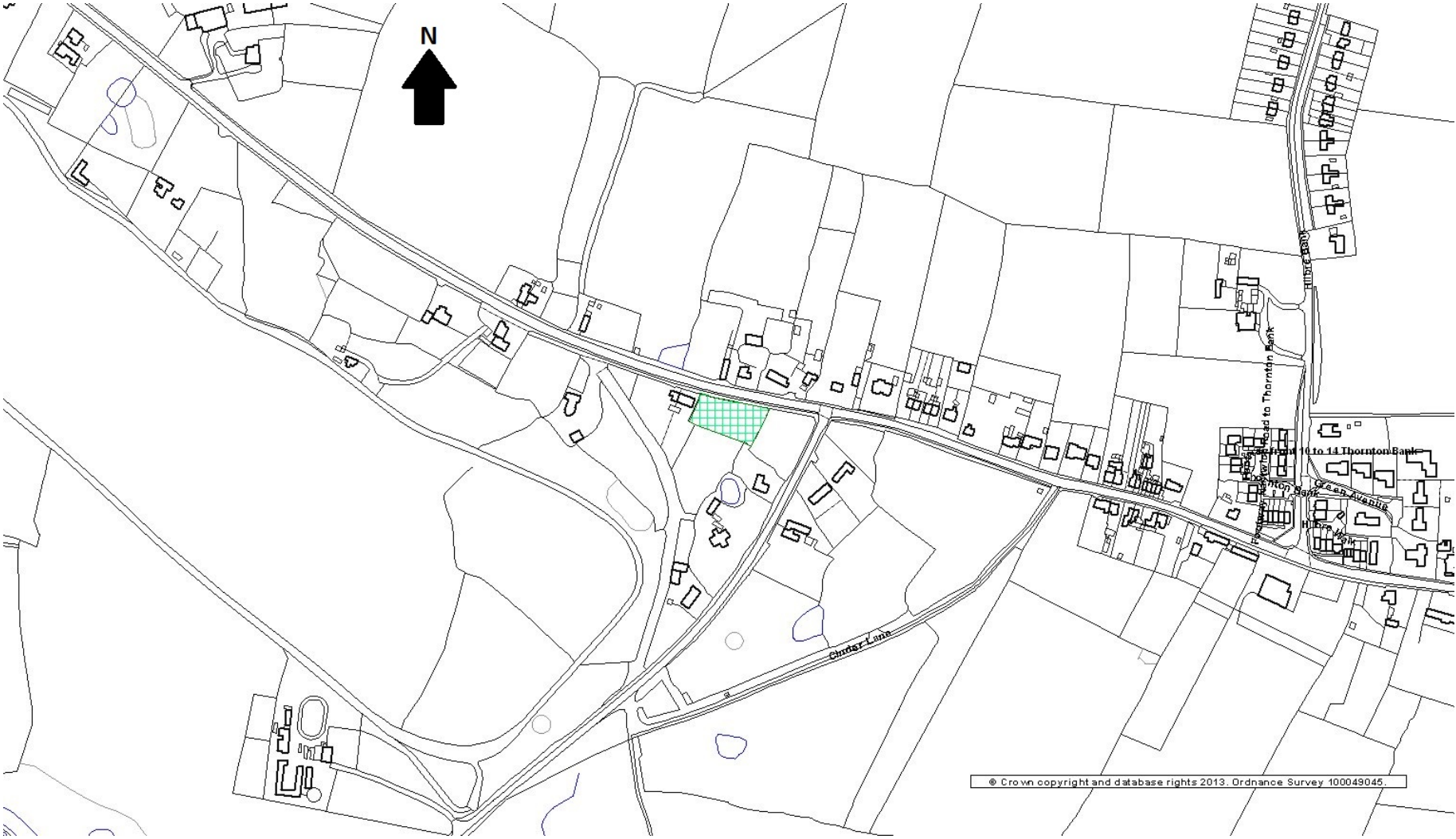
## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**
- 5. Reserved matters application to include dust control measures**
- 6. Submission / Approval of Information regarding Contaminated Land**
- 7. 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.**
- 8. No development should commence on site until such time as detailed proposals for foul and surface water drainage have been submitted to and agreed in writing**
- 9. Nesting bird survey measures to be submitted and approved**
- 10. The reserved matters application shall include a landscaping plan for the site including a scheme to secure the retention and protection of the roadside hedge**

**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.**



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Application No: 16/5403N

Location: The Wig Centre, 166 Edleston Road, Crewe, CW2 7EZ

Proposal: Proposed change of use from ground floor shop and first floor residential use into a 8 Bedroom Sui Generis HMO property.

