

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 27th September, 2017</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board 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 in the 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 any 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 a pre-determination in respect of any item on the agenda.

**3. Minutes of the Previous Meeting (Pages 3 - 10)**

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

To approve the minutes of the meeting held on 30 August 2017 as a correct record.

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 Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/5719N-Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period, Doddington Estae, Bridgemere, Nantwich for Lady Rona Delves-Broughton, The Doddington Estate (Pages 11 - 74)**

To consider the above application.

6. **17/0539N-Reserved matters application following outline approval 14/5825N - Outline application for residential development for up to 100 dwellings with access and associated works, Land Rear Of, Cheerbrook Road, Willaston for Wainhomes (North West) Ltd (Pages 75 - 96)**

To consider the above application.

7. **17/3096N-Redevelopment and extension of Crewe Green Roundabout to provide additional traffic lanes and improvements to pedestrian and cyclist facilities, landscaping and re-contouring of the roundabout, and ancillary works, Land At, Crewe Roundabout, Crewe for-Chris Hindle, Cheshire East Council (Pages 97 - 112)**

To consider the above application.

8. **17/3197C-To demolish a grade 2 listed barn and other derelict buildings within the farm site, Cledford Hall, Cledford Lane, Middlewich for Cheshire East Council (Pages 113 - 122)**

To consider the above application.

9. **17/3198C-Listed building consent to demolish a grade 2 listed barn and other derelict buildings within the farm site, Cledford Hall, Cledford Lane, Middlewich for Cheshire East Council (Pages 123 - 130)**

To consider the above application.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 30th August, 2017 at The Board Room, Town Hall,  
Macclesfield, SK10 1EA

**PRESENT**

Councillor G Merry (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors S Edgar (Substitute for Cllr J Macrae), T Fox, S Hogben, D Hough,  
J Jackson, D Mahon (Substitute for Cllr B Burkhill), S Pochin, M Sewart,  
L Smetham and L Wardlaw

**Officers in Attendance**

David Malcolm, Head of Planning (Regulation)  
Adrian Crowther, Major Application Team Leader  
James Baggaley, Nature Conservation Officer  
Neil Jones, Principal Development Officer Highways  
Emma Williams, Principal Planning Officer (Minerals and Waste)  
Nicky Folan, Planning Solicitor  
Rachel Graves, Democratic Services Officer

**34 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B Burkhill and  
J Macrae.

**35 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/1874, Councillor J  
Hammond and Councillor S Hogben declared that they were a Director of  
ANSA who were a consultee. However they had not made any comments  
nor been in any discussions relating to the application.

With regard to applications number 17/1874M, 16/3298W, 16/3282W  
Councillor J Hammond and Councillor L Smetham declared that they were  
a member of the Cheshire Wildlife Trust, who had been consultees on  
these applications but had not made any comments in respect of the  
applications nor taken part in any discussions.

In the interest of openness Councillor L Wardlaw declared that she was  
the Cabinet Member for Health.

It was noted that Members had received correspondence from the Engine  
of the North in respect of application 17/1874M.

**36 MINUTES OF THE PREVIOUS TWO MEETINGS**

**RESOLVED**

That the minutes of the meetings held on 24 July 2017 and 2 August 2017 be approved as a correct record and signed by the Chairman.

**37 PUBLIC SPEAKING**

**RESOLVED:**

That the public speaking procedure be noted.

**38 17/1874M LAND EAST OF CONGLETON ROAD, MACCLESFIELD: DEMOLITION OF EXISTING STRUCTURES AND REDEVELOPMENT OF SITE INCLUDING UP TO 950 HOMES; A ONE FORM ENTRY PRIMARY SCHOOL (USE CLASS D1), RETAIL DEVELOPMENT (USE CLASS A1) OF UP TO 4000SQM; EMPLOYMENT FLOORSPACE COMPRISING OFFICES (USE CLASS B1A) OF UP TO 500SQM AND WAREHOUSING (USE CLASS B8) UP TO 10,000 SQM OR RELOCATION OF EXISTING DEMOLITION / RECLAMATION YARD OPERATIONAL FACILITIES (SUI GENERIS); ASSOCIATED LANDSCAPING, ROADS AND RELATED WORKS - OUTLINE APPLICATION, ALL MATTERS RESERVED EXCEPT SITE ACCESSSES FROM CONGLETON ROAD, MOSS LANE AND MOSS LANE/STAR LANE FOR ENGINE OF THE NORTH LTD AND TG LTD**

The Committee consider a report regarding planning application 17/1874M.

Councillor L Jeuda (Ward Councillor), Rachel Giles, (objector) and John Jowitt (representing the applicant) attended the meeting and spoke in respect of the application.

**RESOLVED:**

That the application be delegated to the Head of Planning (Regulation), in consultation with the Chairman, to approve subject to further discussion on the s106 requirements in respect of ecology and the possibility of increasing affordable housing provision from 10% and withdrawal of holding objection from Sport England.

The s106 to include:

- £1.2m for offsite highways improvement works to the Flowerpot junction
- sport pitch contribution of £225,000 to be spent at the Congleton Road Playing pitches
- public open space provision in accordance with policy and long term maintenance

- long term ecological management plan for the woodland (including the ancient woodland) and wildlife sites and long term maintenance
- provision and transfer of serviced school site at no cost

And subject to the following conditions:-

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. Reserved matters to be approved
3. Phasing plan, including highways works to be agreed
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree/Hedgerow Protection Measures
8. Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection Scheme
9. Construction and Environmental Management Plan to be submitted prior to commencement, to include dust control measures.
10. Submission of a detailed acoustic assessment with mitigation required with reserved matters.
11. Hours of deliveries to be agreed
12. Odour Management Plan
13. Air pollution damage cost calculation and associated mitigation works.
14. Electric Vehicle Infrastructure
15. Approval of lighting associated with the leisure and commercial uses.
16. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
17. Control of soils brought onto site.
18. Measures to address contamination should it be unexpectedly be found during works.
19. Submission of a Ecological mitigation and Management Plan for the Woodland (including the Ancient Woodland) and Local Wildlife Site.
20. Submission of an updated Badger Survey as part of and reserved matters application.
21. Updated reptile survey as part of any Reserved Matters
22. Updated GCN mitigation strategy as part of and reserved matters application.
23. Management of and improvements to the PROW
24. Travel Plan to be submitted prior to occupation of the first dwelling.
25. Programme of archaeological work
26. Approval of levels.
27. Submission of a Flood Risk Assessment.
28. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
29. Foul and surface water drained on separate systems.

30. Cycle storage
31. Bin stores
32. Prior to the occupation of either  
A: 220 houses and 4000 Sqm of food retail or  
B: 4000 Sqm food retail and 16,500 Sq.m employment  
The full link road shall be implemented
33. Prior to the occupation of 200 units, the Moss Lane/Signal junction improvements as indicated on DWG 2176-13 shall be implemented through a S278 agreement
34. Prior to the occupation of 200 units the Moss Lane/Star Lane road improvements as indicated on DWG 2176-10 shall be implemented through a S278
35. Prior to the occupation 500 units a scheme for the installation of traffic signals at the Moss Lane/Congleton road improvements as indicated on DWG 5108479-014-TP-GA-DR-D-001 Rev P01 shall be submitted for approval of the Strategic Highways Manager
36. Prior to the occupation of 700 units the scheme approved at (35) above is implemented
37. Prior to commencement a Construction Management Statement shall be submitted and approved.
38. Network Rail condition to safeguard the west coast main line
39. Removal of PD rights at the retail units to ensure no mezzanines are constructed
40. Invertebrate and bat survey
41. Site completion report to be submitted and approved for each phase of development
42. Implementation of a programme of archaeological works to be agreed

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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

[The meeting adjourned for lunch from 1.00 pm to 1.35 pm.  
Councillor S Pochin left the meeting and did not return]

**39 16/3298W EATON HALL QUARRY, MANCHESTER ROAD, EATON, CONGLETON, CHESHIRE CW12 2LU: APPLICATION TO EXTEND EATON HALL QUARRY TO THE NORTH AND EAST OF THE EXISTING PERMITTED EXTRACTION AREA TO THE NORTH OF SCHOOL LANE FOR MR G FYLES, TARMAC TRADING LTD**

The Committee consider a report regarding planning application 16/3298W.

Grahame Fyles (applicant) attended the meeting and spoke in respect of the application.

**RESOLVED:**

That subject to the Secretary of State deciding not to 'call-in' the application under the Departure from the Development Plan procedures, planning permission be granted subject to the following conditions:

1. Approved documents
2. Commencement of development
3. Cessation of mineral working and restoration within 25 years of commencement
4. Hours of working
5. Vehicle numbers from blended mixes and records of movements
6. Access arrangements
7. Method of working
8. Depths of extraction
9. Phased working and annual report of mineral working undertaken over previous and future 12 month period
10. Protection of trees/vegetation
11. Plant and machinery
12. Noise limits
13. Implementation and maintenance of noise mitigation
14. Best practice for controlling vibration
15. Dust control measures in accordance with dust management method statement
16. Drainage and pollution control
17. Lighting details to be agreed
18. Archaeological mitigation
19. Site maintenance
20. Soil handling, storage and use in accordance with soil management plan
21. Measures to deal with unexpected contamination
22. Details and implementation of mitigation for protected species
23. Updated protected species surveys
24. Implementation of habitat mitigation
25. Submission of heathland restoration strategy
26. Submission and implementation of bluebell translocation method statement

27. Implementation of hedgerow management plan
28. Provision of alternative public right of way and protection of route for the duration of the development
29. Restoration drainage arrangements
30. Mitigation for derogated abstraction
31. Limits on off-site dewatering
32. Groundwater monitoring and mitigation
33. Controls on water quality
34. Fleet modernisation programme
35. Implementation of restoration/aftercare in accordance with approved plans and restoration and aftercare management plan
36. Aftercare for five years

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

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

**40 16/3282W EATON HALL QUARRY, MANCHESTER ROAD, EATON, CONGLETON, CHESHIRE CW12 2LU: APPLICATION TO VARY PLANNING PERMISSION 5/APP/2004/0012 UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO DEVELOP LAND WITHOUT COMPLIANCE TO CONDITIONS FOR MR G FYLES, TARMAC TRADING LTD**

The Committee consider a report regarding planning application 16/3282W.

Grahame Fyles (applicant) attended the meeting and spoke in respect of the application.

**RESOLVED:**

That the application be approved subject to the imposition of planning conditions in respect of:

1. All the conditions attached to permission 5/APP/2004/0012 as relevant unless amended by those below;
2. Revised restoration plan;

3. Revised phasing plans and annual report of mineral working undertaken over previous and future 12 month period
4. Extension of time for a period of 25 years from the date of commencement
5. Confirmation of date of commencement
6. Provision of ecological mitigation measures
7. Best practice for controlling vibration
8. Dust control measures in accordance with dust management method statement
9. Implementation of soil management plan
10. Measures to deal with unexpected contamination
11. Details and implementation of mitigation for protected species
12. Implementation of habitat mitigation
13. Heathland restoration strategy
14. Implementation of hedgerow management plan
15. Restoration drainage arrangements
16. Limits on off-site dewatering
17. Updated groundwater monitoring and mitigation
18. Implementation of restoration/aftercare in accordance with approved plans and aftercare management plan
19. Aftercare for five years

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

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

- 41 **LAND OFF WARMINGHAM LANE, MIDDLEWICH, CHESHIRE: UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 15/5840C - OUTLINE PLANNING PERMISSION FOR UP TO 235 RESIDENTIAL DWELLINGS (INCLUDING UP TO 30% AFFORDABLE HOUSING), INTRODUCTION OF STRUCTURAL PLANTING AND LANDSCAPING, INFORMAL PUBLIC OPEN SPACE, AND CHILDREN'S PLAY AREA, 0.22HA FOR A COMMUNITY FACILITY (USE CLASS D1 OR D2), SURFACE WATER FLOOD MITIGATION AND ATTENUATION, VEHICULAR ACCESS POINT FROM WARMINGHAM LANE AND ASSOCIATED ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE EXCEPTION OF THE MAIN SITE ACCESS.**

The Strategic Planning Board, at its meeting on 2 August 2017, had resolved to approve the planning application 15/5840C subject to a s106

agreement and conditions and a further report to provide information and clarification about phasing contributions to the Middlewich Eastern Bypass and provision of education and affordable housing contributions, in the event that the bypass did not come forward.

The report received set out details of the proposed phasing contributions for the Bypass and redistribution of the s106 payment if the Bypass did not come forward within 5 years from the date of implementation of the reserved matters associated with the planning permission.

### **RESOLVED:**

The detailed wording of the s106 agreement, set out below, be noted and approved:

- Management Company to maintain all open space in perpetuity (including, inter alia, the NEAP, woodland, general amenity open space, village green, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).
- 10% Affordable Housing
- Funding for the TROs necessary on Warmingham Lane/Travel Plan Co-ordinator (£5000)
- Contribution of £1,223,645 towards the provision of the Middlewich Eastern Relief Road £611,822 payable on 1<sup>st</sup> occupation of any dwelling and a further contribution of £611,822 upon occupation of the 75<sup>th</sup> dwelling.
- Should the Middlewich Eastern Bypass not come forward within 5 years from the date of the implementation of the reserved matters of this outline scheme then the MEB contribution shall be re-allocated to either affordable housing and/or education provision, with a report going back to Strategic Planning Board (or any other committee which takes the responsibilities of SPB) to consider the priority of need for affordable housing and education provision as a result the development relevant at that time.

The meeting commenced at 10.30 am and concluded at 2.20 pm

Councillor G Merry (Chairman)

Application No: 16/5719N

Location: DODDINGTON ESTATE, BRIDGEMERE, NANTWICH, CHESHIRE CW5 7PU

Proposal: Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period

Applicant: Lady Rona Delves-Broughton, The Doddington Estate

Expiry Date: 29-Sep-2017

## SUMMARY

The proposal seeks permission for 102no dwellings over 12no sites within the Doddington Hall Estate. The development would result in a loss of 12no. parcels of land within the Open Countryside contrary to Policy PG 6 of the Cheshire East Local Plan Strategy. The Council can demonstrate a 5 year housing land supply and therefore proposal for development should be determined in accordance with the Development Plan unless other material circumstances outweigh the objection in Principle.

The NPPF outlines that 'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.' (para 140)

The proposed development is seeking an exception to the normal planning tests in the Open Countryside, to 'enable' the renovation and conversion of the Grade I listed Doddington Hall, Grade II listed Stables and conserve the Grade II\* Star Barns and Grade I Delves Tower (Castle) to enable the site to be taken off the Historic England's 'At Risk' Register and enable a viable future use of the site as a Boutique Hotel and Spa.

There is a clear need for some form of urgent intervention to take place on the site in the very near future, as a number of the buildings are in a poor state of repair, which if not addressed soon could lead to their loss.

The development for 102no dwellings across 12 sites, would provide benefits in terms of delivery of housing in the rural area, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the local area, and the future impact on tourism in the area and help support numbers within the local primary school. Furthermore, a significant benefit of providing funds to

ensure 4 no. buildings on the Historic England 'At Risk' register are renovated, and put into a viable future use, protecting them for the foreseeable future. The development also includes community benefits such as an extended car park for the Primary School and improved pedestrian access to the school from the adjacent sites.

