

Southern Planning Committee

Agenda

Date:	Wednesday, 26th April, 2017
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

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

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 5 - 22)

To approve the minutes of the meeting held on 29 March 2017.

Please contact Julie Zientek on 01270 686466

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

4. **Public Speaking**

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

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

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

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

5. **16/3209C Intertechnic Uk Ltd, Road Beta, Middlewich CW10 0QF: Outline proposal for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access) for Mr Peter Nunn** (Pages 23 - 54)

To consider the above planning application.

6. **17/0774N Land At Moorsfield Avenue, Audlem: Outline planning permission for Development of up to 34 dwellings with all matters reserved except access for Plotbuild** (Pages 55 - 74)

To consider the above planning application.

7. **17/0374N Land East Of Whitchurch Road, Aston, Nantwich, Cheshire: Development of up to 24 dwellings with all matters reserved except access (Resubmission of 16/3974N) for Cranford Estates** (Pages 75 - 94)

To consider the above planning application.

8. **17/0145N Land Off Newtown Road, Sound, Nantwich, Cheshire: Proposed housing development (21 homes), children's play area, nature reserve, access and external works for TRU Pension Fund** (Pages 95 - 120)

To consider the above planning application.

9. **17/0283N Car Park, Browning Street, Crewe CW1 3BB: Redevelopment for 8 dwellings and associated infrastructure, plus remodelling of remaining car park for A Frost, Engine of the North** (Pages 121 - 132)

To consider the above planning application.

10. **16/5584N 84, Edleston Road, Crewe CW2 7HD: Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people for Ben Morris, Hopscotch Investments Ltd (Pages 133 - 140)**

To consider the above planning application.

11. **16/5637N Land Adjacent To Bunbury Medical Practice, Vicarage Lane, Bunbury: Detailed application for 7 dwellings on land at Vicarage Lane for Peckforton Estate (Pages 141 - 156)**

To consider the above planning application.

12. **16/4041C Land at Fields Farm, Congleton Road, Sandbach CW11 4TE: Provision of emergency standby electricity generation facility, comprising diesel generators, bunded fuel tanks, acoustic fencing and gates, substation, generator transformers, control and HV cabinet, LV Switch Room, CCTV, landscaping, earthworks and ancillary infrastructure for INRG Solar Ltd (Pages 157 - 170)**

To consider the above planning application.

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, 29th March, 2017 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, J Clowes, W S Davies, S Edgar, A Kolker,
J Rhodes, B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors P Bates and J Hammond

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Chris Glover (Development Officer, Strategic Housing)
Andrew Goligher (Principal Development Control Officer - Highways)
Vikki Jeffrey (Senior Policy Officer - Strategic Housing)
Gareth Taylerson (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and P Butterill

129 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

Councillor G Merry declared that she had a family connection with respect to application 16/0754N, so she would vacate the Chair in favour of the Vice-Chairman and not take part in the debate or vote.

With regard to application numbers 17/0295N and 16/4526N, Councillor S Edgar declared that he had made up his mind with respect to the applications. 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 17/0667N, Councillor S Davies declared that he had called in the application on behalf of the parish council but that he had kept an open mind and had not taken part in any discussions regarding the matter.

All Members of the Committee declared that they had received email correspondence with regard to application numbers 16/0754N and 17/0066N.

With respect to application number 16/6224C, Councillor G Merry declared that she had advised residents who to contact but had not given an opinion and had not pre-determined the application.

With regard to application number 17/0388N, Councillors B Roberts and J Rhodes declared that they were Ward Councillors.

With regard to application number 17/0283N, Councillor B Roberts declared that he was a Neighbouring Ward Councillor and that he lived nearby.

130 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 1 March 2017 be approved as a correct record and signed by the Chairman.

131 17/0253C LAND AT RADNOR PARK INDUSTRIAL ESTATE, BACK LANE, CONGLETON: RESIDENTIAL DEVELOPMENT (USE CLASS C3) COMPRISING 29 AFFORDABLE DWELLINGS INCORPORATING 12 NO. 3 BED HOUSES, AND 13 NO. TWO BED HOUSES AND 4 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

Note: Town Councillor A Martin (on behalf of Congleton Town Council), and Mr J Wright and Mr W Fulster (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. Standard Time limit – 3 years
2. Approved Plans
3. Affordable housing provision
4. Hard and Soft Landscape Scheme
5. Landscape Implementation
6. Adherence with updated AMS Rev B
7. Existing and Proposed levels
8. Nesting Birds

9. Nesting Bird boxes
 10. Foul and surface water drained separately
 11. Sustainable drainage management and maintenance
 12. Surface water drainage system
 13. Acoustic Mitigation Scheme implemented in accordance with Technical Memorandum (Echo Acoustics Dated 17 June 2016) and acoustic mitigation scheme shall be maintained in perpetuity
 14. Construction Method Statement and Dust Management Plan
 15. Piling Foundations
 16. Electric Vehicles
 17. Travel Information Pack
 18. Contaminated land – phase II
 19. Importation of soil
 20. Unexpected Contamination
 21. Removal of PD
- (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.

132 **16/6144C LAND WEST OF GOLDFINCH CLOSE, CONGLETON:
RESERVED MATTERS APPLICATION (APPEARANCE,
LANDSCAPING, LAYOUT & SCALE) FOLLOWING APPROVED
OUTLINE APPLICATION 13/3517C - OUTLINE APPLICATION FOR
ERECTION OF UP TO 230 DWELLINGS, ACCESS, OPEN SPACE AND
ASSOCIATED LANDSCAPING AND INFRASTRUCTURE FOR SEDDON
HOMES LTD**

Note: Town Councillor A Morrison (on behalf of Congleton Town Council), Mr P Minshull (objector) and Ms S Syeda (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor P Bates (Ward Councillor) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Bates to speak.

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

RESOLVED – That the application be DEFERRED for the following:

- Further information required in relation to Housing Mix/Outline approval
- Better quality plans – larger size

- Copy of the Inspectors Reports for the outline appeal decision
- Amended plans to show that all house types meet the required garage standards
- Further discussions regarding additional bungalows

133 **16/5926C 29, WOODSIDE AVENUE, ALSAGER ST7 2DL: PROPOSED DEVELOPMENT OF 1 DETACHED DWELLING HOUSE TO THE REAR OF 29 WOODSIDE AVENUE FOR MS SHELAGH LOWNDES**

Note: Town Councillor S Helliwell attended the meeting and addressed the Committee on behalf of Alsager Town Council.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
1. Standard time 3 years
 2. Approved plans
 3. Materials as per application
 4. Landscaping details including boundary treatment to be submitted and approved
 5. Implementation of landscaping
 6. Dust control
 7. Pile foundations
 8. Levels
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

134 **16/6224C LAND WEST OF CREWE ROAD, WHEELOCK HEATH, SANDBACH: PROPOSED DEVELOPMENT OF UP TO 60 NO. DWELLINGS, INCLUDING THE PROVISION OF 30% ON-SITE AFFORDABLE HOMES, A LOCAL CONVENIENCE STORE, AN AREA OF OPEN SPACE AND SIGNIFICANT AREAS OF LANDSCAPING WITH ACCESS RESERVED FOR MULBURY HOMES LIMITED, MS I GRIFFIN, MS K GRIFFIN & MS C GOODWIN**

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

Note: Councillor J Hammond (Neighbouring Ward Councillor) and Ms E Robinson (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reasons:
 - 1. The proposed residential development is unacceptable because it is an unsustainable site located within the Open Countryside and would result in the loss of BMV Agricultural Land. The development would be contrary to Policies PC3 and H1 of the Sandbach Neighbourhood Plan, Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside and Green Belt) of the Congleton Borough Local Plan, Policies SD2 and PG5 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
 - 2. The proposal results in a development which will compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within 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 this application be the subject of an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
 - 1. £60,012 contribution to maintain the amenity greenspace and LEAP.
 - 2. 30% on-site affordable housing provision in a 65:35 split affordable rent: intermediate
 - 3. Education contribution of £192,584
 - 4. TRO Contribution of £8,000

135 **16/6058C LAND OFF COPPENHALL WAY, SANDBACH:
DEVELOPMENT OF 10 DWELLING HOUSES AND ESTATE ROAD
CONNECTED TO COPPENHALL WAY FOR THORNGROVE
DEVELOPMENTS LIMITED**

Note: Councillor G Merry declared that she was a member of Sandbach Town Council, which had been consulted on the application. She had not discussed this application and had kept an open mind.

Note: Mr L Charnley attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to a S111 Agreement to secure Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50)

and the following conditions:

1. Time (3 years)
2. Plans
3. Prior submission/approval of materials
4. Landscape Plan - Implementation
5. Prior submission/approval of tree protection plan
6. Prior submission/approval of nesting bird survey
7. Prior submission/approval of ground-floor levels
8. Prior submission/approval of construction management plan to include details of construction access to the site
9. Prior submission/approval of wheel wash facility details
10. Prior submission/approval of a surface water drainage scheme
11. Foul and surface water to be drained on separate systems
12. Prior submission/approval of a sustainable drainage management and maintenance plan
13. Obscure glazing requirements - First-floor side windows (all plots)
14. Prior submission/approval of a piling method statement
15. Prior submission/approval of a dust mitigation scheme
16. Prior submission/approval of electric vehicle infrastructure
17. Prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary)
18. Prior submission/approval of soil verification report
19. Works should stop if contamination identified
20. Prior submission/approval boundary treatment
21. Removal of PD Rights – Part 1 Classes A-E

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, the following Heads of Terms should be secured as part of any S111 Agreement: Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50).

136 **17/0295N LAND AT SHAVINGTON VILLA, ROPE LANE, SHAVINGTON CW2 5DT: RESIDENTIAL DEVELOPMENT OF UP TO 29 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE WITH ACCESS TO BE TAKEN FROM ROPE LANE FOR MR & MRS KIRKHAM AND COUNTRY AND COASTAL**

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

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

Note: Parish Councillor W McIntyre (on behalf of Shavington-cum-Gresty Parish Council), Mr W Atteridge (objector) and Ms E George (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 REFUSED for the following reasons:
 - 1. The proposed residential development is unacceptable because it is located within the Green Gap and Open Countryside, contrary to Policies; NE.2 (Open Countryside), NE.4 (Green Gap) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; Policy PG5 (Open Countryside) PG4a (Strategic Green Gaps) and of the emerging Cheshire East Local Plan Strategy Submission Version - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there

are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposed development would result in the loss of BMV Agricultural Land and have an adverse impact on the landscape character of the area. It is considered that the development is unsustainable because of the unacceptable environmental impact of the scheme in terms of loss of best and most versatile agricultural land and the adverse impact upon the landscape character. These factors significantly and demonstrably outweigh the economic and social benefits in terms of its contribution to boosting housing land supply, including the provision of affordable housing and Public Open Space. As such the proposal is contrary to Policies NE.2 (Open Countryside), NE4 (Green Gap) and RES.5 (Housing in Open Countryside) of the adopted Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and Policies PG5 (Open Countryside), PG4a (Strategic Green Gaps and SE2 (Efficient Use of Land) of the emerging Cheshire East Local Plan Strategy Version - 2016, and the provisions of the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of 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:
 - Dwellings of an appropriate mix of bedrooms and/or older person properties to reflect local need
 - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
 - Details of when the affordable housing is required
 - Provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
 - The requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.
 2. Provision of 1015 square metres of on-site Public Open Space (POS) to be maintained by either a private management company or the Council for a fee to be agreed.

3. Commuted sum of £21,000 for the enhancement of children's play facilities on Vine Tree Avenue, Shavington

137 **16/4526N LAND TO REAR OF 71, MAIN ROAD, SHAVINGTON: FULL PLANNING PERMISSION FOR 30 DWELLING HOUSES INCLUDING THE DEMOLITION OF 71 MAIN ROAD, SHAVINGTON FOR ELEANOR OGILVIE, MULBURY HOMES (SHAVINGTON) LTD**

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

Note: Parish Councillor W McIntyre (on behalf of Shavington-cum-Gresty Parish Council), Mr H Ashworth and Mrs B Kelly (objectors) and Mr S Taylor (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be **REFUSED** for the following reasons:
 1. The proposed residential development is unacceptable because it is located within the Open Countryside and would result in the loss of the best and most versatile agricultural land, contrary to Policies NE.2 (Open Countryside) RES.5 (Housing in Open Countryside) and NE.12 (Agricultural Land Quality) of the Borough of Crewe and Nantwich Replacement Local Plan, Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy Submission Version - 2016, and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
 2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington, Willaston and Crewe and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for

approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

- (c) That, should this application be the subject of an appeal, 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 POS and a LEAP and a scheme of management
 3. Private residents management company to maintain all on-site open space, including footpaths

138 **16/0754N 1, NESFIELD DRIVE, WINTERLEY CW11 4NT: NEW DORMER BUNGALOW, AMENDED DESIGN FROM 15/0349N - RESUBMISSION FOR MR NEVILLE CROSS**

Note: Having made a declaration, Councillor G Merry vacated the Chair in favour of the Vice-Chairman and withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Councillor A Kolker left the meeting during consideration of this application.

Note: Councillor J Hammond (Ward Councillor), Mr K Rhodes (objector) and Mr N Cross (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. 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 1st floor gable
9. Obscure glaze bathroom window Landscape scheme details
10. Landscape scheme implementation

INFORMATIVES:

1. NPPF
2. Hours of use

(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.

Note: Committee Members requested it to be minuted that they were reassured that the measurements were correct.

139 **17/0283N CAR PARK, BROWNING STREET, CREWE CW1 3BB:
REDEVELOPMENT FOR 8 DWELLINGS AND ASSOCIATED
INFRASTRUCTURE, PLUS REMODELLING OF REMAINING CAR
PARK FOR A FROST, ENGINE OF THE NORTH**

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

RESOLVED – That the application be DEFERRED to allow the consideration of Policy TRAN.8 within the officer report.

140 **17/0388N LAND ADJACENT TO, 11, WALTHALL STREET, CREWE CW2 7JZ: VARIATION OF CONDITION 2 ON APPROVED PLANNING APPLICATION 16/4784N, TO FACILITATE THE ADDITION OF TWO APARTMENTS TO THOSE ALREADY PERMITTED, MINOR ALTERATIONS, ASSOCIATED PARKING, BIN STORAGE, CYCLE STORAGE AND ACCESS ARRANGEMENTS FOR D FYLES**

The Committee considered a report regarding the above planning application.

RESOLVED

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

The proposals are of a layout and design which would represent an overdevelopment of the site, and fail to achieve a high standard of design or acceptable level of amenity for existing and future occupants of the scheme. The proposals are therefore in conflict with the provisions of Policies BE.1 and BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

- (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.

141 **14/5801N WORKING MENS CLUB BUNGALOW, HALL O SHAW STREET, CREWE CW1 4AD: OUTLINE APPLICATION FOR DEMOLITION OF DWELLING AND ERECTION OF 9NO. DWELLINGS FOR K KELLY**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement to secure:
- Prior to first occupation - £8,000 towards upgrading of nearby public open space/facilities at Queen Street Park

and the following conditions;

1. Time – 3 years of within 2 of last Reserved Matter approval

2. Reserved Matters within 3 years
 3. Landscaping Matters to be submitted and approved
 4. Plans
 5. Materials – Prior submission/approval
 6. Hours of piling
 7. Prior submission/approval of a piling method statement
 8. Prior submission/approval of lighting details
 9. Prior submission/approval of a noise mitigation scheme
 10. Prior submission/approval of electric vehicle charging infrastructure
 11. Prior submission/approval of an Environmental Management Plan
 12. Prior submission/approval of a dust mitigation scheme
 13. Prior submission/approval of a Phase 1 contaminated land report
 14. Prior submission/approval of a foul drainage scheme and that foul shall be drained on a separate system
 15. Prior submission/approval of a surface water drainage scheme
 16. Prior submission/approval of a Highways Management Plan
 17. Prior submission/approval of amended plans to show rear plot access for plots 2, 5 and 8 to allow bin storage/cycle storage at the rear of each plot.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
- Prior to first occupation - £8,000 towards upgrading of nearby public open space/facilities at Queen Street Park

142 **16/5015N BARODA, ANNIONS LANE, WYBUNBURY CW5 7LP:
RETROSPECTIVE APPLICATION FOR AN IMPORTATION OF SOIL,
FILLING OF POND AND LEVELLING OF LAND FOR RONALD
BLACKBURN**

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

143 **17/0066N LAND OFF WRENBURY ROAD, ASTON: OUTLINE
PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT AND
ASSOCIATED INFRASTRUCTURE FOR GRASSCROFT HOMES AND
PROPERTY LTD AND JGV DEVELOPMENTS LTD**

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

Note: Parish Councillor R Hibbert (on behalf of Newhall Parish Council), Mr I Wilkinson (objector) and Ms J Fryer (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reasons:
 - 1. The proposed residential development is unsustainable because it is located within the Open Countryside would result in adverse impact on the landscape character of the area and would result in the loss of the best and most versatile agricultural land which would be contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality), BE.2 (Design) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan, Policies PG5 (Open Countryside), SD1, SD2 & SE2, SE4 (Landscape) of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance
 - 2. It has not been demonstrated in the illustrative plans provided that the proposed development could be accommodated without causing significant harm to the living conditions of the neighbouring properties White Lodge and The Beeches through overlooking/loss of privacy/overbearing impact and overshadowing. The proposal is therefore contrary to policy BE.1 of the Crewe and Nantwich Local Plan, Development on Backlands and Gardens SPD and the NPPF
 - 3. It has not been demonstrated in the illustrative plans provided that the proposed development could be accommodated without causing significant harm to the overall character/appearance of the area by not respecting the pattern, character and form of the surroundings. The proposal is therefore contrary to policy BE.2 & RES.5 of the Crewe and Nantwich Local Plan, Development on Backlands and Gardens SPD, Emerging Local Plan Core Strategy Policies MP1, PG5, SD1, SD2, SE1 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 this application be the subject of an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
1. A scheme for the provision of 40% 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 LAP.
 3. Secondary School Education Contribution based on formula if number of dwellings changes at RM stage

144 **16/3464N LAND ADJACENT TO CHORLTON LANE, CHORLTON: CHANGE OF USE OF LAND FROM AGRICULTURAL TO PART AGRICULTURAL AND PART KEEPING OF HORSES. RETENTION OF EXISTING SEPTIC TANK, STABLE AND FIELD SHELTER, DOG KENNEL, CHICKEN HOUSE AND ASSOCIATED HARD STANDING (RETROSPECTIVE) FOR MS JONES**

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

145 **17/0667N SEVENOAKS, HEARNS LANE, FADDILEY CW5 8JL: DOG WELFARE BUILDING TO PROVIDE SEPARATE SPACE FOR RECOVERING DOGS FOLLOWING BIRTH OF THEIR LITTER FOR MR MARK WETTON**

The Committee considered a report regarding the above planning application.

RESOLVED

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

2. Approved plans
 3. This permission relates to the use of the land and buildings as a dog breeding business for a maximum of 31 dogs.
 4. The hours of visiting to the kennels by members of the public shall be limited to 10:00am to 16:00pm on Monday to Sunday.
 5. Prior to its installation details of any additional external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 6. The use of the welfare building hereby approved shall be exercised solely by the applicant Mr Mark Wetton only.
 7. The development shall be carried out in accordance with the Noise Management Plan Rev.1 submitted with the agent's email dated 22/2/2017. The use shall be operated at all times in accordance with the Noise Management Plan as approved.
 8. The approved development shall not be occupied until space has been laid out within the site for the parking of 4 cars in accordance with drawing P002. Parking so provided, including the approved number of spaces for disabled persons (if applicable), shall be retained at all times thereafter, unless otherwise approved by the Local Planning Authority.
- (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.

146 **OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF 1 BUNGALOW AND THE ERECTION OF 15 DWELLINGS, INCLUDING ASSOCIATED ACCESS AT LAND EAST OF BUNBURY LANE, BUNBURY - 6 & LAND REAR OF NO.6 BUNBURY LANE, BUNBURY CW6 9QZ**

The Committee considered a report regarding planning application 16/0646N, which had been refused against officer recommendation by the Southern Planning Committee on 31 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 S106 Agreement to secure the following Heads of Terms be entered into at the forthcoming appeal:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of an area for Ecological Enhancements to be maintained by a private management company
 3. Secondary Education Contribution of £32,685.38

The meeting commenced at 10.00 am and concluded at 4.30 pm

Councillor G Merry (Chairman)

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Application No: 16/3209C

Location: Intertechnic Uk Ltd, ROAD BETA, MIDDLEWICH, CW10 0QF

Proposal: Outline proposal for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access)

Applicant: Mr Peter Nunn

Expiry Date: 28-Apr-2017

SUMMARY

The proposed development forms part of Site CS54 Brooks Lane, Middlewich and as a result the principle of development is considered to be acceptable.

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

The benefits in this case are much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply, economic benefits in terms of the proposed marina and facilities, the development has the potential to bring extensive improvements to the appearance of the site from the Canal and Conservation Area and the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Middlewich.

The development would have a neutral impact upon the following subject to mitigation; education provision, protected species/ecology, drainage, trees, residential amenity/air quality/contaminated land, landscape, archaeology, impact upon the Trent and Mersey Canal, the PROW and the highway network.

The concerns raised in relation to noise are noted but the wider redevelopment of this site is anticipated in accordance with Strategic Site CS54.

On this basis it is considered that the benefits of this development outweigh any harm and in accordance with the NPPF the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement and conditions

PROPOSAL

This is an outline planning application for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access). Access is to be determined at this stage with all other matters reserved. The applicant has confirmed that the development is for up to 137 dwellings including 16 retirement apartments.

The access point to serve the site would be taken off Road Beta to the east of the site.

The development would be up to three stories in height. The development would include a 12 berth marina, 450sqm of retail floorspace, 410sqm of office/employment and 270sqm of restaurants/food outlets.

SITE DESCRIPTION

The site of the proposed development extends to 2.89 hectares and is located to the west of Road Beta and to the east of the Trent and Mersey Canal with Booth Lane beyond. To the north and south of the site is existing employment development.

The site is relatively flat and includes an existing utilitarian employment building towards the frontage with Road Beta with a smaller building to the rear. The majority of the site is hardstanding and used for the storage of vehicles. The site includes an existing tree/landscape belt to the Trent and Mersey Canal.

Part of the site along the boundary with the Trent and Mersey Canal is located within a Conservation Area. To the south of the site is an area which is identified as a Local Nature Reserve. Public Right of Way (PROW) Middlewich 21 runs along Road Beta to the east of the site.

RELEVANT HISTORY

36351/3 - Proposed alteration to existing industrial units, including re-cladding and subdivision of units – Approved 14th October 2003

33960/1 – Proposed development of up to 200 residential dwellings, canal boat marina with up to 150 moorings with associated facilities, car parking, landscaping and highway improvement including a new canal bridge – Refused 20th January 2004 for the following reasons;

- 200 dwellings does not constitute limited residential development and would severely reduce the opportunity to retain and include other employment uses
- Over-provision of dwellings on the site
- Failure to demonstrate a safe access, any improvements to the access and demonstrate that the traffic impact would not be adverse on the local highway network

28492/3 – Extension to existing buildings to provide additional covered assembly area and storage of parts for lorry cabs – Approved 25th October 1996

20459/3 – Extension to existing cab repair shop – Approved 6th February 1988

9829/3 – Proposed gatehouse – Approved 10th September 1979

8463/3 – Proposed extension to existing stores building, new cab repair shop and vehicle cleaning bay – Approved 27th February 1979.

7862/3 – Proposed research and development centre comprising: experimental workshop and cab development, engineering offices, canteen to serve whole of the site – Approved 3rd October 1978

6384/3 – Erection of single storey building to be used as training centre – Approved 21st March 1978

6383/1 – Erection of pump test building – Approved 7th February 1978

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68 Requiring good design

216 Implementation

Development Plan

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR6–GR8 Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

RC2 – Protected Areas of Open Space
RC7 – Water Based Activities
RC8 – Canal/Riverside Recreational Developments
RC9 - Canal/Riverside Recreational Developments (Moorings)
DP1 – Employment Sites
DP3 – Mixed Use Sites
DP7 – Development Requirements
DP8 – Supplementary Planning Guidance
DP9 – Transport Assessments
BH8-BH10 – Conservation Areas

Policies GR1, GR2, GR6, GR7, GR8, RC7, RC8 and RC9

Cheshire East Local Plan Strategy – Submission Version (CELP)

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions
Site CS54 – Brooks Lane, Middlewich

Supplementary Planning Documents:

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

CONSULTATIONS

Canal & Rivers Trust: Offer the following general advice;

- The proposed marina is likely to be acceptable from a water resources perspective due to the small number of berths and the current water resource position

- Based on the indicative layout there would be serious concerns over the impact in terms of navigational safety due to the proximity to Kings Lock and its associated mooring points which would mean that there would be insufficient width for boats to access/egress the marina safely
- A condition is suggested to safeguard the structural integrity of the canal infrastructure
- A condition is suggested in relation to contaminated land
- A condition is suggested in relation to surface water drainage

Environment Agency: Conditions suggested.

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

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

Health and Safety Executive: The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

CEC Visitor Economy: Support the development the development will bring economic benefits to the Borough. From a visitor economy point of view and relating specifically to the new marina development, this is in line with the Cheshire East Visitor Economy Strategy agreed by Council in 2016.

CEC Strategic Housing Manager: No objection.

CEC Strategic Highways Manager: No objection subject to conditions and the completion of a S106 Agreement to secure the following;

- A revised travel plan to include the provision of cycle and bus vouchers along with a monitoring fee of £5,000 payable on first occupation of any part of the development.
- A financial contribution of £150,000 towards a highway improvement scheme at the A54/Leadsmyth junction.

CEC Environmental Health: Conditions suggested in relation to Noise Impact Assessment, details of any air conditioning units/extraction units, piling/floor floating details, environment management plan, Phase II Contaminated Land, contaminated land verification report, details of any soils imported to the site, works to stop if further unexpected contamination is discovered, HGV traffic, Travel Plan, Electric Vehicle Charging and Dust Control.

Informatives suggested in relation to hours of work and contaminated land.

Cheshire Brine Board: As the site is located outside of the consultation area the Board would not normally make any comments. However please be aware that there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation.

Ansa (Public Open Space): The submitted application forms state that the development was for up to 150 units and the planning statement states that the development is for 137 units. The applicant has confirmed that the planning statement is correct as a result a revised consultation response has been requested and this will be reported as part of an update report.

CEC PROW: There is no continuous, accessible, direct route for pedestrians and cyclists between the proposed site and the town centre, school and leisure facilities, as Brooks Lane bridge over the canal has no footway, and has one way (east-bound only) traffic restrictions. Pedestrians wishing to use a footway and cyclists would have to use Brooks Lane in a north-easterly direction to access the town centre via the A54 Kinderton Street, with pedestrians having an option to cross the canal via a public footpath and bridge to Wych House Lane.

Public Footpath No. 21 runs from Road Beta southwards to Cledford Lane. Local residents have logged (Ref.T125) an aspiration under the Council's statutory Rights of Way Improvement Plan for this route to be upgraded in surface and legal status so that it is useable by cyclists in addition to pedestrians. This would then form a route to the rural lane network and National Cycle Network, with onwards destinations including Sandbach railway station. Should consent be granted, contributions from the developer would be sought for the improvement of this route, which would be subject to landowner agreement.