Applicant: Matthew Little, Aevum Investments Ltd

Expiry Date: 09-Jan-2017

**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 highway safety, design 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 proposal would create additional residential accommodation in a sustainable location within close proximity to the Town Centre.

**RECOMMENDATION:**

**Approve subject to conditions**

**REASON FOR CALL IN**

The application has been called in to Committee by Councillor Hogben. The reasons are as follows:

- Total absence of parking provision with resulting impact on surrounding area, where on-street parking leads already to congestion.
- Complete absence of provision within the application for waste storage and collection, with likely resulting impact on surrounding area which is already a fly tipping hot spot in Crewe
- Concerns about room sizes and the amenity of any future residents of the proposed HMO
- Proposed government reforms to HMO licensing which will be intended to tighten up requirements, and are currently subject to consultation

- Unacceptable increase to HMO density within the area, with policy implications for Cheshire East Council that should be addressed within any future Local Plan

### **PROPOSAL**

The application is for the change of use from ground floor shop and first floor residential flat into an 8 Bedroom House in Multiple Occupation (HMO)

The ground floor would house x3 bedrooms, shared bathroom, bike store, utility room and a communal area, the first floor would house x3 bedrooms, TV room and shared bathroom and the 2<sup>nd</sup> floor would house x1 bedroom. There would be two accesses to the building, one on the front and the other to the rear however this would only be available to bedroom 4.

No external alterations are proposed.

### **SITE DESCRIPTION**

The application site is located 265m south of the Crewe Town Centre Boundary and within the Crewe Settlement Boundary. The property is a mid terraced two-storey unit with a flat roof. At ground floor is a retail unit with flat above. At the rear is a small courtyard area.

The locality consists of mixed residential and commercial uses with residential to both sides and rear and public house to the front.

### **RELEVANT HISTORY**

Various alterations and extensions to the existing shop however none are relevant to the current proposal. The most relevant applications as follows:

- 16/1109N – Prior approval for change of use from retail premises on the ground floor only to making the entire building residential (planning permission not required 26<sup>th</sup> April 2016)
- 16/1152N – Prior Approval for Change of Use of the ground floor from retail premises back to residential use, making the entire building residential (withdrawn )

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14 and 19.

#### **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 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
EG1 Economic Prosperity

### **CONSULTATIONS:**

**CREWE TOWN COUNCIL:** Object due to the lack of any parking for 7 accommodation units. If this application is approved it is important that compliance with HMO Licencing requirements are regularly checked and enforced

**Highways:** No objection

**Environmental Protection:** No objection subject to the following conditions/informative:

- 1) Scheme of glazing/Ventilation
- 2) Trickle vents
- 3) Working hours for construction
- 4) Contaminated land

**Housing Standards & Adaptations:** No objection

**ANSA:** No objection

### **REPRESENTATIONS:**

None received at the time of writing the report

### **APPRAISAL**

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

#### **Principle of Development**

The site lies in the Settlement Zone Line 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**

### **Crewe Town Centre**

The proposal site is situated outside of the Town Centre Boundary as per the Crewe and Nantwich Replacement Local Plan 2011. As a result it is not considered that the loss of the existing retail use and replacement with housing would pose any threat to the overall vitality/viability of the town centre.

It could be argued that the replacement x8 bedrooms would in fact have a positive effect on the town centre given the spending power of the future occupants.



## **Highways**

Car ownership data for rented apartments in this location indicates that for a development of this size around 3 or 4 cars will be owned by residents. The existing commercial and residential uses will have also generated vehicle trips and on-street parking demand, reducing the net impact of this proposal.

There are existing Traffic Regulation Orders outside the site on Edleston Road restricting on-street parking on this through route.

Vehicles would park on the adjacent residential streets but the impact of this proposal over the existing use will be minimal.

Shared cycle storage has also been proposed as part of this application.

Therefore the proposal is not considered to cause significant harm from a highway safety perspective.

## **Design**

No external alterations are proposed therefore it is not considered that the proposal would cause any visual harm to the overall character/appearance of the area.

## **Amenity**

Residential properties are sited to both sides and rear therefore the proposed use is a complimentary use. Furthermore, the Environmental Health department have raised no objections however, have requested specific conditions in relation to glazing/ventilation to deal with noise/fumes for future occupants, and this is considered to be reasonable given the siting facing the road and siting in an air quality management area.

The property does seek to provide some limited private amenity space to the rear and the location of the site also gives easy access to indoor and outdoor recreation facilities with the nearest park being located 450m to the south of the site (Westminster Street Park). Therefore it is considered that future occupants will be able to enjoy amenity space either on site or in the parks locally.