The development would have a neutral to minor impact upon ecology, trees, highway safety, neighbouring amenity, flood risk/drainage, land contamination, heritage assets and landscape impact. All of these issues can be addressed with either slight amendments to the layout plans or by conditions/addressed at the detailed reserved matters stage.

The adverse impacts of the development would be the loss of open countryside in unsustainable locations, the loss of small areas of Best and Most Versatile Land and lack of mitigation for the residential development in terms of Education contribution, affordable housing provision and sufficient Public Open Space with Children's Play equipment.

While very much on balance, in this instance it is considered that the material considerations in respect of the support and future retention of historic buildings at risk do provide sufficient benefits to overcome the normal presumption against residential development in the open countryside. Therefore subject to a legal agreement the proposal is recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to legal agreement and conditions**

### **PROPOSAL**

Outline planning permission is sought for the development of 12 no. sites for residential development for up to 102 no. dwellings and an extended school car park, with means of access and layout included, but with all other matters reserved for future detailed applications.

Matters of Appearance, Landscaping, and Scale are not sought for permission as part of this application. This application includes indicative site plans, with access and layout sought for approval. The application also includes a Design Code for the future reserved matters applications to accord with, and to ensure design continuity on all the sites.

This application is an 'enabling development' scheme aimed to bridge the heritage funding gap required to bring the Listed Doddington Hall and associated buildings back into a viable future use. The recently approved scheme for the hall encompassed the following works,

- The Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station.

- Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall): with its use to be defined at a later date outside of this application.
- Proposed structural restoration and refurbishment of the Grade II\* Star Barn

### SITE DESCRIPTION

The application relates to 13no. development plots, 12no for residential development and 1no for a car park. The development plots are sited around the Doddington Estate but outside the Historic Park and Garden.

Site 1 – London Road - 2.81ha – 18 dwellings

Site 2 – Hunsterson Road / Dingle Lane – 0.847 ha – 12 dwellings

Site 3 – Hunsterson Road / Bridgemere Cross – 0.769 ha – 5 dwellings

Site 4 – Dingle Lane – 4.4ha – 8 dwellings

Site 5 – No development proposed (*removed from the scheme at pre-application stage – shown for continuity*)

Site 6 – Bridgemere School - Carpark

Site 7 – Hunsterson Road – 1.051 ha – 16 dwellings

Site 8 – Hunsterson Road / Church Lane 0.748 ha – 12 dwellings

Site 9 – Hunsterson Road / Oak House – 0.308ha – 1 dwelling

Site 10 – Hunsterson Road – 4.839 ha – 8 dwellings

Site 11 – Hunsterson Road / Wood Farm - 3 dwellings

Site 12 – London Road / Crewe Road – 0.197ha – 2 dwellings

Site 13 – London Road / Dingle Lane – 1.818 ha – 11 dwellings

Site 14 – London Road / Dingle Lane – 2.191 ha – 18 dwellings

All of the sites fall within the Open Countryside as defined in Policy PG6 of Cheshire East Local Plan Strategy.

There are a number of Footpaths, Flood Risk Zones and a Local Wildlife Site on or adjacent to a number of sites (These will be discussed in more detail within the report).

### RELEVANT HISTORY

Most of the sites have no recent relevant planning history.

Site 4 has a number of planning applications relating to prior use as a Wildlife Park, none relevant to this application.

### Related Applications

*14/5654N - Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. • Proposed structural*

*restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall) : with its use to be defined at a later date outwith of this application. • Proposed structural restoration and refurbishment of the Grade II\* Star Barn: with its use to be defined at a later date outwith of this application. – approved with conditions 10<sup>th</sup> February 2016*

*14/5656N - Listed Building Consent for proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. • Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall): with its use to be defined at a later date outwith of this application. • Proposed structural restoration and refurbishment of the Grade II\* Star Barn: with its use to be defined at a later date outwith of this application. – approved with conditions 10<sup>th</sup> February 2016*

## **LOCAL & NATIONAL PLANNING POLICY**

### **Development Plan**

#### ***Cheshire East Local Plan Strategy (CELPS)***

MP1 Presumption in favour of Sustainable Development, PG2 Settlement Hierarchy, PG6 Open Countryside, PG7 Spatial Distribution of Development, SD 1 Sustainable Development in Cheshire East, SD 2 Sustainable Development Principles, EG1 Economic Prosperity, EG2 Rural Economy, EG4 Tourism, EG5 Tourism, SC4 Residential Mix, SC5 Affordable Housing, SC6 Rural Exceptions Housing for Local Needs, SE 1 Design, SE2 Efficient Use of Land, SE3 Biodiversity and Geodiversity, SE4 The Landscape, SE5 Trees, Hedgerows and Woodlands, SE.6 Green Infrastructure, SE7 The Historic Environment, IN1 Infrastructure, IN2 Development Contributions, CO2 Enabling Business Growth Through Transport Infrastructure and Appendix C.

#### ***Crewe and Nantwich Replacement Local Plan (CNLP)***

NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), Policy BE.1 (Amenity), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.6 (Development on Potentially contaminated Land), BE.9 (Listed Building: Alterations and Extensions), BE.10 (Changes of use of Listed Building), BE.11 (Demolition of Listed Buildings), BE.14 (Development affecting historic parks and gardens), BE.15 (Scheduled Ancient Monument), BE.16 (Development and Archaeology), RES.2 (Unallocated Housing Sites), RES.5 (Housing in the Open Countryside), and RT.3 (Provision of recreational open spaces and children's play space in new Housing Developments).

#### ***Wybunbury Ward Combined Neighbourhood Plan (Regulation 7)***

No weight is given to the NP until it reaches regulation 14 status there are currently no plans or policies proposed.

### **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, 49. Housing Land Supply, 50. Wide choice of quality homes, 55. Sustainable Development in rural areas, 56-68. Requiring good design, 100-104. Flood Risk, 109 – Conserving and enhancing the natural environment, 112. Best and more versatile agricultural land, 118-119. Conserve and enhance biodiversity, 124. Air Quality, 128-132. Heritage Assets, 134. Less than substantial harm and 140. Enabling Development.

### Other material planning considerations

Cheshire East Borough Design Guide SPD

Historic England – Enabling Development and Conservation of significant places

Draft Historic England – Historic Environment Good Practice advice in planning – note 4 – Enabling Development and Heritage Assets

### CONSULTATIONS

**Historic England** - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**PROW** – No objections, subject to conditions. Also noted aspirations of the Public Right of Way Team to improve public access to and around the Estate.

**Environment Agency** – No objection relating to Flood Risk. Objection relating to foul drainage unless the development as proposed discharges into foul sewer. Concerns raised over the cost of the applicants preferred option, and each site having its own private treatment facility.

**Flood Risk** – No objection in principal, conditions suggested.

**Archaeology** - Advise that a programme of mitigation be taken on Sites 1, 4, 8, 10 and 14. Condition requested which include Strip, Map and Record Exercise (Sites 1, 8, 10 and 14), and Supervised Metal Detecting Survey (Site 4) and Palaeo-Environmental Assessment (Site 10).

**United Utilities** – No objections subject to conditions for foul and surface water drainage, Surface water drainage, and management and maintenance of Sustainable Drainage System

**Natural England** – No comments to make.

**Environmental Protection** – No objection, subject to conditions and informatives. Conditions requested for Travel Information Pack, Electric Vehicle Infrastructure, Noise impact assessment mitigation, Piling Foundations, dust control, Contaminated land, Soil Forming, unexpected contamination, and informatives for Noise generative works, Piling works, contaminated land.

**Strategic Housing** - Object, no affordable housing proposed, 28 dwellings over the 12 sites required.

**Strategic Highways** – No Objections, the proposed residential development is split across a number of locations that does not result in traffic impact or road safety concerns and as indicated previously recommended no objections are raised. No objections to the enlarged car park at Bridgemere School.

**Education** – Object, the development is expected to impact on both secondary school places and SEN school places in the locality. Contributions of £290,640.35 Required to be secured by Legal Agreement.

$15 \times £17,959 \times 0.91 = £245,140.35$  (secondary)

$1 \times £50,000 \times 0.91 = £45,500$  (SEN)

Total education contribution: £290,640.35

### **The Garden Trust**

**15<sup>th</sup> May** - Further to your email of 3<sup>rd</sup> May relating to the above application, I write to confirm our conversation this afternoon regarding clarification of a query raised by the applicant. While we acknowledge that the “full Historical Assessment of the historic park and garden” as conditioned under application 14/5654N for the hotel does not necessarily directly relate to the proposed housing development sites, had the assessment been completed it could inform the proposed housing development. The reason being that the historical assessment may determine designed views and designed landscape that extend beyond Historic England’s registered park and garden and encompass areas where housing is proposed.

I confirm that it is not the Gardens Trust’s intention to submit further comment relating to this application, simply to clarify a point already made.

**9<sup>th</sup> January** - The Gardens Trust is glad that serious efforts are being made to repair and save the numerous heritage assets associated with the Doddington Estate. It is extremely regrettable that the owners have allowed the estate to become so degraded that a Section 106 Agreement now appears to be the only way of saving the buildings which have been on the Heritage at Risk register for some years. The Gardens Trust reluctantly has to agree that unless the repair work is undertaken urgently the situation will only deteriorate further. The applicant asserts that the funds released by the proposals for 102 new dwellings in 12 locations is sufficient to meet the shortfall in funds and that there will be no other enabling development applications in the future. We would like to see conditions placed upon the application should it be approved, that this statement is adhered to.

I have conferred with my colleagues in the Cheshire Gardens Trust and am satisfied that the Built Heritage Assessment, which assesses the impact of the proposed housing sites upon all registered features including the Registered Park & Garden (RPG) is broadly correct. However a site visit with the planning officer and applicant’s representative would enable a more accurate assessment to be made of the impact upon the registered landscape. In addition decision making on this application would be more accurately informed if the “full Historical Assessment of the historic park and garden, detailing, inter alia, the involvement of Capability Brown in the original design, layout and construction, by a suitably qualified expert” as conditioned under application 14/5654N item 14 were made available. The final decision regarding whether it is appropriate and justified to permit scattered housing developments of this nature must be decided by Cheshire East in accordance with their policies.

**Doddington Parish Council** – support the comments made by Cllr Clowes on behalf of Doddington Parish Council.

A summarised version of the issues raised below. (Full version of the comments available to view on the website.)

- Welcome the original proposal to restore and convert the Doddington Hall and associated buildings into a Hotel and Spa business,
- Development proposed is contrary to the development plan and NPPF,
- Concerns raised over the Enabling Development argument put forward, not in accordance with the Historic England guidance
- All 12 sites are considered to be unsustainable development,
- The Parish Council accept that the Heritage Assets will not be directly affected by development on the 12 proposed sites, however the impact of the sites to the communities outside the Estate represents significant dis-benefit to current and future residents,

- Lack of reserved matters information/detail raises concerns,
- Lack of publicity of financial information which has reduced 3<sup>rd</sup> parties ability to comment on the application,
- Additional costs associated with the complex nature of this site have not been assessed,
- The Hall has not been market tested in the recent past, therefore does not meet the requirements of Historic England's guidance,
- Other Revenue avenues have not been fully considered
- Concerns raised over the agents statement that not all the sites maybe built out, how can the financial sums work?
- Sites are locationally unsustainable,
- The Housing Proposed does not meet Housing need for the areas, re: size and tenure. Need for smaller single storey properties in the area for older residents to down size, and smaller First Time buyers properties,
- Parish Council consider that the benefits of restoring the historic assets are outweighed by the disbenefits associated with the development of 12 unsustainable sites in the open countryside,
- The application should be refused on the following four grounds;
  - 1) Despite appropriate advice and guidance, the applicant has failed to sufficiently adhere to the NPPF (para140) and the English Heritage Guidance "Enabling Development and the Conservation of Significant Places" (2012)
  - 2) The cumulative impact of significant deviations from the EH Guidance together with the failure to submit a RESERVED MATTERS Application fundamentally undermines the credibility of this application to be considered as 'enabling development'.
  - 3) The 12 sites of the application when considered under National and Local Planning Policies are unsustainable in all three elements of the NPPF definitions of social, economic and environmental sustainability and are contrary to National and Local Planning Policies.
  - 4) Even if the application were to be considered a 'credible' enabling development application under the Guidance, the issues of unsustainability remain insurmountable. Indeed enabling development actively limits the few mechanisms available to LPAs to mitigate the impacts of unsustainable sites. As a consequence "the disbenefits associated with the development of these 12 sites significantly out-weigh the benefits of restoring the historic assets aligned with them."
- Alternative proposals have not been given sufficient consideration.

### **Wybunbury Parish Council**

1.0 The parish council would question the statement made by the owner with regard to the 12 sites in that the properties would be leasehold not freehold, as the principle behind an enabling planning application was to provide funding to repair a listed building only as a one off funding exercise.

With a leaseholder clause this would change the whole perspective of this application & was not mentioned at the time of the application to repair & alter Doddington Hall??. Wybunbury PC would support the PC's covered by this application in opposing such a move.

2.0 The parish council also understands that owner/applicant is saying it is now a sustainable development not an enabling application, as the only plot of the application that can be a sustainable site are the two properties opposite the Boars Head pub on the A51 which has a school, shops, public transport service with in a walking distance. This then begs the question

when going back to the original hall application, why are the 102 houses required if it is not an enabling development??

3.0 With regard to the disposal of foul water Wybunbury PC would support the other PC's in stating that the only way to dispose of foul water from these site is by public sewer NOT by any means with in the sites themselves due to the nature of the sites & the surrounding areas to the sites as said in the supporting documents on water disposal & treatment on the sites in question. The EA also make the same request as stated in the same document. If a public sewer was constructed it would have several benefits both to the owner/applicant & the future house owners, as stated before there would need to be a rigorous maintenance programme put in place from day one approved by the EA which would run the life of the properties, adding more cost to the running cost of each property, whether it was funded directly by the house owners or by the leaseholder as a service charge on each property.

If a public sewer was constructed to serve all the sites it would pass by the entrance to the hall making it possible for the hall & the extra rooms & facilities when it becomes a hotel to be connected to the sewer, helping the environment especially when one considers the possible poor porosity of the ground in the area & the water/environmental areas that need to be protected. If one took the hall as one should into the equation of cost per unit to fund the sewer the unit cost would drop considerable if one took into consideration the number of units at the hall & the amount of water needed to be processed before it would need to be disposed of into the land or water course.

4.0 The disposal of surface water within the sites on this application is a little less problematic but still can cause dangers to the surrounding area & its ecology in that can it cope with the demands of the amounts of water to be disposed of whether it be from service roads or house roofs.

If it is from service roads, there is the problem of hydro carbons & salts which if they are not treated correctly or not which has been found out at the Moss at Wybunbury & other area throughout the country where there are sensitive Moss or environmental area the injection of these products is refused.

Large quantities of surface water discharged in times of moderate or heavy precipitation can cause flooding damage to the ecology without the implementation of a SUDS scheme to control the discharge of the run of water into the area, bearing in mind the comments in the consultant's report this could cause some problems & needs to be looked at carefully, if the surface water cannot be treated the same way as the foul water due to the nature of the sites chosen.