CEC Archaeology: No objection – planning condition requested.

CEC Education: This development would be expected to generate up to 22 primary aged pupil, 18 secondary aged pupils and 1 child with Special Educational Needs. The following contributions should be secured:

Primary = No education response required

Secondary = £294,168

SEN = £45,500

VIEWS OF THE PARISH COUNCIL

Middlewich Town Council: The Town Council objects to this application on the following grounds:

- (a) there are insufficient parking spaces within the proposal leading to inaccurate assumptions and data regarding traffic flows;
- (b) concern about the impact of contaminated land;
- (c) severe detrimental impact on Brooks Lane bridge due to increased traffic;
- (d) impact of siting residential properties near to existing businesses;
- (e) the Marina is considered to be of insufficient size and capacity;
- (f) the provision of one access into and out of the site is inadequate;
- (g) there is insufficient provision of affordable housing and it is unclear whether the site layout provides for social housing to be spread across the site rather than located in one area; and

Should Cheshire East Council be minded to approve the application then the Town Council requests that:

- (a) any Section 106 monies should be used solely towards improvements to the King Street and Brooks Lane junctions onto the A54; and
- (b) the Brooks Lane bridge should be made a pedestrian and cycle route only in accordance with the recommendations of the Canal and River Trust.

REPRESENTATIONS

Letters of objection have been received from 1 local households and 2 local businesses raising the following points:

Principle of development

- The development would be a waste of prime employment land
- The token marina will not benefit Middlewich
- If a marina is to be developed it should be much larger with a higher volume of leisure and retail facilities
- Large amount of housing on this site is not needed
- There is a requirement for more employment within Middlewich
- There should be more than 30% affordable housing on this site
- The development is contrary to the Development Plan
- The development is contrary to the NPPF
- Policy DP1 states that there should be a maximum of 20 dwellings on this site.
- This development is overwhelmingly residential led and does not comply with allocation under Policies DP1/DP3 for employment/leisure/non-food bulky retail/community facilities
- The development is contrary to Policies GR1, GR2, GR6, GR7, GR8, RC7, RC8 and RC9
- The submitted Design and Access Statement includes a Masterplan for the site which includes Centec (a chemical manufacturing and recovery business) who have no intentions to relocate and the Masteplan for the wider side is not approved by Centec

Impact upon Existing Businesses/Jobs

- The impact upon the Moorings above Kings Lock will impact on the income and viability of the Kings Lock Chandlery. This could lead to a potential loss of jobs.
- The site is allocated for predominantly employment purposes.
- Loss of employment on this site is a significant material consideration in the development plan and the NPPF (specifically paragraph 21).
- Centec is a highly specialised business and the costs of relocation are prohibitive due to the nature of the work conducted on the site. Centec is regulated by the HSE.
- It is not an option for Centec to relocate and even if this were to happen it would require considerable support from CEC (it would take years of planning and vast monetary outlay).
- Granting outline planning permission would change the type of neighbour surrounding Centec and threaten the balance and have significant impact upon the existing businesses
- The development would result in residential development being within 180m of Centec's site and would impact upon future business aspirations
- The HSE would not grant further licences for the Centec site if this development is approved. This development would impact upon the aspirations of an existing business/employer
- The mix of residential properties with a business that manufactures/recovers flammable solvents and chemicals would not work in spatial planning terms
- Centec are a specialist employer providing highly specialist jobs and this development will have a significant and unacceptable impact upon the business model
- It was stated by CEC in their Hearing Statement to the recent Local Plan Examination in Public regarding the proposed Brook Lane allocation (Matter 5.8 held 5 October 2016) that *'There is an expectation that some businesses will remain in situ. In enabling residential-led redevelopment to take place through the Policy, the Council recognises that the relationship between new homes and remaining businesses will need to be carefully considered. This will involve ensuring that an acceptable level of residential amenity for new residents can be achieved on the one hand, and the normal activities of businesses can continue without threat of curtailment because of the*

proximity of new residents, on the other. This will be a key consideration in carrying out the Master-planning work envisaged in the LPS for this strategic location.'

Highways

- The parking provision on the proposed development is poor
- The access to the site is too narrow over a small one way bridge or through an existing industrial estate which is clogged with HGV's and has poor egress onto the A54
- Public transport is poor in this location
- Increased traffic generation
- The Middlewich Bypass should be constructed before any further development
- No pedestrian crossings are provided to Booth Lane
- Increased traffic congestion on Holmes Chapel Road and Brooks Lane
- It is expected that the final wording of the Brooks Lane allocation will state that the Brooks Lane Strategic Site can accommodate at least 200 homes. There is an application in the pipeline from Pochin and Brook Lane must see significant improvements
- Access to the site over a one way hump back bridge is not appropriate for this level of development
- The application contains a Transport assessment and Travel Plan which are not adequate

Infrastructure

- Increased pressure on local schools (both primary and secondary)
- Impact upon local health provision

Impact upon the Canal Network

- The marina is in very close proximity to Kings Lock. The Lock has waiting times of over 4 hours in summer months and adding to it would cause major delays
- Increased canal traffic would impact upon boats turning into the Shropshire Union Canal
- It is already very busy on the two moorings between Wardle Bridge and Kings Lock. The application does not provide sufficient information in relation to the current levels of canal traffic

Heritage Issues

- Possible damage to the frequently hit Brooks Lane Bridge which is Listed and should be protected

Amenity Issues

- The noise assessment has only been undertaken at two points on the site.
- No detailed noise measurements have been taken adjoining Rockford Stone.
- As things stand the inadequacies within the submitted noise assessment could lead to a scenario where future residents could complain about noise emissions from the surrounding employment sites. This would be unacceptable to the adjacent business.
- The impact caused by the adjacent noise needs to be fully assessed.
- The LPA should not put unreasonable restrictions on the existing businesses by allowing this development.
- Increased air pollution

Contaminated Land

- Concerns raised about the potential land contamination on this site (former chemical works on the site) and a nearby landfill site

- The proposed marina will require the canal to be dredged and this could lead to contamination from the base of the canal which is highly contaminated. This was identified as part of the dredging for the adjacent boatyard
- Asbestos has been found on the boatyard site in very close proximity to the site boundary
- The current Phase 1 Risk Assessment is inadequate for this development
- The Councils Environmental Health officer will need to be satisfied that the relevant tests of the NPPF are met and this should be submitted before planning permission is granted. If not the application should be refused.

Other issues

- At the very least the applicant should undertake a comprehensive survey of the site to address the above concerns

A letter of objection has been received from Persimmon Homes which raises the following points;

- The site is located within an operational industrial estate and the access will be shared with HGV's
- Whilst layout is a reserved matter the indicative plans do not demonstrate how a development of this scale and nature could be accommodated within the site.
- Large areas of the site are inappropriate for residential development
- The submitted noise assessment is deficient and fails to address the obvious issues which exist in this location. The approval of housing would create an inappropriate juxtaposition and inevitable lead to future conflict between incompatible land uses.
- Planning application 33960/1 was refused for up to 200 dwellings and a marina as the development would severely reduce the opportunity to retain and include other employment generating uses within the site.
- The Sustainability Appraisal for the Local Plan identifies that residential development at Brooks Lane could result in the loss of existing employment uses with the potential for major negative effects
- Employment land will be lost as a result of this application and the ability of the adjacent businesses to continue and expand would be severely compromised.
- Brooks Lane performs an important role for lower cost sites which may be perceived as less desirable neighbours
- The site is a former chemical works yet no intrusive ground works have been undertaken.
- It is apparent from the Planning Statement that there is no housebuilder committed to delivering this scheme. It is inconceivable that a housebuilder would pursue this site given the access through an operational industrial estate and unacceptable living environment particularly with the competing sites at Glebe Farm and Warmingham Lane
- There is the total absence that this scheme is viable due to the poor immediate housing market, potentially substantial abnormal costs due to contamination. The marina will require significant investment with only a gradual return on capital. The applicant relies on the draft Local Plan which requires contributions to public transport, highway improvements, affordable housing, health and education. It is highly unlikely that the development could withstand all of these items in addition to the abnormal costs
- The Local Plan allocation has been the subject of objection and should be given minimal weight pending the publication of the Inspectors report
- The application pre-empts a Masterplan which is intended to determine the nature and scale of the development. It would be premature for this application to be approved in advance of a masterplan

- Whilst Cheshire East Council does not have a 5 year supply of housing land, the application does not constitute sustainable development and the adverse impacts significantly and demonstrably outweigh the benefits.

OFFICER APPRAISAL

Procedural Matters

In this case amended indicative plans were received on 3rd April 2017 and these are the subject of a consultation exercise which runs until 19th April 2017. Any additional comments which are received as part of this consultation exercise will be reported as part of an update report.

Principle of Development

The site is a previously developed site which lies within the Middlewich Settlement Boundary as defined by the Congleton Borough Local Plan. Within the Congleton Borough Local Plan the site forms part of a mixed use development allocation under Policies DP1 and DP3. Policy DP3 allocates the site for employment/leisure/non-food bulky goods retail/community facilities.

The supporting text for Policy DP3 refers to the site descriptions and general development principles for this site at the end of the chapter titled 'Development Proposals' within the Congleton Local Plan. This states that the site is suitable for redevelopment and then identifies the following development requirements;

- Suitable for a wide variety of uses
- Overall requirement is for a mixed development to recognise the sites potential to accommodate a range of new forms of development which cannot be accommodated elsewhere
- In this regard the Local Authority would look to the provision of;
 - employment land (B1 and B2 uses)
 - leisure including the potential for a marina
 - non-food bulky goods retail (providing that the type and scale does not undermine nearby centres
 - specialist retail facilities associated with the leisure development of the canal side area and community facilities
 - a small amount of residential development (to a maximum of 20 dwellings)
- Transportation improvements may be required. Such improvements may include the provision of a dedicated vehicular access off the Middlewich eastern Bypass, off-site highways improvements and the reservation of a site for passenger rail halt in the event that it is not possible to provide this on the King Street site.
- Improved pedestrian links to the town centre
- Improvements to the canal side environment and to accommodate any nature conservation needs
- A development brief, Transport assessment, Environmental Impact and Contaminated Land Assessment will be required for the whole of the site

Policies DP7-DP9 then state that the allocation must make provision for additional development requirements in the form of the following;

DP7 – Transportation improvements will be required

DP8 – a Supplementary Planning Guidance Note in the form of a development brief will be required to be prepared and approved by the LPA before planning permission is granted

DP9 – a Transport Assessment will be required for the site

In terms of the Cheshire East Local Plan Strategy the site forms a small part of Site CS54 Brooks Lane, Middlewich. This identifies that the development will be achieved through a masterplan led approach that will determine the precise nature and quantum of development that is appropriate for the site. This is likely to include;

- The delivery of up to 200 homes
- The delivery of leisure and community facilities to the north of the site
- The provision of appropriate retail facilities to meet local needs
- The incorporation of green infrastructure including a green corridor and open space/equipped children's play space)
- The improvement of existing and provision of new pedestrian and cycle links
- The potential for a new marina
- The provision of land for a new railway station

Site CS54 then goes onto identify the following site specific principles of development;

- The masterplan will need to consider the heritage constraints as well as opportunities for the site to provide a new railway station
- Pedestrian/cycle links
- Enhancements to the Trent and Mersey Canal corridor
- On site provision for open spaces for recreation/nature conservation
- Contributions towards public transport and highways improvements (including the A54 through Middlewich)
- Contributions towards education and health infrastructure
- Consideration of the impact upon the Cledford Lime beds Grade B Site of Biological Importance
- To determine the archaeological implications and the impact upon the Scheduled Monument
- Affordable Housing provision
- Contribute to the long term conservation and enhancement of the Scheduled Monument
- Future policy development and master planning shall be informed by the suggested mitigation set out in the HIA prepared by the Councils Heritage and Design Team

As can be seen CS54 requires a masterplan led approach to determine the precise nature and quantum of development on the site. A masterplan has not been prepared but will be as part of the next stage of the Local Plan. In this case it is not considered that it would be premature to determine this application prior to the masterplan and as the application is in outline form the scheme can be amended if needed to respond to the masterplan.

The new railway station for Middlewich which forms part of this allocation is further to the north-east and would be unaffected by this development.

The proposed development would meet the following requirements of the NPPF;

Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (Core Planning Principles Paragraph 17)

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. (Paragraph 20)

Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (Paragraph 111)

It is clear that there are differences between the allocation within the Congleton Local Plan Policies DP1 and DP3 and the allocation within the Cheshire East Local plan Strategy Site CS54. In this case greater weight should be given to the site Cheshire East Local Plan Policy which signals the current up-to-date intentions for Middlewich.

The proposed commercial development would include 450sqm of retail floorspace, 410sqm of office/employment and 270sqm of restaurants/food outlets. This is in accordance with the emerging Cheshire East Local Plan and there is no requirement for a sequential test or impact test in accordance with the NPPF.

Middlewich Neighbourhood Development Plan

The Middlewich Neighbourhood Plan has yet to reach regulation 14 stage and as a result can be given no weight given its early stage of preparation.

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.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Middlewich sub-area for the purposes of the SHMA update 2013. This shows a net requirement for 65 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 26 x one bed, 22 x two bed, 8 x three bed and 4 x one bed and 4 x 2 bed older persons accommodation.

Information taken from Cheshire Homechoice shows there are currently 268 applicants who have selected the Middlewich lettings area as their first choice. These applicants require 60 x one bed, 120 x two bed, 75 x three bed and 12 x four bed units.

The applicant has confirmed that 30% of the units will be provided as affordable with the tenure split being 65% rented and 35% intermediate tenure (the mix of units will be determined at the outline stage). This is in line with the requirements of the IPS and represents a benefit of this development.

Public Open Space

An update will be provided in relation to this issue.

Education

An application of up to 137 dwellings (minus the 16 retirement apartments) is expected to generate 22 primary aged children, 18 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by the primary schools listed within the table below.

Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	any Known Change s	PUPIL FORECASTS based on October 2015 School Census				
					2016	2017	2018	2019	2020
Cledford	60	60	420	420	316	326	353	357	361
Middlewich	60	60	420	420	409	416	426	425	422
St Mary's	35	30	240	210	212	218	227	227	226
Developments with S106 funded and pupil yield included in the forecasts				0					
Developments pupil yield not included in the forecasts									9
Pupil Yield expected from this development									22
OVERALL TOTAL	155	150	1,080	1,050	937	960	1,006	1,009	1,040
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					113	90	44	41	10

The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there would be 10 surplus spaces within the local primary schools by 2020. As a result there is no requirement for a primary school contribution.

In terms of secondary school education, the proposed development would be served by the secondary schools listed within the table below.

Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	any Known Change s	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Middlewich	140	140	700	700	683	710	710	722	716	703	691
Holmes Chapel	210	210	1,050	1,050	1,038	1,050	1,065	1,051	1,043	1,036	1,045
Please Note: All figures quoted exclude any allowance for 6th Form Pupils											
Developments with S106 funded and pupil yield included in the forecasts				39							
Developments pupil yield not included in the forecasts					26	26	26	26	26	26	26
Pupil Yield expected from this development					23	23	23	23	23	23	18
OVERALL TOTAL	350	350	1,750	1,789	1,770	1,809	1,824	1,822	1,808	1,788	1,780
OVERALL SURPLUS PLACES PROJECTIONS					19	-20	-35	-33	-19	1	9

From the table above which it can be seen that there are capacity issues within the schools listed between the years 2017-2020 and as a result the 18 secondary school children generated by this development cannot be accommodated within the local secondary schools. As there are capacity issues at these local schools the education department has requested a contribution of £294,168 to mitigate the impact of this proposed development. This will be secured via a S106 Agreement should the application be approved.

Although there are no tables available for SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

In terms of the surrounding residential properties, these are to the opposite side of the canal. The application is outline and there is no reason why adequate separation distances could not be provided to the adjacent properties and between the proposed dwellings.

Noise

The applicant has submitted a revised Noise Impact Assessment (NIA) in support of this application following an earlier objection from the Councils Environmental Health Officer.

The impact of the noise from existing noise sources upon the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound. The conclusions of the report and methodology used are acceptable.

Background

The acoustic environment at this location is substantially affected by:

- Industrial/commercial noise from the adjacent Brooks Lane Industrial Estate and
- The A533

CCP Building Products Limited (Cheshire Concrete Products) is referenced as a major noise source. CCP is a permitted installation under the Environmental Permit Regulations (EPR) regime for the: Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixtures, the batching of ready mixed concrete and the manufacture of concrete blocks and other cement products. It holds a Cheshire East Council EPR Permit Reference: PPC 24A. All activities are carried out in the open yard. CCP apparently operates 24 hours a day (section 4.6, page 12, NIA).

The key emissions from plant operations that constitute pollution for the purposes of the Pollution Prevent and Control Act 1999 and therefore warrant control are those consisting of particulate matter in the form of dust.

Noise generating businesses locate in industrial estates, because it is expected that they will be noisy and are expressly zoned away from residential noise sensitive receptors for this purpose. Industrial areas rely on separation distances between noise sensitive developments, in order to reduce noise impact on residential amenity. There are no controls limiting occupants of the Industrial Estate from undertaking their activity at any time of the day / night 365 days / year. This is an attraction for businesses that require 24 hour operations to meet demand.

There are also no controls on future occupiers of the industrial estate being noisier than current business operations. Therefore, potentially further increasing the noise output from this industrial area.

By introducing noise sensitive receptors within an existing Cheshire East industrial estate will encroach upon existing industrial / commercial activities and will negatively impact the continuance of business development, expansion and future local employment opportunities. The noise climate at the proposed noise sensitive receptor locations will be significantly negatively impacted by impulsive, short term peak noise events from industrial noise source type activities operating 24hours.

The introduction of noise sensitive residential properties at this location is required to be adequately assessed in order to:

- Protect future noise sensitive occupiers from existing industrial noise sources.
- Allow Brooks Lane Industrial Estate business operators to continue work activities without risk of complaint from future residential neighbours.

If the introduction of noise sensitive residential receptors is permitted at this location, in close proximity to the existing Brooks Lane Industrial Estate; it is reasonable to foresee:

- A negative impact upon residential amenity will result and
- The boundaries of statutory noise nuisance will be change and the businesses may suffer formal action in the future when the residential properties are occupied.

Outdoor Acoustic Environment

BS 4142:2014, 'Methods for Rating and Assessing Industrial and Commercial Sound'. This British Standard describes methods for rating and assessing sound of an industrial and/or commercial nature and includes sound from fixed installations which comprise mechanical and electrical plant and equipment. Outdoor sound levels are used to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which the sound is incident.

Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context. The lower the rating level relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Typically the greater this difference, the greater the magnitude of the impact.

Adverse impacts include (but are not limited to) annoyance and sleep disturbance. Not all adverse impact will lead to complaints and not every complaint is proof of an adverse impact

Difference of	BS4142:2014 Assessment
+10 dB or more	Significant adverse Impact
+ 5 dB	Adverse Impact

The night time assessment undertaken indicates a noise reduction requirement for 'other' sound sources of between 11 and 26dB(A) in order to achieve a 0dB BS4142:2014 assessment level during the night time; RF2 and RF6 are the most critical locations, which are 26 dB and 23 dB. However, ALL the RF (residential facades) are +10dB, therefore a 'significant adverse impact' as per BS4142:2014. As per the diagram below;



The outcome of the BS4142 assessment is that a significant noise impact could be created in the gardens of the most affected properties from noise arising from CCP.

Internal Acoustic Environment

Providing the sound insulation requirement/composite requirements indicated below are adhered to as a design specification then the limits on the BS8233:2014 criteria for internal sound levels at residential dwellings habitable rooms are expected to be met.

Construction element	Main details	Rw	Applicable to	Remarks
External masonry walls	Brick - cavity -brick external wall. British standard HD brick, 50mm cavity with flexible minimal wall ties. Minimum brick density 1900Kg/m3- Well sealed with all joints pointed - NO penetrations, any unavoidable small penetrations should be sealed around with flexible mastic.	58	External facades at all habitable rooms	Conventional brick / block cavity wall construction
Sealed unit DG	Sealed unit double glazing using Pilkington 'Insulight' - 6mm float/12mm air gap/6.4mm pvb (acoustic laminate). In sealed heavy frame.	34	External facades at all habitable rooms	Where fully glazed doors are included these must have tight closing compression seals to all perimeters/ Preferably acoustically rated seals.
2nd floor roof over	Apex roof system - Tiles on pitch felt roof with 100mm mineral wool slab (minimum 35Kg/m3) on Gyproc 15mm 'soundbloc' plasterboard ceiling	43	45	All roof areas above habitable rooms.

Noise Conclusion

There are significant adverse impacts arising from the existing noise climate that would justify the refusal of planning consent for noise sensitive dwellings solely on the external noise climate.

The proposal will create a 'mixed use' environment, by introducing residential development closer to the industrial estate. Residential development at this location will create conflict with adjacent industrial uses: future residents will suffer noise as a consequence and business operators will be the recipients of noise complaints. As demonstrated by the BS4142 assessment.

The NIA has demonstrated that the internal acoustic environment is capable of being designed to mitigate noise to a satisfactory level. Indoor living environments will depend on various acoustic design and noise mitigation measures to achieve a satisfactory acoustic environment.

However, residents are still entitled to reasonable external environmental standards. The sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas. Outdoor living environments cannot achieve a satisfactory noise level in accordance with the WHO guidelines for Community Noise. However BS 8223:2014 accepts that in areas where the upper limit of 55dBLAeqT cannot be achieved, development should be designed to achieve the lowest practicable levels in these external amenity spaces.

The concerns raised by the Environmental Health Officer in terms of noise are noted. However the site and the wider Brooks Lane Industrial Estate form part of a strategic allocation under Site CS54 of the Cheshire East Local Plan Strategy. As a result this part of Middlewich is likely to undergo significant re-development with the removal of the existing noise generating developments and the creation of up to 200 homes, leisure and community facilities, appropriate retail provision and green infrastructure. On this basis it is considered that the noise impacts from this development could not be used to generate a reason for refusal given the wider intentions to regenerate this area. A condition will be imposed to ensure that the reserved matters applications are supported by an updated Noise Impact Assessment and mitigation measures to take into account the position at that time.

Air Quality

An Air Quality Impact Assessment has been submitted as part of this application. Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The Environmental Health Officer originally objected to the application on the grounds of insufficient information being submitted in the initial air quality impact assessment report. A further report has therefore been submitted in support of the application. The report considers whether the development will cause an increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. A number of modelled scenarios have been considered within the assessment. These were:

2019	Base
2020	2019 Base + other committed developments in the area
2021	2019 Base + other committed developments + this development

The assessment uses the Defra emissions factor toolkit and ADMS to model NO₂ and PM₁₀ impacts from additional road traffic associated with this development. An air quality damage cost calculation has also been undertaken. The damage costs associated with emissions arising from vehicle movements from the development for 5 years have been calculated as £18,182 for NO_x and £41,850 for PM₁₀ per year. The cost of mitigation to be implemented to offset the impact of emissions should reflect this value.

The report concludes that the air quality impacts as a result of the construction, operational and cumulative effects of the development would have a moderate adverse impact on five receptors in the area, a minor adverse impact on one, and a negligible impact on a further fourteen receptors. The report further concludes that mitigation measures will be required to limit the impact of the development.

The proposed development is considered significant by the Environmental Health Department in that it is highly likely to change traffic patterns and congestion in the area.

There is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals.

Air Quality Monitoring undertaken at Chester Road, Middlewich indicates that the annual mean nitrogen dioxide limit value was exceeded for the year 2014. The Council is currently undertaking a verification process in accordance with the Local Air Quality Management regime to declare an Air Quality Management Area and the due process involved in that decision.

The report states that the developer should implement an adequate construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal and provides details of what this should contain. This will be controlled through the imposition of planning conditions.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land. The application includes new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

Further investigations have been undertaken on site and are reported within the submitted Dunelm, March 2017 report. This work has provided sufficient information to enable the removal of the objection from the Contaminated Land team. However, the investigation has identified significant contamination issues including widespread Asbestos, Poly Aromatic Hydrocarbons (PAHs), Trichloroethylene (TCE) and Chloroethene (Vinyl Chloride), Lead and Mercury. Contamination is present both in the soil and the groundwater.

Further investigative work is required to fully understand the risks posed by the site. This should include boreholes to gain a better appreciation of the risks to controlled waters and it is likely that Detailed Quantitative Risk Assessments (DQRA) will be required. Such works will need to be undertaken post demolition and the removal of hard standing.

The Contaminated Land team have liaised closely with the Environment Agency and as such have combined the suggested conditions with respect to contaminated land. There is also a suggested condition from the Canal and Rivers Trust in relation to contaminated land.

Public Rights of Way

There are no public footpaths crossing the site although PROW Middlewich 21 runs along Road Beta adjacent to the site. The PROW Team have stated that it appears unlikely that this development would affect the PROW.

In this case the PROW Team have requested a contribution to upgrade PROW Middlewich 21 and these works would take the form of signage, access point furniture, minor surface works and vegetation clearance. These works have been costed at £5,000 and will be secured as part of a S106 Agreement.

Impact upon the Trent and Mersey Canal

The proposed marina would have a maximum of 12 berths and is supported by the Strategic Site Allocation CS54 Brooks Lane, Middlewich within the Cheshire East Local Plan.

The Canal & River Trust have been consulted as part of this application and originally raised a number of concerns in relation to the potential impact from this development. This has resulted in the submission of an amended plan which has repositioned the access of the marina onto the canal and the applicant has clarified the number of berths.

The Canal and River Trust has confirmed that there is no objection to this development from a water resources perspective due to the small number of berths involved.

The Canal and River Trust did raise serious concerns about the access point to the marina and in terms navigational safety due to the proximity of the access to Kings Lock and its associated moorings point. The Canal and River Trust suggested moving the location of the access further south to allow sufficient width to allow boats to pass without adversely impacting upon

navigational safety. The amended plans now show this and the revised comments are awaited from the Canal and River Trust.

One of the letters of objection refers to contaminated sediment within the canal and that this was identified when an adjacent boatyard was dredged. In relation to this issue the Canal and River Trust has stated that they do not know the specific boatyard dredging issue. However given the historic uses in the area contamination of the canal is highly likely. It should be noted though that the Canal and River Trust dredge lots of places where the sediment is contaminated. The Canal and River Trust have stated that dredging is a good thing, as it removes the contaminants and cleans up the legacy of the industrial revolution. The key is to make sure the applicant has the necessary controls in place to ensure that the dredging activity does not create a pollution issue.

The Canal and River Trust have suggested conditions to protect the Trent and Mersey Canal in terms of structural integrity, contaminated land and surface water drainage. These conditions will be imposed should the application be approved.

Impact upon Built Heritage

Scheduled Ancient Monument

The Scheduled Monument (known as Murgatroyd's Brine Works) is a considerable distance to the north-east of the site with a number of intervening employment units. This development would not impact upon the Scheduled Monument.