There is space available for cycle, refuse and domestic storage, communal kitchen and clothes drying. It is therefore considered that the proposed change of use is acceptable in terms of the impact to the surrounding residential properties and would provide suitable living conditions for future occupants.

## **Bin storage/waste collection**

Bin storage would occur in the existing garage and would be wheeled out to the alley way to the rear on Lawton Street on bin collection day. ANSA have been consulted and have raised no objection on this basis.

## **Housing standards**

The amenities and facilities are compliant with housing legislation and the landlords will be required to submit an application for a licence from the Council to operate this as an HMO. The table below details the proposed room sizes which have been considered by the Housing standards and adaptations team who have advised that they have no objections to the proposal.

| Floor level           | Room size |
|-----------------------|-----------|
|                       |           |
| Ground floor          |           |
| Bedroom 1             | 10.7sqm   |
| Bedroom 2             | 9.6sqm    |
| Bedroom 3             | 9.6sqm    |
| Bedroom 4             | 9.7sqm    |
|                       |           |
| 1 <sup>st</sup> floor |           |
| Bedroom 1             | 19.9sqm   |
| Bedroom 2             | 10.1sqm   |
| Bedroom 3             | 10.9sqm   |
|                       |           |
| 2 <sup>nd</sup> floor |           |
| Bedroom 1             | 20.3sqm   |

## ECONOMIC SUSTAINABILITY

The proposal would create economic benefits from the spending power of the future occupants.

## SOCIAL SUSTAINABILITY

The proposal would create additional residential accommodation in an accessible location close to the town centre.

## Conclusion

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 highway safety, design 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 proposal would create additional residential accommodation in a sustainable location within close proximity to the Town Centre.

## RECOMMENDATION

**Approve subject to the following conditions:**

1. 3 years commencement
2. Compliance with approved plans
3. Materials as specified
4. Details of ventilation
5. Details of glazing
6. Details of acoustic trickle vents / wall ventilators
7. Refuse and cycle storage to be provided as shown

**Approve subject to the following Informative:**

1. Working hours for constructions
2. Contaminated land

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the 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: 16/5562C

Location: Rectory Farm, OLD KNUTSFORD ROAD, CHURCH LAWTON, ST7 3EQ

Proposal: Outline application for the erection of up to 5 residential dwellings, with primary access defined up to 20 metres, ancillary facilities and associated infrastructure. All matters reserved except access.

Applicant: North West Heritage Ltd

Expiry Date: 12-Jan-2017

**SUMMARY**

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

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

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

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

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

**RECOMMENDATION**

**APPROVE subject to conditions**

**REASON FOR REFERRAL**

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

*'I have been asked by local residents to request that this application be called in on the grounds that the site falls outside the settlement line, it encroaches into the Green Belt, it is in contravention of the opinion of the planning inspector in a previous appeal with regard to flooding, and that views from the canal would be affected. The application should have the*

*opportunity to be heard by the committee to enable members of the community to be heard in an open forum’.*

### **PROPOSAL**

This application seeks outline planning permission to erect 5 dwellings including access. All other matters such as appearance, landscaping, layout and scale are not sought for approval at this stage.

### **SITE DESCRIPTION**

This application relates to the former Rectory Farm situated to the northwest of Church Lawton and to the east of the Town of Alsager.

Rectory Farm and its associated outbuildings fall within the infill boundary line of the adjacent settlement and has recently been granted planning permission for the erection of 5 dwellings (16/1612C & 16/4182C). The current application relates to the northern section of this site, which falls within Green Belt as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is bound to the north by a brook beyond which is the Trent and Mersey Canal which occupies an elevated position relative to the northern end of the site. The site is bound to the east and south by residential properties forming the Lawton Gate settlement. To the west is Old Knutsford Road, which runs parallel with the A50. The southern portion of the site accommodates the main rectory farm dormer bungalow, a detached dormer ancillary outbuilding and some detached barns / stables towards the rear (most of which are currently being demolished).

The levels of the site drop away significantly where the curtilage for Rectory Farm ceases. The land slopes downwards towards the brook where there are some trees and planting. This part of the site is open with views afforded across the site from the adjacent canal towpath to the north.