### **Hatherton and Walgherton Parish Council**

Hatherton & Walgherton Parish Council wish to object to the revised planning application.

The LPA has issued pre-application advice that the English Heritage Enabling Development and the conservation of significant places guidelines is a key material planning policy document in this case.

The English Heritage Enabling Development and the conservation of significant places guidelines clearly states that outline permission is not appropriate, given that the appearance of the properties is key to their acceptance. Also the total cost of the development, and therefore the ability of the development to meet the conservation deficit, is not clear without reserved matters being addressed such as the specific drainage systems. The application thus appears ill-conceived and lacking the required detail.

At the most recent public meeting on the 19th April 2017, the consensus from residents appeared to have strengthened in opposition to the revised application, with many additional points coming forward relating to access and viability of the revised application.

The application has not taken due consideration of the EA request to have the foul water drainage for all sites to be connected to a public sewer. Considering the low lying nature of the proposed sites, existing sites foul drainage problems and their location within the Meres and Mosses NIA, any other plan than mains drainage should not be considered.

The applicant's premise of sustainable development is flawed, with pockets of proposed developments situated in open countryside; these sites cannot be described as sustainable.

The applicants have not fully addressed the issue of flooding, including plans for surface water run-off. The whole area is prone to flooding noted by the standing water at many locations during the recent winter with less than average rainfall. The haulage road to site 4 and proposed pathway cross the flood zone.

The applicant's plan to lease the proposed developments doesn't follow the Enabling guidelines, and we are not party to revised financial documents that may have been submitted, showing the recalculation of housing valuations due to leasehold and reduced site areas away from the flood zones, and additional foul water and haulage road costs.

The location of a haulage road next to a busy school entrance is ill conceived. Any road user approaching a rural primary school entrance in school time will notice the extreme congestion regardless of how many off road parking spaces there are.

In our view the benefits of Hall restoration do not outweigh the disbenefits to our community.

In view of the above and residents' consensus, Hatherston & Walgherton Parish Council are opposed to the revised application and urge that it should be refused.

### REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and site notices were erected outside every site and the entrance to Doddington Hall. To date, letters of representation have been received from approximately 50 residences, the local ward Councillor Clowes, and the former MP for the area Edward Timpson. The main objections raised are summarised below; (Full version of these comments are available to view on the website);

#### *General*

- The proposal is not enabling development and therefore should be refused contrary to the development plan
- Applicant has allowed the Hall to get into the current state for 30 years of neglect, question why the local area should have to take the burden of new residential development to fund the development
- Impact on highway safety, A51 and rural lanes
- Existing highway verges etc suffer from the existing level of traffic on the area
- Impact on surface water/flood risk
- Impact on sewage systems
- Increased impact on air pollution and light pollution in the rural area,
- The development sites are not clearly linked, and lack social cohesion
- Lack of publicised financial figures and therefore question if all eventualities have been considered
- Lack of alternative proposals considered, including one site for all dwellings, or less sites with larger numbers, converting the Hall into apartments, Development around the Lemon Pool,
- Similar proposal to that which was approved for Combermere Abbey should have been taken, eg. One site on the edge of a village
- Unsustainable development

- Lack of community benefit
- The Green belt should be valued and protected
- Impact on neighbouring amenity
- Insufficient space within the local school for additional intake
- Impact of residential development on house values
- Impact on views of the Doddington Hall, Doddington Lake, and wider open countryside,
- Land ownership disputes relating to Bridgemere Mews
- Impact on Ecology, Trees, and Hedgerows,
- Impact on Telecommunications/broadband network which is weak,
- Loss of agricultural land
- Cost of infrastructure required for development is queried
- Concerns over foul sewage proposals
- Concerns over the need for oil/gas tanks
- Potentially 15 years of disturbance which is unacceptable
- No EIA submitted for the development
- No benefits for the local people, hotel will only benefit the paying guests
- Funding has already previously been granted to restore the Hall, by Historic England in 1999 and restoration was expected then, nothing has happened to the building since
- Area of land have been purchased recently and form part of this application for housing
- Question where the applicant lives and why the local people should be adversely affected due to the neglect caused
- Land recently purchased may have override clauses on them, affecting the financial appraisal,
- Who will build 102 dwellings across 12 sites in the Cheshire Country side?
- Viability of Hotel business questioned given its 'hinterland' position ,
- Number of the sites are in Flood Risk Zones,
- Badgers Bank Farm should be included within the housing numbers
- Brownfield sites should have been sought not use of greenfield land
- The Hall has been used for storage and no maintenance has been carried out
- Financial input from the applicant is not sufficient
- Create an urban sprawl to the Countryside
- Full Archaeological history of the sites is required prior to development
- Lack of funding for the school
- Lack of affordable housing provision
- Concerns over construction traffic and the ability of vehicles being able to attend to a number of sites
- All of the sites are within the Mere and Mosses Designated Nature Improvement Areas
- Ecological surveys are out of date,
- In the last 3 years the most expensive property to have sold in the area was £0.8 million – there is a risk the larger houses would not sell
- It is essential that the Council ensures the funds are directly and solely to the heritage deficit
- The development would have no benefit to the community and therefore is illegal under the case 'Sainsbury's supermarket v Wolverhampton Council 2010'
- Negative impact on air quality in the area
- A number of the local lanes are used by walkers, cyclists, Horses
- Concerns raised over the likelihood additional 'enabling development may be required'
- Request new car park for the school
- Improvements to the Church car park requested
- Safe walking and cycle provision should be considered for the sites near the school
- A 15 year programme is too long and the economy could vary significantly in that time frame,

- Sites should have been put forward through the emerging Neighbourhood Plan Process for the area,
- Concerns raised regarding the potential culverting of the Ford on dingle lane,
- Application should be referred to the SoS for a final decision if approved,
- Concerned raised regarding the 'leasehold' nature of the development sites, and if this would affect the saleability of the sites,

### **Site Specific**

#### *Site 1 – London Road– 18 dwellings*

- Access is dangerous onto the A51
- Impact on existing trees
- Impact on Ecology and biodiversity
- Impact on the water quality of the brook
- Impact on the Scouts to the rear of the site regarding, safe guarding, privacy, ability to use as a temporary shooting range, and large outside camping activities

#### *Site 2 – Hunsterson Road / Dingle Lane - 12 dwellings*

- Impact on neighbouring amenity
- Impact on wildlife
- Impact on water course
- Site appears to be reasonable in isolation for a small housing development

#### *Site 3 – Hunsterson Road / Bridgemere Cross – 5 dwellings*

- Obscure views of Doddington Lake,
- Potential impact on water course
- High water table in the area liable to flooding
- Concerns over the use of septic tank in this area

#### *Site 4 – Dingle Lane – 8 dwellings*

- Dingle Lane is not appropriate for additional traffic,
- Ford Floods regularly making the lane impassable
- Road also floods several times a year
- Lane is not suitable for proposed passing bays
- Passing bays are not on public land/land owned by the applicant, are in the ownership of neighbouring properties,
- Refuse is not always collected
- Insufficient parking shown on plans
- Site 4 has a perimeter of Site 4 is used for dog walking/rambling
- Potential impact on water course
- Culverting the ford to improve access is not acceptable, this is an intrinsic feature of the rural area,

- Concerns raised over 'haulage road' proposed to the rear of Bridgemere Mews and the impact on amenity during construction
- Concerns raised over the temporary road becoming a public pathway and the impact on neighbouring amenity
- Concerns over how emergency vehicles will access the site

### *Site 6 – Bridgemere School – Carpark*

- Improvement to the scheme but 'kiss and go' may not be suitable for most Primary aged children
- Safe walking paths have not be proposed

### *Site 7 – Hunsterson Road – 16 dwellings*

- Bridgemere Lane floods
- Highway Safety concerns
- There is PROW affected through this site which should be maintained
- Site is within a Flood Risk zone 3
- Boundary treatment required between the residential gardens and the brook
- Impact on visual amenity from neighbouring properties
- Will impact on neighbouring views

### *Site 8 – Hunsterson Road / Church Lane – 12 dwellings*

- Bridgemere Lane floods
- Highway Safety concerns
- Site is within a Flood Risk Zone 3
- There is a pond on the site 3-4 months of the year
- 'retirement homes' are inappropriate given the isolated position of the site
- The site is of archaeological interest
- Currently no existing access from Hunsterson Road to this site
- Amenity impact on Church Lane Cottage, and first floor terrace
- Proposed development is out of character, overbearing and out of scale with the surroundings
- Adverse impact on the setting of a listed building, Wall of Paddocks and Stable Building
- Impact on neighbouring amenity
- Site forms part of a larger agricultural field which is currently farmed,
- Will have a negative impact on ecology/wildlife

### *Site 9 – Hunsterson Road / Oak House – 1 dwelling and Site 10 – Hunsterson Road – 8 dwellings*

- Impact of the development on Glovers Moss could have irreversible impacts on ecology
- Access is dangerous
- Size of dwellings is out of character with the area
- Sites are wet and drainage will be an issue
- Queries raised regarding the future use of Badgers Bank Farm and why it has not been incorporated into the scheme
- Amenity impact of site 9 on adjoin neighbour by means of overlooking

### *Site 11 – Hunsterson Road / Wood Farm - 3 dwellings*

- Access is dangerous
- Size of dwellings is out of character with the area
- Site is situated in the setting of a Grade II listed building and potentially could impact negatively on the building,

### *Site 12 – London Road / Crewe Road – 2 dwellings*

- The Boars Head cross roads are dangerous
- The Boars Head has recently extended its car park and new access and exit arrangements conflict with Site 12
- The application site will exacerbate an existing highway safety issue
- Access onto the road will be dangerous

### *Site 13 – London Road / Dingle Lane – 11 dwellings and Site 14 – London Road / Dingle Lane – 18 dwellings*

- Access is dangerous onto the A51
- Development would have a negative impact on near by heritage assets
- Concerns raised over the need for septic tanks and soak aways and the impact that will have on neighbouring properties,
- The development is high density which is in variance to the surrounding dwellings in the area,
- Impact on Threepers Drumble – a potentially ancient woodland
- Sites are within the Meres and Mosses Nature Improvement Area –
- Residential development will have a negative impact on the biodiversity,
- No safe walking route to the local school

## **OFFICER APPRAISAL**

### **Principle of Development**

All 13 no. proposed development sites are situated within the Open Countryside, as designated by Policy PG6 of the Cheshire East Local Plan Strategy.

### *Open Countryside*

Policy PG6 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.

Therefore 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 sufficiently material to outweigh the initial policy objection in principle; this is considered as part of the assessment below.

## Enabling Development

The site is located within the Open Countryside, as defined in the Cheshire East Local Plan Strategy, where there is strict control over new development. However, the NPPF, which is an important material consideration, states that exceptions can be made to the general policy of restraint for “enabling development”.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national and local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some dis-benefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

The National Planning Policy Framework,

*‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.’ (para 140)*

The Historic England's consultation document states that ‘Enabling development, on the face of it, is not sustainable development, as it is contrary to planning policy. However, paragraph 140 of the NPPF recognises that a breach of policy may be justified if the development proposed would secure the future conservation of a heritage asset.’

Enabling development is defined in the 2008 guidance as:

“Development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out and which could not otherwise be achieved.”

In the 2017 draft guidance it is subtly re-defined as:

“Development that would not be given planning permission except for the fact that it would secure the future conservation of a heritage asset”

The CgMs Heritage statement addendum (submitted with the application) advises that whilst this application is not strictly in accordance with the process of enabling development as defined in the 2008 Historic England Guidance its purpose is to help bridge the conservation deficit to secure conservation works and a sustainable future for the Hall via its conversion to a hotel.

The application information also explains the conscious decision and desire underpinning the estate masterplan, to keep the historic estate intact rather than it being broken up and sold to multiple interests. Keeping an historic estate intact is identified as a legitimate justification for allowing enabling development in both the 2008 and draft guidance.

Therefore as Historic England (formerly English Heritage) advised back in 2012, whilst this is development that has ‘enabling potential’ it is not considered to be ‘enabling development’ per se, within the terms of the process set out in the enabling development guidance.

Notwithstanding, certain principles within the existing and emerging guidance are relevant in the broader consideration of the proposals as part of the wider planning balance.

*Application Type*

The principle of the proposed use, the heritage and other environmental implications for the buildings, their setting and the parkland have been tested and the full extent of conservation and development works are identified by the full and listed building applications. This has allowed an accurate calculation of the heritage deficit and also addresses a range of environmental considerations.

The current application is in outline and does not necessarily satisfy the enabling development requirements. However, this proposal is not being promoted as 'enabling development' but as having 'enabling potential', consequently, in the strictest sense it doesn't have to meet this requirement. It is also worth noting the wording in the enabling development guidance relating to full applications, and as noted above there is not a requirement for a full application, only a preference.

2008 Guidance

*"If it is decided that a scheme of enabling development meets all these criteria, English heritage believes that planning permission should only be granted if:*

*a) the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline planning permission."* (p 5)

Draft 2017 Guidance

*"15. If the local planning authority decides that a scheme of enabling development is justified in principle, it will need to ensure that long-term conservation of the heritage is secured. That may involve:*

- a) Precise definition of the scheme and thereby control of its impact, normally through the granting of full planning permission"*

Part of the intent behind this stipulation is to ensure planning control over the quality and character of the enabling development and to allow it to be considered as part of the assessment and also factored into the financial costings. In instances where the enabling development is close to the assets being conserved, there is also the added imperative to ensure that the enabling development does not unduly harm the asset that it is seeking to conserve (the situation for the majority of enabling schemes).

However, the application sites are some distance from the buildings at Doddington, but are closer to the boundary of the historic park and garden. Consequently, there is less necessity to secure a full planning application for the proposed enabling development, provided that sufficient supporting information is provided to assess the impacts of the scheme. The current application is not considered to be a typical situation for development that is enabling the conservation of a heritage asset.

Consequently, an outline application accompanied by the right level of information and specifics in terms of definitive numbers and detailed design principles (in the form of a Design Code) is considered sufficient to allow the impact of the proposed development to be properly assessed.

### *Financial assessment*

Independent financial appraisals and market assessments have been undertaken for the hotel proposals and associated conservation work and for the proposed housing development. This has all fed into an assessment of conservation deficit prepared by Rees Mellish and set out in their report entitled 'Conservation Deficit Bridging the Gap'.

The report highlights that Robinson Low was appointed by the applicant to assess the construction cost of the Hotel & Spa development, which amounts to £35,450,000. Lambert Smith Hampton valued the completed development would be £18 million in Year 1 increasing to £22 million at Year 3. Therefore this amounts to a deficit of £13.45 million.

The proposed 102 dwellings have been valued by the valuer's Butter John Bee from the sales/borrowings are estimated to be in the region of £9.2 million (after tax).

Colliers International was appointed by the planning authority to challenge and test this appraisal information. This process is summarised in their report 'Doddington Hall Estate Review of Proposed Development July 2016', where the financial assessment by the applicant has been accepted.