Listed Buildings

The nearest Listed Buildings/Structures to this development are Trent and Mersey Canal Kings Lock (Grade II), Trent and Mersey Canal Bridge Number 167 (Bridge at Kings Lock) (Grade II) and Trent and Mersey Canal Bridge Number 168 (Bridge at Booth Lane) (Grade II). All 3 listed structures are located to the north-west of the site. The bridge at Brooks Lane referred to within the Town Council comments is not a listed structure.

The scheme appreciates and respects the heritage of the site in particular by revitalising the waterside, creating a new marina and respecting the industrial character of the area. Although this is an outline submission with all matters excluding access reserved considerable work has been undertaken to ensure that the proposal is for a place with a locally inspired and distinctive character and this journey is well explained in the Design and Access Statement.

Conservation Area

The Trent and Mersey Canal and a small section of the application site to this boundary are located within a Conservation Area.

The site is currently part of the Brooks Lane Industrial Estate and presently contains two large Intertech industrial units and associated hard standing; the buildings are unsuitable for retention and conversion. The proposal does effectively open up the canal side and would maximise the potential of this key heritage asset, indeed the way in which the canal heritage is the driver for this development enhancing the Trent and Mersey Canal Conservation area is very

positive aspect of this scheme. However as this is an outline application the final details will only be secured at the Reserved Matters stage.

Archaeology

This application is supported by an archaeological desk-based assessment which was prepared by Humble Heritage Ltd on behalf of the developers. The report considers information held in the Cheshire Historic Environment Record (CHER) and also describes the results of an examination of aerial photographs and historic mapping, including the Middlewich and Newton Tithe map of 1848 and Ordnance Survey maps from the 19th-century onwards. The report concludes that the proposed development area does have some potential to yield below ground archaeological deposits. The report draws particular attention to the Canal Boat Yard located at the south-western extent of the site, which is depicted on the 1848 tithe map, in addition the line of the King Street Roman Road, which runs along the north-eastern extent of the proposed development area.

Whilst the report has not identified any archaeological grounds for refusal of planning consent, the groundworks associated with the proposed development would lead to the destruction of any surviving below ground archaeological remains associated with the Boat Yard and Roman Road. Therefore Cheshire Archaeology Planning Advisory Service (APAS) would advise that a programme of archaeological mitigation be made as a condition of any planning permission which might be granted. In this instance the mitigation would take the form of:

- a developer funded watching brief, during relevant ground works (initial ground clearance, topsoil stripping & excavation of footings) across the line of the Roman Road, including a 15m wide buffer zone.
- a strip, map and record exercise across the site of the Boat Yard, whereby an area measuring 50m by 50m would be stripped using a suitable machine under archaeological supervision and control, down to the first archaeological layer, after which excavation would proceed by hand. An agreed excavation and recording methodology would then be implemented to excavate and record those archaeological features/layers that survived.

The results of this work would then be written up into a report, to be submitted for inclusion in the Cheshire Historic Environment Record. The work may be secured by the imposition of a planning condition.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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 development site would have a density of 47 dwellings per hectare. This is considered to be reasonable on this site.

The scheme appreciates and respects the heritage of the site in particular by revitalising the waterside, creating a new marina and respecting the industrial character of the area. Although this is an outline application considerable work has been undertaken to ensure that the proposal is for a place with a locally inspired and distinctive character and this is well explained in the Design and Access Statement. Scale and massing seem appropriate for the context and the Gatehouse and blocks surrounding the Marina Salinae look like potentially exciting architectural additions to Middlewich as does the clean and modern approach to the housing.

Throughout the scheme buildings are well positioned in perimeter blocks and turn corners effectively making the most of the views of the canal and providing good levels of surveillance over the streets and spaces. The division of the site into zones with distinct characters is strong and the height to width ratios of streets is appropriate for the type and location.

This is an extremely interesting proposal and it has much to commend it. The opening up and proper utilisation of the Trent and Mersey canal, the incorporation of a mix of uses alongside housing and the bold approach to design that draws heavily from the local context are all warmly welcomed. It is however an outline application, albeit one supported by some considerable detail in some areas and on this basis it is considered that an appropriate design solution can be secured at the reserved matters stage.

Highways

This is an outline application with all matters reserved except for access. The proposal is to be accessed from Road Beta by a priority type access. It is proposed to enhance the pedestrian connections to and from the town centre and access to bus services.

Access

A key component of a development proposal is to provide a safe and suitable access for all highway users both vehicular and pedestrian. The proposals have been audited against this requirement and subject to the mitigation described under the next section meet this requirement. The submitted Transport Assessment states that visibility splays in accordance with Manual for Streets can be achieved in both directions when exiting the site (2.4m x 45m).

Network Capacity

The Transport Assessment submitted with the application has considered two junctions on the highway network that would likely be influenced by the traffic generated by the development.

The junctions assessed by the applicant are at the following locations:

- Brooks lane/Road Beta
- Brooks Lane/A54 Kinderton Street

The traffic impact of the proposed development has been quantified in the supporting Transport Assessment which has been subject to audit by Cheshire East Council highway officers.

This audit has involved dialogue with the applicants transport consultant to overcome concerns raised over the transport impact of the application. As part of these discussions the traffic impact of the development has been assessed utilising modelling software at various junctions in particular the A54/Leadsmythy junction where the development will impact on a junction that suffers from peak time capacity constraint.

These discussions have been undertaken in the spirit of NPPF placing obligation on Highway Authorities to work with developers to find solutions to transport concerns of proposals through the securing of mitigations or financial contributions to mitigations rather than resisting the application. In accordance with the NPPF the Head of Strategic Infrastructure would only resist the application where the impact of the development could be determined as severe.

The comments raised by the Town Council in relation to the Brooks Lane Bridge are noted; in this case the bridge is owned by the Canal and River Trust and the surface carriageway over is part of the adopted highway. The submitted TA identifies that the net additional vehicle movements over the bridge would be low and no objection has been raised in relation to this issue by the Head of Strategic Infrastructure or the Canal and River Trust.

The results of this analysis have shown the development would be acceptable in highway terms subject to a S106 contribution of £150,000 towards a proposed improvement scheme at A54/Leadsmythy junction which is currently being facilitated by Cheshire East Council.

Sustainable Access

An assessment of the sites sustainable credentials has been undertaken with particular attention given to connecting the site to existing facilities via sustainable modes such as walking/cycling and public transport.

Walking & Cycling

An indicative walking link to Middlewich Town Centre and bus services via Kings Lock is referred in the supporting Transport Assessment. This link is an important element in ensuring the sustainable nature of the development making it a convenient and attractive option and the development needs to facilitate this link as a minimum.

The National Cycle Network runs through Middlewich providing longer distance cycle opportunities to Winsford/Sandbach. Links to ensure good internal connectivity will be assessed as part of the reserved matters application when the layout will be considered in detail.

Public Transport

A half hourly bus service Monday to Saturday running to Sandbach/Crewe and Winsford/Northwich runs along Booth Lane (A534) adjacent to the site but on the opposite side of the canal hence the foot connection via Kings Lock is an important element in accessing the development by public transport.

Travel plan

A travel plan has been submitted which proposes single car occupancy reductions of 10-15% over the first 5 years of the development assisted by the appointment of a future Travel Plan Co-ordinator who will promote and implement the measures described in the framework plan. The proposed householder travel plan information pack issued to all new first occupation residents must include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations.

To ensure effective implementation of the travel plan measures and subsequent submission of travel plan reports a travel plan monitoring fee of £5,000 will be required to be secured via Section 106 agreement.

Highways Summary and Conclusions

A Transport Assessment has been used to assess the impact of this development and it is not considered that this represents a severe impact to warrant refusal of the application. It is considered that a safe and suitable site access can be achieved for all.

Trees and Hedgerows

The access plan with visibility splays appears to avoid conflicts with the Road Beta frontage trees.

The revised layout received on suggests a greater number of trees could be retained on the canal side and Road Beta frontage than the earlier version. The Council's Tree Officer is concerned that there are locations where trees are shown either retained or proposed which may not be feasible. The full arboricultural implications could only be assessed once a layout is finalised at reserved matters stage and the implications of remediation requirements are clear.

Landscape

The site is a brownfield site within the settlement boundary which includes a number of utilitarian employment buildings. On this basis it is not considered that the development would cause harm to the wider landscape.

Ecology

The application site is located in an area of Middlewich known to support a number of protected/priority species. However the habitats on this site are for the most part of limited Nature Conservation value. The application site is also located adjacent to the Cledford Lane Lime beds Local Wildlife Site. The proposed development would however retain a buffer of semi-natural habitat adjacent to the Local Wildlife site and the Council's Ecologist advises that there are unlikely to be any significant effects on this designated site.

The trees along the boundary with the Trent and Mersey Canal are likely to provide both suitable foraging/commuting habitat for bats and potential roosting opportunities. The loss of these trees could have an adverse effect on the local bat population. In this case a revised plan has been submitted to show the retention of these trees and the views of the Council's Ecologist are awaited in relation to this issue.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

The current site is largely occupied by existing building and hardstanding with large areas of impermeable surfacing. The submitted FRA states that *'A workable solution would be for connection of surface water to the canal network and/or public sewer at greenfield runoff rate, with onsite storage provisions made to contain excess water prior to drainage discharge.'*

Any discharge to the canal network must be formally agreed with the Canal and Rivers Trust attaining the relevant consents to discharge. Any proposed discharge to public sewer must be agreed with United Utilities and the Lead Local Flood Authority.

The Environment Agency, United Utilities and the Councils Flood Risk Manager have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions.

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

Impact upon Hazardous Installations

The representations received refer to the potential safety implications due to the location of a number of adjacent businesses including Centec (a chemical manufacturing and recovery business located on the Science Park at Brooks Lane). These concerns have been noted and in this case the Health and Safety Executive (HSE) have been consulted on this application and the HSE has stated as follows;

'The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site'

On this basis there are not considered to be any objections in terms of the safety of the future occupiers of the proposed development.

Brine Subsidence

In this case the Cheshire Brine Subsidence Compensation Board have been consulted on this application and have stated that as the site is located outside of the consultation area the Board would not normally make any comments. However there may be stability considerations relating to natural dissolution which are relevant to sites outside the Board's consultation areas which may require suitable risk assessment and mitigation. An informative will be attached to any approval to advise the applicant of these comments.

ECONOMIC SUSTAINABILITY

From a visitor economy point of view and relating specifically to the new marina development this is in line with the Cheshire East Visitor Economy Strategy agreed by Council in 2016.

The visitor economy contributes to jobs, growth and prosperity, both in its own right and in its contribution to Cheshire East's 'Quality of Place'. The ambition is focussed around continuing to maximise growth of the visitor economy, whilst ensuring greater prosperity across the widest number of communities that will lead to greater wellbeing for both residents and visitors. Tourism can be a force for good both in economic terms but also as an essential contributor to the excellent quality of life and place Cheshire East offers. This is a key factor not only in decisions to visit but also in decisions to settle and to invest.

Working with Marketing Cheshire, the sub-regional place marketing board, Cheshire East Council is promoting the region as a short breaks destination as well as a location for business tourism, food tourism and weddings. The Cheshire East Visitor Economy Strategy (2016-2020) articulates strategic themes that help to guide the identification of priorities in seeking to maximise the contribution of the visitor economy. It also identifies strategic priorities including developing a distinctive rural tourism offer and profiling a quality food & drink offer in Cheshire East.

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 Macclesfield including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The comments raised in relation to the loss of the existing employment site are noted. However this has been considered as part of the Cheshire East Local Plan Strategy allocation of this site. As part of his last comments on the progress of the Cheshire East Local Plan the Inspector stated that

'Apart from a few exceptions (listed below and later), no further modifications are needed to the development strategy, proposed amounts of housing and employment land, and the site-specific policies for Crewe, Macclesfield, the Key & Local Service Centres, Other Settlements & Rural Areas, and Other Sites'

As a result it is considered that the economic benefits of this development weigh in favour of the proposed development.

CIL Regulations

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

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

The development would result in increased demand for secondary school places in the area and SEN in Cheshire East where there is very limited spare capacity. In order to increase capacity of

the school(s) which would support the proposed development, a contribution towards secondary school education and SEN is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the contribution to the PROW will improve the sustainability credentials of this site and is 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 proposed development forms part of Site CS54 Brooks Lane, Middlewich and as a result the principle of development is considered to be acceptable.

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

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would bring economic benefits in terms of the proposed marina and facilities
- Although the application is in outline form the development has the potential to bring extensive improvements to the appearance of the site from the Canal and Conservation Area
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Middlewich.

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

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The impact upon the landscape would be limited
- The archaeological implications would be mitigated through the imposition of a planning condition
- Subject to conditions the development would not impact upon the Canal in terms of water resource, navigational safety or structural integrity
- There would be no significant impact upon the PROW

- The highways impact of the development would be acceptable subject to the S106 requirements to mitigate the proposed impact

The concerns raised in relation to noise are noted but the wider redevelopment of this site is anticipated in accordance with Strategic Site CS54.

On this basis it is considered that the benefits of this development outweigh any harm and in accordance with the NPPF the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Secondary school education contribution of £294,168
3. SEN education contribution of £45,500
4. Contribution of £150,000 towards the improvement scheme at the A54/Leadsmithy Street
5. Travel Plan requirement to include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations. Travel Plan Monitoring sum of £5,000.
6. PROW Contribution of £5,000 towards PROW Middlewich 21
7. POS provision and a scheme of management to be maintained in perpetuity

And the following conditions;

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Approved Plans
5. The reserved matters for the proposed development shall be in general accordance with the submitted Design and Access Statement
6. Canal Risk Assessment and Method Statement (structural integrity) to be submitted to the LPA for approval in writing
7. Details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Trent and Mersey Canal to be submitted to the LPA for approval in writing

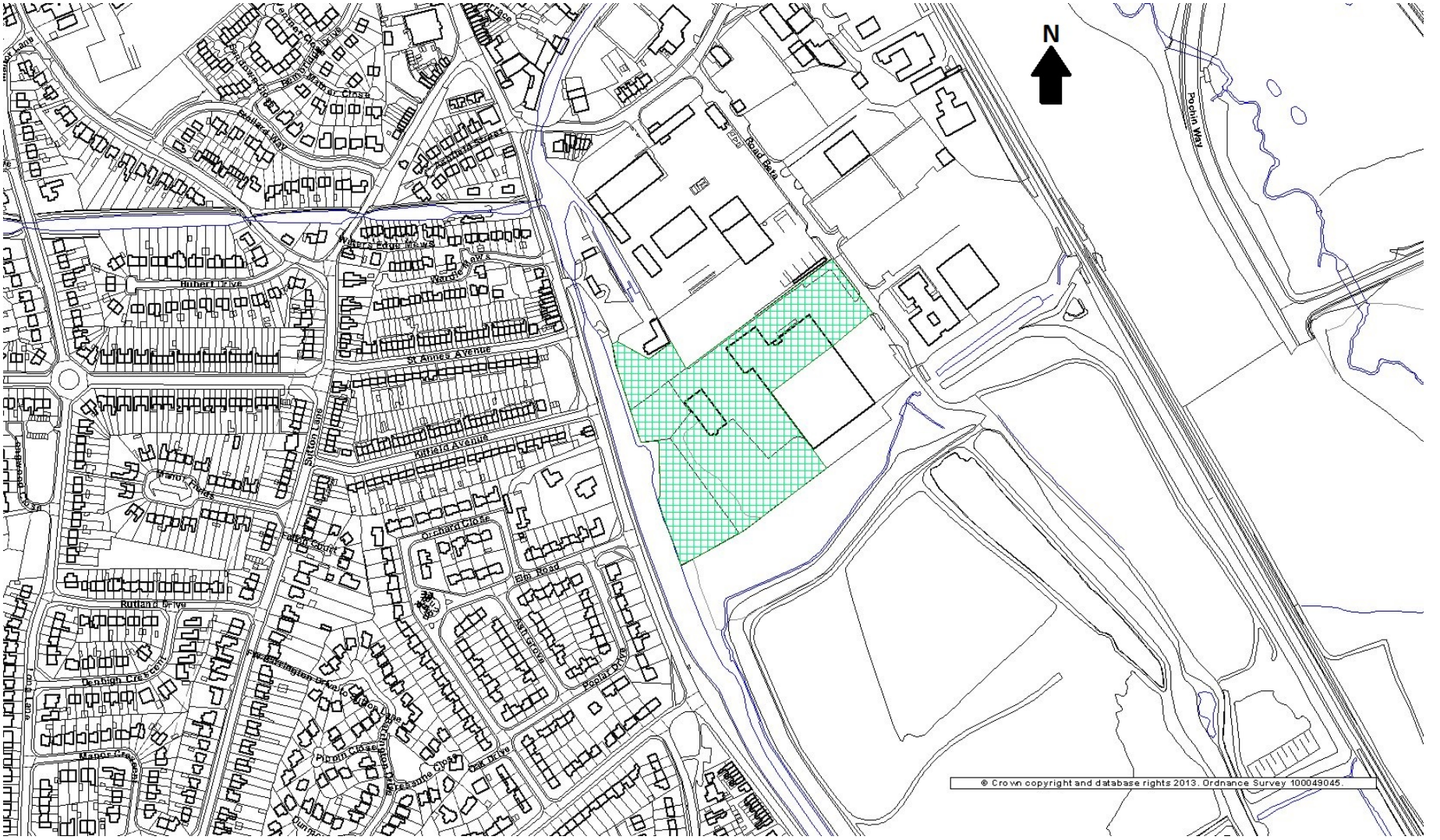
8. No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority
9. Contaminated Land details to be submitted and approved
10. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved
11. Details of any soil or soil forming materials to be tested for contamination prior to being brought onto site
12. 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).
13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
14. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known (or suspected) to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
15. Travel Plan to be submitted and approved
16. Electric Vehicle Charging Points to be submitted and approved
17. Construction Management Plan (including dust control measures to be submitted and approved)
18. All commercial vehicles associated with operation of the retail area shall comply with current or the most recent European Emission Standards from scheme opening, to be progressively maintained for the lifetime of the development.
19. Reserved matters application to be supported a lighting strategy informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).
20. Reserved matters application to be supported by proposals for the incorporation of features for nesting birds and roosting bats.
21. Reserved matters application to be supported by a management plan for the control of Himalayan Balsam.
22. No development shall take place within the area described above until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
23. Retention of trees on site unless otherwise agreed
24. Any future reserved matters application shall be supported by a Tree Survey no more than 12 months old, an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan that shall inform the design of the definitive site layout and accord with the guidelines contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*
25. The facilitation of a footpath connection from the site boundary to Booth Lane.

26. The site access arrangements shall be completed prior to the development being brought into use.
27. The Reserved Matters application to be supported by an updated NIA and mitigation measures
28. Details of piling/floor floating works to be submitted and approved
29. Reserved Matters to include details of proposed, new, modified or additional source(s) of sound, range from single air conditioning units, commercial kitchen extract units or new industrial activity

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

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Secondary school education contribution of £294,168
3. SEN education contribution of £45,500
4. Contribution of £150,000 towards the improvement scheme at the A54/Leadsmyth Street
5. Travel Plan requirement to include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations. Travel Plan Monitoring sum of £5,000.
6. PROW Contribution of £5,000 towards PROW Middlewich 21
7. POS provision and a scheme of management to be maintained in perpetuity



Application No: 17/0774N

Location: Land At, MOORSFIELD AVENUE, AUDLEM

Proposal: Outline planning permission for Development of up to 34 dwellings with all matters reserved except access

Applicant: Plotbuild

Expiry Date: 15-May-2017

SUMMARY:

The proposed development would be contrary to Policies H1 and H3 of the Audlem Neighbourhood Plan, Policies NE.2 and RES.5 of the adopted local plan, Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal contrary to the Audlem Neighbourhood Plan Policy D1 and Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7

The development would provide benefits in terms of housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for nearby businesses.

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

The adverse impacts of the development would be development within the countryside that would erode the rural character of the countryside and would have an adverse impact on the Conservation Area and the Shropshire Union Canal and would undermine the ability of the community to shape and direct sustainable development in their area.

The identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION: REFUSE**PROPOSAL:**

The application seeks outline planning permission with all matters except access reserved, for a development of up to 34 dwellings. This is a resubmission following the withdrawal of a previous application for up to 87 dwellings.

SITE DESCRIPTION:

The application site is situated to the north of the existing development on Moorsfield Avenue and Tollgate Drive. It is of an irregular shape with various level changes. To the east is the Shropshire Union Canal and the Audlem Conservation Area and to the west agricultural land.

The site is designated as being within Open Countryside in the Borough of Crewe and Nantwich Replacement Local Plan and the Cheshire East Local Plan Strategy.

RELEVANT HISTORY:

16/0725N Withdrawn application for up to 87 dwellings

NATIONAL & LOCAL POLICY

National Policy

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

Local Plan Policy

Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.3 (Areas of Special County Value)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) July 2016 (CELP)

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

PG 2 Settlement Hierarchy
PG 6 Spatial Distribution of Development
SC 4 Residential Mix
SC5 Affordable Homes
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 6 Green Infrastructure
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
IN1 Infrastructure
IN2 Developer Contributions
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

Audlem Neighbourhood Plan 2015 – 2030 (ANP)

H1 – Number of New Homes
H3 – Scale of New Development
H4 – Size of Homes
H5 – Type of Homes
H6 – Affordable Housing
H7 – Tenancy Mix
D1 – Character & Quality
D2 – Size & Space
D3 – Position & Topography
D4 – Conservation Areas
D7 – Efficiency & Sustainability
D8 - Retaining Green Space and Encouraging Nature Conservation
D9 – Planting
D10 – Drainage
D11 – Residential Parking
D12 – Road Widths
D13 – Safe Access
D14 – Storage Space
CL1 - Infrastructure
CW3 – Infrastructure Support
T2 – Traffic Congestion and Risk to Road Users

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

CONSULTATIONS:

Audlem Parish Council: Object to the application the imposition of up to 34 houses at this sensitive location in close proximity to the canal corridor Conservation Area remains unacceptable on the following grounds:

1. The proposal is not in conformity with the Audlem Neighbourhood Plan;
2. The proposal is outside the settlement boundary;
3. The proposal is inappropriate in the light of its position adjacent to a Conservation Area;
4. Development would have a severe detrimental impact on
 - a) landscape and amenity
 - b) existing properties
 - c) environment and ecology
5. Development would result in the loss of grade 3 agricultural land;
6. There are numerous sustainability concerns, including infrastructure, transport and highways.

Highways: No objection.

United Utilities: No objection subject to conditions.

Public Rights of Way: Put forward comments relating to 'claimed footpaths'. (Details outlined in the main body of this report)

Environmental Health: No objection subject to conditions/informatives relating to noise, disturbance, air quality and contaminated land.

Education: Require a contribution of £81,713 towards secondary education.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted. At the time of report writing sixty eight representations have been received which can be viewed in full on the website.

They make the following points:

- No more housing required in Audlem
- Contrary to the Neighbourhood Plan
- Development on greenfield land outside the settlement
- No use of brownfield or infill land
- Lack of local infrastructure
- Lack of public transport

- Medical practice is already under considerable pressure
- No Post Office in Audlem
- Impact on tourism
- No provision of a financial contribution to the village
- Premature to the adoption of the local plan
- Highway safety
- Additional traffic
- Drainage/sewerage issues
- Loss of agricultural land
- Impact on wildlife
- Impact on landscape and views
- Adverse impact on recognised heritage assets
- Loss of privacy/light/views
- Overbearing development
- Disruption during construction
- Would set a precedent for future development
- Diminishes the integrity of localism
- Misleading documentation
- Lack of consultation
- Property values

APPRAISAL:

Principle of Development

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

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

Policy H1 of the ANP also advises that “outside the settlement boundary residential permission will not be permitted except in circumstances specified in this Plan. Development of isolated dwelling houses in rural areas will be resisted, except where these accord with national policy”. The NPPF paragraph 55 advises that “isolated homes in the countryside should be avoided unless there are special circumstances”. However the current proposal is not listed as falling within one of these circumstances.

Given that the application site is located outside the Settlement Boundary and does not comply with the NPPF it is considered to be in conflict with the Audlem Neighbourhood Plan (ANP).

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.

Cheshire East Local Plan Position

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.

An appeal decision on 10th February 2017 for Land at 71 Main Road, Shavington, for an outline application for residential development was dismissed. The Inspector for this appeal concluded that, following the Inspector’s Interim Letter on the CELP (December 2016) that substantial weight should be afforded to the conflict with the emerging Local Plan Strategy and the relevant draft policies therein as it is at an advanced stage in the adoption process. She also stated that *“it is not an unreasonable proposition that the LPS will be adopted before any houses could be delivered on the appeal site, even taking account of the reduced implementation timetable agreed by the*

appellant.” This was because the appellant agreed a reduced implementation schedule during the Public Inquiry.

In 2003 the Inspector for the Crewe and Nantwich Local Plan, in relation to objections from the landowner of this site stated:

“Development on this northern section of the site, would in my opinion, have a significant adverse impact on setting of the canal and this part of the Conservation Area. The western section of the site is located in open countryside into which the recent development of Moorsfield Avenue is a significant and visually prominent intrusion. I consider development of the objection site would increase that intrusion to an unacceptable degree.”

The Inspector goes on to say that *“it is my view that no part of the site could be developed without an adverse impact on the character or setting of Audlem or its Conservation Area.”*

It is not considered that this situation has changed since the Inspector passed this judgement.

Audlem Neighbourhood Plan

Audlem Parish Council has submitted a comprehensive objection to the proposals.

Policy H1 of the ANP requires that additional housing over and above that granted at 27th April 2015 will not be permitted outside the settlement boundary.

Policy H2 relates to infill and brownfield land and the proposal does not meet the criteria set down in this policy as it neither an infill site or brownfield Land.

Policies H4 and H5 relate to the size and type of new homes. As this application is in outline form with scale reserved for future consideration, these policies cannot be applied.

Policies D1 and D3 relate to character and quality and position and topography. Again, as the application is in outline form with layout and appearance reserved for future consideration, these policies cannot be applied.

Policy D4 relates to conservation areas. The Council’s Conservation Officer has assessed the revised application and considers that the impact on the setting of the canal would still be significant, contrary to Policy D4.

Policy D8 relates to retaining green space and encouraging nature conservation. This policy includes areas alongside either side of the canal bank throughout the parish. Given that the proposal has now been located away from the canal side, it is not considered that this policy can be applied to the proposal.

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 will negotiate for the provision of an appropriate element of the total

dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or larger than 1000Sqm floor space, including garages and annex buildings in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 34 dwellings; therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Audlem per year until 2018 is for 4 x one bedroom, 16 x three bedroom and 4 x four bedroom dwellings for General Needs. The SHMA 2013 is also showing a need for 3 x two bedroom Older Persons accommodation per year. The demand on Cheshire Homechoice is for 6 x one bedroom, 6 x two bedroom, 4 x three bedroom and 1 x five bedroom dwellings therefore on this site 1, 2 and 3 bedroom dwellings would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure.

It is noted that the other development in Audlem is only providing 2 and 3 bedroom units, however there is also a need for one bedroom flats. Another recent development in Audlem does not provide any one bedroom flats. It is therefore recommended that a small number of one bedroom flats are provided on the site possibly one block of 4 flats.