### **RELEVANT HISTORY**

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

12/3016C – Outline Application for New Residential Development and Access Roads for up to 31 residential units – refused 13<sup>th</sup> March 2013 as considered inappropriate development in the Green Belt

13/2136C – Outline application for demolition of house, garage, barns and outbuildings, removal of hardstanding and construction of housing development – approved – approved 27<sup>th</sup> August 2013

15/4073C – Variation of Condition 3 (Approved Plans) and Removal of Condition 5 (Affordable Housing) on Application 13/2136C for demolition of house, garage, barns and outbuildings, removal of hardstanding and construction of housing development – approved 26<sup>th</sup> November 2015

16/1612C – Variation or removal of conditions 2, 4, 5, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, and 22 on application 15/4073C - Variation of Condition 3 (Approved Plans) and Removal of Condition 5 (Affordable Housing) on Application 13/2136C for demolition of house, garage, barns and outbuildings, removal of hardstanding and construction of housing development – approved 27<sup>th</sup> June 2016

16/4182C – Demolition of existing buildings and construction of one new dwelling – approved 8<sup>th</sup> November 2016

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

14 - Presumption in favour of sustainable development, 17 – Green Belt protection, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design and 79-92 – Protecting Green Belt Land

### **Development Plan**

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

The relevant Saved Policies are:

PS7 – Green Belt, GR1 New Development; GR2 Design, GR4 Landscaping, GR6 Amenity and Health, GR9 Accessibility, Servicing and Parking Provision – New development, GR20 Public Utilities, GR21 Flood Prevention, GR22 Open Space Provision, NR1 Trees and Woodlands, NR2 Wildlife and Nature Conservation – Statutory Sites, H1 Provision of New Housing Development, H6 Residential Development in the Open Countryside and the Green Belt

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG3 – Green Belt, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management and CO1 - Sustainable Travel and Transport

### **Supplementary Planning Documents:**

North West Sustainability Checklist

**CONSULTATIONS**

**Highways** – No objection subject to single access condition

**Environmental Protection** – No objection subject to conditions regarding piling, electric vehicle charging points, travel information pack, dust control, contaminated land and working hours for construction sites

**United Utilities** – No objection subject to conditions regarding foul and surface water drainage

**Canal and River Trust** – No objection

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

- Principle – application site is within the Green Belt and not considered to be infill
- Loss of openness and rural character
- Contrary to previous appeal decision
- Drainage

**REPRESENTATIONS**

Fiona Bruce – Concerns raised by constituents regarding loss of green belt and drainage concerns

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date 50 letters of objection have been received. The main areas of objection raised include;

- Principle – application site is within the Green Belt, does not represent infill and is sited outside the settlement boundary
- Harm to Green Belt/countryside setting
- Harm to views outside the site
- Impact upon existing hedgerows and trees
- Drainage/sewage concerns
- Loss of badgers/birds/bees
- Harm to existing pattern of built form
- Contrary to previous appeal decision
- Layout and density not in-keeping
- Loss of light/privacy/overshadowing/loss of outlook
- Noise and disturbance during construction
- Impact on Conservation Area
- Light pollution
- Contamination
- Harm when viewed from the canal
- The proposal is unnecessary with no real benefit
- Site is not sustainable



- No affordable houses
- Proposed entrance is too narrow
- Other sites suitable
- Traffic/congestion
- Height not in keeping with surrounding bungalows
- Trees are inaccurately plotted

Four letters of support have been received regarding the following;

- Site is untidy
- Previous commercial use
- No problems from sewage/flooding
- Obvious infill site with limited harm to open setting
- Needs to be consistent with appeal for similar proposal which was allowed

### **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**

Policies PS6 and PS7 of the Congleton Borough Local Plan First Review 2005 (Local Plan) outline circumstances in which the construction of new buildings in the Green Belt can be considered acceptable. Policy PS6 allows for limited infilling in the Green Belt within a designated infill boundary line. These policies predate the National Planning Policy Framework (The Framework) which states that new buildings are inappropriate within the Green Belt unless they comprise one of the exceptions outlined in paragraph 89. These include limited infilling within villages and redevelopment of previously developed sites with no greater impact on openness and no conflict with including land within the Green Belt. The terms “limited” and “infilling” are not defined in the Framework.

In this instance the main issues are therefore whether or not the proposal can be considered to constitute limited infilling and whether or not it involves the re-development of a previously developed site and whether or not it would have a greater impact on openness and conflict with the purpose of including land in the Green Belt.

- Limited infilling

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

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

On Monday 9 February 2015, the Court of Appeal (Sullivan, Bean and King LJJ) allowed an appeal against the judgment of HHJ Mackie (sitting as a Deputy High Court Judge) in *Wood v Secretary of State for Communities and Local Government* [2014] EWHC 683 (Admin). The Appellant had appealed against the decision of Gravesham Borough Council to refuse planning permission for a single dwelling in a site which lay in the Green Belt but was surrounded by existing built development. The principal issue for the Court was the proper interpretation of one of the exceptions in the NPPF to the construction of new buildings being "inappropriate development" in the Green Belt. Paragraph 89 provides that an exception to the general rule is "limited infilling in villages".