In summary, there is an identified shortfall in the viability of the hotel led proposal as a consequence of the high level of conservation works and the nature of the heritage assets. The heritage deficit has been calculated as £13.45 million, but revised financial modelling in terms of procurement of the project and phasing has identified that, with the benefit of the proceeds of the proposed housing development (circa £9 million), then the scheme can be made cost neutral. There is also a commitment on the part of the owner to meet any funding shortfall should that arise.

#### *Alternative proposals*

The potential to accommodate enabling development within the historic parkland and closer to the primary assets was considered early on in the master planning process but quickly discounted because of the high probability of a significant adverse impact within the setting of the registered park and the principal listed buildings. The quantum of development necessary to bridge the gap would lead to substantial harm to the heritage assets that the development is aiming to conserve. This would fundamentally conflict with the heritage objective underpinning the project, namely, to conserve this collection of nationally significant assets with the least harm possible to either them or their setting.

During the course of this application a leisure based alternative has been suggested, which has prompted a response from the applicant's heritage consultant CgMs. The Council's Principal Design & Conservation Officer concurs, with the consultant's assessment that this would lead to greater harm to the designated heritage assets at the Doddington estate, not least because it would require a significant scale of development to achieve sufficient funding to meet the heritage deficit.

Whilst not the adopted guidance of Historic England, the 2017 draft, in its reflection of the NPPF, states that:

"The heritage assets do not have to be immediately neighbouring the enabling development, but will usually be in the same ownership. It may be preferable to site the development a little away from the heritage assets in order to avoid harm to it or its setting." (para. 43)

#### *The heritage benefits of the proposal*

Given the policy objection in principal it is vital to understand the benefits of the proposal and why the level of development is required to bridge the heritage funding gap. The prospective heritage benefits associated with this proposal are;

- The residential development will raise Circa £9 million pounds from the development to be re-invested in conservation works and to ensure the new use as a boutique hotel at Doddington Hall,
- Associated conservation repairs to the Star barn and Delves Tower to facilitate their future use and management,
- Investment into and long term management of the grade II registered historic park and garden
- Helping to secure the future of a grouping of nationally significant heritage assets and for those to then be taken off the at risk register.
- Helping to prevent the fragmentation of the Doddington Estate, which has been in the family since the 14<sup>th</sup> century, and securing the future of this country estate for the benefit of future generations
- Wider heritage economic benefits and the potential for wider public accessibility and appreciation of these important heritage assets (as with similar establishments in other parts of the Borough)

#### *Enabling Development Conclusion*

It is clear from the application documentation and visiting the Estate that now is a very crucial time for the future of the heritage assets at Doddington Hall. If a new use cannot be secured soon and the associated conservation investment also not secured, then the assets face a very uncertain future. They are already on the national Heritage 'At Risk' register and have been for a number of years. Although the hall's condition has been stabilised for the time being and the star barn has a temporary roof, this is not a fix in the longer term. The other heritage assets also continue to decline, including the Grade I Delves Tower.

The application information explains that a number of alternative options have been explored and the site marketed extensively, albeit not recently, and the hotel is seen as the most balanced, 'best fit' option for the long term future of the hall and keeping the estate intact. This is subject however to a sizeable conservation deficit.

This proposal is not in accordance with the accepted enabling development process as set out in the Historic England guidance. Albeit this is not strictly 'enabling development' the approach does reflect aspects of the enabling development guidance and the soon to be published revised guidance given the 'enabling potential' of the proposal. There needs to be direct and tangible conservation benefits for the assets at risk, and these need to be secured via the planning process.

There is a proven shortfall in the viability of the hotel led proposal as a consequence of the high level of conservation works and the nature of the assets. The heritage deficit has been calculated as £13.45 million, but revised financial modelling in terms of procurement of the project and phasing has identified that, with the benefit of the proceeds of the proposed housing development (circa £9 million), then the scheme can be made cost neutral. There is also a commitment on the part of the owner to meet any funding shortfall should that arise. This has been verified by Colliers International, acting for the planning authority.

The heritage impacts of the proposal for housing are very limited, restricted to minor adverse impacts upon the historic park and garden and to the setting of the gatehouses and the stable and paddock walls (equating to the lower end of less than substantial harm). They are far outweighed by the substantial heritage benefits derived from securing the new use and the associated conservation works to the mansion house and associated assets and removing these nationally important buildings from being at risk.

It is considered that sufficient evidence has been submitted to explain the future use of the hotel, the financial viability, other options and the need for the 'enabling development' as proposed in size and position. It is therefore considered that the enabling development is a significant and weighty material consideration in the planning balance, as the heritage benefit is significant.

### **Wider Planning Considerations**

As the development is contrary to the development plan, and therefore a departure from Local Plan Policies, it is necessary to consider if there are any other material considerations which will outweigh the objection in principle. It is clear that the Hall and associated assets are in need of intervention imminently and therefore the application for housing would potentially enable their protection and improvements, and a future viable use, this weighs significantly in the planning balance.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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 considerations 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. The guidance within Policy SD 2 (Sustainable Development Principles) within the Cheshire East Local Plan Strategy sets out guidelines for suitable distances from local amenities from new development sites.

There are 12no sites proposed for residential development, sited on average 1km away from Doddington Hall. Whilst a sustainability appraisal has not been carried out, the surrounding area has a primary School, Bridgemere Garden Centre (café/restaurants and shops), a church (on the Doddington Estate), a public house (The Boars Head), The Scouts, and the Sailing Clubs. There are a number of rural enterprises in the area as well.

However, all of the sites appear to be locationally unsustainable, with every day amenities such as a supermarket/convenience store and, secondary school being either in Audlem, Woore, Wybunbury or further a field in Nantwich. Furthermore, there is limited Public Transport in the area. In summary, the sites fail the majority of the standards advised by the subtext Local Plan Strategy Policy SD2. It is likely that the majority of the future occupiers of the dwellings will need to heavily rely on motor vehicles in daily life. As such, the application sites are considered to be locationally unsustainable.

### ***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 Crewe and Nantwich Replacement 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.

The Applicant has instructed Reading Agricultural Consultants Ltd to carry out an Agricultural Land Classification and Soil Resources, dated May 2014. Site specific comments are noted below.

The overall conclusion of the report states that

*There are two distinct soil types present across the 14 sites. The dominant soil type comprises coarse textures, typically with loamy sand or sandy loam topsoil, overlying sand subsoil. The subordinate soil type is found on Sites 13 and 14 and comprises clay loam topsoil and clay subsoil. The predominant limitation to land quality is droughtiness, which varies from slightly to moderately severe, with Grades 2, 3a, 3b and 4 present across the sites.*

There are 5no sites which are Grade 2, and 6 sites which are Grade 3b. The proposal will therefore include the loss of best and most versatile land on a number of the site. This is a matter which shall be considered in the planning balance.

## ***Trees and Hedgerows***

Trees within and immediately adjacent to the application sites are not currently protected by a Tree Preservation Order or lie within a Conservation Area. Trees are a material consideration for planning and in design terms the emphasis should be on the sustainable retention of high and moderate category trees where possible. In this regard Section 197(b) of the Town and Country Planning Act 1990 provides a specific duty of the local planning authority to consider making tree preservation orders on trees where appropriate in connection with the grant of planning permission.

The application is supported by an Indicative Arboricultural Impact Assessment (AIA) Tree Solutions (Ref 16/AIA/CHE(E)/100 dated 16<sup>th</sup> November 2016) and Arboricultural Method Statement Tree Solutions (Ref: 16/AMS/CHE(E)/100 dated 16<sup>th</sup> November 2016). An Addendum to this report has been prepared and submitted by the applicants Arboriculturist in relation to sites 13 and 14 entitled *Stage 1 - Tree Survey & Indicative Arboricultural Impact Assessment/Tree Protection Plan Sites 13 & 14 - Doddington Estate, Nantwich, Cheshire (Ref: 16/AIA/CHE(E)/100 (Rev A) dated 21 February 2017)*. Amended plans were also received to address some of the tree issues raised previously.

Whilst the methodology applied is broadly in accordance with the requirements of *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*, the tree officer has made site specific comments which are noted below. It is not considered there are any significant issues which cannot be over come, by small amendments to the layout plans or the addition of conditions.

## ***Landscape***

This outline application is for 102 dwellings outside the boundary of the registered park and garden for Doddington Hall on land within the ownership of the estate. The visual and landscape character impact of the proposal has been assessed by Barnes Walker Landscape Architects and presented in a Landscape and Visual Appraisal (LVA) document reference M2372\_LVA\_05.16.01.

The Council's Environmental Planning Manager, has considered the submitted documents and notes that the LVA has broadly followed the methodology set out in the published guidelines GLVIA 3 (2013) and is appropriate for a landscape and visual appraisal. It discusses national and local planning policy relating to landscape, but does not refer to the Cheshire East Local Plan. It presents an appropriate baseline for landscape and visual receptors. The impact of the development on the character of each development site, the landscape surrounding each site and the registered parkland is considered at year one, but the impact at year 15 is not fully considered. The character impact at year 15 has been considered by the Environmental planning manager and is included within the landscape comments for each site. The impact of the development on key visual receptors such as users of footpaths, roads and properties is considered at year 1 and year 15.

The Cheshire County Council Landscape Character Appraisal 2009 identifies that the Doddington area lies within landscape type 10 – Lower Farms and Woods and the sub division LFW4 Audlem Character Area. This is a rolling agricultural landscape with slightly incised streams and waterbodies. Settlement is described as being of low density, mainly consisting of hamlets, farms and small settlements such as Buerton and Chorlton. In the north a number of roads radiate out of Nantwich towards the County boundary. A number of more substantial properties located along the highways contribute to a more settled and urban character. The

Council's Environmental Planning Manager assessment is that within the area surrounding Doddington there are a number of scattered residential properties, often converted farm buildings and farm houses with some prominent modern farm buildings.

This is an outline application, but the submitted Site Design Code provides a degree of control over access arrangements, number of bedrooms, style of design, materials, structural landscaping. This goes considerably beyond an outline application, while not providing the definitive position of a full application. It is however sufficient to establish a reasonable understanding of the impact of each proposed development on public views and the character of the landscape.

The Council's Environmental Planning Manager has identified five points of difference between his assessment and BW's submitted Landscape and Visual Appraisal these are relatively minor differences. Overall the impact on landscape character after year 15 varies between minor/moderate adverse to negligible with the average impact being minor adverse. The overall visual impact varies between minor/moderate adverse to negligible with the average after 15 years being minor adverse/negligible. The Council's Environmental Planning Manager considers that the two sites with the greatest character and visual impacts are sites 8 and 10. However, further landscape mitigation could reduce the impact of these sites to minor adverse. An assessed minor adverse impact for landscape character and visual impact would not give rise to an objection under landscape policies within the NPPF or CEC local plan. Subject to additional landscape mitigation for sites 8 and 10 which could be conditioned, The Council's Environmental Planning Manager does not object to this application on landscape grounds.

### ***Ecology***

#### Statutory Designated Sites

The sites of the proposed development do not fall within Natural England's SSSI Impact Risk Zones for the level and type of development proposed at these localities. It is therefore not necessary to consult Natural England on this application.

#### Nature Improvement Areas

The application sites are located within the Meres and Mosses Nature Improvement Area. Designations of this type are protected by policy SE3 of the Local Plan. This is pertinent in respect of the proposed development of sites 9 and 10 as detailed below.

#### Great Crested Newts

This protected species is likely to be affected by the proposed development at two of the proposed sites (site 4 and 10). In the absence of mitigation the proposed development would result in the loss of an area of low quality terrestrial habitat, the proposed works would also pose the risk of killing or injuring any animals present during the construction phase.

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

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

Details of how the Habitat Regulations 'tests' were considered must be recorded within the committee/delegated report.

The development is required as part of an enabling development scheme and the benefits of saving the Heritage Assets are of overriding public interest.

As explained earlier in the report, there are no other suitable alternatives for the proposed enabling works, and pre-application discussions have been carried out to limit the negative impacts.

In order to mitigate the risk of great crested newts being killed or injured during the construction phase the applicant's ecological consultant has proposed to remove and exclude great crested newts from the footprint of the proposed development by means of standard best practice measures under the terms of a Natural England license.

The submitted ecological assessment includes proposals for habitat creation measures to address the loss of terrestrial habitat associated with the scheme.

The Council's Ecologist advises that, if planning permission is granted, the proposed mitigation and compensation measures are acceptable and are likely to maintain the favourable conservation status of great crested newts.

In the event that outline planning permission is granted a condition is required to ensure that any reserved matters application be supported by an updated protected species assessment and mitigation strategy.

### Other Protected Species

An updated survey has been submitted for other protected species, and evidence of other protected species activity was recorded at several of the proposed housing sites with active habitats being present at three of the sites. Based on the location of the setts on site it is possible that a number of habitats could be retained, it is however likely that at least one habitat would need to be closed under the terms of a Natural England license to avoid any risk of other protected species being disturbed or injured during the construction phase.

The Council's Ecologist advises that the precise impacts on other protected species will depend upon the level of other protected species activity occurring when works on site commences and also on the finalised layout developed at the reserved matters stage.

The Council's Ecologist therefore advises that any future reserved matters applications must be supported by an updated ecological assessment and mitigation strategy which would include an updated protected species assessment.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Development of a number of sites subject to this application would result in the loss of sections of hedgerows, usually to facilitate site entrances. The submitted ecological assessment includes recommendations for the creation of replacement hedgerows to compensate for those lost.

Site specific issues have been addressed below.

## ***Design***

There has been significant discussion and refinement of the design code for the proposed sites and therefore from an overarching urban design perspective the principles are considered to be acceptable. However, in locational terms, some of the sites are isolated and therefore present broader issues in respect to their locational sustainability and accessibility to day to day services.

It is suggested that the size of building footprints for particular sites be restricted to the sizes as indicated on the detailed layouts set out within the Design Code document and that the scale of development be limited to 2 storeys by condition, potentially with a max height to be specified.

It is also considered that the impact of external lighting will also be required to ensure the impact on rural tranquillity and dark skies is minimised. Given the application is in outline the

design code can be conditioned to enable the detailed reserved matters applications to be informed by the intentions of the outline indicative plans.

### ***Impact on Built Heritage***

Doddington Hall is a Grade I listed building within a Grade II Historic Park and Garden. Its adjacent stable block is listed Grade II together its lakeside gates, piers and screen walls and the Boat House next to the lake (Doddington Pool). To the north is the Grade I listed Delves Tower (Castle).

Further to the north west are the Grade II listed Woodside Cottages, next to which is the Grade II listed Demesne House and its star shaped Grade II\* Barn and Farm Buildings. Beyond which to the south west lies the Grade II Church of St John and to the south the Grade II walls of the paddocks to stable buildings, all of which lie outside the Historic Park & Garden.

Within the wider area lies Hatherton Lodge, The Cottage and The East and West Lodges, gates and piers formerly on the long drive leading to Doddington Hall.

The heritage assessment produced by CgMs acknowledges that there will be a very modest impact upon the setting of the Registered park and garden and a couple of lower grade listed buildings in proximity to sites (but not the more highly graded assets centred on the estate), both as a consequence of the individual impacts for particular sites and nearby assets but also their cumulative impact upon the rural setting of the registered park. It concluded that this would equate to less than substantial harm and would be at the lower end of the spectrum.