Alternatively some of the 2 bedroom dwellings should be available for older persons as the need is shown in the SHMA these could also be supplied as bungalows.

The local needs survey which was carried out in Audlem in January 2013 identified 98 newly forming households, of which 37 would need subsidised or rented affordable properties.

As this Outline application is meeting the IPS by virtue of the details given in the Affordable Housing Statement. The Strategic Housing Manager has no objection to the proposal. The exact placing and affordable housing types can be confirmed at reserved matters stage.

Health

Concerns have been expressed by the doctor at the local medical practice and by many of the residents of Audlem, that the local medical facilities do not have the capacity to accommodate any additional patients.

However there is currently no mechanism in place that could secure financial contributions to address this issue. As such a requirement for any financial contribution would not meet the criteria set out in the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, and could not be imposed. This is consistent with the appeal decision at Audlem Road, Audlem.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek Public Open Space (POS) on site. In this case the development would be for up to 34 dwellings, therefore there is a requirement for POS on site. The indicative site plan shows

adequate space for on-site provision and this should be secured by Section 106 Agreement should the application be approved.

Education

Not including the current planning application registered on Land at Moorsfield Avenue (17/0774N), there are 9 further registered and undetermined planning applications in Nantwich generating an additional 71 primary children and 57 secondary children.

The development of 34 dwellings is expected to generate:

6 primary children (34 x 0.19)
5 secondary children (34 x 0.15)
0 SEN children (34 x 0.51 x 0.023%)

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

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

$5 \times £17,959 \times 0.91 = £81,713.00$ (secondary)
Total education contribution: £81,713.00

Without a secured contribution of £81,713.00, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 5 secondary children would not have a school place in Nantwich. The objection would be withdrawn if the financial mitigation measure is agreed.

The table below sets out the reasoning behind this requirement:

<u>Development</u>	land at Morsfield Ave, Audlem				Number of Dwellings	34					
<u>Planning App Number</u>	17/0774N				Primary Yield	6					
<u>Date Prepared</u>	21.3.2017				Secondary Yield	5					
					SEN Yield	0					
PUPIL FORECASTS based on October 2015 School Census											
	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	Comments	
Primary Schools											
Audlem St James' CoE Primary School	30	30	178	178	160	171	165	168	158		
Developments with S106 funded and pupil yield included in the forecasts				0							
Developments pupil yield not included in the forecasts									5		
Pupil Yield expected from this development									6		
OVERALL TOTAL	30	30	178	178	160	171	165	168	169		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					18	7	13	10	9		
PRIMARY CONCLUSION - No Claim. Surplus is low but still sufficient to accommodate the 66 pupils.											
	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Secondary Schools											
Brine Leas School	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212
					Please Note: All figures quoted exclude any allowance for 6th Form Pupils						
Developments with S106 funded and pupil yield included in the forecasts				20							
Developments pupil yield not included in the forecasts											19
Pupil Yield expected from this development											5
OVERALL TOTAL	215	215	1,050	1,070	1,118	1,149	1,168	1,190	1,197	1,200	1,236
OVERALL SURPLUS PLACES PROJECTIONS					-48	-79	-98	-120	-127	-130	-166

Environmental Sustainability

Landscape

The Illustrative Masterplan submitted with the current application is a further improvement on revised layout BL003/SK01 submitted with application 16/0725N in September last year, in that it omits development from the land off Moorsfield Avenue and from the steeply sloping area in the north western part of the site. The panoramic community views westward across the Weaver valley from Moorsfield Avenue (i.e. from the road and verge opposite house numbers 8 to 14) would therefore remain largely unobstructed.

The proposed dwellings are set back 70 to 80 metres from the canal bank. Although, the proposed development is located on the highest part of the site and would initially be prominent on the skyline from a number of important/sensitive viewpoints, the adverse visual impacts could be mitigated in the medium to long term by tree belt planting along the development boundaries as demonstrated by the four visualisations submitted with the application:

Viewpoint 2

This is a viewpoint from within the field off Moorsfield Avenue looking directly towards the proposed development which would initially be prominent on the skyline. After 15 years the proposed planting would break up and filter views of the dwellings.

Viewpoint 7

This view is from footpath 9 near to Moss Hall Canal Bridge to the north. The visualisation demonstrates that the development would not be visible from this location.

Viewpoint 9

This is the most important and sensitive viewpoint - representing views from canal boats and from the tow path which is part of the Weaver Way long distance footpath route. The proposed development would initially be prominent on the skyline. After 15 years the proposed planting would break up and filter views of the dwellings.

Viewpoint 10

This is an important community view from Audlem cemetery. The proposed development would initially be prominent on the skyline. After 15 years the proposed planting would break up and filter views of the dwellings

There is scope to plant a much wider tree belt along the eastern edge of the development (on land 'edged blue' in the applicant's ownership) which would, in the medium to long-term, screen views of the development from the canal towpath and the cemetery more effectively. This could be secured during the reserved matters stage.

Trees & Hedgerows

The application is supported by an Arboricultural Survey; this report accompanied the original application (16/0725N) on the site. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The site is presently set down to grazing land over a single large field which falls from the south down to the canal. The majority of the tree cover is located around the periphery of and off the site, with the indicative development plan utilising the open aspect of the site.

The application is outline with access only, served off Tollgate Road requiring the removal of single low value tree (Category C), its loss will have negligible impact on the amenity of the immediate area and no impact on the wider landscape. There are no hedgerow implications associated with the point of access, with the hedge associated with the Tollgate Road access forming part of an existing garden curtilage which precludes it for consideration under the 1997 Hedgerow Regulations

From an Arboricultural perspective the openness of the field places minimal restrictions on development. Should the application proceed to reserved matters a detailed Arboricultural Impact Assessment will be required to inform development layout. A full hedgerow survey in accordance with the 1997 Hedgerow Regulations will also be required to determine if the remaining hedgerow associated with the development area which presently do not form existing garden boundaries are 'important', both these matters can be dealt with by condition should the application be approved.

Heritage

The proposed development is focused upon the most elevated part of the site, which then falls away to the east toward the canal and westward to the River Weaver. Consequently, the proposed development would still be very prominent despite the reduction in numbers and whilst the proximity of new development to the canal itself has been relaxed, this prominence in the context of the canal's setting would remain significant. This will be detrimental to the views from the canal

and its setting, which is illustrated very effectively in the photo viewpoint information for the canal vantage point. Whilst landscaping is proposed on the eastern boundary of the development, the width of the landscape area is modest and will take a significant time to mature. There will be variations in its effectiveness seasonally and there is the potential for light spill during dusk and darkness, which would further erode the setting of the canal. This impact will be especially significant until the landscaping reaches reasonable maturity, which could take a good number of years. It could also be argued that the landscape belt itself is quite alien, further compounding the impact in this relatively open view, the effect of which will increase as the landscaping matures. The upshot is that the development is unlikely to harmonise with its setting over time.

Whilst the designated Conservation Area does not extend to include the site frontage it does form part of the setting of the Conservation Area and this stretch of the canal has significance in its own right in built heritage terms and is considered a non-designated heritage asset. There is an intention to review the conservation area to extend the boundary to include the stretch of canal directly in front of the site and further north. Consequently, having regard to this particular issue, it is considered that likely impact upon the canal's setting would be unacceptable.

Ecology

A protected species sett was previously recorded on site and the reports submitted with the application were considered to be out of date. An updated other protected species Mitigation Strategy has now been submitted, which will be assessed by the Council's ecologist and Members will be provided with an update prior to the meeting.

Pole Cats and Hedgehogs have been recorded within 1km of the application site and so may occur on the application site. It is however considered that the application site is unlikely to be particularly important for these species. In the event that planning permission is granted a condition should be attached requiring the reserved matters to incorporate gaps for Hedgehogs to be incorporated into the boundary treatments.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

The Council's ecologist considers that Great Crested Newts and reptiles are not reasonably likely to be affected by the proposed development.

The open space areas associated with the development provides opportunities for habitat creation, such as new pond and wildflower meadow creation that would contribute to local and national priority habitat creation targets.

It is therefore recommended that if planning consent is granted, a condition should be attached which requires any future reserved matters application to be supported by a habitat creation strategy.

Location of the site

The site is located immediately adjacent to the settlement boundary of Audlem which is designated as a Local Service Centre in the CELP. This means that Audlem is considered to provide a range of services and facilities to meet the needs of local residents.

As such the site is considered to be locationally sustainable.

Access and Highways

The site has existing highway access from Tollgate Drive via field gates.

This is an outline planning application for the development of up to 34 dwellings with associated parking and landscaping. It is proposed that all dwellings will be served from an internal access road, through the extension of Tollgate Drive into the site.

The Head of Strategic Infrastructure (HSI) has reviewed the Transport Statement (TS) submitted by the applicant in support of the development proposals and finds the following:

Local highway network

Tollgate Drive is a residential access road with a carriageway width of around 5.5m and good footway provision. Access to Tollgate Drive is taken via priority junction with the A525 Whitchurch Road, which provides access to the centre of Audlem and the wider local and strategic highway network.

In terms of the A525, as with most roads running through historic villages such as Audlem, there is a significant amount of on-street parking, which often restricts the carriageway width in various places such that drivers of vehicles have to give way to oncoming traffic before proceeding past parked cars. Site observations indicate that as a result of the availability of passing places due to side roads and No Waiting Traffic Regulation Orders and, good vehicle to vehicle inter-visibility, the parked cars do not normally present a significant problem for drivers.

The traffic generation associated with a development of 34 dwellings would not be expected to have a material impact on the operation of the A525 through Audlem.

Bus

There is just one service with bus stops on the A525 Whitchurch Road within a reasonable walking distance of the site:

- Number 73 – Nantwich – Audlem – Whitchurch; and

Weekday bus frequency is limited to just six services a day between 0846 and 1438, which provides sustainable access to some local destinations. In addition three further bus services are available from the centre of Audlem, numbers 71, 75 and 79; but weekday service frequency is low with just one bus a day per service number.

Cycling and Rail

Given the remote location of Audlem, commuting by bicycle and train are not considered to be realistic options for the future residents of the site.

Walking

Audlem contains a good range of services and facilities and the site is within a reasonable walking distance of these. Therefore, the day to day needs of the future residents would not be completely reliant upon travel by private car and the development would contribute to the viability of local services and facilities.

The site is therefore considered to be in a sustainable location.

Internal site layout

As the application is in outline the HSI has not commented in the site layout but reserves a right to do so at a later date in the application process (i.e. reserved matters).

Access

The proposal for access is presented in Croft Transport Solutions drawing numbers 1152-F01 and involves the extension of the carriageway and footway of Tollgate Drive into the site, to link with the proposed internal road network.

The access proposals are acceptable to the HSI.

Traffic impact

A development of 34 dwellings would be expected to generate less than 25 two-way trips during the morning and evening commuter peak hours.

The HSI has reviewed the traffic impact analysis and accident review set out within the applicants TS and is satisfied that the commuter peak hour traffic generated by the development proposals can be safely accommodated on the local highway network without the need for mitigation.

In order to resist this application, the Highway Authority would have to prove that there is severe harm arising from the increase in traffic on the local highway network resulting from the development proposal, this would not be possible given the modest level of traffic generation predicted.

The HSI is satisfied that the traffic generation associated with development proposals can be safely accommodated on the local and wider highway network; accordingly, the HSI has no objection to the planning application.

Amenity

The application is in outline form with only access to be determined at this stage. An indicative layout plan has been submitted with the application and this does demonstrate that up to 34 dwellings could be accommodated within the site that would meet all the required separation distances.

In terms of the amenity of future occupiers of the proposed dwellings, adequate private amenity space could be provided within the site.

Design

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

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

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

The indicative layout shows a cul-de-sac with access from Tollgate Drive. It is considered that the development would have an urbanising effect on what is currently a field. However as the layout and appearance are all reserved matters, a refusal on design grounds could not be sustained.

Noise and Disturbance

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines. However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a construction management plan and hours of piling would be required as well as an informative to limit the operating hours of the construction site.

Air Quality

This scheme is of a relatively small scale and as such would not require an air quality impact assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts. However to ensure that sustainable vehicle technology is a real option for future occupants, a vehicle charging point should be provided for each dwelling. This could be secured by condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The application site has a history of agricultural use and therefore the land may be contaminated. A Phase I Preliminary Risk Assessment for land contamination has been submitted in support of the application. The report did not identify any potential sources of contamination on the site, but has recommended a Phase II ground investigation. If, during the course of this investigation, unexpected contamination is encountered.

Flood Risk and Drainage

The Flood Risk Manager has not provided a response at the time of report writing. However; in relation to the previous application for up to 87 dwellings there was no objection to the proposal subject to conditions.

Agricultural Land Quality

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

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

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

In this case the applicant has provided an Agricultural Land Quality Report which identifies that the site is Grade 3b and Grade 4 agricultural land which is compliant with Policy NE.12 and the NPPF.

Economic Sustainability

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

CIL Compliance

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

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

In this case, the contribution to secondary education is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Affordable housing is included in the proposal and would be necessary in planning terms.

The POS provision is a requirement of the Local Plan and it would be necessary to secure a scheme of management for this land. This is fair, directly related to the development and necessary.

PLANNING BALANCE AND CONCLUSION

The proposed development would be contrary to Policies H1 and H3 of the Audlem Neighbourhood Plan, Policies NE.2 and RES.5 of the adopted local plan, Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal contrary to the Audlem Neighbourhood Plan Policy D1 and Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7

The development would provide benefits in terms of housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for nearby businesses.

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

The adverse impacts of the development would be development within the countryside that would erode the rural character of the countryside and would have an adverse impact on the Conservation Area and the Shropshire Union Canal and would undermine the ability of the community to shape and direct sustainable development in their area.

The identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

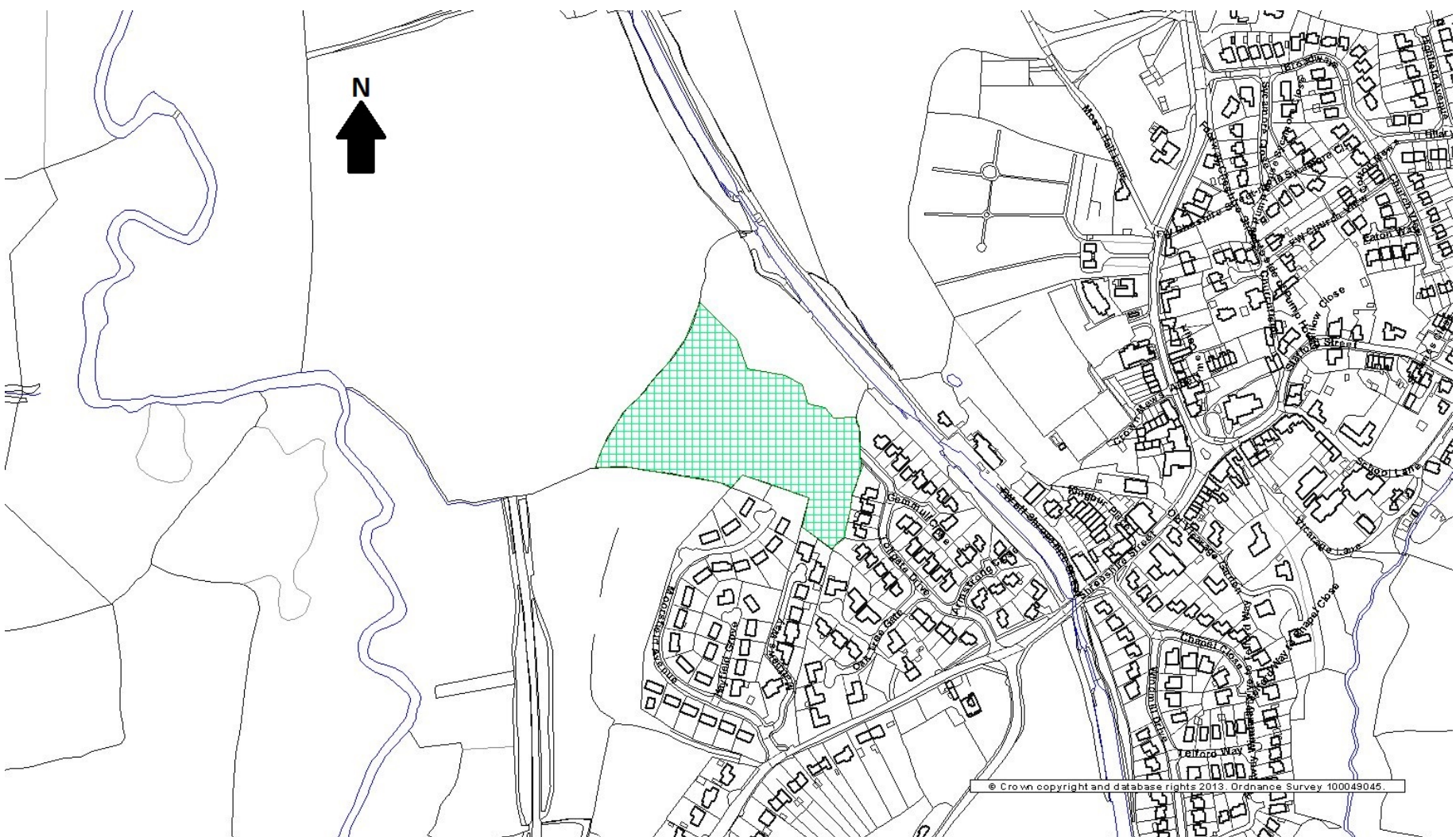
1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Audlem as defined in the Audlem Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Borough of Crewe and Nantwich Replacement Local Plan. As a result the proposal is not listed as an appropriate form of development within the countryside and would erode the rural character of the countryside and would undermine the ability of the community to shape and direct sustainable development in their area, contrary to the Audlem Neighbourhood Plan Policies H1 and H3, Borough of Crewe and Nantwich Replacement Local Plan Policies NE.2 & RES.5, Cheshire East Local Plan Strategy Policy PG5 and the advice of NPPF paragraphs 17, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

2. The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal. The proposal is therefore contrary to the Audlem Neighbourhood Plan Policy D1, Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7 and the advice of NPPF paragraphs 17,131-133, 135, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

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

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

1. A scheme for the provision of affordable housing – 7 units to be provided as social rent/affordable rent with 3 units as 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 the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A contribution of £81,713.00 to secondary education.
3. POS provision and a scheme of management in perpetuity.



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Application No: 17/0374N

Location: Land East Of, WHITCHURCH ROAD, ASTON, NANTWICH, CHESHIRE

Proposal: Development of up to 24 dwellings with all matters reserved except access (Resubmission of 16/3974N)

Applicant: Cranford Estates

Expiry Date: 28-Apr-2017

SUMMARY

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

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 development would provide benefits in terms of affordable housing provision, delivery of housing, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Aston/Wrenbury.

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

The adverse impacts of the development would be the loss of open countryside, and the loss a relatively small parcel of agricultural land

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

RECOMMENDATION

APPROVE Subject to S106 Agreement and conditions

DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.7ha and is located to the south of the village of Aston. The site is a field in agricultural use and lies within Open Countryside.

The northern boundary of the site is formed by the properties that front onto Sheppenhall Lane, the western boundary by the A530, Whitchurch Road, and the southern boundary forms the boundary with a residential dwellings and the eastern boundary is with a recent housing development known as The Oaks. To the north east, the application site wraps around a large square of land that forms an extended garden area.

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

DETAILS OF PROPOSAL

This is a resubmitted outline planning application for the erection of 24 dwellings. Access is to be determined at this stage with all other matters reserved.

A previous outline application (16/3974N) was refused at Southern Planning Committee on 21st December 2016 for the following reason;

“The proposed access point by reason of its siting at a bend in Whitchurch Road would not provide a safe and suitable access for road users and those accessing and entering the site, and would therefore adversely affect highway safety contrary to Policies BE.2 and BE.3 of the Crewe and Nantwich Local Plan and the provisions of the NPPF”.

The revised proposal has relocated the proposed access from Whitchurch Road (A530) to a position approximately 100m south of the bend in Whitchurch Road. This is adjacent to an existing lay-by adjacent, which is proposed to be relocated to the northern end of the site.

Other than the relocated access and amended footway provision, these proposals are the same as the previous application (16/3974N), and which is now the subject of an appeal.

RELEVANT HISTORY

16/3974N - Outline application for the development of up to 24 dwellings with all matters reserved except access - Refused on 21 December 2016 on highway safety grounds. An Appeal has been lodged, but a decision has yet to be issued.

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

Neighbourhood Plan

The Newhall Neighbourhood Plan has yet to reach regulation 14 stage and as a result can be given no weight given its early stage of preparation.

CONSULTATIONS (External to Planning)

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

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

CEC Environmental Health: Conditions suggested in relation to a method statement for piling foundations, dust, travel plan, electric vehicle infrastructure and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No objection

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

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

Natural England: No objection

VIEWS OF THE PARISH COUNCIL

Newall Parish Council: Objects on the following grounds:-

- The current infrastructure of the Parish will not stand further development
- The proposed development does not fall within the Settlement Boundary and is open countryside
- The Parish adjoins other settlements where the increase in dwellings is also large, and this means that both the Schools and the Health Care facilities are already at the point where they cannot take any further development.
- Newhall has seen approx. 88 new houses approved since 2010, which is approx. 25% of the existing dwellings. The Parish Council feel that any more are not sustainable nor applicable in the quota of allocation.
- Local Transport facilities are poor
- The A530 is a very busy and dangerous road, and further development will make this situation worse. The access to the proposed development is unacceptably close to a very bad junction, which sees queuing traffic in all directions on a regular basis and would mean the junction would be completely overloaded and a major accident waiting to happen.
- There is concern over the draining and flooding issues, which are currently experienced at the entrance to this site, and in the village, and this application will only add to the surface water problems, and would significantly affect the water table.

OTHER REPRESENTATIONS

Letters of objection have been received from 6 local households raising the following points:

Principle of development

- Excessive scale and amount of new housing in Aston, and demand being placed on this small village is wholly inappropriate.
- Loss of open space and open countryside
- Proposal does not fully fit any of the sustainability criteria in any complete way
- Lack of public transport and local facilities
- Unacceptable urbanising impact upon the village and harmful to rural character
- Development should now focus on Brownfield sites rather than building on agricultural land.

Highways

- Increased traffic generation at dangerous junction of Sheppenhall Lane with Whitchurch Road
- Increased traffic within already dangerous road area
- No pavements for pedestrians to access local amenities
- Proposed footway will increase risk to pedestrians at accident blackspot
- Detrimental to highway safety

Infrastructure

- Impact on drainage and other infrastructure
- Local infrastructure cannot cope with additional housing
- Exacerbate existing drainage and surface water flooding problems
- No sustainable value to village as no contribution to green space, safe recreation facilities or improvement in transportation

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

APPRAISAL

The key issues are:

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

Principle of Development

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

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure”

from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *“in accordance with the plan unless material considerations indicate otherwise”*.

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

Housing Land Supply

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

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

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

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

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

These roles should not be undertaken in isolation, because they are mutually dependent. The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

SOCIAL SUSTAINABILITY

Affordable Housing

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

This is a proposed development of 24 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in the Audlem Area up to 2018 is for 4 x 1 bedroom, 16 x 3 bedroom and 4 x 4 bedroom dwellings for General Needs and 3 x 2 bedroom dwellings for Older Persons per year. The demand on Cheshire Homechoice is for 4 x 1 bedroom, 5 x 2 bedroom, 5 x 3 bedroom and 1 x 5 bedroom dwellings. Therefore 1, 2 and 3 bedroom units on this site would be acceptable, with 5 units provided as Affordable rent and 2 units as Intermediate tenure.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure.

The applicant has confirmed that 7 affordable dwellings will be provided, equivalent to 30% of the total number of dwellings as part of the development. 5 units will be for affordable rent and 2 units as intermediate tenure. As the required level of affordable housing will be provided the Strategic Housing Manager has confirmed that this is acceptable. The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

In accordance with Policy RT 3 the indicative plans show areas of POS and children's play area within the site, and which would be overlooked by dwellings, aiding surveillance. The equipped play area will need to cater for younger children and include 5 pieces of equipment. (LEAP). A scheme of management for the POS and LEAP will need to be secured as part of a S106 Agreement if permission were to be granted.

Education

The development of 24 dwellings is expected to generate 5 primary aged and 4 secondary aged children as shown by the pupil forecast in the following table.

	A	B	C	D	E	F	G	H	I	J	K	L
1	<u>Development</u>	land east of Whitchurch Road				Number of Dwellings		24				
2	<u>Planning App Number</u>	17/0374N (same as 16/3974N)				Primary Yield		5				
3	<u>Date Prepared</u>	16.2.2017				Secondary Yield		4				
4						SEN Yield		0				
5		PUPIL FORECASTS based on October 2015 School Census										
6	Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	Comments	
7	Sound and District Primary School	19	19	133	133	116	114	112	111	104		
8	Wrenbury Primary School	20	20	140	140	117	122	129	128	128		
9												
10	Developments with S106 funded and pupil yield included in the forecasts				3							
11	Developments pupil yield not included in the forecasts									0		
12	Pupil Yield expected from this development									5		
13	OVERALL TOTAL	39	39	273	276	233	236	241	239	237		
14	OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP											
15						43	40	35	37	39		
16						PUPIL FORECASTS based on October 2015 School Census						
17	Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	2021	2022
18	Brine Leas School	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212
19												
20												
21												
22												
23												
24				Please Note: All figures quoted exclude any allowance for 6th Form Pupils								
25	Developments with S106 funded and pupil yield included in the forecasts				20							
26	Developments pupil yield not included in the forecasts											19
27	Pupil Yield expected from this development											4
28	OVERALL TOTAL	215	215	1,050	1,070	1,118	1,149	1,168	1,190	1,197	1,200	1,235
29	OVERALL SURPLUS PLACES PROJECTIONS											
30						-48	-79	-98	-120	-127	-130	-165

There are 2 primary schools within a 2 mile radius of the site – Sound & District Primary and Wrenbury Primary, and the catchment secondary schools are in Nantwich.

The Education Department have confirmed that whilst there is sufficient capacity within the primary sector, to address forecasted capacity pressures a contribution will be required for secondary school places ($4 \times 17959 \times 0.91 = £65,371$).

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

Health

The Parish Council have raised concerns about the impact on healthcare facilities in this area. However a search of the NHS Choices website shows that there are 2 GP practices (Audlem and Wrenbury) within 3 miles of the application site and both are accepting patients, indicating that there is capacity to serve the development.

Location of Site

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

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

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 toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m)
- post box (500m)
- playground / amenity area (500m), - □ post office (1000m), bank / cash point (1000m)
- pharmacy (1000m)
- primary school (1000m)
- medical centre (1000m)
- leisure facilities (1000m)
- local meeting place / community centre (1000m)
- public house (1000m)
- public park / village green (1000m)
- child care facility (1000m)
- bus stop (500m)

- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box - 204m Wrenbury Road
- bus stop 130m
- Bhurtpore Inn Wrenbury Rd Aston (965m
- Local meeting place Church 1km Wrenbury Road
- Amenity Open Space (500m) – Provided on site

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – Wrenbury 1.9km
- playground / amenity area - 1.93 km Wrenbury Recreation Ground
- post office / bank / cash point - 1.9 km Wrenbury Rd
- pharmacy - 1.9 km Wrenbury
- Wrenbury railway Station - 2092m
- shop – 1.9km Wrenbury Rd
- medical centre – 1.93km Wrenbury
- leisure facilities – 1.93 km Wrenbury Recreation Ground
- public park – 8.3 km Nantwich

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Clearly, existing residents in the area would have to travel the same distance to most everyday services.