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

A recent appeal decision in the locality is also highly relevant which involved the erection of new housing outside the settlement boundary was also allowed at appeal (Appeal Ref: APP/R0660/W/16/3156493 Land adjacent to 23 Sandbach Road, Church Lawton, Stoke-On-Trent, ST7 3DW) as the inspector came to a similar conclusion as per the above court of appeal decision by stating:

*"The site lies outside the infill boundary lines of Lawton Gate and Lawton Heath as shown in the Local Plan. However, in this case I consider the location of the site and its juxtaposition with existing development to be more relevant. I am mindful of recent case law which advises that the physical circumstances of a site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development. In this case the site comprises an open field which lies between two residential dwellings. .... The plots would adjoin open land to the rear but would not extend beyond the residential curtilages of development on either side. .... the proposed plots would be commensurate in size with the dwellings either side and would sit comfortably within the gap in the frontage, reflecting the established pattern of development.*

*I therefore consider that having regard to the position and nature of the site, the proposal can be considered to be physically and visually related to the existing settlement and to comprise limited infilling. Although the proposal would conflict with policies PS6 and PS7 of the Local Plan, these are not consistent with the Framework, insofar as they rely on settlement boundaries, and this significantly reduces the weight which can be attached to them. The construction of 2 infill dwellings in this location should not be considered to constitute inappropriate development in the Green Belt and the proposal would not conflict with guidance within the Framework."*

Given the similarities between the above appeal and the current application and the close proximity of the sites (within 300m and in the same village) significant weight needs to be attached to the appeal decision.

In this instance the site lies outside the infill boundary lines of Lawton Gate and Lawton Heath as shown in the Local Plan. However, in this case it is considered the location of the site and its

juxtaposition with existing development to be more relevant. As noted in the above case law the physical circumstances of a site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development.

Like with the above appeal site, the application site lies within washed over Green Belt land outside of the Lawton Gate & Lawton Heath Infill Boundary Lines. However given that the site is enclosed by built form to the east, west and south it is also considered to be visually, physically and functionally located within the adjoining village. The illustrative site plan comprises plot sizes very similar to the neighbouring residential plots. The width and depth of the proposed plots are comparable with others in the immediate vicinity of the site and the plot is of a size capable of accommodating the proposed 5 detached dwellings which would be comparable to those in the immediate vicinity of the site.

There is existing built development to the south and east of the site with an existing dwelling and an approved scheme for 4 dwellings sited to the west of the site and development of the site would reflect the existing form of the cul-de-sac arrangement as existing to the east. The location of the plots would also line up with those to the east and west. The extent of the rear gardens would also reflect those of the adjacent plots and would not extend any further to the north than the existing line of garden areas to the east and west and therefore would not result in any significant visual encroachment into the Green Belt when viewed from outside the site as it would be viewed within the context of the existing village/built form.

It is also necessary to consider whether or not the proposal could be considered "limited". In the absence of any definition in the NPPF guidance is drawn from policy PS6 which defines limited development as "the building of a single or small group of dwellings". The proposal involves the erection of 5 dwellings and is considered to be a small group. Similarly it is also deemed necessary to consider the local density and pattern of built form. As explained above, the proposal would be sited between existing properties and would be comparable in terms of layout, size of dwelling and plot size.

As a result it is therefore considered that having regard to the position and nature of the site and the size of the development, the proposal can be considered to be physically and visually related to the existing settlement and to comprise limited infilling. Although the proposal would conflict with policies PS6 and PS7 of the Local Plan, these are not consistent with the Framework, insofar as they rely on settlement boundaries, and this significantly reduces the weight which can be attached to them. The construction of 5 infill dwellings in this location should not be considered to constitute inappropriate development in the Green Belt and the proposal would not conflict with guidance within the Framework.

- Previously developed sites

Limited information has been provided in the supporting statement suggesting that the site has been used historically for a number of agricultural and commercial uses involving breeding, rearing and training of horses and the stables leased for hiring of horses for pleasure rides etc and therefore considers the site to be previously developed.

The information given is limited however provides a site plan of the historic buildings on site and provides a calculation of the previous built form in which to compare against that currently being

proposed. This suggests that the net built development does not exceed the current floor area of previous development on site.

Whilst this information may establish that the footprint of the proposed development would be less than that which previously existed on site, this is only one way of considering whether or not the use would have a greater impact on openness for example it would also be necessary to compare volume and heights. Further information/evidence would also be required to ascertain the existing building/uses on site to conclude whether or not it could be considered previously developed land. Similarly the NPPF makes it clear that even if a site is considered to be previously developed this does not mean that the whole curtilage should be developed.