The Built Heritage Officer also considers that the proposals, will have only low degrees of less than substantial harm in places as indicated in the site specific assessments below, and therefore does not object to the development based on the impact on Heritage Assets.

### ***Access***

Although there are 102 units proposed these are spread into small pockets of development and the Strategic Infrastructure Manager notes that they will have little impact on the local road network, each of the sites has a satisfactory designed access and internal layout with adequate parking provided.

The Strategic Infrastructure Manager considers that if the proposed development is accepted in the locations proposed, it has to be accepted that the sites will not be readily accessible to local services and public transport. However, this is matter for consideration when assessing the benefits of the development.

Overall, the developments are small scale, in keeping with the existing development in the area and raise no highway objections.

In summary, the proposed residential development is split across a number of locations that does not result in traffic impact or road safety concerns and no objections are raised.

### ***Flood Risk and Drainage***

A number of the application sites are situated adjacent to Flood Risk zones 2 and 3, however the proposed physical development has been designed to sit within flood risk zones 1 only. Site 5 is the only site which is within flood risk zone 3 however is solely for use as an extended car park, and the Environment Agency states that they have no objections to the development on flood risks matters.

The Councils Flood risk officers have also raised no objections to the proposals however have suggested a number of conditions in relation to the potential future drainage solutions.

The Environment Agency have however, raised concerns to the applicants preferred foul drainage solution. Whilst it may be the EA's preference for all the sites to be discharged to the foul sewer, there appear to be no material planning grounds to refuse the proposal on the proposed drainage system. The EA outline that applicants preferred option deals with each site in isolation, which would create a proliferation of private treatment facilities in the area, which have a higher risk of failing. However, given the development is proposed to be phased over a 15 year period, with potentially various developers on each site; a single foul drainage system is unlikely to be suitable.

United Utilities have also been consulted on the application and have raised no objections to the proposal subject to conditions.

### **Environmental Conclusion**

The proposal would result in the loss of 13 parcels of open countryside as designated by the Local Plan, however their impact on the character of the open countryside/landscape could be overcome through design alterations and conditions.

There would also be a loss of several plots of Best and Most Versatile (BMV) agricultural land, and the sites are also considered to be locationally unsustainable.

The general design solutions proposed and Heritage Impacts are considered to be acceptable and the proposal would only have low degrees of less than substantial harm in places.

However, overall it is considered that the environmental impacts created would result in the development being environmentally unsustainable.

### **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 the area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

Furthermore, the renovation of the Hall to a Hotel and Spa will bring tourism to the area, which in turn will have a beneficial impact on the local economy with visitor's spending money in the local area.

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

### **SOCIAL ROLE**

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

### ***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.

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.

As the application is in outline there are no elevations proposed at this time, however the layout is sought at this stage. Each site has been assessed on the potential amenity impact on any neighbouring properties and the impact on future occupiers of the dwellings.

In conclusion the proposed sites are acceptable and have sufficient separation distances to any adjoining neighbours. The Design Code states that the dwellings will not exceed 2 storeys in height and it is considered reasonable to stipulate a maximum height limit by condition. The detailed stage will address the position of principal windows on the proposed dwellings.

Although the proposed development may impact on the views of a number of neighbouring properties, this is not a material planning consideration.

All the dwellings appear to have a suitable level of private amenity space, with some sites including communal and public areas of open space. However, the Tree Officer has raised concerns with a handful of the sites and potential social proximity issues with trees to be retained. Amendments to the layout have been recommended.

The Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions which relate to the construction phase of the development, air quality impact and environmental sustainability of the site, future use of the site. These conditions are considered to be acceptable.

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

### ***Affordable Housing***

The Council's Interim Planning Statement: Affordable Housing (IPS) states that in Settlements with a population of 3,000 or less that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more or larger than 0.2 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

Following a Court of Appeal decision in May 2016, a national threshold for affordable housing was imposed which dictates that only sites that are for 10 dwellings or more, or 1000m<sup>2</sup> gross floorspace or more should provide affordable housing.

For the purposes of the SHMA 2013 the sites in this application are located within the Wybunbury & Shavington sub-area, where there was an identified need for 54 new affordable dwellings per

annum until 2017/18. Broken down there is a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed, 1 x 1 bed older person and 7 x 2 bed older person dwellings.

This application is for a total of 102 dwellings across 12 individual sites. The Council's Housing Officer has therefore broken the affordable housing requirement down for each site. Stating that Sites 1, 2, 3, 4, 8, 10, 11, 12, 13 and 14 meet the threshold for affordable housing if considered as separate sites, this amounts to 24 units.

However, as the application is being considered as a whole development proposal for 102 dwellings there is an argument that the requirement for 30% affordable housing, in accordance with Interim Planning Statement: Affordable Housing (IPS) across the 102 units proposed. This would amount to a required provision of 31 units across the development sites.

The Housing Officer notes that this proposal is seen as an enabling development scheme and also that the applicant has submitted a viability assessment, which evidences that they are unable to provide any affordable housing. The Strategic Housing Officer notes that if it is proven that the development cannot provide affordable housing then, their objections can be withdrawn.

Should any affordable housing be delivered on these sites it is the Housing Officers preference that the affordable housing is secured by way of a S106 agreement.

### ***Open Space***

This application puts forward various sites, all of which are family dwellings over a 15 year period.

In line with the retained Crewe and Nantwich Local Plan Policies including RT3, Cheshire East Local Plan Strategy policy SE6 and Green Space Strategy, the open space vision is to provide a network of clean, green, sustainable, attractive, well maintained, safe areas for all ages, for formal and informal recreational activities, more formal outdoor sports or for sitting and relaxing, which are easily accessible and are well designed to avoid conflict and build community cohesion, whilst enhancing our day to day environment.

The Greenspaces Officer considers that the proposal is unsustainable both socially and environmentally forcing residents to travel by means other than walking/cycling between the developments due to lack of pavements or existing facilities. This proposal does not promote social cohesion between existing communities and very little for the proposed new communities. No focal point(s) have been proposed within any of the sites.

Limited POS has been proposed on sites 2, 8, 13 and 14. Small areas are proposed on site 2 and 8, 8 including a communal garden whilst 13 and 14 offer larger areas that could accommodate formal play.

Treating this as one application for the size of the development, the Greenspaces Officer considers that a number of LAP's (Local Area for Play) and a large NEAP (Neighbourhood Equipped Area for Play) should be provided. The Greenspaces Officer suggests if this application is granted permission a LEAP is provided on site 1 and a larger LEAP on site 13 or 14, these two sites having the greater concentration of dwellings. A small LAP is also required on site 10 retaining the smaller areas on sites 2 and 8. The designs should be in line with Fields in Trust standards and materials should be as natural in colour to blend in with the rural environment.

As previously stated this application is not sustainable and is far from ideal, however should the committee deem this application is acceptable then the aforementioned measures will go some way to addressing the families needs.

### ***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 (SEN).

To date already approved development in Nantwich is expected to create an increase of 478 additional primary aged children and 359 additional secondary aged children.

Not including the current planning application registered on the Doddington Estate (16/5719N), there are 6 further registered and undetermined planning applications in Nantwich generating an additional 64 primary children and 48 secondary children. The development of 102 dwellings is expected to generate:

18 primary children ( $102 \times 0.19$ ) – 1 SEN  
15 secondary children ( $102 \times 0.15$ )  
1 SEN children ( $102 \times 0.51 \times 0.023\%$ )

The development is expected to impact on both secondary school places and SEN School places in the 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.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Doddington Estate application will exacerbate the shortfall. The 1 SEN child, who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting

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

$15 \times £17,959 \times 0.91 = £245,140.35$  (secondary)  
 $1 \times £50,000 \times 0.91 = £45,500$  (SEN)  
Total education contribution: £290,640.35

Without a secured contribution of £290,640.35, 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, 15 secondary children and 1 SEN child would not have a school place in Nantwich. The objection would be withdrawn if the financial mitigation measure is agreed.

The proposal does not include financial mitigation for the development and therefore this will be considered within the planning balance as a negative impact.

### ***Community Benefits***

As part of the development proposal the applicant has sought ways to improve the existing land in the ownership of the applicant, and include elements of community improvement within the application sites. Given the lack of funding it is not possible to provide the normal

social benefits a housing development of this size would provide, in relation to affordable housing, education provision and Open Space and children's play space. However, the applicants have provided an area to extend the School Car Park (Site 6), included a permissible footpath from sites 2, and 4 towards the school, and four of the sites also include areas of public amenity space, an orchard and an allotment which may help improve the social cohesion of the sites.

### **Social Conclusion**

The application includes some community benefits which will not have a financial burden on the development but will provide some local benefit, as highlighted above. Furthermore the development as shown in the indicative plans will not have a significantly detrimental impact on neighbouring amenity. The improved School Car Park (Site 6), creating a drop off facility for the school will also help to improve the usability of the existing car park and improve an existing issue of parking/drop off provision in the area. These are positives to add to the planning balance.

However, as a result, of the development being for enabling development, additional social improvements such as of the provision of affordable housing, Public Open Space and Children's Play Equipment and Education are not viable. All funds from the development are to be used to fund the heritage gap, and any provision for additional contributions would require additional housing development to fund. These are therefore negatives within the planning balance.

Whilst the Community benefits are a positive, the lack of social contributions means the development is socially unsustainable.

## Site specific issues

### Site 1 – London Road - 2.81ha – 18 dwellings

Application Site 1 is situated on London Road, and is bounded by hedgerow and trees on all sides, with the road adjacent on the south western boundary. The proposal seeks permission for 18no dwellings on this site. The site lies adjacent to a water course and on the opposite side of the water course is a Scouts Hut.

#### Agricultural Land Classification

Site 1 extends to 3.1ha of agricultural land in arable use. The site is bounded to the north by woodland, to the east and south by other agricultural land, and to the west by London Road. The main factor limiting the quality of land at this site is droughtiness, which restricts most of the area to Subgrade 3a and a smaller portion to Subgrade 3b. The area of Subgrade 3b is visually distinguishable by restricted crop growth. The land classification is Grade 3a, 25% and Grade 3b, 75%, and therefore there would be a loss of a parcel of BMV land.

#### Trees

The AIA indicates that a small section of hedgerow (H1) will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered by the Council's Nature Conservation Officer's Consultation comments.

A comparison with the previous indicative layout now shows two proposed dwellings to the north of the site re-orientated so that the principle elevations are orientated away from tree constraints, thereby presenting an improved relationship in design terms. There remains the issue of site topography, however given the area of land available, The Arboricultural Officer is satisfied that a detailed levels survey/cross sectional detail can be dealt with at reserved matters.

#### Ecology

The woodland located to the north eastern boundary of this site appears upon the national Inventory of priority habitats. Habitats of this type are a material consideration for planning. Developments located adjacent to woodlands have the potential to have a number of adverse impacts on the nature conservation value of the woodland. An ecological mitigation area is proposed by the submitted ecological assessment. This appears to have been reduced in size by the submitted illustrative layout plan.

A buffer is now proposed adjacent to the woodland. This buffer is however only 3m in extent. The Council's Ecologist has advised that greater buffer would be preferred and more likely to fully safeguard the woodland. Buffers of between 8m and 15m have been negotiated at other development sites adjacent to woodlands.

#### Landscape

Barnes Walker (BW) assess this site (18 4/5 bed detached properties) to have a moderate adverse landscape effect at year 1 (post construction), with a minor/moderate impact on the registered parkland. The Council's Environmental Planning Manager agrees with this assessment. It is proposed to include substantial tree planting within gardens and open space along the access road and on boundaries. This will substantially soften and reduce the impact of the houses in the medium to longer term and the Environmental Planning Manager believes that the overall long term

landscape effect will be minor adverse. The visual effect is assessed to be minor/moderate adverse at year 1 and minor adverse/negligible at year 15 which is agreed.

### Access and Parking

A single point of access is taken from the A51 London Road to serve 18 units proposed; the visibility provision is acceptable at 2.4m x 215m. The proposed internal layout is a standard highway layout with turning heads provided, and is considered acceptable.

### Heritage Impact

The proposed development seeks permission for 18 dwellings 20m north of Historic Park & Garden and 900m north east of Doddington Hall. The Councils Built Heritage Officer considers there to be no impact on the Grade I listed Tower complex due to intervening trees but it will be potentially visible from within the Historic Park & Garden (HPG) due to its close proximity to the adjacent London Road. Whilst this is the least formally planned element of the HPG, further planting will need to be encouraged to the west boundary as suggested by the agents in order to assist to minimize its built form adjacent to the setting of the HPG.

### Amenity

There are no immediately adjacent neighbouring residential properties to this site. The closest neighbouring property is over 150m to north. To the rear of the site is a Scouts Hut and associated amenity land. There is a water course, tree coverage and an ecology mitigation zone proposed between the proposal site and the Scouts Hut. Only one of the properties is situated facing towards the Scout fields however with the intervening tree coverage, and mitigation planting it is considered unlikely that the proposed development will have a significantly detrimental impact on the Scout's use of the land.

### Design

Site 1 is one of the larger sites within the proposal with permission sought for 18 dwellings. The site is naturally contained by existing vegetation and the hedge and tree planting proposed will help to ensure the development will not have a significant impact on the street scene. The proposed density and detached nature of the dwellings is in keeping with the rural nature of the area. Detailed plans at reserved matters stages will be required to include sympathetic external and surfacing materials.

## Site 2 – Hunsterson Road / Dingle Lane – 0.847 ha – 12 dwellings

Application Site 2 is situated on Hunsterson Road, and is triangular in shape. The site is bounded by hedgerows and trees on all side with Hunsterson Road to the north and Dingle Lane to west. There are a number of residential properties sited off Dingle Lane adjacent to the western boundary of the site. The proposal seeks permission for 12 dwelling on this site.

### Trees

A small section of hedgerow (H1) adjacent to Hunterson Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

A group of Low (C) category Cherry, Willow, Birch and Alder (G1) adjacent to Dingle Lane and Low category Sycamore, Apple, Willow and Birch (G2) are proposed for removal to accommodate development. As Low category trees these are not significant in terms of the impact upon the wider amenity of the area, however replacement planting in mitigation shall be provided to meet national climate change policies and to maintain overall canopy cover.

Plots located towards the eastern boundary of the site are located close to an offsite woodland (W1). The relationship of buildings and gardens to the woodland could give rise to future pressure for removal and or pruning back of trees and therefore require some redesign to address this issue.

### Agricultural Land Classification

Site 2 is a triangular parcel of land of around 1ha of agricultural land in arable use. The site is bounded to the permanent grassland and woodland. The site is bounded to the north by Hunsterson Road, to the west by Dingle Lane and to the east by other agricultural land. The site has a very gentle slope downward to the south and sites at around 85m AOD. The Land classification is Grade 3a 100% and therefore the land is not BMV.

### Landscape

This site is adjacent to Bridgemere Mews and is sited on the car park for the former Wildlife Park. BW assesses it to have a minor adverse effect on the surrounding landscape character and a minor to moderate visual effect. The development is of 12 2/3 bed mews style properties around a green adjacent to Dingle lane. Linear tree planting is proposed along the lane and road frontage and the site is backed with existing woodland. The development is in keeping with Bridgemere Mews and the Environmental Planning Manager agrees with the BW assessment. In the longer term, it is considered that the impact on landscape character will be negligible.