The nearest bus stops to the site are located to the north of the site on Whitchurch Road, with an approximate walking distance of 210 metres from the centre of the site. The principal bus service passing through the Whitchurch Road/Wrenbury Road crossroads is the service 72.

The 72 operates seven services a day to Nantwich, Monday to Saturday from 08:05 until 16:25. The journey time to Nantwich is approximately 18 minutes.

Travelling to Wrenbury, the service operates seven services a day, Monday to Saturday, departing between 09:48 until 17:53. The journey time to Wrenbury is approximately 2 minutes.

A school bus service operates for children to go to the secondary school.

Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in locational terms this site must be regarded as being generally sustainable. This view is considered to be consistent with a recent appeal decision (September 2015) which allowed development on a nearby site for 33 dwellings (14/03053n) at the Woodlands, Whitchurch Road, Aston. The Inspector concluded that;

“I note the concerns of a number of third parties that existing local amenities within Aston are somewhat limited and that the appeal site is not locationally sustainable. However, I also note that the main parties agree that in locational terms the site is generally sustainable with accessible local

services. I see no reason to take an alternative view in this respect. Furthermore, given that most services and facilities are available in Wrenbury, which is only a short distance away, and that the site is served by a bus service which serves a number of local destinations, it seems to me that the proposal would help to support services in the nearby village in accordance with the advice at paragraph 55 of the Framework that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.”

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking. The Site is bound by residential development to the north, south and east. The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Air Quality

The proposed development is of a relatively small scale and an air quality assessment was not deemed necessary. However to mitigate the cumulative impact of scheme with other developments in the area, conditions in relation to dust control and electric vehicle infrastructure will be attached to any permission.

Public Rights of Way

There are no PROW located on the application site.

Highways

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

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.”*

In response to the refusal reason of the previous application, the proposed site access has been relocated further south and approximately 100m from the bend in Whitchurch Road.

The access will be a priority junction 5.5m wide with 2.0m footways, and visibility provision of 2.4m x 85m in both directions along Whitchurch Road. There is currently an existing lay-by adjacent to the proposed new access location and a planning condition is recommended to secure its proposed relocation to the northern end of the site. This location is considered acceptable as it can be seen by vehicles approaching from the northerly direction.

The Councils Highway Engineer has raised no objection to the position and design of the proposed access, given that it is located further away from the bend and an improvement to the original location, and subject to a condition requiring the relocation of the layby.

Off-Site Impact

The Transport Statement quotes typical trip rates for a residential development in this location, which would be equivalent to between approximately 16 vehicles entering or leaving the site in the peak hours. In the absence of significant capacity issues at junctions in the vicinity of the site, levels of traffic generated by the site are unlikely to have a significant adverse impact on off-site highway capacity.

Given the low levels of traffic generated by the development, the Strategic Highway Manager has not raised objections on the grounds of traffic management or highway safety along Whitchurch Road or at its crossroads junction with Sheppenhall Lane and Wrenbury Lane.

Accessibility by Sustainable Modes

The Transport Statement provides evidence of existing local services within a reasonable walking distance of the site, in addition to existing public transport services. However, pedestrian footways in the immediate vicinity of the site are presently limited.

As part of the amended proposal, a 2.0 metre pedestrian footway is now proposed to run internally within the site and not follow the road alignment onto Whitchurch Road. A new footway of 2.0m in width will be provided along the eastern side of Whitchurch Road to link the northern boundary with existing pedestrian infrastructure located at the A530 Whitchurch Road/Wrenbury Road/Sheppenhall Lane crossroads. This is about 70m to the north of the site and helps provide footway access to the wider area.

In summary the Strategic Highways Manager has no objection to the application subject to planning conditions requiring details of the design of the layby, securing the construction of the footway as shown on the submitted plan which should be completed prior to first occupation of the development, the provision of the visibility splays and a Construction Management Plan.

Landscape

The site is a flat field enclosed by native hedgerows principally along Whitchurch Road with some mature trees on and around the boundaries. The site lies behind existing residential properties and the A49 which forms the western boundary.

The majority of existing trees and the hedgerow alongside Whitchurch Road will be retained as part of the development limiting wider views of the site.

The Council's Landscape Officer agrees with the overall findings of the submitted Landscape and Visual Assessment. It is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. Conditions are recommended to protect/and enhance the landscape of the site.

On this basis it is considered that a layout can be accommodated on this site without adverse impact upon the landscape.

Trees/Hedgerows

The application is supported by a Tree Survey and Constraints Plan and its content broadly accords with the requirements of current best practice in respect of BS5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations.

The proposed access off Whitchurch Road will utilise a section of the road frontage devoid of any significant high value trees, but will require the loss of a relatively small section of existing hedgerow. Whilst, this hedgerow is found to be important under the Hedgerow Regulations, The Council's Nature Conservation Officer considers that suitable replacement native species planting will adequately compensate for any loss, and which can be secured at the detailed design stage.

It is considered that both the point of access and its associated visibility splays can be implemented without a detrimental impact on any trees or the existing hedgerow.

The internal service road shown on the indicative layout utilises the open field aspect of the site, with no trees directly or indirectly impacted by the indicative internal arrangements for the site. Consequently the site can be developed without adversely affecting moderately high and high value trees.

From an Arboricultural perspective the Council's Tree Officer has no objections to the outline application subject to a condition requiring the reserved matters application to be accompanied by a detailed Arboricultural Impact Assessment.

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 density of the site at circa 15 dwellings per hectare is appropriate and will achieve an acceptable relationship with adjacent development, as well as ensuring a landscaped frontage to the scheme alongside Whitchurch Road.

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

Ecology

In this case Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Other Protected Species

The Council's Ecologist has reviewed the submitted Ecological Appraisal report and concurs with its conclusion that risk to protected species as low.

The Ecological Appraisal sets out Reasonable Avoidance Measures (RAMS) during the course of the development in relation to amphibians, reptiles and breeding birds. The Council's Ecologist has advised that the proposed RAMs reduce any risk to negligible levels, along with compensatory measures including the erection of bat and bird boxes. A condition is recommended to ensure that the development is undertaken in accordance with the mitigation measures.

Bats

The Council's Ecologist considers that the proposed development is unlikely to have a significant adverse impact upon roosting bats. However, if planning consent is granted a condition is required to ensure the provision of bat and bird boxes and the mitigation measures set out in the Ecological appraisal.

Great Crested Newts

No ponds will be affected by the proposed development, and the loss of 1.7ha of distant terrestrial habitat is not considered to have a significant effect on GCN. The Council's Ecologist does not consider that this species is unlikely to be present or affected by the proposed development.

Breeding Birds

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. The mitigation measures set out in the Ecological Appraisal are considered sufficient to safeguard breeding birds.

Flood Risk

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

Following consideration of the FRA, the Council's Flood Risk Manager has raised no objection to the development. However although the site is located within flood zone1, the increase of impermeable area will need to be addressed appropriately in terms of the management of surface water from the proposed development. Conditions are recommended requiring details of surface water drainage system and for the management of overland flows of surface water.

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

ECONOMIC SUSTAINABILITY

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

Agricultural Land Quality

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

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

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

In this case the applicants Agricultural Land Classification Report concludes that the site comprises of Grade 2 Agricultural Land (Very Good). However, the submitted agricultural land assessment states that the proposed development site has a gross farmable area of just 1.6 hectares. The loss of such a small and awkwardly shaped parcel, which is enclosed on all side by residential properties and Whitchurch Road, is considered to be acceptable.

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

LEVY (CIL) REGULATIONS

For the purposes of any appeal that may be submitted in the event this application is refused and in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications/appeals 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, POS and children's play space is a requirement of Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

The provision of 30% affordable housing is a requirement of the Interim Planning Policy.

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

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

PLANNING BALANCE

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

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS and play space provision the proposals are considered to be acceptable.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Aston/Wrenbury.
- Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

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

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

- It is considered that the revised location of the access will secure safe and suitable access to the site and the highways impact of the development is considered to be acceptable.

The adverse impacts of the development would be:

- The loss of open countryside
- The loss of agricultural land, albeit a small parcel enclosed on all sides by existing properties and Whitchurch Road

Applying the tests within Paragraph 14, it is considered that the benefits demonstrably outweigh the adverse impacts. As such, on balance, it is considered that the development constitutes sustainable development and is recommended for approval.

RECOMMENDATION:

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

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

And the following conditions;

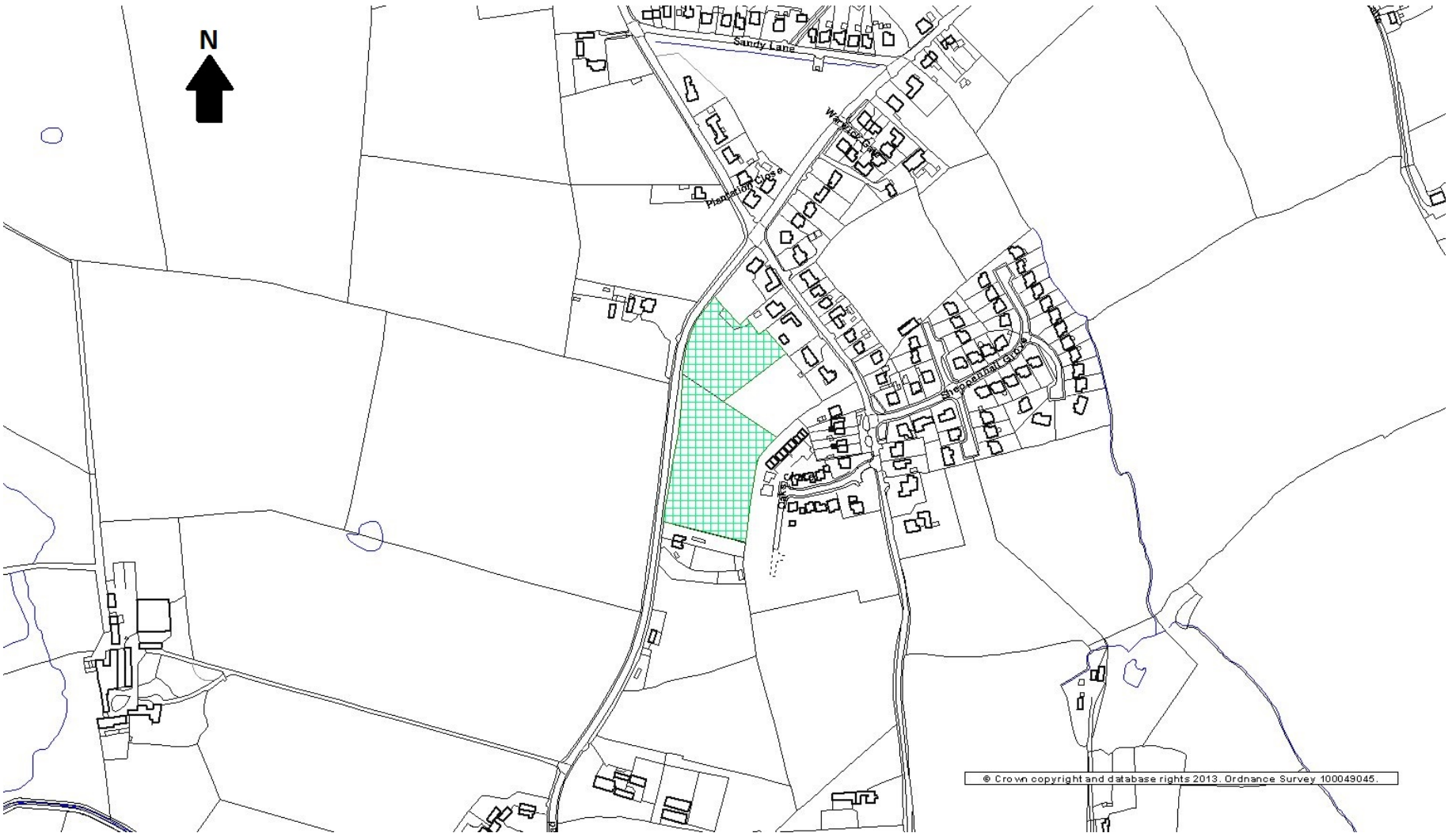
- 1. Standard Outline**
- 2. Submission of Reserved Matters Time limit for submission of reserved matters**
- 3. Scale, Appearance, Layout and Landscaping Matters to be submitted and approved**
- 4. Approved Plans**
- 5. Any subsequent reserved matters application which shall include an Arboricultural Impact Assessment**
- 6. Implement Reasonable Avoidance Measures for amphibians, reptiles and breeding birds in accordance with the Ecological Appraisal**
- 7. Provision of bat and bird boxes**
- 8. Implementation of mitigation within Flood Risk Assessment**
- 9. All foul and surface water shall be drained on separate systems**
- 10 Surface Water Drainage Scheme to be submitted for approval in writing**

11. Scheme of the management of overland surface water flows to be submitted for approval in writing
12. Prior submission/approval of a piling method statement
13. The provision of electric vehicle infrastructure
14. Prior submission of a dust mitigation scheme
15. Works to stop if contamination identified
16. Any Reserved Matters to include details of existing and proposed land levels
17. Prior to the occupation of the development the pedestrian footway to be constructed
18. Detailed scheme for relocation of layby
19. Construction of access and visibility splays
20. Construction Management Plan

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

1. 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



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Application No: 17/0145N

Location: Land Off, NEWTOWN ROAD, SOUND, NANTWICH, CHESHIRE

Proposal: Proposed housing development (21 homes), children's play area, nature reserve, access and external works

Applicant: TRU Pension Fund, As Above

Expiry Date: 07-May-2017

SUMMARY

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

The development would provide social benefits in terms of delivery of housing and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon education, subject to a commuted sum to offset the impact.

The adverse impacts of the development would be the loss of open countryside, the impact upon protected trees, the inappropriate design of the development comprising of its high density, urban layout and appearance not respecting the local character, the lack of information with regards to Best and Most Versatile Agricultural Land and highway safety and the unacceptability of the proposed affordable housing and open space provision.

In this case, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits.

RECOMMENDATION**REFUSE****REASON FOR REFERRAL**

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

PROPOSAL

Full planning permission is sought for 21 dwellings.

The original submission was for 25 dwellings, but this number has been reduced by the applicant during the application process. In addition, the 'red edge' also been amended. A further re-consultation exercise was subsequently undertaken.

SITE DESCRIPTION

The application site relates to a parcel of land to the north of Newtown Road, Sound, Cheshire within the Open Countryside as defined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The parcel of land measures 1.21 hectares in size and comprises of 3 linked greenfield sites. In the middle of the site, enclosed by the proposed development but not included within it, is Hazel Cottage and its associated curtilage.

RELEVANT HISTORY

None

LOCAL & NATIONAL POLICY

Development Plan

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

The relevant Saved Policies are:

NE.2 (Open countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.20 (Flood Prevention), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), RES.5 (Housing in the Open Countryside), RES.7 (Affordable Housing), RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments), RT.9 (Footpaths and Bridleways), TRAN.3 (Pedestrians), TRAN.5 (Cycling)

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), 55 (Isolated dwellings in the countryside) and 56-68. (Requiring good design)

Emerging Cheshire East Local Plan Strategy (CELPS)

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

MP1 (Presumption in Favour of Sustainable Development), PG2 (Settlement Hierarchy), PG5 (Open Countryside), PG6 (Spatial Distribution of Development), SC4 (Residential Mix), SC5 (Affordable Homes), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE3 (Biodiversity and Geodiversity), SE5 (Trees, Hedgerows and Woodland), SE1 (Design), SE 2 (Efficient Use of Land), SE 4 (The Landscape), SE 5 (Trees, Hedgerows and Woodland), SE 3 (Biodiversity and Geodiversity), SE 13 (Flood Risk and Water Management), SE 6 (Green Infrastructure), IN1 (Infrastructure) and IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – Object to the proposal due to the lack of information with regards to; visibilities, carriageway widths and pedestrian access to public transport

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a Phase II contaminated land report and subsequent surveys; the prior submission/approval of soil verification report; the prior submission/approval of a piling method statement; the prior submission/approval of a construction phase environmental management plan; the provision of electric vehicle charging infrastructure; the prior submission/approval of a dust mitigation scheme and the prior submission/approval of a travel information pack.

PROW Officer – No objections, subject to the inclusion of an informative to remind the applicant of their responsibilities

Countryside Ranger Service (Cheshire East Council) - No comments received at time of report regarding the amended plans

Previous comments on the original plans - Concerned that the development would result in a decrease of the local water table and in turn, have an effect on the local hydrology, with a subsequent negative effect of the Sound Common SSSI

Natural England - No comments received at time of report regarding the amended plans

Previous comments on the original plans - Further Information Required

Housing (Cheshire East Council) – Object due to a lack of information and because the affordable housing provision proposed does not reflect the local need.

Education (Cheshire East Council) – No objections, subject to the following contributions to offset the impacts of the development;

- £57,578 towards secondary school provision (£49,028) and school transport (£8,550)

ANSA (Open Space) - Object to the proposal on the following grounds;

- The proposed play area is in a location of limited surveillance, away from the main development.
- The play element is located close to residential properties which could create amenity concerns
- Proposed planting of bulbs does not allow for children to play freely on the site all year round
- The proximity of the pond to the play area requires the provision of safety measures

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

Flood Risk Manager – No objections, subject to conditions

Sound and District Parish Council – No comments received at time of report regarding the amended plans

Object to the proposal on the following grounds on the original plans;

- Highway safety - Accesses are on narrow lanes, difficult for 2 cars to pass, will make traffic situation dangerous and unworkable
- Unsustainability of location
- Design - impact of the number of dwellings proposed on the village (spatial distribution)
- Drainage - impact of additional demand upon existing infrastructure
- Impact of the development upon the nearby SSSI

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, letters of representation have been received from approximately 34 residences. The main objections raised include;

- Principle of development
- Local Plan status
- Loss of Open Countryside
- Impact upon the landscape
- Lack of local jobs to sustain dwellings
- Impact upon / lack of local facilities e.g. – Schools, children's play space, medical centre, shops, public house
- Limited bus service
- Safety of proposed children's play space, how it will be maintained?
- Loss of Best and Most Versatile agricultural land
- The development would result in only limited economic gain

- Drainage and flooding - already at capacity, where is run-off to be directed?
- Limited pedestrian routes
- Highway safety - Increase in traffic, pedestrian safety, limited public transport, proposed access is inadequate, inadequate parking provision, width of the access, danger to cyclists, some parts of the site have no highway access
- Amenity – noise and light pollution, water and land contamination, Loss of privacy/overlooking, loss of outlook
- Design – Layout - position of proposed play area (noise), too many dwellings (density) resulting impact upon local character, introduction of wider roads, appearance and layout not appropriate to local character (too suburban/urban, inclusion of flat roofs, materials), large detached dwellings not appropriate
- Impact upon ecology/protected species - Impact upon SSSI (Sound Common) and Local Nature Reserve, impact upon newts, mud snails, marsh violets, great crested newts
- Impact upon trees, loss of hedgerows
- Procedural matters - Inaccuracies within the submitted statement/s

Other issues have also been raised which are not material planning considerations such as; ownership issues and loss of views

In response to the re-consultation, to date, no further letters of representation have been received to date. A further written update to planning committee will be provided if additional consultation responses are received.

OFFICER APPRAISAL

The key issues are:

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

Principle of Development

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

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that

planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

Local Plan / 5-year Housing Land Supply Update

On 13 December 2016 the Local Plan Inspector 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 economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

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

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

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

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

Environmental role

Locational Sustainability

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 Strategy and is referred to within the subtext to Policy SD2 (Sustainable Development Principles). 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 a locational sustainability assessment as part of their Planning Statement. However, this assessment has been carried out below by the Planning Officer. This advises that the accessibility of the site shows that following facilities meet the minimum standard:

- Bus stop (500m) – 320m (Jnct of New Town Road and Wrenbury Heath Road)
- Local meeting place (1000m) – 99m (United Methodist Church)
- Public right of way (500m) – 43m
- Post Box (500m) – 154m (Newtown Road)
- Primary School (1000m) – 460m (Sound & District Primary School)
- Child care facility (1000m) – 460m (Sounds Active)

The following amenities/facilities fail the standard:

- Secondary School (2000m) – 5200m (Brine Lees School)
- Bank or Cash Machine (1000m) – 3600m (Wrenbury Village Store)
- Convenience Store (500m) – 3600m (Wrenbury Village Store)
- Leisure Facilities (Leisure Centre or Library) (1000m) – 5900m (Nantwich Leisure Centre)
- Public Park and Village Green (1000m) - 3600m (Wrenbury)
- Amenity open space (500m) – 3600m (Wrenbury)
- Children’s Playground (500m) – 3600m (Wrenbury Sports and Social Club)
- Outdoor Sports Facility – (1000m) – 3600m (Wrenbury Sports and Social Club)
- Medical Centre (1000m) – 3600m (Wrenbury Medical Centre)
- Public house (1000m) - 2600m (The Bhutpore Inn, Wrenbury)
- Supermarket (1000m) – 5500m (Morrisons)
- Railway station (2000m) – 4000m (Wrenbury Train Station)
- Post Office (1000m) - 3600m (Wrenbury Village Store)
- Pharmacy (1000m) – 5500m (Morrisons Pharmacy, Nantwich)

In summary, the site fails to comply with the majority of the standards advised by the NWDA toolkit and subtext of emerging Local Plan Strategy Policy SD2. Furthermore, there are no continuous footpaths from the site to many of the facilities that are within the recommended distances, including the bus stop. As such, the application site is considered to be locationally unsustainable.

Landscape Impact

This is a full amended application for 21 dwellings on land off Newtown Road, Sound. The application site is located on land off Newtown Road, Sound, and is bound by Newtown Road to the south, an un-named road to the east and a small track to the north which currently provides access to Hazel Cottage; a small parcel of the application site is located to the northern side of this track. The application site is relatively flat agricultural land with some woodland cover, areas of scrub and a good network of hedges and hedgerow trees. There are a number of nearby residential dwellings nearby, including Holly Bush Corner to the east, Pritch House and Corner Cottage to the west, along with a number of dwellings to the east of Main Road. Hazel Cottage is located towards the central part of the application site and a number of dwellings are located to the north of the track that forms part of the northern site boundary.

As part of the application, a Landscape and Visual Assessment has been submitted, this states that it has been carried out with reference to the guidance found within the 'Guidelines for Landscape and Visual Assessment' Third Edition, 2013 (GLVIA). This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, and the East Lowland Plain, Ravensmoor Character Area (ELP1), as identified in the Cheshire Landscape Character Assessment 2008.

The submitted landscape assessment identifies the sensitivity, magnitude of effect and overall significance on the ELP1, East Lowland Plain Character Area, as well as on the existing site and surrounding land, indicating that the sensitivity of the site and surrounding land is Medium, that the magnitude of effect will be medium for the site and low for the surrounding area and that the significance of effect will be moderate for both the site and adjoin land. The visual assessment identifies 16 viewpoints, including road users, residential and footpath users; with the overall significance of effect ranging from Major/moderate for some nearby receptors such as Fittons Close, Newtown Road and the track along the northern boundary, to slight and negligible levels for a number of more distant receptors.

The Council's Landscape Officer has advised that he would broadly agree with the landscape and visual assessment that has been submitted. The amended proposals show that the number of dwellings has been reduced from 25 to 21, this is shown on drawing No:11003_L03 Revision P05.

The Landscape Officer advises that this change has offered opportunities to provide additional planting and also the retention of existing vegetation in a block of vegetation in the north western part of the site. Consequently, the Council's Landscape Officer has advised that his original concerns have been addressed and so would offer no objections to the proposals on landscape or visual grounds.

Agricultural Land Classification

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

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

Policy NE12 (Agricultural Land) of the Local Plan advises that development on such land quality shall not be permitted unless; the need for the development is supported by the Local Plan, it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality or, other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land. This policy is largely reflective of the NPPF policy on the subject.

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.'

The application has advised within paragraph 5.16 of their planning statement that the development '*...will not result in the loss of best and most fertile land.*' However, there appears to be no evidence to support this.

The Natural England Agricultural Land Classification Map of the Northwest Region (ALC002), accessible online, suggests that the application site is Grade 3 quality.

Grade 3 means that the land is 'good to moderate quality agricultural land'.

Grade 3 land is now subsequently subdivided as either Grade 3a or Grade 3b.

Grade 3a is '*Good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops.*'

Grade 3b is '*Moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.*'

Grade 3a would be 'best and most versatile' agricultural land and Grade 3b would not.

A distinction has not been made as no ALC report has been submitted with the application. As such, it cannot be definitively concluded if the scheme would result in the loss of this best and most versatile land is a material consideration weighing against the proposal.

Trees and Hedgerows

Selected individual trees, groups of trees and a woodland are afforded protection by the Crewe and Nantwich Borough Council (Newton, Sound) Tree Preservation Order (TPO) 2008 and is material consideration in this application.

The revised layout, whilst showing a reduction in the number of units still presents a significant impact existing protected tree cover.

The revised Arboricultural Impact Assessment (AIA) refers to the impact of tree loss within the site but still does not qualify the extent of tree loss. Whilst two units have been removed which were located within the protected woodland (W42/W1), the eastern edge of the woodland will still require removal to accommodate the proposed westernmost plot and access to the north of the site.

The Council's Tree Officer advises any justification and mitigation for the loss of protected woodland has to be compelling.

The revised scheme still proposes the removal of the protected Sycamore located on the Newtown Road frontage (T11/T5).

The Arboricultural Impact Assessment does state at para 3.4 that provision for replacement planting for the loss of trees is shown on land to the north of the access track. In this regard, the Council's Tree Officer does not agree that this allocated land provides sufficient mitigation for the loss of the protected tree and woodland principally because the loss of amenity (with regard to the protected Sycamore) will impact upon the visual amenity of the character of Newtown Road which the planting of trees within the land to the north cannot provide. The proposed landscaping within the land to the north makes provision for amenity space, GCN mitigation and planting of individual trees; it does not provide for the planting of replacement woodland.

The Revised scheme still fails to address the relationship/social proximity of plots to the protected individual trees and protected group of the western section of the site. The AIA recognises that space for rear gardens and accommodation of the new build presents a problem and proposes pruning of these trees to accommodate the development.

The density and proximity of trees to the west and south boundary, clearly show plots will be subject to dense shade and restriction of daylight. The problems related to buildings and spaces around them having low daylight and sunlight levels is well known and has been the subject of specific guidance in; government circulars; Chartered Institute of Building Service Engineers (CIBSE), British Standards Institute (BSI) and Building Research Establishment (BRE) guidance and the legislation introduced in 2005 to resolve high hedges disputes. All the guidance as a whole points to the need to have sufficient daylight and sunlight both within and around buildings and that this should be part of the site planning for development, see also BS5837:2012 Section 5.3.4 (a).