As a result insufficient information has been considered in which to assess whether or not the proposal would constitute re-development of a previously developed site.

### Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the

weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

## **Sustainability**

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

The National Planning Policy Framework definition of sustainable development is:

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

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

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

The applicant has not completed this particular assessment, but has drawn to the fact that the site was previously deemed to be sustainable by the previous planning approvals on the site, including development for a larger scheme than currently being proposed. On this basis the site is considered to remain locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that

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

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

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

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

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

### **Environmental role**

#### Landscape Impact

The site is located to the east of Old Knutsford Road within Green Belt and outside the Infill Boundary Line in the area. The main site area forms part of a field. There is some existing vegetation present with the main planting buffer being to the northern boundary, however this slopes down with the land level so the site sits in an elevated position.

Although the proposed development would close up the gap that exists between the existing built form, given that the development would be sited no further forward than the existing properties and would be viewed against existing development on 3 sides, it is not considered that subject to landscape and boundary treatment conditions, this impact upon the wider landscape would be significant.

Whilst the property types has not been indicated this will be considered at reserved matters stage, however given that the predominant property types in the area are bungalows it is fair to say that regular 2 storey properties would not be supported, therefore the eventual property types are expected to also be bungalows which would further limited visual dominance when viewed from the wider setting.

#### Trees and Hedgerows

The Council's Arborist has reviewed the proposal and advised that he does not object to this application.

The only tree located within the proposed construction area is a large mature twin stemmed Sycamore identified as T31; the tree bifurcates close to ground level, with both stems forming the basis of the tree's main canopy form. The tree cannot be considered a long term feature in its

present form with an amount of reduction required to address the potential weakness associated with the fork union. It has been concluded previously that this tree is not considered suitable for formal protection.

The application unlike previous submissions does not contain any supporting Arboricultural detail in the form of an Impact Assessment, but the indicative layout respects the Root Protection Area of T31 and the off site trees located within the rear gardens of adjacent properties, in terms of the depicted build footprints. The presence of the existing main drain is noted in respect of T49. The openness of the site and the option to accommodate up to 5 dwellings without directly or indirectly impacting on any significant high value trees precludes any opposition to the submission from an Arboricultural perspective.

As a result it is considered that subject to conditions requiring an updated Arboricultural Impact Assessment and tree protection measures, the proposal could be accommodated without significant harm to important landscape features.

### Ecology

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

#### - Other Protected Species

An extended habitat survey of this site undertaken a number of years ago identified a disused sett. The updated survey has confirmed that this site continues to be disused. The proposed development is therefore unlikely to have a direct impact upon other protected species. There would be some loss of potential foraging habitat for this species but this is not considered to be significant. The applicant's ecological consult has recommended that as a precaution the disused sett be closed down prior to the commencement of development. This course of action is acceptable subject to condition requiring the development to proceed in accordance with the mitigation measures.

#### - Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of a section of hedgerow from the site interior. This hedgerow is utilised by foraging bats however a condition could be attached to any planning permission which requires suitable native species hedgerow planting to be incorporated into the detailed design produced at the reserved matters stage.

As a result it is considered that subject to the conditions suggested above, the proposal could be accommodated without significant harm from an ecology perspective.

### Flood Risk and Drainage

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

United Utilities have raised no objections on drainage matters, subject to a condition that the applicant/developer submit a details of foul and surface water drainage.

The Councils Flood Risk Team have also been consulted and have requested additional information from the applicant regarding the drainage calculations. An update will be provided on this matter at the planning committee however it is likely that additional conditions would be requested to mitigate any impact.

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

### Design

The indicative layout shows the provision of 5 new dwellings within the site.

The plan shows that these would follow the existing line of development to the east and west and would copy the cul-de-sac layout to the east.

The plan indicates that access would be taken from an existing access to the adjacent properties to the west (Rectory Farm Bungalow and Rectory Lodge) and extend inside the site to the west.

This proposed layout also demonstrates that 5 dwellings can be accommodated within the site without appearing incongruous within its setting and suggests that the size of dwellings and plots would be comparable to that of surrounding properties.

It is not clear at this stage what the property types would be e.g. bungalows, dormer bungalows, 2 storey etc. Whilst this would be considered at reserved matters stage, it is not considered that a regular 2 storey property would be appropriate in this instance given that the surrounding neighbouring properties are all single storey in nature. Therefore it is considered necessary to detail via condition that the heights at reserved matters stage should reflect those noted locally with no 2 storey properties.

As such, the provision of 5 further detached properties could be accommodated on site without causing significant harm to the character/appearance of the area.

### Access

The Councils highway engineer has considered the proposal and has no objection subject to condition requiring a single access only as approved under 16/5562C.