### Public Rights of Way

There is a public right of way, Bridgemere Footpath No. 1 which sits adjacent to site 2. The proposal is not considered to affect the PROW, however the Public Right of Way team have requested a condition to safeguard the PROW.

### Access and Parking

The Strategic Highways Manager states that Sites 2 and 3, are accessed from Hunsterson Road, the site to north will serve 5 dwellings and the site to the south will have 12 dwellings,

the access points are staggered and visibility requirements have been determined from speed surveys. The internal road layout is considered to be acceptable.

### Heritage Impact

The proposed development is for 12 dwellings, 500m to south of Historic Park and Garden (HPG) and 1,150m to south of Doddington Hall. The Built Heritage officer notes that located adjacent to site 2 these proposals are likely to have an impact on limited open views of HPG, the Pool and specimen planting from Hunsterson Road.

### Amenity

The proposal site is situated opposite the residential properties associated with Bridgemere Hall and Mews. The nearest property is situated over 28m away from the proposed dwellings, which is considered to be acceptable separation distance. The configuration of the site means that the proposal will not have a significantly detrimental impact on neighbouring amenity due to its orientation and layout.

As highlighted above there may be an issue of proximity to the existing trees, and this may have an impact on the usable garden space. An amendment to the site plan will be sought to slightly amend the layout of the site.

### Design

The development is designed in a linear fashion mimicking the formation of the mews opposite. The proposal will include some tree planting to the edges of the site and an area of public open space within the centre of the development plot. There is a PROW through the site and surfacing materials will be a key consideration at detailed stage.

## **Site 3 – Hunsterson Road / Bridgemere Cross – 0.769 ha – 5 dwellings**

Application Site 3 is situated on Hunsterson Road, opposite site 2. The site is rectangular in shape, and forms the corner of an existing agricultural field. The site is bounded by Hunsterson Road to the south, residential properties to the west and open fields to the north and east. The proposal seeks permission for 5 dwellings on this site.

### Trees

A small section of hedgerow (H1) adjacent to Hunsterson Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

### Agricultural Land Classification

Site 3 extends to 0.4ha of agricultural land in arable use. The site comprises the south-west corner of a wider field area. To the west is a residential property and to the south is Hunsterson Road. Topography is level at an altitude of around 85m AOD. The Land classification is Grade 2 - 100%, and therefore would be a loss of BMV agricultural land.

### Landscape

These 5no. detached properties on Hunterston Lane are opposite site 2 and adjacent to several detached properties on Hunterston Lane. Tree planting is proposed on the northern boundary; with a copse created at the eastern end of the properties. The Environmental Planning Manager considers that this will greatly help to soften their impact on views from the parkland to the north. BW assess at year 1 there will be a moderate adverse impact on landscape character and the Environmental Planning Manager assess that this will fall to minor after year 15. Visual impact is assessed as being moderate adverse at year 1 and minor adverse/ negligible at year 15. The Environmental Planning Manager disagrees and finds that at year 15 the visual impact will be minor adverse and could not be considered negligible.

### Access and Parking

The Strategic Highways Officer states that Sites 2 and 3, are accessed from Hunsterson Road, the site to north will serve 5 dwellings and the site to the south will have 12 dwellings, the access points are staggered and visibility requirements have been determined from speed surveys. The internal road layout is acceptable.

### Heritage Impact

The proposal is for 5 dwellings, 480m to south of Historic Park and Garden and 1,130 south east of Doddington Hall. The Heritage Officer states that the proposal is located adjacent to site 2, these proposals are likely to have an impact on limited open views of HPG, the Pool and specimen planting from Hunsterson Road.

### Design

The proposal seeks permission for 5 detached dwellings on the site which appear to be of a layout and density which is in keeping with the surrounding streetscene. The dwellings will be sited to the rear of the site with tree planting proposed around the boundary of the site. It is

considered that the site will appear in keeping with the surrounding streetscene and will not have a detrimental impact on the character of this existing cluster of development.

### Amenity

The proposal site is situated opposite site 2 and adjacent to the property known as White House. The closest property is sited over 30m away from White House and there is garage between. Given there are no elevations it will be important to ensure the garage is single storey and no principal windows are sited on the side elevation to safeguard the neighbours amenity.

## Site 4 – Dingle Lane – 4.4ha – 8 dwellings

Application Site 4 is situated on Dingle Lane. The site is situated adjacent to the former Wildlife park, and bounded by a water course to the north of the site, hedgerows to the three sides of the site and the remainder of the field to the south west. There are number of ponds surrounding the site.

### Trees

The Council's Arboriculturalist notes that in their previous comments for this site, referred to Oak (T6) and Oak (T9) identified in the Arboricultural Impact Assessment as potential Veteran Trees. The J10 Planning response to comments paper states that only Oak (T14) within Site 10 is in effect of Veteran status.

The revised site layout is not substantially different from the previous layout and in terms of Oak (T6) there are no significant issues.

Oak (T9) is located adjacent to the existing single field access off Dingle Lane which could be impacted by the proposed access improvements. The submitted Transport Assessment suggests a 4.8 m wide carriageway with 2m wide footway and 10m entry radii at Dingle Lane. Both the original and Addendum Arboricultural Assessment are silent on this matter and it is not clear from the drawings provided in the Transport Assessment as to the extent of the proposed access improvements on the Root Protection Area of this tree. Further detail can be secured by condition.

### Agricultural Land Classification

Site 4 is the largest of the sites assessed and extends to 13.1ha. Approximately 8.8ha is in arable production, with the remainder comprising woodland, ponds and thickets. The site is bounded to the north by a residential property, to the east by Dingle Lane, and to the south and west by other agricultural land. Topography at this site is uneven and undulating, although there is a general downward slope to the south-west, from around 85m to 80m AOD. The Land classification is Grade 3a – 15%, 3b – 68%, 4 – 17%, therefore there would be a small loss of BMV land.

### Landscape

This development of 8 large detached properties is partially enclosed by woodland and hedgerow trees and separated from Dingle Lane by a substantial level change. The Environmental Planning Manager agrees with BW that year 1 impacts will be minor/moderate adverse for character and minor adverse for visual effects. In the longer term the Environmental Planning Manager, advises that the impact on landscape character will be minor adverse and the Environmental Planning Manager agrees with BW that Visual effects will be minor adverse/negligible.

### Access and Parking

Site 4 is located off Dingle Lane which is a rural track road that serves a few existing properties and traffic flows along the lane are very low. The applicant is proposing 8 dwellings to be constructed and has identified areas where passing spaces are available and also proposes some widening of the lane within the site boundary. It is clear that Dingle Lane is not suitable to support a large residential development but given that the likely peak generation is 6 vehicles in an hour from the eight dwellings it is considered that this does not result in a material impact and is acceptable.

There are 8 units to be served from Dingle Lane, this is a narrow country lane with a single lane, consideration needs to be given whether this is a suitable access for development. Given that 8 dwellings are proposed the traffic generation will be low and the applicant is showing a

number of passing spaces along Dingle Lane to aid traffic flow, it is considered that the level of development is acceptable.

### Heritage Impact

The development is for 8 dwellings, 540m to south of Historic Park and Garden and 1,050m to south east of Doddington Hall. The Heritage Officer states that the development is unlikely to have any impact on the HPG or listed buildings in its Grade I listed Doddington Hall or Pool complex, given its distance and the presence of the intervening settlement of Bridgemere.

### Amenity

The proposal is for 8no. large detached dwellings. The properties will be sited at a significant distance from the neighbouring properties, with the closest proposed property being sited over 46m from Threeways Bungalow to the south. With the addition of boundary tree planting around the site, the proposal will not have a significantly detrimental impact on neighbouring amenity.

### Design

The proposed dwellings on this site are intended to be large detached units, with two mini mansion sized properties to the south west of the site. The layout is suitable for the plot and will not have a detrimental impact on the streetscene.

### **Site 6 – Bridgemere School – Carpark, Hunsterson Road**

The proposed site is situated off Hunsterson Road, adjacent to Bridgemere C of E Primary School. The proposal seeks to change the use of this land to an enlarged car park to improve, pick up and drop offs at the school. The current area for parking is unmarked and the proposal would include improving the parking to the rear of the site, and creating a 'drop off zone' to the front of the site, to allow improved usability of the site and take cars off the adjoining Hunsterson Road at school pick up and drop off times.

#### Agricultural Land Classification

Site 6 extends to 0.5ha of permanent pasture. The site is bounded to the west by a primary school, to the north-west by a car park and to the north-east by Hunsterson Road. To the east is a residential property and to the south is other agricultural land. The site is largely level and sits at 80m AOD. The Land classification is 100%, Subgrade 3b and therefore is not BMV agricultural land.

#### Amenity

The proposed car park will be sited over 50m from the neighbouring property at School Farm. It is not considered that the car park would have any increased impact on neighbouring amenity over and above the existing situation. However, the removal of cars parked on the Hunsterson Road should improve the use of the road.

#### Design

Given the open countryside location of the site, it is considered reasonable to condition the specific material details of this site, and including parking numbers and drop off design, and the surfacing materials. The proposal for a car parking on the site is considered to acceptable subject to suitable landscaping to soften the overall impact on the development on the wider open countryside. Lighting proposal for the car park are also important to conditioned.

#### Access and Parking

The overspill car park proposed on Site 6 for Bridgemere Primary school, consists of 55 spaces and is located adjacent to school. There is an existing area that provides some parking for the school and there is an In and Out access currently in operation. It is proposed to increase the number of spaces and formalise the parking spaces within the car park.

The Strategic Highways Officer considers that as there is currently a car park operating with the same access points, there are no objections to the proposal. As this proposal is providing a formal layout then the car parking spaces should meet current standards 2.5m x 4.8m and have a 6m aisle width, this dimensions can be conditioned if approved.

### **Site 7 – Hunsterson Road – 1.051 ha – 16 dwellings**

The proposed Site 7 is situated on Hunsterson Road. The site is roughly triangular in shape and is currently used for horses and stabling. There is a PROW which runs through the site. There are trees and hedges which bound the site on all three sides. The proposal seeks planning permission for 16 dwellings.

#### Trees

A small section of hedgerow (H1) adjacent to Hunterston Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

The revised layout has relocated the proposed access off Hunterston Road further to the east adjacent to the existing Ash. The Ash tree will now require removal to accommodate the access road, although it was shown for retention on the previous layout its poor condition would have necessitated its removal in any event.

The revised layout has changed insofar as the internal access road is no longer placed towards the southern (Birchall Brook) boundary. One illustrated plot (to the east) has been re-orientated west- east which in design terms and relationship to the adjacent woodland is an improvement. The two central plots have been re-orientated north-south and although appear to have reasonable sized gardens, some shading from woodland trees is anticipated and in terms of comparison with the previous layout is not as favourable.

#### Agricultural Land Classification

Site 7 comprises approximately 1.1ha of permanent pasture. It is bounded to the north by Hunsterson Road and in all other directions by other agricultural land. A ditch runs around the southern edge of the site. The site has a general gentle downward slope to the south, which becomes steeper toward the ditch before levelling out. The Land classification is 64 %, Grade 3a, 36% Grade 4 and therefore is not a loss of BMV land.

#### Ecology

The submitted ecological assessment recommends the provision of a 3m buffer between the proposed dwellings and the stream side woodland on the sites southern boundary and identifies an area of land in this locality for ecological enhancement.

An 8m undeveloped buffer zone has now been provided between the proposed development and the adjacent water course as requested. Whilst this buffer would safeguard the adjacent water course it is not clear from the submitted plans as to whether this would be sufficient to safeguard the woodland as the extent of the existing woodland is not mapped.

The ecological enhancement area recommended by the submitted ecological assessment is not included on the submitted plans. The Council's Ecologist recommends that this addition be made by condition.

#### Landscape

The roadside hedgerow is to be retained as is the "woodland" belt alongside the stream which will lie in managed space outside the gardens of the properties. These features create a landscape structure which reduces the impact of the development in the wider landscape although they will have a considerable impact on private views from Church Lane Cottage and Weybridge Cottages. Overall, the Environmental Planning Manager agrees with BW's

assessment of a minor/moderate initial impact on landscape character and a minor/moderate adverse visual impact. Beyond 15 years the Environmental Planning Manager assess that the landscape character impact will fall to minor adverse and the visual impact will be minor adverse not minor/negligible as assessed by BW.

### Public Right of Way

There is a Public Right of Way, Hunsterson Footpath No. 11 that runs through the centre of the site. The Public Right of Way department have raised no objections to the proposal, however details for the proposed surface treatments and any other changes (ie. to path furniture) would be required to be approved and a temporary closure may be required during any works. Conditions have been proposed for this element.

### Parking and Access

Both Site 7 and 8 are accessed from Hunsterson Road, the site to south has 4 dwellings and the site to the north has 12 dwellings. The access and visibility meets design standards and the internal road layout is acceptable.

### Heritage Impact

The Heritage Officer states that the site proposes 16 dwellings, 300m to the south of Historic Park and Garden and 850m south west of Doddington Hall. Located adjacent to site 8, these proposals are likely to alter small pockets of views to and from the HPG and the Grade II listed stables and paddock wall. These areas are however fields and open land in the HPG rather than formally planned elements. Site 8 is sited between the proposal site and the HPG.

### Design

The proposed layout for 4no dwellings is in keeping with the general sporadic nature of the streetscene and rural area. There is an existing PROW through the site and the details of the surfacing materials are key. The tree mitigation to the street frontage and edge of site will also help to mitigate the development from the wider rural area.

### Amenity

The site is largely contained by existing hedgerow and further planting is proposed as part of the development proposals. The nearest residential property to the site is Church Lane Cottage which is sited on the opposite side of Hunsterson Road to the application site. The closest properties are to be sited over 30m from the neighbour's property, and neither property would directly overlook the neighbours property. It is therefore considered that although the development may be visible from Church Lane Cottage, it will not have a significantly detrimental impact neighbouring amenity by means of overlooking, overshadowing or overbearing impact.

### **Site 8 – Hunsterson Road / Church Lane 0.748 ha – 12 dwellings**

The proposed Site 8 is situated on Hunsterson Road. The site is roughly rectangular in shape. The site is a corner of a field adjacent to a cluster of residential development on Church Lane. The proposal seeks 12no dwellings on this site, with an area for allotments, a communal gardens and an orchard.

#### Trees

The proposed development will require the removal of a small number of low category trees on the Hunterston Road frontage (trees T2 and T3). The Tree Officer states their loss is not considered to be significant in terms of the impact upon the wider amenity of the area and should be adequately compensated with replacement planting within the site.

#### Agricultural Land Classification

Site 8 comprises 0.3ha of agricultural land in arable use. The site occupies the south-west corner of a larger field. To the west is a residential property of Church Lane and to the south is Hunsterson Road. The site is level and sits at around 70m AOD. The Land classification is Grade 2 and therefore would be a loss of BMV land.