Given the likely shade and lack of daylight/sunlight and the very close proximity of trees to the proposed plots, the Council's Tree Officer advises that the probability of pressure to have trees felled or severely pruned is considered to be very high. This is contrary to the issues raised in BS5837:2012 Section 5.3.4.

These issues were raised during the application process and have not been addressed. The Council's Tree Officer maintains the view that the design as presented is not sustainable from an arboricultural perspective.

Attention is drawn to the two Veteran Alder (T26 and T29/W) to the north of the site. Both trees possess sufficient attributes to record them as veteran trees. The AIA identifies a number of trees (para 3.7) where new surfaces are proposed within the Root Protection Area of trees. In this regard, the Council's Tree Officer advises that considerable reliance is placed by the AIA on the use of porous materials in order to achieve a sustainable solution. However, no mention is made of the underlying soils, which is a key issue in the suitability of this approach to installing hard surfaces within the RPA of a tree.

In the light of the above reasons, the Council's Tree Officer has advised due to; the loss of protected trees, the threat to protected trees and the social proximity of the proposed dwellings to protected trees, he cannot support the application. The application is therefore considered to be contrary to Policies NE.5, BE.1 and BE.2 of the Local Plan which relate to nature conservation, amenity and design respectively.

Ecology

Sound Common SSSI/Local Nature reserve

The application site falls within Natural England's SSSI impact risk zone (Sound Common) for rural residential development of over 10 units.

In response, Natural England advised that insufficient information had been submitted in order to effectively assess the impact of the proposal upon the SSSI. More specifically, there was insufficient information in relation to; Hydrological investigations and homeowner packs.

In response, further information was provided by way of homeowners packs, but not hydrological investigations. A written update to planning committee will be provided in response to this additional information submitted.

Woodland

There is an area of woodland within the application site which appears on the UK BAP inventory of priority habitats. Habitats of this type are a material consideration during the determination of this application. The woodland on site which forms part of a larger woodland network is also likely to meet the criteria for selection as a Local Wildlife Site. This woodland is also subject to a Tree Preservation order (TPO).

Under the original proposals, the existing woodland would have been lost as a result of the proposed development.

To compensate for the loss of woodland habitat the applicant's ecological consultant has recommended that additional planting takes place within the great crested newt mitigation/open space area.

The Council's Nature Conservation Officer advised that tree planting in this area is likely compromise the suitability of the proposed pond to support breeding great crested newts due to excessive shading.

Furthermore, the Council's Nature Conservation Officer advises that the proposed planting in the mitigation area is inadequate to compensate for the loss of existing woodland and advises that the current proposals would result in a significant loss of priority habitat. To avoid this impact, the Council's Nature Conservation Officer recommended that the proposals be amended to retain the existing area of woodland.

In response, the applicant updated their plans. The Council's Nature Conservation Officer's comments on these revisions will be provided to planning committee in the form of a written update.

Great Crested Newts

A small population of great crested newts has been identified at ponds within 250 metres of the proposed development and a great crested newt was observed on site during the reptile survey.

In the absence of mitigation the proposed development would have an adverse impact on this protected species as a result of the loss of terrestrial habitat and the risk of animals being killed or injured during the construction phase.

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

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

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpa's") to have regard to the directive's requirements.

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

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative

- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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

Overriding Public Interest

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

Alternatives

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

- No Development On The Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species.

The Council's Nature Conservation Officer advised that to mitigate the risk that great crested newts would be killed or injured during the construction phase, the applicant is proposing to remove and exclude newts from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England license.

To compensate for the loss of terrestrial habitat to the scheme a new pond, and an area of wildflower grassland and hibernacula was proposed.

The Council's Nature Conservation Office advised that the proposed additional ponds will be of benefit for great crested newts. However, the Council's Nature Conservation Officer advised that in his view, the woodland habitats on site are likely to provide significant opportunities for great crested newts in terms of providing foraging and suitable sites for shelter and protection.

In order to further mitigate the potential impacts of the proposed development on great crested newts, the Nature Conservation Officer advised that the woodland habitats should be retained as part of the proposed development. The Officer advised that the woodland planting proposed in the mitigation area is likely to be detrimental to the pond and so should be removed from the submitted landscaping plan.

Footpaths were also proposed through the great crested newt mitigation area. The Council's Nature Conservation Officer advised that public access into this area would significantly increase the risk of interference with ponds, including the introduction of undesirable fish and the spread non-native plant species which is already present in this broad locality.

The Council's Nature Conservation Officer therefore advised that direct public access should be excluded from the great crested newt mitigation area.

In response to the above concerns, revised plans were submitted. A written update to planning committee will be provided in response to the changes proposed.

Grass snakes

Grass snakes were recorded as being present on site. The Nature's Conservation Officer advises that insufficient information is available to assess the significance of the population present, however it does appear that there is a good population of this species in Sound. The Council's Nature Conservation Officer advises that the proposed development would result in the loss of an area of suitable habitat for this species and also pose the risk of killing or injuring any animals present. The submitted ecological report includes an outline mitigation method statement to address the potential impacts of the proposed development upon this species. The Council's Nature Conservation Officer advises that this is acceptable.

If planning consent is granted, the Council's Nature Conservation Officer has advised that a condition is required to secure the submission of a detailed reptile mitigation method statement prior to the commencement of development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a number of sections of hedgerow to facilitate the site access. Additional native species hedgerows are proposed as part of the landscaping scheme for the site.

Nesting Birds

In the event that planning permission is granted, the Council's Nature Conservation Officer has advised that standard conditions will be required to safeguard nesting birds.

Assessment of residual loss of biodiversity

The Council's Nature Conservation Officer advises that the habitats on site, with the exception of the woodlands and hedgerows, are of low value and do not present a significant constraint upon development. The Council's Nature Conservation Officer advised that the development proposals however may still result in an overall loss of biodiversity. The Council's Nature Conservation Officer therefore recommended that the applicant undertook and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally.

In response, the applicant updated their ecological survey to include a section (para 5.7) in relation to residual loss of biodiversity.

Within this section, it is advised that the above methodology is currently being used. However, no detail has been provided. A written update on this matter will be provided to committee once revised comments from the Council's Nature Conservation Officer has been received.

Design

The revised proposed development is for 21 new dwellings.

The application seeks the erection of 21 dwellings spanning 3 interlinked greenfield sites. 18 dwellings are proposed on the parcel of land to the south. These dwellings would be accessed off Newtown Road which forms the southern boundary of the site, and extend northwards into the site. Six affordable terraced properties would lie on the Newtown Road site frontage in two banks of three. A further ten properties would lie to the rear, fronting each other (east-west) and overlook the proposed new access road. To the north of this parcel of land would be a pair of semi-detached properties and a turning head.

The greenfield site to the north-east would comprise of 3 detached properties fronting in a northerly direction, set back within generous plots. The final, northern parcel of land would comprise of an area of open space, children's play space and a Great Crested Newt mitigation pond.

It is considered that due to the site's location on the edge of the village of Sound, the density of the proposal, particularly the development proposed off Newtown Road to the south of the site, does not reflect the immediate prevailing character where development density generally thins out from the more densely developed centre further to the east of Newtown Road itself.

The closest properties to the application site comprise of large detached units on generous plots. The application proposal in the southern portion of the site proposes small terraced or semi-detached units on small, narrow plots.

In addition to the above, the formal, regimented layout of the street arrangements and the dwellings themselves would not reflect the relative informal arrangements of the village and closest dwellings to the application site. The prevailing character is typical for development on the edge of rural villages comprising of more informal characteristics such as differing orientations and positioning's of the dwellings within their plots.

The projection of the built form (comprising of the proposed affordable dwellings to the south of the site) much closer to the highway than both Pritch House and Holly Bush Corner, either side of the application site would also appear incongruous.

The appearances of the proposed units do not respect the prevailing simple vernacular of the properties of the village. Both the proposed layout and design appear to be more suited to an urban environment than a rural location. Furthermore, design features such as flat-roofed outriggers are not supported, again they are not characteristic of the area.

The siting of the proposed Open Space and Children's play space within the northern parcel of land does also not relate well to the proposed development and is afforded little natural surveillance.

For the above reasons, it is considered that the revised submitted layout, in conjunction with the proposed elevation detail shows that the proposed development would take the form of an overly urban layout which would not respect the layout, form, density or appearance of this rural area. The development is therefore considered to be contrary to Policy BE.2 of the Local Plan, Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy and the NPPF.

Access

This is a full application for 21 dwelling in Sound, with off-road parking.

During the application process further information was requested in relation to visibilities of existing and proposed accesses, carriageway widths, parking, and pedestrian access to public transport.

Further information has since been submitted. The Council's Head of Strategic Infrastructure (HSI) has advised that the off-road parking detail submitted is sufficient but none of the other matters have been replied to.

As such, insufficient information has been received in order to demonstrate that access to the site is both safe and suitable. The application is therefore considered to be contrary to Policy BE.3 of the Local Plan and SD1 of the emerging Local Plan Strategy.

Flood Risk and Drainage

The application is supported by a Flood Risk and Drainage Strategy.

The Council's Flood Risk Manager has reviewed the proposal and advised that they have no objections, subject to a condition that the development be carried out in strict accordance with the above-mentioned strategy and a condition seeking the prior submission/approval of a detailed surface water drainage design and associated management plan.

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

Environmental Conclusion

The proposed development would result in the loss of a parcel of Open Countryside, proposes residential development in an unsustainable location, would have an impact upon protected trees (including future pressures) and would be of a density, layout and design that would not respect the local rural character.

In addition, insufficient information has been provided in order to assess whether there would be a loss of Best and Most Versatile Agricultural Land and whether the proposed access arrangements would be safe.

No specific issues with regards to landscape, flooding or drainage would be created, subject to conditions where necessary. A further update to planning committee will be provided in relation to ecological matters.

As a result of the above reasons, it is considered that the proposal would be environmentally un-sustainable however, the degree of unsustainability remains unclear due to a lack of information being provided.

Economic Role

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

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

Social Role

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

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or larger than 1000sqm's in total floor size including garages. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 21 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 6.3 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in the ward of Audlem up until 2018 is for 4x1 bedroom, 16x3 bedroom and 4x4 bedroom dwellings for General need and also 3x2 bedroom dwellings for older persons. The majority of the demand on Cheshire Homechoice is for 4x1 bedroom, 5x2 bedroom, 3x3 bedroom and 1x5 bedroom dwellings therefore, the

Council's Housing Officer has advised that 1, 2 and 3 bedroom units on this site would be acceptable.

4 units should be provided as Affordable rent and 2 units as Intermediate tenure. The Application Form and the Design and Access Statement are advising the development is to provide 30% Affordable Houses as 6 x 2 or 3 bedroom units at 87m² per unit. This is meeting the IPS requirement of 30% Affordable Houses and the House are meeting the HQI Standards.

The Affordable housing should be split to 4 Affordable/Social rent and 2 Intermediate Tenure.

There is no current up to date Rural Housing Needs survey available for the Sound area and this site is not adjacent to a settlement boundary.

The SHMA and Homechoice are both showing a need for 1, 2 and 3 bedroom houses with the 2 bedroom dwellings being for older persons. The revised site layout plan and associated Design and Access Statement is showing that 6x 2 or 3 bedroom dwellings are to be provided as affordable. As this is a full application, the Council would expect to see an Affordable Housing scheme showing which units are 2 and which are 3 bedroom dwellings and which tenures are for which dwelling. Furthermore, as the 2-bedroom need is for the elderly, the proposed units do not appear designed to meet this particular need.

Due to the lack of information and clarity on this matter and the unsuitability of the proposed units in relation to need, the Council's Housing Officer objects to the proposed development.

Amenity

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

According to the submitted layout plan, the closest neighbouring properties to the application site would be; the occupiers of the properties on the southern side of Wrenbury Heath Road to the north; the occupiers of the properties on the Newtown Road that forms the eastern barrier to the site (including Fittons Close), the occupiers of Hazel Cottage to the middle of the site and the occupiers of the properties on the northern side of Newtown Road to the south of the site.

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

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

The proposed dwellings would adhere to the relevant above minimum standards with regards to their relationship between the dwellings on Wrenbury Heath Road to the north, the

properties on the narrow north-south cut through between Wrenbury Heath Road and Newtown Road to the east and the properties on Newtown Road to the south.

As such, it is not considered that the proposed dwellings would have a detrimental impact upon the amenities of the occupiers of these neighbouring properties with regards to loss of privacy, light or visual intrusion.

Although Hazel Cottage in the middle of the application site would be enclosed by the proposed residential development, the proposed dwellings have been positioned to ensure that there are either no direct parallel relationships to this neighbour, or where there are, it would adhere with the above standards. As such, it is not considered that the proposed dwellings would have a detrimental impact upon the amenities of this neighbouring property with regards to loss of privacy, light or visual intrusion.

The Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a Phase II contaminated land report and subsequent surveys; the prior submission/approval of soil verification report; the prior submission/approval of a piling method statement; the prior submission/approval of a construction phase environmental management plan; the provision of electric vehicle charging infrastructure; the prior submission/approval of a dust mitigation scheme and the prior submission/approval of a travel information pack.

With regards to the amenities of the future occupiers of the proposed dwellings themselves, the revised layout submitted shows that all of the proposed houses would adhere to the recommended minimum standards.

Sufficient private amenity space would be provided for each dwelling.

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

Education

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

The development of 21 dwellings is expected to generate:

4 primary children (21 x 0.19)

3 secondary children (21 x 0.15)

0 SEN children (21 x 0.51 x 0.023%)

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

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

$3 \times £17,959 \times 0.91 = £49,028$ (secondary)

Furthermore, there will be an associated cost for school transport. As such, the following contributions would be required;

$£8,550 = 3$ children at $£3$ per day for 190 days per year (school year) for 5 years (secondary school period).

Total education contribution: £57,578

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

Open Space

Policy RT3 of the Local Plan requires a combined area of shared recreational open space and shared children's play space of 35sqm per dwelling equating this development to a minimum of 735sqm. This area should be of a size that it will form a viable attractive and functional area of play space which can be easily maintained.

The Council's Open Space Officer originally advised that the soft landscaping plan 11003_PL03 Rev PL02 dated 4/5/16 showed the open space in the north of the site away from the main development therefore natural surveillance was limited. The play element was located towards the rear of the site and concerns were raised that this may cause nuisance for the existing residents. Bulb planting was also proposed within the POS which whilst makes the area attractive, it was advised it does not allow for children to play freely at certain times of the year. A pond was proposed within the woodland which created concerns due to its proximity to the play space.

In response to these concerns, the applicant submitted an updated soft landscaping plan which includes a revised design to the proposed open space.

The Council's Open Space Officer has reviewed the changes but still concludes that the department's concerns in relation to both the proximity of the facility to residential properties and the limited surveillance offered remain. It is further noted that a shared surface turning head does not reflect good design. In general terms the site is in a poor location and of an unsatisfactory design for play.

As a result of the above reasons, the application is considered to be contrary to Policy RT3 of the Local Plan and Policy SC3 of the emerging Local Plan.

Public Right of Way (PROW)

The application proposal would be adjacent to or close to Public Footpaths No. 15, 13 and 11 as recorded on the Definitive Map and Statement. However, the Council's Public Rights of Way Officer has advised that the proposal would unlikely affect the PROW.

As such, no objections are raised, subject to the applicant being informed for their responsibilities via an informative.

Social Conclusion

The provision of market housing would represent a social planning benefit.

The applicant agrees to provide a commuted sum towards education provision to offset the impact of the development upon local school's. No issues with regards to public rights of way or amenity would be created (other than in relation to trees).

However, the affordable housing and the on-site open space proposed would not be appropriate to either meet local need or be functional.

As a result of the above reasons, the application proposal is considered to be socially unsustainable.

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 education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add, in addition to the additional burden of school transport.

Although the development would result in a requirement for both affordable housing and on-site open space, the provision offered for both is not considered to be policy compliant.

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

Planning Balance

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

The benefits in this case are:

- The development would help in the Councils delivery of 5 year housing land supply.

- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area

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

- The impact upon education infrastructure would be neutral as the additional impact would be mitigated by the provision of a commuted sum

The adverse impacts of the development would be:

- The loss of Open Countryside
- The isolated location of the proposed dwellings
- Insufficient information has been provided to demonstrate that the land to be lost to development would not be 'Best and Most Versatile' (Grades 1, 2 or 3a). As such, it is considered that the proposed development would be contrary to the NPPF.
- The on-site Children's play space provision is both un-functional and is positioned in a location where natural surveillance is limited
- The proposed affordable housing provision does not meet local need with regards to the bedroom numbers provided and the form of dwellings not being suitable for the elderly
- The loss of and impact upon protected trees
- The density, layout and appearance of the development (design)
- Insufficient information has been provided to demonstrate that safe and suitable access can be provided to and from the site

The development is contrary to both the Borough of Crewe and Nantwich Local Plan and the emerging Cheshire East Local Plan Strategy with regards to Open Countryside policies. However, these policies are considered to be out of date, a presumption in favour applies. However, with reference to the *Richborough* Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. Further factors that weigh against the scheme are detailed above.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm, it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION

REFUSE for the following reasons;

- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies; NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; Policy PG5 (Open Countryside) of the**

emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

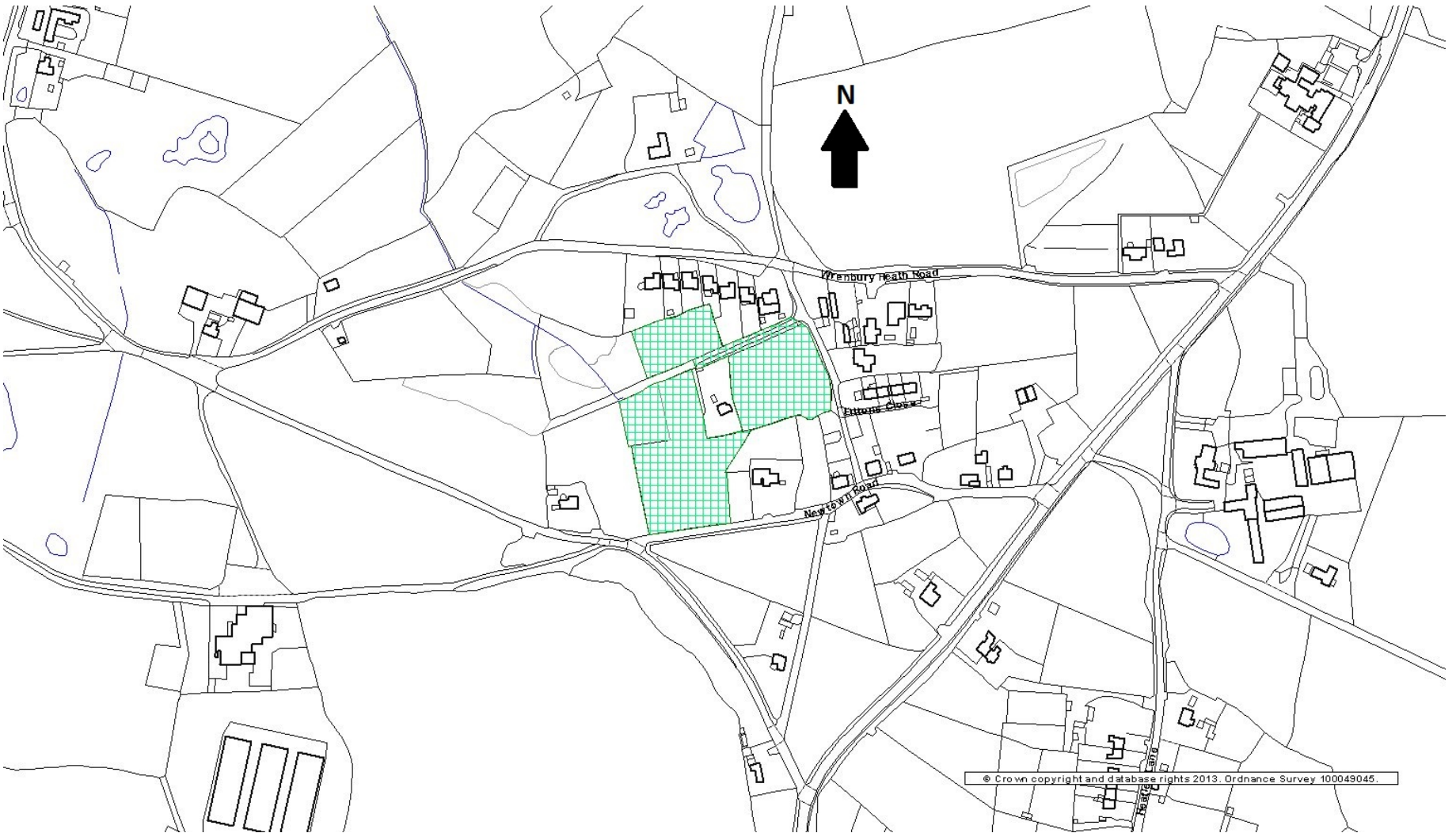
2. The proposal would be contrary to the spatial strategy for the future development of the Borough due to the scale of the proposed development having regard to Policies PG2 (Settlement Hierarchy) and PG6 (Spatial Distribution of Development) in the emerging Cheshire East Local Plan Strategy Version
3. Insufficient information has been provided to demonstrate that the land to be lost to development would not be 'Best and Most Versatile' (Grades 1, 2 or 3a). As such, it is considered that the proposed development would be contrary to Policy NE12 (Agricultural Land Quality) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SE2 (Efficient Use of Land) of the emerging Cheshire East Local Plan, and the NPPF.
4. The proposed development would result in the unacceptable loss of protected trees, a threat to protected trees and would create amenity concerns resulting in future pressures to fell protected trees due to the social proximity of the proposed dwellings to protected trees. The application is therefore considered to be contrary to Policies NE.5 (Nature Conservation), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan First Review 2011, Policy SE.5 (Trees, Hedgerows and Woodland) of the emerging Cheshire East Local Plan Strategy (CELP) and the NPPF.
5. The proposed development by reason of its high density, urban design and layout would be harmful to the character and appearance of this rural area. As a result the proposed development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SE.1 (Design) of the emerging Cheshire East Local Plan Strategy (CELP) and the NPPF.
6. Insufficient information has been provided to demonstrate that safe and suitable access will be provided. As such, it is considered that the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SD1 (Sustainable Development in Cheshire East) of the emerging Cheshire East Local Plan, and the NPPF.
7. Insufficient information has been provided to demonstrate that the policy required affordable housing provision required to account for local need triggered by the application proposal shall be provided. Furthermore, the proposed 2-bedroom units would not be suitable for the elderly where the need for 2-bedroom property lies. The development would therefore be contrary to Policy SC5 (Affordable Homes) of the emerging Cheshire East Local Plan Strategy.
8. The location and design of the proposed open space will result in a provision that would create both functional and natural surveillance issues with regards to the included Children's Play Space. The development is therefore considered to be

contrary to Policy RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan and Policy SC3 (Health and Well-being) of the emerging Cheshire East Local Plan Strategy.

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

Should 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.**
- 2. A management plan for the maintenance of the on-site Open Space and Children's Play facility by either a private management company or the Council for a fee to be agreed.**
- 3. £57,578 towards secondary school provision (£49,028) and school transport (£8,550)**



Application No: 17/0283N

Location: Car Park, BROWNING STREET, CREWE, CW1 3BB

Proposal: Redevelopment for 8 dwellings and associated infrastructure, plus remodelling of remaining car park.

Applicant: A Frost, Engine of the North

Expiry Date: 29-Mar-2017

Summary

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

The provision of new homes is supported within Strategic Location SL1 (Central Crewe) of the Cheshire East Local Plan Strategy. Furthermore the Council is unable to demonstrate a 5 year housing land supply and this weighs in favour of the development.

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

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, highway safety, ecology, 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.

Policy TRAN.8 and the loss of parking spaces need to be given 'due-weight'. This would be largely mitigated by the amendment to the Traffic Regulation Order on Richard Moon Street and is not considered to be determinative in this case. The limited loss of parking is outweighed by the benefits of this development including the provision of new homes which would assist with the 5 year housing land supply. Furthermore the development complies with Strategic Location SL1. As a result the development is considered to represent sustainable development and the application is recommended for approval.

RECOMMENDATION:

Approve subject to a S111 Agreement and the following conditions

DEFERRAL

The application was deferred by Southern Planning Committee on 29th March 2017 to allow for the consideration of Policy TRAN.8 within the officer report. This is set out in the Highways and Parking section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an existing public car park situated to the south of Browning Street, Crewe.

It is a brownfield site, approximately 0.3 hectares in size on the north-west edge of Crewe town centre and is currently used as a free car park (76 spaces), owned and managed by Cheshire East Council.

The site is within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

DETAILS OF PROPOSAL

This is a full planning application for the redevelopment of part of the car park, including the erection of 8 dwellings and associated infrastructure and the remodelling of the remaining car park.

The dwellings would be two-storey terraced properties with a block of 5 facing onto Richard Moon Street and a block of 3 facing onto Browning Street.

The existing car park provides 76 spaces and with the remodelling the car park would provide 61 spaces.

RELEVANT HISTORY

No relevant planning history relating to this site.

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
- 56-68 - Requiring good design

Local Plan Policy

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities
TRAN.8 – Existing Car Parks
TRAN.9 – Car Parking Standards

Supplementary Planning Document – Development on Backland and Gardens

Cheshire East Local Plan Strategy

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

MP1 - Presumption in favour of sustainable development,
PG1 - Overall Development Strategy,
PG5 - Open Countryside,
PG6 - Spatial Distribution of Development,
SD1 - Sustainable Development in Cheshire East,
SD2 - Sustainable Development Principles,
IN1 – Infrastructure,
IN2 - Developer contributions,
SC4 - Residential Mix,
SC5 - Affordable Homes,
SE1 – Design,
SE2 - Efficient use of land,
SE3 - Biodiversity and geodiversity,
SE9 - Energy Efficient Development,
SE12 - Pollution, Land contamination and land instability,
SE13 - Flood risk and water management,
Strategic Location SL 1 – Central Crewe

CONSULTATIONS (External to Planning)

United Utilities: No objection subject to conditions.

Highways: No objection.

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

Housing: No objection

Crewe Town Council: Object on the grounds of loss of parking.

OTHER REPRESENTATIONS

At the time of report writing 6 representations have been received relating to this application. These can be viewed in full on the Council website and express the following concerns:

- Loss of parking
- Congestion
- How the car park will be policed
- Noise and disturbance during development
- Yellow lines outside the existing houses should be removed
- Loss of disabled access

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL ROLE

Principal of Development

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

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

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

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

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

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

The site is surrounded by residential and commercial properties with very 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.

Within the Strategic Location identified as Central Crewe, Policy SL1 states that the Council will look to maximise opportunities for improvement and regeneration. The regeneration and development of Central Crewe over the Local Plan Strategy period will be achieved through amongst other things *‘The delivery of new homes (at approximately 40 dwellings per hectare, including both apartments and family homes)’* and *‘Appropriately sited, rationalised and improved car parking to support town centre uses and the local economy’*.

This Policy then goes on to state that *‘New buildings should be of a high design quality and respond to Crewe's railway heritage and contemporary living. The new development should sensitively retain and incorporate any heritage buildings and/or structures within them’*.

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.