The plan indicates that access would be taken from an existing access to the adjacent properties to the west (Rectory Farm Bungalow and Rectory Lodge) and extend inside the site to the west which is sufficient to serve the additional number of units within this proposal.

The site is large enough to accommodate the parking and turning areas.

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



### Environmental Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, protected species, highway safety, design, flooding and drainage subject to conditions.

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

### **Economic Role**

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

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

### **Social Role**

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

### Amenity

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

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

The closest neighbouring properties to the application site would be Rectory Farm Bungalow and Rectory Lodge to the west, properties on Meadow Way to the west and properties on Brattswood Drive to the south.

The SPG recommends separation distances of 21.3m between main face elevations and 13.8m between main face and side elevations.

In this instance the illustrative layout suggests plot 8 would provide an interface of 17.7m to rear facing windows of No.15 Meadow Way and plot 9 would provide a 26.7m interface to the rear facing windows of No.9 Meadow Way. As the plan is only illustrative it can only be assumed at this

stage the plots will sit side on to the neighbouring properties in which case the separation distances would be acceptable.

The plan suggests plots 9 and 10 would be sited 23m to the rear facing windows of properties on Brattswood Drive. This would provide adequate separation.

The plan suggests that a 17.7m separation distance would be provided between plot 10 and the new plot to the west approved under ref 16/4182C. This would provide adequate separation.

Finally the plans suggests that a 9.2m separation distance would be provided between plot 6 and the new plot approved to the west under 16/1612C. Whilst this would be shy of the recommended standard the SPG does state that this distance can be relaxed between single storey properties and giving weight to location of side windows and the height of boundary treatments. Again at this stage the property styles have not been indicated however it is unlikely that 2 storey properties on site would be supported therefore it is highly likely that the proposed properties would be single storey which would allow a relaxation of separation distances. In any case this can be further assessed at reserved matters stage.

All plots provide adequate separation to garden areas. Whilst the property types will dictate the final layout, this will be assessed at reserved matters stage.

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

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

### Social Conclusion

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

### **Other matters**

No contributions would be sought relating to affordable housing, public open space or education for a development of this size.

The majority of comments raised from representations have been addressed above. However a few concerns remain outstanding:

- Noise and disturbance from construction and light pollution however these issues are dealt with under separate legislation (Environment Protection Act).
- Impact on the canal conservation area however this is not considered harmful as it would be viewed in context with the existing built form.
- Other sites available to accommodate the proposal however the application has to be assessed on its own merits.

- Trees on site have not been accurately plotted however the Council's arborist has not raised this as a concern and the applicant has advised that the trees were plotted from on-site survey as a result there is no evidence to suggest the trees are plotted accurately.