#### Landscape

This site is for 10 mews style properties around a central courtyard. It is in a fairly prominent position opposite site 7, adjacent to Church Lane Cottage and behind a tall hedge. It is 190m from the boundary of the registered park and garden across the open field to the north and 90m from the grade II listed paddock walls/stable block to the northwest. There is a very prominent overgrown Leylandii hedge between the site and the stable block. The Environmental Planning Manager, agrees with the BW assessment that the overall impact of the site on landscape character is moderate adverse at year 1 and the Environmental Planning Manager assess that it is minor/moderate adverse after year 15. The Environmental Planning Manager agrees that the visual impact is minor/moderate adverse at year 1, but that this only falls to minor adverse at year 15 not minor adverse/negligible. There is a considerable impact on views from a side window and the veranda of Church Lane Cottage, but this is a private view and not a public view.

#### Parking and Access

Both Site 7 and 8 are accessed from Hunsterson Road, the site to south has 4 dwellings and the site to the north has 12 dwellings. The Strategic Highways Officer considered that the access and visibility meets design standards and the internal road layout is acceptable.

#### Heritage Impact

The Heritage Officer notes that 12 dwellings, 280m to south of the Historic Park and Garden and 1,150m to south west of Doddington Hall. This site is located opposite to site 7 these proposals are likely to alter small pockets of views to and from the HPG and the Grade II listed stables and paddock wall. These areas are however fields and open land in the HPG rather than formally planned elements and the square development proposed will also echo the enclosure found in the historic planned layout around the stables and paddock which will assist to integrate it more visually into its setting.

### Design

As noted above the linear form of the development echo's the form of some of the historic planned layout of the Estate. The form mimics a barn conversion in its layout and the planned open space/community uses on the site will help to create a more cohesive development in the wider context. The proposal includes no residential development facing the road, and the tree planting proposed will help to mitigate for the visual impact on the open countryside. The surfacing materials for the site will be a key consideration at the detailed application stage.

### Amenity

The proposed development is open to fields on two sides, Site 7 to the south and lies adjacent to Church Lane Cottage to the west. A block of 4 dwellings will be sited north to south adjacent to the boundary with the neighbour, who has a flat roof terraced area around the side of the dwelling. The proposed units are sited 21m at a minimum from this terrace, and further increases to 25m to the two storey side elevation of the dwelling. This meets the separation standards of 21m from principal to principal elevations. Further tree planting is proposed to the boundary and therefore it is considered that the proposed development will not have a significantly detrimental impact on neighbouring amenity.

### **Site 9 – Hunsterson Road / Oak House – 0.308ha – 1 dwelling**

Site 9 is a small plot proposed for 1no. dwelling adjacent to Oak House, on Hunsterson Road. The plot is bounded by hedges on three sides and the residential curtilage of Oak House on the south boundary.

#### Trees

A small section of hedgerow (H1) adjacent to Hunsterson Road will require removal to allow for the access road. Hedgerows are a priority habitat and therefore a material consideration. More detailed comments on the loss of hedgerows and measures for any mitigation are covered in the Council's Nature Conservation Officer's Consultation comments.

A number of dead trees (predominantly Hawthorn) have been identified for removal. There are no significant arboricultural implications in terms of the impact of the proposed development on trees.

#### Agricultural Land Classification

Site 9 extends to 0.3ha of permanent grassland. To the north and east of the site is other agricultural land, to the south is a residential property, and to the west is Hunsterson Road. The site is level and sits at around 70m AOD. The Land classification is Grade 2 and therefore would be a loss of BMV land.

#### Ecology

Data from the Meres and Mosses Nature Improvement Area suggest that Site 9 is within the catchment of Black Covert and Glover's Moss. British Geological Society data confirms that Black Covert occurs on peat. Black Covert is on the inventory or priority habitat as broadleaved woodland. The data also suggests that site 10 is within the catchment of Glover's Moss.

Glover's Moss and Black Covert represent the types of habitats (peatland sites) for which the Nature Improvement Area was designated and both would qualify for selection as Local Wildlife Sites.

The Council's Ecologist advises that the development of sites 9 and 10 has the potential have an adverse impact on both of these sites due to potential effects on their catchments. Of these two sites a significant impact on Glover's Moss resulting from the development of site 10 is the most likely.

The Council's Ecologist advises that, notwithstanding the current nature and sensitivities of the habitats at Black Covert and Glover's Moss; the proposed ecological mitigation area and the relatively low density of the proposed housing development. would not have a significantly adverse impact, provided measures are implemented to direct the water from the roofs of the proposed houses into the peatland sites and also to ensure that no untreated water from the driveways and areas of hard standing of the development entered the peatland sites.

In the event that outline planning permission is granted a condition should be attached requiring the submission of a detailed drainage strategy for sites 9 and 10 that safeguards the two identified peatland sites.

### Landscaping

This development of one property on a paddock site (with a good boundary hedgerow) adjacent to Oak House will have initially minor adverse landscape character and visual impact, falling to minor adverse to negligible impact after year 15.

### Access and Parking

Site 9 consists of a single dwelling with private drive, there are no concerns with this site.

### Heritage Impact

The Heritage Officer states that proposal for, 1 dwelling 270m to west of Historic Park and Garden and 995m to west of Doddington Hall, located adjacent to site 10 these proposals could potentially impact on the setting of the HPG, however being located adjacent to the roadside it will echo some of the existing development, it is located some distance from the Grade II\* Star Barn and Grade I Tower complex and there are existing intervening trees between the site and the Grade I Doddington Hall complex.

### Design

The proposal is for one dwelling on the plot. The size and position of the dwelling is acceptable and inkeeping with the surrounding area. The siting adjacent to the road frontage is considered to be inkeeping with the general streetscene.

### Amenity

The proposed dwelling will be sited adjacent to Oak House. The property will be sited over 30m from the boundary with the property with a garage proposed in between. It is therefore considered unlikely that the proposal would have a significantly detrimental impact on neighbouring amenity.

## Site 10 – Hunsterson Road – 4.839 ha – 8 dwellings

Application Site 10 is situated off Hunsterson Road, and is largely contained by existing tree and hedgerow. To the north of the site sits Hunsterson House, with Badgers Bank Farm (currently unoccupied) encompassed to the north. The site is also bounded by Glovers Moss to the south west. The proposal seeks 8no dwellings on the site.

### Trees

Two Moderate (B) category trees (Sycamore T19 and Ash T20) will require removal to accommodate the proposed access. There is a presumption in favour of the retention of high and moderate category trees unless there are significant planning issues that outweigh the loss of trees. The low density of development allows sufficient scope for the access to be relocated to enable the retention of these two trees

Oak (T14) located within the central western section of the site has been confirmed as a Veteran status tree (J10 comments paper from planning dated 31st March 2017). This tree is not impacted by the proposals.

The illustrated position of the plot to the east of T1 and T10 appears to have moved closer to Glovers Moss and the woodland to the south west.

The relationship/social proximity of the proposed plot facing the offsite woodland (W1) and to Oak T10 present a potential conflict and could give rise to future pressure for removal and/or pruning back of trees. The Council Arboriculturist considered that the layout should therefore be amended to allow for increased separation between the woodland edge and the rear garden. This will be sought and members will be updated by means of an update report.

### Agricultural Land Classification

Site 10 extends to approximately 5.2ha, predominantly of agricultural land in arable production, with a small parcel of woodland in the south. The site is bounded to the north by residential property, to the east by Hunsterson Road, and to the south and west by other agricultural land. Microtopography at the site is complex. The south and north are relatively flat. However, adjacent to the woodland is a generally short but steep slope upward from south to north, with small depressions and humps. The resulting difficulties in farming this area are evident in aerial photography of the site, which shows considerable patchiness in crop growth in this area. The Land classification is Grade 2 29%, 3a 38%, 3b 33% and therefore is a loss of BMV land.

### Ecology

Data from the Meres and Mosses Nature Improvement Area suggest that site 10 is within the catchment of Glover's Moss.

Glover's Moss represent the types of habitats (peatland site) for which the Nature Improvement Area was designated and both would qualify for selection as Local Wildlife Sites.

The Councils Ecologist advises that the development of sites 9 and 10 has the potential have an adverse impact on both of these sites due to potential effects on their catchments. Of these two sites a significant impact on Glover's Moss resulting from the development of site 10 is the most likely.

Considering the current nature and sensitivities of the habitats at Black Covert and Glover's Moss, the proposed ecological mitigation area and the relatively low density of the proposed housing development. The Council Ecologist advises there would not be a significant adverse impacts resulting from the development of sites 9 and 10 provided measures are implemented to direct the water from the roofs of the proposed houses into the peatland sites and also to ensure that no untreated water from the driveways and areas of hard standing of the development entered the peatland sites.

The submitted ecological assessment recommends a 3m buffer be provided with the adjacent woodland at site 10. This buffer must be included on the submitted layout plan.

In the event that outline planning permission is granted a condition should be attached requiring the submission of a detailed drainage strategy for sites 9 and 10 that safeguards the two identified peatland sites.

### Landscaping

The site consists of 8 large detached properties between a narrow area of woodland/hedgerow and Hunsterston Road. The topography of the site and two short sections of internal hedgerow helps to break up the site and at its closet point it is some 550m from the grade II\* listed Star Barn. Two footpaths converge on the southern boundary of the site and another footpath enters the northwest corner of the site. The Environmental Planning Manager have assessed that the impact on landscape character is moderate adverse at year 1 falling to minor/moderate adverse after year 15. The Environmental Planning Manager agrees with the BW assessment that at year 1 there is a moderate adverse visual impact falling to minor/moderate adverse at year 15. This is because the boundary treatments and proposed tree planting will help to assimilate the properties into the landscape and because of how the development will sit within the existing landscape so that views will only remain of one or two properties from any one location.

### Public Right of Way

There are 2no Public Rights of Way, Hunsterson Footpath No. 15 and Hatherton Footpath No.12 which runs around the edge of the site. The Public Right of Way department have raised no objections to the proposal, and consider it unlikely that the PROW will affect be affected by the development. Conditions have been proposed to safeguard the PROW.

### Access and Parking

Site 10 is 8 units served off Hunsteron Road, the access, visibility provision is acceptable and the road layout meets standards.

### Heritage Impact

The proposed development for 8 dwellings, 320m to the west of the Historic Park and Garden and 1,135m to the west of Doddington Hall. The Heritage Officer states that the site is located adjacent to site 9 these proposals could potentially impact on the setting of the HPG, however being located adjacent to the roadside it will echo some of the existing development, it is located some distance from the Grade II\* Star Barn and Grade I Tower complex and there are existing intervening trees between the site and the Grade I Doddington Hall complex.

### Design

The proposal is for 8no dwellings, four of which are mini mansion sized dwellings with the remaining larger detached dwellings. The layout of the site responds to the shape of the site and relatively well contained within the existing boundary treatment. The overall impact of the development will have limited impact on the wider open countryside, and the proposed tree planting will help to assimilate to the proposal in to the streetscene.

### Amenity

Three of the proposed properties surround the currently unoccupied Badgers Bank Farm, which is in the ownership of the applicant. The proposed dwellings are sited sufficient distance away from the property, to ensure they will not have a significantly detrimental impact on neighbouring amenity, if it is inhabited in the future.

To the north of the site sits a property known as Hunsterson House, there is a property proposed to the south of this dwelling, and will be sited 30m away. It is therefore considered unlikely that the development will have a significantly detrimental impact on neighbouring amenity.

## Site 11 – Hunsterson Road / Wood Farm - 3 dwellings

The application Site 11 is situated on the corner of Hunsterson Road and Lodge Lane, opposite a small cluster of residential dwellings on to opposite side of Lodge Lane. The site currently a corner of an agricultural field with larger trees bounding the road frontage and open to the north and east.

### Trees

It is not anticipate any significant arboricultural implications associated with this site.

### Agricultural Land Classification

Site 11 extends to 0.5ha of agricultural land in arable use in the south-western corner of a field parcel. To the west is Lodge Lane and to the south is Hunsterson Road. The site is level and sits at 75m AOD. The Land Classification is Subgrade 3b and therefore is not considered to be BMV agricultural land.

### Landscaping

It is proposed to develop 3 detached properties on Lodge Lane opposite Hatherton Lodge, which is a grade II building surrounded by mature broadleaf trees. It is proposed to undertake tree planting on the eastern boundary to the open field. The Environmental Planning Manager agrees with the BW assessment that the impact on landscape character is initially minor/moderate adverse and assess that this will fall to minor adverse after 15 years. The visual impact is assessed as moderate adverse falling to minor/moderate adverse after 15 years, and the Environmental Planning Manager also agrees with this assessment.

### Access and Parking

There are 3 units proposed off Lodge Lane a rural lane, these each would have a private drive. The Strategic Infrastructure Officer has raised no objections to the proposal.

### Heritage Impact

The Proposal is for 3 dwellings, 1050m to west of Historic Park and Garden and 2,700m to northwest of Doddington Hall. The Heritage Officer considered that although located some distance from the HPG and listed building complexes within and adjacent to the HPG, it is in close proximity to the Grade II listed Hatherton Lodge. Its impact on the listed building is however limited as it is on the opposite side of Lodge Lane and given the presence of the intervening stable block.

### Amenity

The proposed dwellings are to be sited opposite The Old Stables, and Hatherton Lodge, at the minimum the application properties are sited 30m away from the adjacent neighbouring properties. The proposal is therefore in accordance with the Council guidance on separation distances and is unlikely to have a significantly detrimental impact on neighbouring amenity.

### Design

The proposal is for three detached properties with associated garages, the dwellings are in a general linear pattern which is in keeping with the wider rural location and face onto the road frontage, in a traditional rural design. It is therefore considered that the layout is generally in keeping with the streetscene.

## **Site 12 – London Road / Crewe Road – 0.197ha – 2 dwellings**

Application site 12 is sited off London Road, adjacent to the cross roads with Crewe Road, and Wybunbury Road. The Boars Head is sited on the opposite side of London Road. The application site is an a rectangular shape with a pumping station to the rear and the Listed West and East Lodge to the south east of the application site on the opposite side of Crewe Road. The proposal seeks permission for 2 dwellings on this plot.

### Trees

It is not anticipated that there will be any significant arboricultural implications associated with this site.

### Agricultural Land Classification

Site 12 extends to 0.2ha of permanent grassland which is bounded to the north by London Road, to the east by Crewe Road, to the south by other agricultural land and to the west by residential properties. The site is level and sits at 60m AOD. The Land Classification is Grade 2 and therefore would be a loss of BMV agricultural land.

### Landscaping

It is proposed to build 2 detached properties adjacent to existing properties and opposite the Boars head Public House. This area already has a developed character and two additional properties next to the cross roads will have negligible impact on landscape character or visual impact.

### Access and Parking

Site 12 consists of two units located on London Road to the north of the staggered crossroad junction with Crewe Road and Wybunbury Road. There have been a number of accidents associated with the road junction nearby but in regard to this application the access is located away from the junction and provides adequate visibility and does not affect the operation of the junction and is considered an acceptable location for two units. The Strategic Highways Officer states there are no objections to this site.