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 proposed dwellings would be of a tradition terraced design in keeping with the local vernacular and the materials would be traditional brick and tile, which should be controlled by condition.

The proposals would also retain the existing build lines and would be no higher than existing properties.

Subject to the proposed conditions, the development is considered to be in compliance with Policy BE.2 (Design) of the adopted local plan.

Highways and Parking

The proposal is for 8 residential units within the Browning Street car park and a re-modelling of the remaining car park.

The northern access off Browning Street would be moved eastwards slightly and the southern access off Flag Lane would remain.

The existing car park has 76 parking spaces and the proposed 8 units will have 1 space each. There would be a loss of 15 spaces on the Browning Street carpark.

There will also be an additional demand for spaces from the approved apartments (The Limelight). Car ownership data for the area indicates this will be for around 10 to 15 spaces although this is likely to be less during the daytime when parking demand is at its peak.

A parking survey of the car park and of Browning Street was carried out which showed a combined spare capacity for approximately 15 vehicles.

It is likely there will be a displacement of vehicles from the Browning Street car park to other nearby car parks. Additional on-street parking capacity could be made available by amending a Traffic Regulation Order and removing some of the parking restrictions on Richard Moon Street on one side of the road between Flag Lane and Holt Street. This would create an additional day time parking capacity for approximately 10 cars.

Policy TRAN.8 states that:

“Proposals for new development involving the loss of existing car parks, as shown on the proposals map, will not be permitted unless the developer provides:

- *Improvements to public transport systems in order to serve the development; or*
- *As part of the scheme, a direct replacement for the number of car parking spaces lost.”*

It should be noted that this is a saved policy and should be afforded due weight.

Firstly, the proposal would not lead to the loss of the car park itself, just spaces within it. The proposed amendment to the Traffic Regulation Order would create additional day time parking capacity for approximately 10 cars which is considered to be satisfactory mitigation for the loss of parking spaces, by the Head of Strategic Infrastructure.

In addition many of the objections relate to the loss of parking for local residents, however free car parks such as this are in place to support the functions of the town centre and not to provide parking for residential properties that currently do not have any provision.

The Local Plan Strategy, Central Crewe is identified as a Strategic Location where the Council is looking to maximise opportunities for improvement and regeneration. This includes the delivery of new homes and the proposal is considered to be compliant with this.

Given this, and as the proposal is in a sustainable town centre location where there are a number of near-by car parks within a short walking distance this proposal is considered acceptable in highway safety and parking terms.

No objection is raised by the Head of Strategic Infrastructure subject to conditions and informatives set out at the end of this report.

Ecology

The application site is located within Natural England's SSSI impact risk zone for Sandbach Flashes. The proposed development is not however of a type that Natural England consider to pose a risk to the SSSI. No further action is therefore required in respect of designated sites.

If planning consent is granted conditions are required to safeguard nesting birds.

Environmental Role Conclusion

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

ECONOMIC ROLE

It is accepted that the construction of 8 dwellings would bring an economic benefit to shops in centre of Crewe both in the short term for the duration of the construction and the long term by bringing additional residents within Crewe town centre. The proposal would also potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

SOCIAL ROLE

Housing

This scheme is a mix of market housing and Starter Homes. There is no planning requirement for affordable housing on this site as it will only provide 8 new residential units in total.

The Housing and Planning Act 2016 includes Starter Homes within the definition of affordable housing. The Government's recent White Paper on Planning and Housing specifies that amendments will be made to the NPPF to introduce Starter Homes into planning policy and to ensure they are restricted to first time buyers households earning less than £80,000. Discount on Starter Homes is a minimum of 20%.

The scheme will provide 4 houses for sale on the open market and 4 Starter Homes. There are currently over 1500 people on the Council's waiting list for Crewe, these applicants have applied for social rented housing but this is an indicator of the level of housing need in Crewe and a variety of tenures and type of accommodation is required to meet this need

Education

The proposals are for apartment for 8 dwellings which does not require a contribution towards education provision.

Amenity

Having regard to the five dwellings facing onto Richard Moon Street. The existing adjacent dwellings have no windows in the side elevation, meaning there would be no adverse impact on the privacy of or light to these dwelling.

Having regard to the impact on the neighbouring property on Browning Street, again there are no windows in the side elevation of this property and the side window on the proposed new dwellings would serve a bathroom and can therefore be obscure glazed. This can be secured by condition. The property on Browning Street is enclosed to the rear by a garage undertaking servicing and repairs in a building that backs onto the yard of this property. The proposed new dwellings would project further back than the rear elevation of this property. However the projection would not contravene the '45 degree rule' in terms of windows on the rear elevation of the property on Browning Street.

With regards the residential amenity of future residents, the proposals would provide a level of private amenity space commensurate with that of surrounding development. Occupiers would be able to sit out, hang washing and store bins and cycles. The SPD 'Development on Backland and Gardens' recommends an area of 50sqm of private amenity space to new dwellings and the proposed dwellings do not meet this requirement. However, given that there would be adequate space for general day-to-day household activities and that the proposed gardens would be of a very similar size to those existing in the vicinity, which is an area characterised by traditional terraced properties with small yard areas, this is considered to be acceptable.

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

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

PLANNING BALANCE

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

The provision of new homes is supported within Strategic Location SL1 (Central Crewe) of the Cheshire East Local Plan Strategy. Furthermore the Council is unable to demonstrate a 5 year housing land supply and this weighs in favour of the development.

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

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, highway safety, ecology, 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.

Policy TRAN.8 and the loss of parking spaces need to be given 'due-weight'. This would be largely mitigated by the amendment to the Traffic Regulation Order on Richard Moon Street and is not considered to be determinative in this case. The limited loss of parking is outweighed by the benefits of this development including the provision of new homes which would assist with the 5 year housing land supply. Furthermore the development complies with Strategic Location SL1. As a result the development is considered to represent sustainable development and the application is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the completion of a Section 111 Agreement to secure a contribution of £4,000 for an amendment of the Traffic Regulation Order on Richard Moon Street

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 treatments**
- 6. Implementation of landscaping**
- 7. Standard Contaminated Land Condition**
- 8. Construction Management Plan**
- 9. Submission and approval of details of foul and surface water drainage**
- 10. Submission and approval of existing and proposed levels**
- 11. Parking spaces shall be provided prior to first occupation of the dwellings and retained thereafter**
- 12. Provision of electric vehicle charging points to the dwellings**
- 13. Protection of breeding birds**
- 14. Provision of features suitable for breeding Swifts**
- 15. Obscure glazing to first floor side windows.**

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



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Application No: 16/5584N

Location: 84, EDLESTON ROAD, CREWE, CW2 7HD

Proposal: Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people

Applicant: ben morris, Hopscotch Investments Ltd

Expiry Date: 16-Jan-2017

SUMMARY:

The site is within the Crewe Settlement Boundary, as defined by the Adopted Replacement Local Plan 2011, 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:

- *Inadequacy of proposed parking provision with resulting impact on surrounding area, where on-street parking on side streets leads already to congestion.*
- *Concerns about the provision within the application for adequate 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, owing to very poor standard of plans, which appear to be indicative only and six years old to boot.*
- *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

Full planning permission is sought for a change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people.

The only external alterations proposed is the addition of two new roof lights to the rear elevation.

SITE DESCRIPTION

The property is a mid terraced two-storey unit. The dwelling also has an annexe to the rear which is used for accommodation. The annexe is situated within the same domestic curtilage as the main dwelling and currently houses 6 people. The proposal only seeks to alter this through the addition of a loft conversion where an additional bedroom will be provided for an additional person.

The locality consists of mixed residential and commercial uses with residential to both sides and rear.

RELEVANT HISTORY

11/4054N - Rear Extension to Form a Flat / Apartment- Approved with conditions- 15th March 2012.

11/0839N - Rear Extension to Form Two Flats- Refused - 25th July 2011.

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

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: Despite the submission of revised plans, there is still insufficient information to assess the impact of the proposal. In the absence of a block plan it is not possible to judge the impact of the 2 storey extension on neighbouring properties. There is no scale on the plans so it is not possible to assess the dimensions of the rooms. A cross section of the loft bedroom would be required to assess the useable floorspace. The Town Council is surprised that these drawings have been accepted for consideration and requests that room sizes and the impact on neighbouring properties are properly evaluated before any decision is made. No approval should be given without evidence of adequate bin storage. In any event the Town Council wishes to object to this application because of the lack of off-street parking provision for 7 bedrooms. Parking restrictions apply on Edleston Road and there is pressure on on-street parking in the area as the number of HMOs increase.

Highways: Edleston Rd is the main road and there are TROs to prevent on-street parking, and therefore prevent the blocking of traffic using this through route.

Car ownership data indicates that for a development of this size around a few cars will be owned by occupants. There are a number of car parks within a short walking distance from the proposal and the net impact of this proposal over the existing residential use will be minimal.

No objection is raised.

Housing: No objections to using the attic space, as the amenities will be adequate for the proposed numbers.

There are no records for one of officers having inspected this property previously, although following your initial contact regarding this application, the property was added to our list of HMOs to be inspected. The inspection will be brought forward.

Environmental Health: No objections subject to a waste provision condition, and noise generative works informative.

REPRESENTATIONS:

One general comment has been received at the time of the report which states that:

Amendments to The Housing Act 2004 regulations, coming into force in 2017 (exact date is not known at this time), will require HMO type properties with 5 or more persons in occupation to require a licence provided by the Local Authority to operate as an HMO. As such, all licensable

HMO properties will need to comply with licensing criteria and legislation associated with such. Contact the Housing Standards & Adaptations Team for further information.

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.

Local Plan Policy (RES.9) Houses in Multiple Occupation:

The development is located within the Crewe and Nantwich Settlement boundary which is considered to be a sustainable location. The proposal seeks to alter the existing site, from housing 6 people (including the rear annexe), to housing 7 people (as a result of proposed loft conversion). The proposal therefore seeks to accommodate an additional one person to the 6 individuals already living in existence at the property. There are no double occupancies within the property.

RES. 9 (Houses in multiple occupation) states that:

PROPOSALS FOR THE SUB-DIVISION OF BUILDINGS TO PROVIDE SELF- CONTAINED RESIDENTIAL UNITS WILL BE PERMITTED, PROVIDED THAT:

THE BUILDING TO BE CONVERTED IS LARGE ENOUGH TO PROVIDE SATISFACTORY LIVING ACCOMMODATION FOR FUTURE RESIDENTS WITHOUT THE NEED TO CONSTRUCT EXTENSIONS WHICH WOULD CONFLICT WITH POLICIES BE.1 AND BE. 2; The only proposed change to the dwelling is the loft conversion with no other extensions or alterations proposed.

THE PROPOSAL WOULD NOT RESULT IN AN ADVERSE CHANGE TO THE EXTERNAL APPEARANCE OF THE BUILDING WHICH WOULD BE UNACCEPTABLE IN TERMS OF DESIGN OR MATERIALS USED; Aside from the two rooflights proposed in which to service the proposed loft conversion, there are no other external alterations to the dwelling nor the annexe proposed, in which both are already in situ.

THE DEVELOPMENT DOES NOT DETRACT SIGNIFICANTLY FROM THE AMENITIES OF NEIGHBOURING RESIDENTS, THROUGH NOISE TRANSMISSION OR OVERLOOKING, (IN ACCORDANCE WITH POLICY BE.1); AND

PROVISION IS MADE WITHIN THE SITE FOR ADEQUATE AND PROPERLY LOCATED CAR PARKING AND SAFE ACCESS (IN ACCORDANCE WITH POLICIES TRAN.9 AND BE.3). WHERE SUFFICIENT OFF-STREET PARKING PROVISION IS NOT POSSIBLE DUE TO THE CONSTRAINTS OF THE SITE, KERBSIDE FACILITIES MAY BE ACCEPTABLE PROVIDED

THAT THEIR USE DOES NOT CREATE OR WORSEN DANGEROUS HIGHWAY CONDITIONS, OR SIGNIFICANTLY DETRACT FROM THE AMENITY OF LOCAL RESIDENTS. The development is not considered to add any detrimental issues amenity in addition to the development already in situ by means of noise transmission or overlooking. Additionally, there are two car parking spaces at the site with what is considered a safe access off two adjoining roads which can be viewed on the car parking access plan. Given the location of the dwelling close to the town centre with access to various public transport networks, Highways have considered this level of parking to be acceptable for the proposal.

Crewe Town Centre

The proposal site is situated outside of the Town Centre Boundary as per the Crewe and Nantwich Replacement Local Plan 2011 with no loss to any function of the town centre proposed.

Highways

Edleston Road is the main road and there are TROs to prevent on-street parking, and therefore prevent the blocking of traffic using this through route.

Car ownership data indicates that for a development of this size around a few cars will be owned by occupants. There are a number of car parks within a short walking distance from the proposal and the net impact of this proposal over the existing residential use will be minimal.

No objection is raised by the Councils Head of Strategic Infrastructure.

The site has 2 car parking spaces in existence at the site which are not currently utilised. There is also provision for the keeping on 7 bikes on site proposed. It is therefore considered that there would not be any issues relating to the Highway.

Design

The only alteration that is proposed is in relation to the main dwelling where the loft seeks to be converted, with 2 rooflights installed. It is therefore considered that there would not be any issue in relation to design.

Amenity

Residential properties are sited to both sides and rear therefore the proposed use is a complimentary use. The property is currently used for accommodating 6 people and the loft conversion to house a potential 7th is not considered to cause any further issues of detrimental amenity.

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 500m away from 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 exist at the rear of the main dwelling and wheeled out via the passageway on bin collection day. This is in existence already at the property and it is not considered that the provision for an additional person would detrimentally alter this.

Housing standards

The Housing Standards and Adaptions Team have been consulted and have confirmed that they have no objections to the proposal. The proposed size of the loft room can be seen below.

Floor level	Room size
Proposed loft room	48 sq.metres

ECONOMIC SUSTAINABILITY

The proposal would create economic benefits from the spending power of the future occupant.

SOCIAL SUSTAINABILITY

The proposal would create additional residential accommodation in an accessible location close to the town centre.

Conclusion

The site is within the Crewe and Nantwich Settlement Boundary 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 and is in full compliance with Local Plan Policy RES.9 (Houses in Multiple Occupation).

RECOMMENDATION

Approve subject to the following conditions:

- 1. 3 years commencement**
- 2. Compliance with approved plans**
- 3. Materials as specified**
- 4. Refuse and cycle storage to be provided as shown**



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Application No: 16/5637N

Location: LAND ADJACENT TO, Bunbury Medical Practice, VICARAGE LANE, BUNBURY

Proposal: Detailed application for 7 dwellings on land at Vicarage Lane

Applicant: Peckforton Estate

Expiry Date: 21-Mar-2017

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 case the development is outside the settlement boundary identified by BNP Policy H1 and the scale of the development complies with BNP Policy H2.

In this instance the proposal is not listed as an appropriate form of development and 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 in a loss of 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 local services/amenities nearby and given the proximity to the bus stop. Weight also has to be attached to other approvals in the village which have deemed it to be a sustainable location.

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

PROPOSAL

The proposal seeks consent for the erection of 7 dwellings in the form of 4 bungalows/dormer bungalows to the road frontage, 1 pair of semi-detached and 1 detached property. The development would utilise the existing access to Bunbury Medical Centre.

SITE DESCRIPTION

The application site comprises an open field in this open countryside location in between the Medical Centre and The Vicarage. The area consists of residential properties to the north and south and open land to the east and west.

The site itself is predominantly flat but it is raised from the road by approximately 1m and falls outside the site to the east. The access is currently taken of Vicarage Lane.

The boundary treatment consists of a 1m high hedge to the east and west and 1.8m high fence to The Vicarage.

No significant trees are located on the site.

RELEVANT HISTORY

No relevant planning history

LOCAL & NATIONAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development

17 – Core planning principles

47-50 - Wide choice of quality homes

56-68 - Requiring good design

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 BE.7 – Conservation Areas
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)

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

Bunbury Neighbourhood Plan

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

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

Supplementary Planning Documents (SPD):

North West Sustainability Checklist

CONSULTATIONS

Highways (Cheshire East Council): No objection

Flood Risk (Cheshire East Council): No objection subject to drainage conditions

Housing (Cheshire East): No objection

Environmental Protection (Cheshire East Council): No objection subject to conditions regarding piling, dust, electric vehicle charging, travel pack and contaminated land

United Utilities: No objection subject to drainage conditions

Archaeology: No objection subject to condition requiring a programme of archaeological work

Bunbury Parish Council

Do not object but make the following comments:

- The PC supports the landscape report
- The PC supports the developer in their mix of housing rather than the mix of housing recommended in the housing report
- The PC would ask Highways to look at the visibility splays from the right for traffic entering vicarage lane from the development

REPRESENTATIONS

Two letters of objection received raising the following points;

- Disruption of access to surgery
- Congestion
- Risk of injury during construction
- Loss of privacy
- Loss of parking to surgery
- Loss of farming land
- Sited too close to the road

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. 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.

Bunbury Neighbourhood Plan

In this case the Bunbury Neighbourhood Plan (BNP) was made on 29th March 2016.

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

This issue is considered under the spatial distribution section below.

The scale of development is covered under Policy H2 which states that development will be supported provided that it is small scale and in character with the settlement. In terms of greenfield development Policy H2 states that development shall be limited a maximum of 15 houses on any site and that such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits of doing so. The glossary to the BNP then goes to elaborate on to define co-location and states that;

..’Co-location - New housing developments should be built in geographically separate parts of the village, in order that existing local communities and infrastructure are not adversely affected by a combination of new developments. No single area of the village should be subject to a large development that has resulted from smaller developments being built close to or accessed from each other.

The separation between developments may be maintained by a significant distance, geographic features or visual segregation or a combination of these elements. A new development should not share an access road with another new development.

For the purpose of this co–location definition a small development is one of 15 houses or less and this definition applies to all new houses built within the neighbourhood plan period 2015–2030 (see the glossary definition of new development and Policy H2A).’

In this case the development would be limited to 7 dwellings. At the time of writing this report there no issue of co-location as part of this development and the matter is a planning judgement to be taken by the decision maker when determining the application.

In this case there is already built form to the north, south and west of the site with a large parcel of land sited to the east which would provide a significant visual buffer to the existing built form of Wyche Lane (103m). This is considered to represent a significant distance to provide a visual segregation between the development site and that to the east.

Spatial Distribution

For Bunbury - there were 21 (net) completions recorded from 1st April 2010 until 31st March 2016. In addition there are the following commitments as at 31st March 2016;

Housing Completions and Losses from 01/04/2010 to 31/03/16																	
	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16		2016-17		2017-18		Net Sum
	Gross Comps	Loss	Gross Comps	Loss	Gross Comps	Loss	Gross Comps	Loss	Gross Comps	Loss	Gross Comps	Loss	Gross Comps	Loss	Gross Comps	Loss	Net Sum
Crewe	160	44	116	179	28	151	72	5	67	114	14	100	318	34	284	308	907
Macclesfield	180	2	178	164	0	164	123	3	120	32	49	-17	102	5	97	155	692
Principal Towns	340	46	294	343	28	315	195	8	187	146	63	83	420	39	381	463	1599
Alsager	13	1	12	2	1	1	4	2	2	0	0	0	61	1	60	56	131
Congleton	81	38	43	176	3	173	63	1	62	110	3	107	159	3	156	100	638
Handforth	0	0	0	35	42	-7	69	2	67	3	0	3	0	0	8	1	70
Knutsford	9	4	5	6	1	5	7	2	5	7	4	3	6	1	5	21	33
Middlewich	20	1	19	57	0	57	7	0	7	104	0	104	58	1	57	158	400
Nantwich	78	2	76	17	4	13	46	0	46	55	0	55	108	1	107	196	491
Poynton	3	2	1	2	39	-37	33	0	33	0	1	-1	3	2	1	24	20
Sandbach	58	3	55	77	2	75	54	0	54	123	1	122	240	0	240	150	693
Wilmslow	30	13	17	35	7	28	39	7	32	35	5	30	43	73	-30	27	97
Key Service Centres	292	64	228	407	99	308	322	14	308	437	14	423	678	82	596	740	2573
Alderley Edge	4	4	0	9	4	5	11	1	10	2	1	1	15	6	9	25	41
Audlem	1	0	1	0	0	1	0	1	49	9	40	10	0	10	1	0	53
Bollington	3	0	3	7	1	6	7	0	7	3	0	3	8	3	5	53	77
Bunbury	7	1	6	2	2	0	2	0	2	12	0	12	1	0	1	0	21
Chelford	0	0	0	0	0	0	0	0	0	1	1	0	2	0	2	0	2
Disley	4	0	4	2	1	1	0	0	0	20	-20	39	0	39	68	1	91
Goostrey	0	0	0	0	1	-1	5	0	5	0	0	0	0	0	0	2	5
Haslington	2	0	2	2	1	1	1	0	1	1	0	1	5	1	4	27	36
Holmes Chapel	1	1	0	63	1	62	2	0	2	15	0	15	64	0	64	43	186
Mobberley	7	1	6	2	0	2	0	2	-2	1	3	-2	1	0	1	0	6
Prestbury	10	3	7	6	4	2	2	0	2	5	8	-3	1	3	-2	15	18
Shavington	1	0	1	1	0	1	1	41	-40	14	0	14	5	0	5	36	17
Wrenbury	0	0	0	0	0	0	24	12	12	1	0	1	1	0	1	1	15
Local Service Centres	40	10	30	94	15	79	56	56	0	104	42	62	152	13	139	272	568
Villages and Rural	133	26	107	90	14	76	137	18	119	161	16	145	134	14	120	188	733
Totals	805	146	659	934	156	778	710	96	614	848	135	713	1384	148	1236	1663	5473

The Council is currently in the process of completing an update to the completions / commitments to cover the period up to / as at 31st March 2017. There hasn't been that much movement (if any) for Bunbury, with no more completions having been recorded. Similarly in terms of commitments, the updated position is no different to that shown above (nothing new approved / expired). It should be noted that since 31st March 2016 the Council has issued a decision for application 14/3167N (14 dwellings) at The Grange, Wyche Lane, 16/6208N (one detached house), 16/2372N (x2 dwellings) at Bunbury Heath). There is also a resolution to approve application 15/1666N (11 dwellings) at land off Bowes Gate Road and 15/5783N (x15 dwellings) off Hill Close.

As a result this proposed development would go towards meeting the housing needs set out in the BNP under policy H1.

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. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave a view on the status of the Councils Merging Local Plan

“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our

lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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.

- post box (500m) – 232m
- local shop (500m) – co-op store 450m
- playground / amenity area (500m) – jubilee fields 277m
- post office (1000m), bank / cash point (1000m) – Post Office 232m
- pharmacy (1000m) – in Tarporley 4 miles
- primary school (1000m) – 391m
- medical centre (1000m) – next door
- local meeting place / community centre (1000m) – village hall 210m
- public house (1000m) – 210m & 268m
- public park / village green (1000m) – 210m
- child care facility (1000m) – early birds playgroup 210m
- bus stop (500m) – 214m
- railway station (2000m) - Nantwich 10.5 km
- secondary school (2000m) – Tarporley 4 miles
- Public Right of Way (500m) – immediate and surrounding
- Children's playground (500m) – at jubilee fields 277m

Based on the above figures the proposal meets the majority of the elements identified and is sited near to a bus stop with Bus No.56 stopping at Nantwich on Thursdays and Saturdays only and bus No.83 stopping at Nantwich and Chester on Tuesdays only. Whilst the number of buses servicing the site is limited, occupants would be able to use the above local services within the village.

It is also noted that other housing developments have been granted permission within the village which is classified as a local service centre. Therefore it would be difficult to refuse planning permission on this basis.

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 south which would limit the actual visual impact.

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

Landscape

The site comprises a parcel of grassland to the east of Vicarage Lane. The Vicarage lies to the north, the Medical Centre to the south, both separated from the site by fences. There is agricultural land to the east separated by an established hedge, agricultural land to the north with an unmarked

boundary and to the west there is a young hedge with a post and rail fence separating the site from the road.

From the access road and medical centre, there are views across the site to St Boniface's Church and the Conservation Area. The site is also visible from other public viewpoints, including further north on the road and from a public footpath running south east of the site between Wyche Road and Wyche Lane.

Previous concerns were raised from the Councils Landscape officer that although the site has capacity to accommodate some form of development public views to the church and conservation area would be impacted. Concerns were also raised regarding the need to ensure that existing boundary hedges are retained and protected, that the north eastern boundary (rear units 11 and 12) is softened by further hedge planting, the garden areas for Units 1, 2 and 3 were considered inadequate in size and required a greater separation from the road.

The plans have since been amended by reducing the number of units from 12 to 7, siting plots 1-4 further away from the road by approximately 22m and moving the plots further away from the northern and eastern boundaries with an increase in boundary treatment to the eastern boundary, which along with conditions requiring the protection of the roadside hedge, would appear to overcome the concerns raised.

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 by condition.

Design/Conservation Area

Following concerns from the case officer that the proposal would be too prominent and harmful to the Conservation Area given the proximity to the road and not reflective of the existing urban grain, the plans have been amended by reducing the number of units from 12 to 7, siting plots 1-4 further away from the road by approximately 22m and moving the plots further away from the northern and eastern boundaries with an increase in boundary treatment to the eastern boundary.

As a result the proposals would ensure that a substantial gap would remain to the Vicarage Road frontage with properties being set behind the front build line of the nearest property (The Vicarage) which would not only prevent the proposals from being prominent in the street scene but also ensures that the area between the properties and the road would be free from built form and ensure that views are retained from north-to south through the Conservation Area.

The reduction in property numbers now means that the proposal would be just two properties deep and would reflect the density of the village settlement. Whilst the proposal would be sited just outside of the settlement boundary it would sit directly to the east of the edge of the settlement and would have built form to the north and south and would therefore be viewed in the context of the village rather than stand alone development.

It is noted that to ensure that parking does not occur to the road frontage, that the rear elevations face Vicarage Lane with the front elevations facing the rear of the site. Given the design of the properties which seeks to incorporate locally distinctive features and the significant distance from the road, it is not considered that the rear elevations facing the road frontage would cause significant visual harm.

Property dimensions, heights and plot ratios would also be comparable to those noted to the south in the main village settlement.

In design terms, the proposals incorporate locally distinctive features such as use of dormer windows, piers, timber detailing and other features under the fascia and above the windows. The materials of red brick and tiled roofs would also match the materials noted locally.

The proposal involves utilising a mix of property types from bungalows, dormer bungalows, detached and semi-detached properties. This mix reflects the mix of property types noted in the village.

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 shared access with Bunbury Medical Practice, is considered to be suitable for the proposed use. There is sufficient space within the site for off-street parking provision to be in accordance with CEC's parking standards; and the commuter peak hour and daily traffic generation associated with 7 dwellings, would not be expected to have a material impact on highway safety or the operation of the adjacent or wider highway network.

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 and the Councils Flood Risk Team have been consulted as part of the application and have not raised any objection subject to conditions regarding site drainage.

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

Ecology

An Ecological Appraisal has been provided which has been assessed by the Councils Ecologist who has advised of a number of concerns regarding the positions of the 'habitat pile for hedgehogs' and the 'reptile hibernaculum' in the gardens of units 11 and 12, the 'grass cutting heap' and 'habitat pile for hedgehogs' in the open space being cut off from the open countryside and the incorporation of semi-natural habitat corridors into the layout.