### **Planning Balance**

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

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

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

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

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

### **RECOMMENDATION**

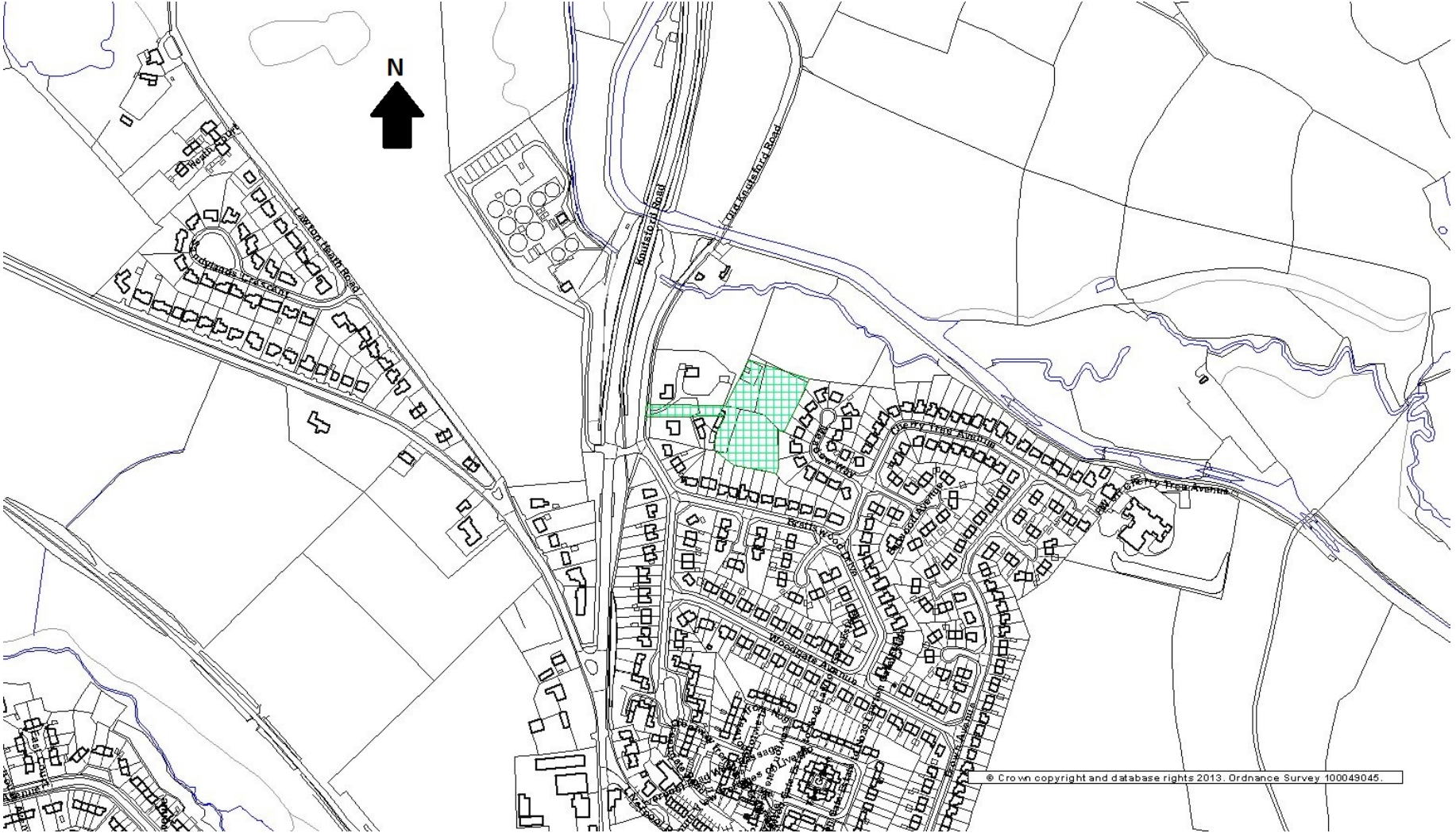
#### **APPROVE Subject to the following conditions**

1. Time – 3 years 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 with heights reflecting those locally i.e. no 2 storey properties
4. Approved plans
5. Prior approval of Piling Method Statement
6. Prior approval of dust mitigation scheme
7. Electric vehicle charging points
8. Prior approval of foul and surface water drainage
9. Surface water drainage systems
10. The visibility shown on plan 2015/TC/SR/08(A) should be cleared of any obstructions before first occupation
11. Single access point
12. Reserved matters to include badger mitigation
13. Reserved matters to include replacement hedgerow planting
14. Reserved matters to include Arboricultural Impact Assessment
15. Reserved matters to include tree protection measures
16. Contaminated land standard condition

#### **Informatives**

- 1) Working hours for construction
- 2) Positive and proactive

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



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## CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

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**Date:** 1<sup>st</sup> February 2017

**Report of:** David Malcolm - Head of Planning (Regulation)

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

**Site:** Land south of Hassall Road, Winterley

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**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 south of Hassall Road, Winterley

**3.0 Background**

- 3.1 On 28<sup>th</sup> September 2016 Southern Planning Committee resolved to refuse application 16/3387N against the recommendation for the following reasons;

*1 The proposed development is located within open countryside and would have a sever adverse impact upon Hassall Road, Pool Lane and Coppice Road due to the sub-standard nature of these highways routes. As a result, the development would not achieve a safe and suitable access to the site for all people and this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies BE.3, TRAN.1 and TRAN.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework (paragraph 32).*

*2 This application, when taken cumulatively with other approved developments within Winterley since the Inspector's appeal decision regarding application 14/3962N would exceed the spatial distribution for Winterley and further housing in Winterley is no longer considered to be sustainable. As a result, the proposed development would be*

*contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Submission Version.*

**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 and a LEAP (5 pieces of equipment) to be maintained by a private management company*

*3. Secondary School Education Contribution of £65,370.76*

*4. A contribution of £33,750 towards traffic calming measures*

- 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 an appeal and the S106 Agreement needs to be submitted by 6<sup>th</sup> February 2017.

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

- 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 There are concerns over the proposed pedestrian accessibility of the site and in order to mitigate this impact a contribution of £33,750 is required to secure traffic calming measures. It is necessary to secure these works to mitigate the impact of the development. This contribution is directly related to the development and is fair and reasonable.
- 5.5 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 and a LEAP (5 pieces of equipment) to be maintained by a private management company*
- 3. Secondary School Education Contribution of £65,370.76*
- 4. A contribution of £33,750 towards traffic calming measures*

## **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 south of Hassall Road, 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 16/3387N*