The Councils Ecologist has suggested that a part of the site be excluded from the development proposals and given over to habitat creation and the provision of the recommended ecological mitigation.

As a result the plans have been amended to include a habitat buffer, outside of the application site to the north-western boundary which appears to have addressed the concerns raised.

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 resident's spending money in the area and using local services.

Agricultural Land Quality

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

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

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

The proposal would result in the loss of an area of agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate

supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance. Further, due to its small area, shape and enclosed nature does not offer significant opportunities for agricultural production.

Affordable Housing

The original scheme sought 12 dwellings which required 4 affordable units to be provided.

However following various concerns from the case officer regarding the density of the development, impact on the neighbouring property and the Conservation Area, the proposal has been reduced to just 7 dwellings.

As a result the proposal is now under the threshold set within the NPPG and does not require any affordable housing contribution.

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.

Council SPG – Development on Backland and Gardens, advises as a general indication, there should ideally be a distance of 21m between principal elevations, 13.5 m between a principal elevation with windows to habitable rooms and blank elevation to prevent harm through overlooking/loss of privacy.

The main residential properties affected by this development are properties to the north (The Vicarage), south (Exchange House) and West (Foxdale).

Plot 4 would be sited 4m to the side elevation of the Vicarage serving secondary side facing windows, with the main windows for these rooms being sited on the front and rear elevations. The plot has been positioned so that it would be sited between the side and rear facing windows of The Vicarage meaning that outlook would remain to the right hand side of the side facing windows and the left hand side of the rear facing windows which would prevent significant harm through overbearing/oppressive impact. No side facing windows are proposed which would prevent any harm through overlooking/loss of privacy.

Plot 5 would be sited 5m from the side/rear boundary of the Vicarage with the garage sited 0.3m from the side boundary. Given the separation distance to the boundary and the single storey nature of the garage and viewing against the boundary treatment, it is not considered that plot 5 would cause any significant harm through overbearing/oppressive impact. Whilst plot 5 would have the

front elevation windows facing The Vicarage, they would provide a 38m interface to the rear elevation of this property and would not result in direct overlooking of the rear garden area.

Plot 1 would be sited 53m to the side elevation of Exchange House. This distance is considered to be sufficient to prevent significant harm to living conditions.

Plot 1 would be sited 47m to the side/rear elevation of Foxdale. This distance is considered to be sufficient to prevent 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.

Public Rights of Way

No Public Rights of Way would be affected by this development.

Other matters

Public safety during construction would be dealt with by legislation separate from planning and would not be a reason to refuse planning permission.

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 case the development is outside the settlement boundary identified by BNP Policy H1 and the scale of the development complies with BNP Policy H2.

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

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

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

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

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the local services/amenities nearby and given the proximity to the bus stop. Weight also has to be attached to other approvals in the village which have deemed it to be a sustainable location.

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.

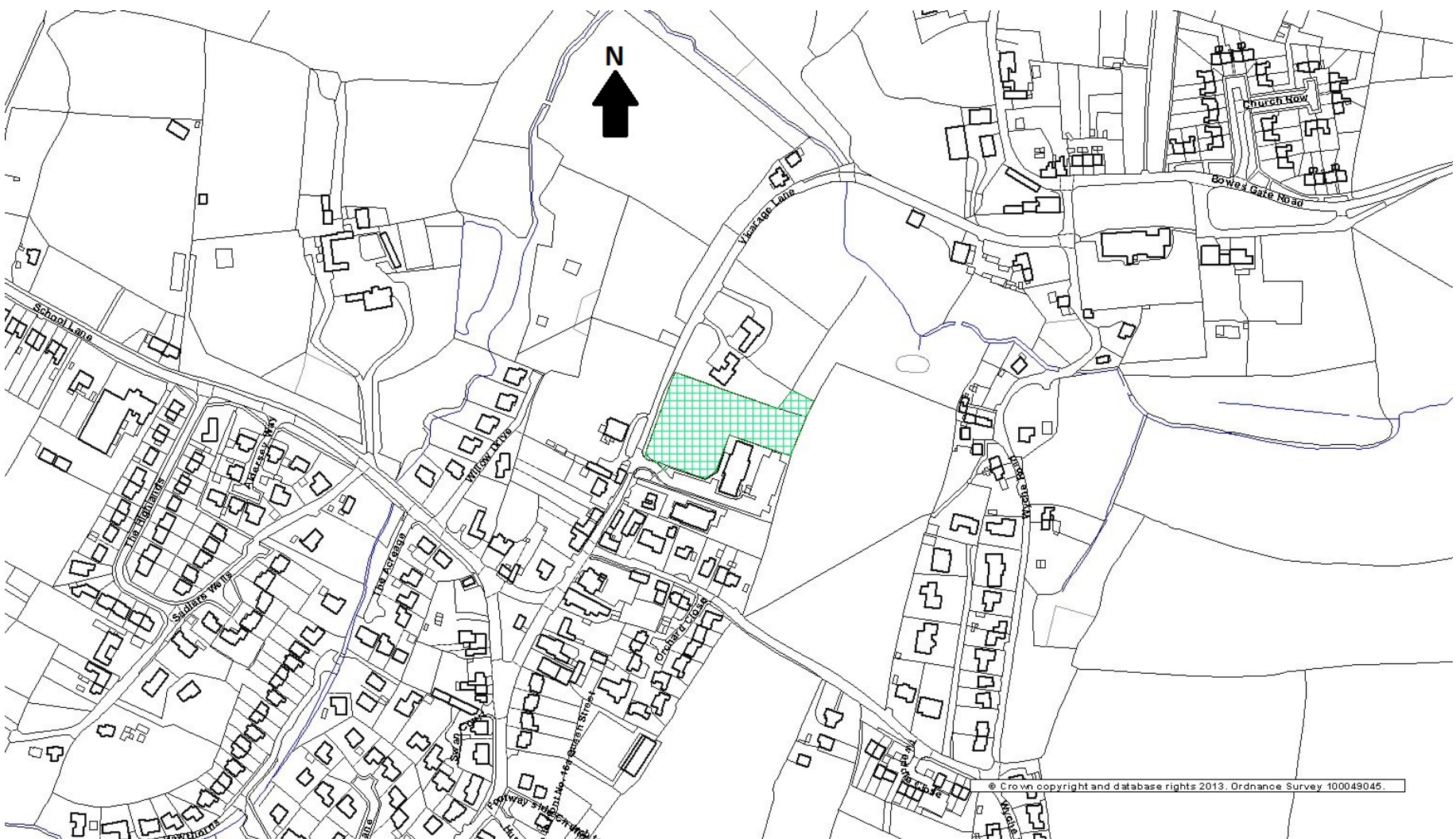
RECOMMENDATION

Approve subject to conditions

And the following conditions:

- 1. Time limit**
- 2. Approved Plans**
- 3. Materials to be submitted and approved**
- 4. Removal of permitted development rights**
- 5. Levels to be submitted and approved**
- 6. Foul and surface water drainage strategy**
- 7. Piling details to be submitted and approved**
- 8. Electric vehicle charging**
- 9. Dust mitigation measures to be submitted and approved**
- 10. Travel information pack to be submitted and approved**
- 11. Contaminated land to be submitted and approved**
- 12. Hard and soft landscape to be submitted and approved**
- 13. Landscaping implementation**
- 14. Boundary treatment to be submitted and approved**
- 15. Retention of the existing hedges with a protection scheme during the course of development.**

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



Application No: 16/4041C

Location: Land at Fields Farm, CONGLETON ROAD, SANDBACH, CW11 4TE

Proposal: Provision of emergency standby electricity generation facility, comprising diesel generators, bunded fuel tanks, acoustic fencing and gates, substation, generator transformers, control and HV cabinet, LV Switch Room, CCTV, landscaping, earthworks and ancillary infrastructure.

Applicant: INRG Solar Ltd

Expiry Date: 28-Apr-2017

SUMMARY:

The site is within the Open Countryside as defined in the adopted Local Plan.

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

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

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

The application originally proposed the provision of an emergency standby electricity generation facility using 40 diesel engines.

Subsequently this has been amended to 10 gas utilisation engines with associated ancillary equipment, sited within a compound enclosed by a 3m acoustic/security fence.

Access would be taken from the existing access on Congleton Road, Sandbach.

SITE DESCRIPTION

The application site is an area of land on Fields Farm, Sandbach which is to the north of Congleton Road and accessed from it. It comprises the south westerly section of a field of a rectangular shape approximately 0.34 hectares in size. It is adjacent to ponds forming part of Fields Farm Fisheries.

The site is designated as being within Open Countryside in the adopted Congleton Borough Local Plan First Review 2005 and the Cheshire East Local Plan Strategy.

RELEVANT HISTORY

No relevant history relating to this site.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 96, 97, 98.

Development Plan:

The relevant Saved Policies are: -

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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
PG 1 Overall Development Strategy
SE 3 Biodiversity and Geodiversity
SE8 Renewable and Low Carbon Energy
IN1 Infrastructure

Sandbach Neighbourhood Plan

The red-edge for the application includes the existing access track which is within the area covered by the Sandbach Neighbourhood Plan. The operational development in the form of the electricity

generation facility is located within Bradwall Parish (there is no Neighbourhood Plan in Bradwall Parish)

The relevant Saved Policies are: -

PC2 Landscape Character
PC3 Policy Boundary for Sandbach
PC5 Footpaths and Cycleways
IFT1 Sustainable Transport, Safety and Accessibility
CC1 Adapting to Climate Change

CONSULTATIONS:

Environmental Protection: No objection subject to conditions.

Highways: Originally objected due to the movement of oil tankers on the access road. Now withdrawn as no oil tankers are necessary.

Natural England: No objection.

Public Rights of Way: No objection subject to informatives.

Flood Risk Manager: No objection subject to conditions.

Jodrell Bank: Make comments relating to radio interference and recommend conditions.

Archaeology: No objection.

Sandbach Town Council: Object to the proposals on the following grounds:

- *The access statement has fundamentally changed from Diesel to Gas generators with not enough time given for all consultees and members of the public to reconsider the application.*
- *The site is a visual intrusion into the countryside. The Generators can clearly be seen over the top of the fencing (as shown in page 26 of the Design Access Statement. Furthermore, this adversely effects the views from footpaths: 5, 7, 8 and 10.*
- *Members have significant concerns in relation to the impact on Jodrell Bank. No new noise assessment appears to have been carried out following the switch from diesel to gas where a difference may be present.*
- *As there is no explanation of how the gas will reach the site, nor any pipelines marked in the plans, members assume that gas will be supplied by tanker which they strongly object to due to the impact on local residents.*
- *The removal of significant hedgerows around the site.*
- *Finally, members object to this application as it does not portray an alternative energy usage which contravenes new government policy on Green power.*

Bradwall Parish Council: No comments received.

REPRESENTATIONS:

At the time of report writing eight representations have been submitted in relation to this application. They express the following concerns:

- Air Pollution
- Noise
- Highway safety
- Dangerous access
- Impact on landscape/open countryside
- Loss of agricultural land
- Views from footpaths
- Impact on wildlife
- Adverse impact on the fishery
- Should be sited at least 2 miles away from urban areas
- Impact on gas supply

These can be viewed in full on the Council website.

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 Open Countryside as designated in the adopted Congleton Borough Local Plan First Review 2005 where Policy PS8 requires that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings and affordable housing.

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.

In terms of the Cheshire East Local Plan Strategy the Strategic Priority 2 states that all the infrastructure required to support the community should be provided and this includes working with infrastructure providers to make sure that infrastructure to support the community is provided this includes energy provision. This is then repeated within Policy SD1 (Sustainable Development in Cheshire East).

The development is also in compliance with Policy IN1 which states that *'The Council will also require new and improved social and community facilities, utilities infrastructure and other infrastructure to be provided in a timely manner to meet the needs of new development as they arise so as to make a positive contribution towards safeguarding and creating sustainable*

communities, promote social inclusion and reduce deprivation'. The justification to this policy states that infrastructure includes energy including heat, gas and electricity.

The site itself falls outside of the Sandbach Neighbourhood Development Plan (SNDP) Area, however the pipeline connection for provision of the gas supply and the electricity connection to the Grid fall within it, as does the access track.

Having regard to the access, Policy IFT1 is the relevant policy in the SNDP. This policy requires, inter alia that development must demonstrate the impacts of traffic from the proposed development and indicate how any impacts will be mitigated, demonstrate that the proposed site is located in an acceptable location in relation to the existing highway network, especially from a safety and aggregate congestion viewpoint and not adversely impact on existing footpaths or cycleways. The proposal is considered to be in compliance with these requirements.

The installation of the gas pipeline and electricity connection to the grid fall under the Town and Country planning (General permitted Development) (England) Order 2017, Schedule 2 Part 15 (Power Related Development). As such they constitute permitted development and do not require planning permission to be granted by the Local Planning Authority.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL ROLE

Energy Efficiency

The plant is designed to supply decentralised emergency electricity generation as and when instructed by National Grid to ensure a continuous supply when the grid is experiencing capacity shortage.

Other types of existing quick-start power generation methods are heavy fuel or diesel generators that are less efficient and have worse emissions profiles or open cycle gas turbines that are also less efficient and produce power in much larger blocks.

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

Noise

An amended noise impact assessment (NIA) has been submitted in support of the application and Environmental Protection are in agreement with the methodology, noise measurement locations and prediction calculations.

The assessment concludes that the plant can be mitigated such that the site can operate within acceptable noise limits and therefore comply with relevant guidance and standards for noise. The results show that the noise contribution from maximum site operations with the chosen mitigation measures is below the representative background sound level during the daytime and marginally above background at West View and Sandvorne, Bradwall Road.

The Noise Consultant has calculated that noise from the site would result in a low impact or under the lowest background conditions at the nearest receptor it would be below an adverse impact. The assessment demonstrates that with appropriate mitigation the site can be designed to comply with relevant noise guidance and standards.

Environmental Protection recommends that once the proposed development is operational, that a noise assessment is undertaken within 6 months, to ensure that the BS4142 assessment is correct and if it is identified that mitigation is required then works will be undertaken accordingly. This should be controlled by condition.

Air Quality

This is a revised proposal which proposes 10 gas fuelled generators as opposed to 40 diesel powered generators to provide a Short Term Operating reserve (STOR) for emergency backup power provision to the National Grid.

Since submission of the application the Council is preparing to declare a further Air Quality Management Area in Sandbach (along Middlewich Road) and this response reflects that process.

Emissions from gas generators, whilst cleaner than diesel engines still have the potential to cause an adverse impact on Local Air Quality, and subsequently human health and ecological receptors. Emissions of concern include nitrogen dioxide (NO₂), particulates (PM₁₀, PM_{2.5}), Carbon Monoxide (CO) and Hydrocarbons (VoC's).

The application is accompanied by a revised Air quality Impact Assessment which considers emissions from the diesel generators, and the potential impact on human health, and ecological receptors. The assessment has been undertaken in accordance with current guidance and best practice.

When assessing emissions from STOR sites, account must be taken of the variability of operation. The generators will not operate continuously and there is a contractual cap on the operation of the engines to 2,500 hours per year. The generators are required

Assessment of Air Quality Impact Report

The Air Quality assessment submitted with the application uses detailed dispersion modelling techniques to predict concentrations of pollutants at sensitive receptors. One critical input into any dispersion model is the length of time the generators are operating (as there are no emissions at other times).

Due to the change to gas generators, the maximum operating times have changed from the original application, and this is a key consideration with respect to emissions. The generators have a contractual cap, restricting operations to a maximum of 2,500 hours a year. However they are required to be available 24 hours a day.

The assessment report considers two scenarios. An absolute worst case scenario (where the generators are assumed to operate continually i.e. 8,760 hours per year), and a scenario assuming 2,500 hours a year over a typical operating profile obtained from data from other existing sites.

Nitrogen dioxide (NO₂)

For NO₂ the following Air Quality Standards apply:

- Annual Mean Limit – 40 µg/m³
- Hourly Limit Value – 200 µg/m³ (not to be exceeded more than 18 times in a year or 99.79 percentile).

Atmospheric chemistry results in nitrogen dioxide concentrations drop off rapidly with increasing distance from the source.

With respect to the typical operating profile, no exceedances of the annual mean or short term air quality standards are predicted at any receptor, and any increases in NO₂ are considered to be insignificant.

When the worst case (continual operation) profile has been assessed, there are no exceedances of the long term air quality standards. However there is a potential exceedance of the short term air quality standard at the nearby recreational facility (Fishing Lakes).

The model at this location (worst case) predicts a possible 260 exceedances of the short term air quality objective. It is noted that with diesel generators this figure was over 1000.

It is accepted that it is unlikely that the generators will operate continually, at full load for a full year, and it is far more likely that the generators will operate for the 2,500 contractual cap. As such, it is felt this aspect can be conditioned by requiring the operator to monitor usage, and should the usage exceed 2,500 hours per year the operator will be required to undertake further work and potentially install additional abatement onto the generators.

Particulates (PM₁₀, PM_{2.5})

For Particulates (PM₁₀) the following Air quality standards apply:

- Long term AQS - Annual Mean – 40 µg/m³
- Hourly Limit – 50 µg/m³ not to be exceeded more than 35 times per year (90.41 percentile)

For PM_{2.5} (Ultra-fine particulates) there are no air quality standards (in England) however there is a Target Value;

- Long term AQS - Annual Mean – 25 µg/m³

The dispersion model predicts (for worst case and typical operating profiles) that the annual mean and short term hourly PM₁₀ limit value and PM_{2.5} target will not be exceeded as a result of the development at any receptors.

Carbon Monoxide (CO)

Carbon Monoxide has an Air quality Standard of;

- 8-hour running mean – 10,000 µg/m³
- EAL 1-hour mean – 30,000 µg/m³

The air quality impact assessment predicts that, for the worst case continual operating scenario the highest concentration (1-hour) at the closest receptor (the fishing Lake) is 1618 µg/m³ or 5.39% of the Air Quality Standard. As such there is not considered to be an impact from Carbon Monoxide.

Discussion

It is clear from the dispersion modelling report that the proposed STOR facility will have a negative impact on Local Air Quality, however this impact is not considered to be significant.

The modelling report shows there will be no breaches of the Long Term health based Air Quality Standards for NO₂, Particulates (PM₁₀ and PM_{2.5}) and Carbon Monoxide at any human receptor points. There is small potential for a breach of the short term air quality standard for NO₂ at the fishing lakes close to the site; however it is considered that the continuous operation profile is extremely conservative and it is far more likely operations will be in accordance with the typical operating profile. As such, it is considered there is not a likelihood of an exceedance of the air quality objectives.

As all the receptors used in the report are significantly closer to the site than the existing AQMA at Junction 17, and the potential new AQMA on Middlewich Road, Sandbach there would not be an impact on NO₂ levels within either of these AQMA's.

The Department for Environment Food and Rural Affairs has released a statement with respect to regulating emissions from STOR generation facilities as they are a recognised contributor to poor air quality. The current consultation (if it became regulation) would require the permitting of installations of this nature, and tighter emission limits may be imposed in the future.

Conclusion

The conclusions of the report are accepted, and it is accepted that the generators are not likely to operate at "worst case" and in the typical operating scenario there are not predicted to be any exceedances of the AQS's.

Highways

The proposal would be located off an unadopted track which itself is accessed via Congleton Rd. Any vehicles accessing/exiting the site would be from here.

As originally proposed, the Head of Strategic Infrastructure objected to the application, in particular because of oil tankers using this access. Subsequently the scheme has changed to using gas generation and as such there is no requirement for oil deliveries. This objection has subsequently been removed.

During the construction and decommissioning periods there would be a need for large vehicles to use the site; however this would be short lived and is not considered to have such a severe impact as to warrant a reason for refusal.

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

Ecology

The proposed development is located within 4km of Bagmere SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar. It is noted that consultation comments that Natural England advise that the proposed development is not likely to have an adverse impact upon any statutory designated site.

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

It is considered that Great Crested Newts, Water Voles or reptiles are not reasonably likely to be affected by the proposed development.

Field signs suggestive of the potential presence of Otter on this site was recorded during the submitted survey. It is considered that the level of evidence recorded is insufficient to confirm the presence of this species. The proposed development would also not result in the loss of any habitat that is likely to be significant for this species. The suggested ecological assessment advises that, provided the lighting scheme for the site is designed sensitively, the proposed development would be unlikely to have an adverse impact upon this species.

It is therefore recommended that in the event that planning permission is granted a condition should be attached requiring the submission of a detailed lighting strategy for the scheme.

Landscape

The development would have a utilitarian appearance appropriate to its use. It would be screened by 3m high acoustic fencing and this in turn would be screened by additional native planting.

The submission now includes a Landscape Appraisal dated August 2016, with a revision dated February 2017. The findings conclude that landscape and visual effects would be largely contained to the landscape within 500 metres of the site with limited visual effects from greater distances. Although a number of viewpoints are assessed, the main potential visual impacts on receptors are identified when viewed from sections of 2 public footpaths, 2 residential properties and a 100 metre section of a minor road.

The report places significant weight on the benefits of proposed mitigation structural landscape treatment. It is important to consider that for a period of up to half the 20 year life span of the development, the development would not be fully screened by the mitigation proposed. For users of public footpath Bradwall 5 passing close to the site, the development would be prominent. The report indicates that after the 20 year period, the site would be decommissioned and the land reinstated to agricultural use but with the planting retained.

Should the application be approved, conditions should be imposed relating to implementation of the proposed landscaping, reinstatement of hedgerows and restoration of the site after decommissioning.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction and the creation of four full time jobs related to the power plant and other related maintenance employment opportunities.

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

SOCIAL SUSTAINABILITY

Amenity

The site is located in open countryside and the nearest residential dwelling is in excess of 200m away. The proposal therefore raises no issues relating to residential amenity.

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

Response to Observations

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

The Town Council have expressed concerns that not enough time has been given for all consultees and members of the public to reconsider the application in the light of the change from diesel to gas powered generation. However; consultation letters were sent to all consultees and local residents on 3rd February 2017 giving 21 days to reply. This meets the statutory requirements and in addition comments are accepted in writing and by email until the point that the application is determined. As such it is considered that adequate time has been provided to allow for comments and observations to be submitted.

Conclusion – The Planning Balance

The site is within the Open Countryside as defined in the adopted Local Plan.

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

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

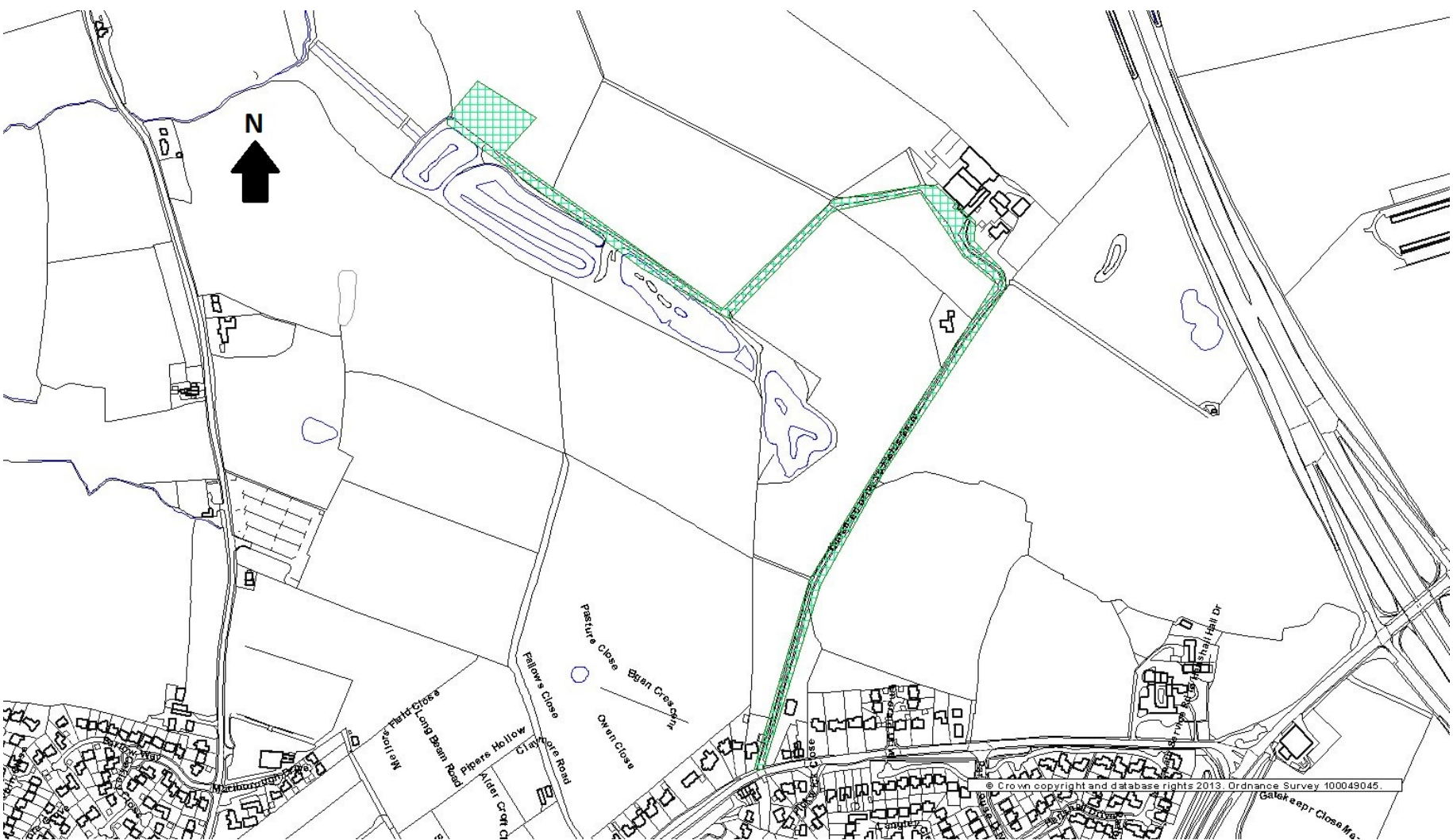
RECOMMENDATION

Approve subject to the following conditions:

1. Time limit
2. Approved plans
3. Compliance with the submitted Ecology Report dated August 2016
4. Updated Badger Survey if development commences after August 2017
5. Protection for breeding birds
6. Submission of details of any external lighting
7. Implementation of the submitted landscape scheme
8. Implementation and compliance with submitted tree protection measures and tree works
9. Submission of a noise assessment within 6 months of first operation of the facility

10. Restriction of any piling operations to 9am to 5.30pm Monday to Friday, 9am to 1pm on Saturdays, with no working on Sundays or public holidays
11. Maintenance of a record of the hours of operation of the generators
12. Generators shall be as specified in the Air Quality Impact Assessment (January 2017)
13. Should the operations exceed 2,500 hours per annum, submission of a detailed air quality assessment
14. Submission and implementation of details of equipment including radiated emission levels
15. Submission and implementation of a scheme of radiated emission mitigation measures, liaison, monitoring and testing
16. Submission of a Decommissioning Method Statement

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



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