### Heritage Impact

There are 2 dwellings proposed, 1100m to north of Historic Park and Garden and 1,150m to north of Doddington Hall. The Heritage Officer although located some distance from the HPG and listed building complexes within and adjacent to the HPG, it is in close proximity both to the Grade II listed lodge gates and piers formerly of Doddington Hall and The Cottage which is also Grade II listed. Whilst it will serve to continue recent development at this cross roads it will nevertheless be located to the west of Crewe Road/Wybunbury Lane and therefore on the opposite side of the road to both listed buildings.

### Design

The proposal seeks permission for two units on the plot. The two detached properties are in keeping with the general streetscene at this point and would amount to a infilling of a small gap in an other wise built up frontage.

### Amenity

The proposed dwelling will be sited adjacent to the newly constructed dwellings, The Meadows. The proposed dwelling will be sited in line with the new properties, around 12m away, subject to no principal windows being sited on the side elevation of the proposed adjacent property the proposal is acceptable in accordance with the council separation guidance.

Furthermore, on the opposite side of Crewe Road, are West Lodge and East Lodge positioned at an off set angle to the road junction. The proposed dwelling will be sited over 30m from the listed Lodges and therefore it is considered unlikely that the development will have a significantly detrimental amenity impact on the neighbours.

### **Site 13 and 14 – London Road / Dingle Lane – 1.818 ha – 11 dwellings; 2.191 ha – 18 dwellings**

The proposal sites are situated off London Road, and sit adjacent to each other in a north to south direction. To the west of the site is Threepers Drumble, ancient woodland. The northern part of the site is situated adjacent to Seven Stars Cottage and A51 London road to the east. The site is largely bounded by hedgerow and trees. The proposal seeks to construct 11 dwellings on Site 13, and 18 dwellings on the site 14.

#### Trees

Site 13/14 Hunterston Road, the proposal will result in the loss of a low (C) category group of Willow (G4 most of which are dead), the optional removal of a group of low category Hawthorn, Ash and Damson (G1) and small insignificant low category tree within group (G5).

The Council's Arboricultural Officer notes that their previous consultation comments raised concerns as to the relationship/social proximity of proposed plots facing the offsite Threepers Drumble woodland (W1). The revised plan has sought to address this by placing the internal access road adjacent to the woodland edge which has meant that plots have been moved further to the east. Selected plots have also been re-orientated with secondary aspects facing the woodland. In this regard the design presents an improved design and relationship to the adjacent woodland.

#### Agricultural Land Classification

Site 13 extends to 1.8ha and Site 14 to 2.1ha, both of permanent grassland. At the time of survey the sites were grazed by sheep. Site 13 is bounded to the north by other agricultural land, to the east by London Road, to the south by Site 14, and to the west by woodland. Site 14 is bounded to the north by Site 13, to the east by London Road, to the south by other agricultural land and to the west by Dingle Lane. A ditch runs roughly north to south through Site 14. Both sites are largely level and sit at 100m AOD. The Land Classification is Subgrade 3b and therefore not considered to be a loss of BMV land.

#### Ecology

Threepers Drumble is designated as a Local Wildlife Site. This local wildlife site is located immediately adjacent to sites 13 and 14. The location and shape of the woodland and the botanical species present at Threepers Drumble tend to suggest that the woodland could possibly be ancient in origin. Ancient woodlands receive particular protection under the NPFFP. The archaeological information also suggests that the woodland may be ancient, but unfortunately is not conclusive one way or the other.

Following pre-application discussions we took the view that in the absence of any further evidence that the woodland is ancient, it should not be regarded as being such. However, considering the possibility of the woodland may possibly be ancient and its current status as a Local Wildlife site, the woodland should be given careful consideration during the formulation of development proposals adjacent to the woodland.

The woodland would not be directly affected by the development, but the original illustrative layout plans for sites 13 and 14 included properties backing onto the woodland, provided no buffer between the woodland and the proposed housing and the open space provision which

could be used to integrate the woodland with the development, is located in on the opposite side of the proposed site and so is not integrated with the woodland.

The amended layout plan now minimises the number of properties backing onto the woodland which will mitigate many of the potential impacts of the proposed development. A buffer zone between the developments is proposed however this is only 3m. Buffers of 8m and 15m have been agreed in respect of other sites.

It would benefit the woodland by providing an increased buffer if the open space associated with the development was located adjacent to the woodland rather than on the roadside of the site as shown on the submitted plan.

The development proposals should also include an in perpetuity commitment to the management of Threepers Drumble to retain and enhance its ecological value.

Ponds are a local Biodiversity priority habitat. The development of pond 13 would result in the loss of a pond. A replacement pond is therefore required to compensate for the loss of the existing pond. The revised layout plan now includes illustrative proposals for a new pond.

A drainage ditch/stream and associated habitats on site 14 should be retained or replaced with a similar habitat if lost. The submitted illustrative layout plan appears to show this feature as being largely retained.

### Landscaping

The proposal is to build 29 properties on two adjacent fields between Dingle Lane/Threepers Drumble woodland and London Road (A51). The Environmental Planning Manager has assessed that initially there will be a moderate adverse impact on landscape character, but this falls to minor adverse after 15 years. BW state that there is a minor/moderate adverse visual impact falling to minor adverse after 15 years. The Environmental Planning Manager agrees with that assessment. Site 13 will have a considerable impact on private views to the south and west from Seven Stars cottage. The location of the open space and proposed tree planting will help to break up the massing of the development as viewed from the A51. The Environmental Planning Manager notes that his colleague commenting on nature conservation matters has suggested that relocating the open space within site 13 would create a greater stand off of development from Threepers Drumble. While this is desirable for nature conservation purposes it would have a negative landscape consequence by presenting a line of development along the A51 within site 13.

### Heritage Impact

The sites are 1,500m to south of Historic Park and Garden and 2,450m to south east of Doddington Hall. The proposals are not likely to have an adverse impact on the setting of the HPG or its associated listed buildings given the distances involved.

### Design

The two sites together are the largest of the development proposed, the general design layout of the sites is with open space to the site frontages and dwelling positioned around a cul-de sac style is a more suburban form of design than the other sites in the proposal, however these sites are situated closer to the village of Woore and would be seen in the wider context of the Garden Centre on the opposing side of London Road. The majority of properties appear to be detached units, which is acceptable, however a better mix of housing types would create a better social mix on the site.

### Amenity

The proposed development is sited adjacent to Seven Stars Cottage, with a number of properties sited around the curtilage of the property. However, each property will have a separation distance of at least 30m from the dwelling and therefore meets the separation standards set out in the Council's guidance. It will be important to consider the principal windows of the proposed dwellings at detailed stage to ensure the proposal does not have adverse impact on the residential curtilage of Seven Stars by means of overlooking. Furthermore the tree mitigation will help to reduce the overall impact of the proposal in the site.

## **Response to comments**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However, the dis-benefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development.

A number of concerns raised include impact on property value, and the impact on private views, these are not material planning considerations and therefore have not affected the decision.

The impact on residential amenity, highway safety, utilities, ecology, landscape, and heritage assets have all been addressed within the report, as has the procedure for the application. In this instance all these matters have been considered and either found to be acceptable or amendments/mitigation can be secured by condition and further in the reserved matters application.

## **S106 Legal Agreement**

A key element of any 'enabling development scheme' is ensuring there is a robust mechanism in place to ensure that any funds raised are appropriately targeted to the heritage benefits scheme and not towards any other elements. In this instance a section 106 agreement attached to the permission would ensure a schedule of works is agreed and funding is released solely for the works required to convert Doddington Hall and associated buildings into a Hotel and Spa facility.

The applicant, and the Council legal team are currently drafting a S106 agreement for the above site. The legal agreement will require the applicant to open a separate bank account for the proceeds of the sale/charging of the sites, that the Council will receive all the statements from the bank account to enable a check to be made of the money in it. Furthermore, a bond will be required to cover the amount of the works (£9.2 million) to ensure the heritage works are secured, should the contents of the bank account not be spent on what is required.

In terms of the sale/charging of land, the Council has access to the details of those, and is therefore able to check the amount of money raised by the sites. Through the s106 it is agreed and set out which works are priority works, by schedules contained within the legal agreement, and the agreement sets out what certain works are to be undertaken and by when.

This ensures that the funding raised from the land sales/charging of the sites granted permission is solely used for the specific heritage works detailed in the Schedules at the specific time. All other works to convert the building and extensions to create the Spar and Hotel shall be carried out with other funding revenues following the completion of the heritage works.

These provisions ensure that certain described works have to take place before other works/or in tandem to other works and as such the Council can control the enabling development, to ensure that the heritage assets are safeguarded alongside or before the development of the hotel, and in all likelihood before the construction of the houses.

It is also recommended that the agreement should include provision to ensure that as original landowner, the Doddington Estate has design control through the land sale process to help ensure that new development is of a high quality and delivers the requirements of the design code.

While well below the standard required across the 12 sites, sites 2, 8, 13 and 14 have some open space land included within them. It is considered appropriate that these areas are

maintained into the future. As such for sites 2, 8, 13 and 14 it is also suggested that a management plan is submitted for the individual areas of open space, and the maintenance of those areas of open space by the properties (through a management company) to be built out on that site is secured through the s106 agreement.

### **CIL Regulations Statement**

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 S111 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 is a departure from the development plan, and therefore to make the development acceptable in planning terms a legal agreement is necessary to secure the funding raised from the housing development is directly linked to the specific heritage works (to be detailed in the legal agreement) to be carried out to Doddington Hall, Stables, Star Barn and Delves Castle which enable them to be removed from the Heritage at risk register. This is considered to be necessary and fair and reasonable in relation to the development.

The design of the development is important to this proposal, and the landowner can ensure through the transfer of the land that design principles established in this application are complied with, which is linked to the funding raised from the housing development and as such this requirement is necessary, fair and reasonable in relation to the development.

The minimal open space being provided needs to be maintained into the future, and as such is necessary, fair and reasonable in relation to this development.

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

### **Planning Balance**

The proposal seeks permission for 102no dwellings over 12no sites within the Doddington Hall Estate. The development would result in a loss of 12no. parcels of land within the Open Countryside contrary to Policy PG 6 of the Cheshire East Local Plan Strategy. The Council can demonstrate a 5 year housing land supply and therefore proposal for development should be determined in accordance with the Development Plan unless other material circumstances outweigh the objection in Principle.

The NPPF outlines that 'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.' (para 140)

The proposed development is seeking an exception to the normal planning tests in the Open Countryside, to 'enable' the renovation and conversion of the Grade I listed Doddington Hall, Grade II listed Stables and conserve the Grade II\* Star Barns and Grade I Delves Tower (Castle) to enable

the site to be taken off the Historic England's 'At Risk' List and enable a viable future use of the site as a Boutique Hotel and Spa.

There is a clear need for some form of urgent intervention to take place on the site in the very near future, as a number of the buildings are at a critical stage, which if not addressed soon could lead to their loss.

The development for 102no dwellings across 12 sites, would provide benefits in terms of delivery of housing in the rural area, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the local area, and the future impact on tourism in the area. Furthermore, a significant benefit of providing funds to ensure 4no. buildings on the Historic England 'At Risk' register are renovated, and put into a viable future use, protecting them for the foreseeable future. The development also includes community benefits such as an extended car park for the Primary School, improved pedestrian access to the school from the adjacent sites.

The development would have a small to neutral impact upon ecology, trees, highway safety, neighbouring amenity, flood risk/drainage, land contamination, heritage assets and the landscape impacts, all of which any issues can be addressed with either slight amendments to the layout plans or by conditions/addressed at the detailed reserved matters stage.

The adverse impacts of the development would be the loss of open countryside in unsustainable locations, the loss of small areas of Best and Most Versatile Land and lack of mitigation for the residential development in terms of Education contribution, affordable housing provision and sufficient Public Open Space with Children's Play equipment.

While very much on balance, in this instance it is considered that the material considerations in respect of the support and future retention of historic buildings at risk do provide sufficient benefits to overcome the normal presumption against residential development in the open countryside. Therefore subject to a legal agreement the proposal is recommended for approval.

**RECOMMENDATION - Approve subject to legal agreement and with the following conditions, and referral to the Secretary of State**

### **HEADS of TERMS**

- 1. Enabling Development Scheme to link applications 14/5654N and 14/5656N with 16/5719N**
  - **Applicant will open a separate bank account, with statements from the bank account being sent to the Council for transparency,**
  - **The Applicant will enter into a bond to cover the amount of the works.**
  - **The Council has access to the details of the sale/charging of land to check the amount of money raised by the sites,**
  - **Applicant to agree a Schedule of works in priority order, when the works are to be undertaken and by when.**
  - **A technical specification of proposed works for each of these main work areas shall be submitted an approved**
- 2. Design Code**

**3. Management Plan for the Open Space on sites 2, 8, 13 and 14 and their future maintenance**

**and with the following conditions**

- 1. Phased Reserved matters to include details of – Appearance, Landscaping and Scale**
- 2. The first application for reserved matters must be made not later than 5 years from the date of permission**
- 3. Development shall be implemented within 15 years of the outline permission or the expiry of 5 years of the final approval of reserved matters**
- 4. Approved plans**
- 5. Design code**
- 6. All dwellings will be a maximum of Two storey**
- 7. Removal of PD**
- 8. All residential development will be situated within Flood Zone 1 and finished floor levels a minimum of 600 mm above the adjacent 1 in 100 annual probability climate change fluvial flood level, also a minimum of 0.15 m above adjacent ground levels.**
- 9. If within 5 years of the date of the planting of any tree/hedge plant or any tree/hedge plant planted in replacement of it, is removed, uprooted or destroyed or dies – replacement required**
- 10. Electric Vehicle Infrastructure for each dwelling**
- 11. Foul and surface water shall be drained separately**
- 12. Within 6 months of the development on site 4 being completed, a scheme for the removal of the temporary road, and replacement with a path shall be submitted to and approved in writing**
- 13. Prior to the first occupation of 51<sup>st</sup> dwelling, the car park on site 6 shall be implemented and available for use by Bridgemere C of E Primary School**

**Each reserved matters application**

- 14. Each reserved matters application shall include details of external lighting**
- 15. Each Reserved Matters application will include a landscape management plan, covering landscape and habitat mitigation areas for 20 years from implantation**
- 16. Each reserved matter shall include an updated be supported by an updated Arboricultural Impact Assessment and Tree Protection Scheme/Method Statement**
- 17. Each Reserved matters application shall include a scheme of landscaping, in accordance with the Residential Sites Design Code and Landscape and Visual Appraisal**
- 18. Each reserved matters application shall include detailed design, implementation, maintenance and management of a surface water drainage scheme**
- 19. Each reserved matter application shall include detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge accompanied by relevant calculations)**
- 20. Each reserved matters application shall include an updated protected species assessment and mitigation strategy**
- 21. Unexpected Contaminated Land**
- 22. Soil importation – contaminated land**

**Site Specific Conditions**

- 23. The reserved matters applications for sites 8 and 10, require additional landscaping mitigation**
- 24. The reserved matters applications for sites 9 and 10 shall include supported by a drainage strategy formulated to safeguard the hydrology of nearby peatland sites.**
- 25. Reserved matters application for sites 13 and 14 shall include proposals for the management of Threepers Drumble in perpetuity.**
- 26. The reserved matters scheme for site 6 shall include an amended parking layout in accordance with the current Highway standards**

**Prior to the commencement**

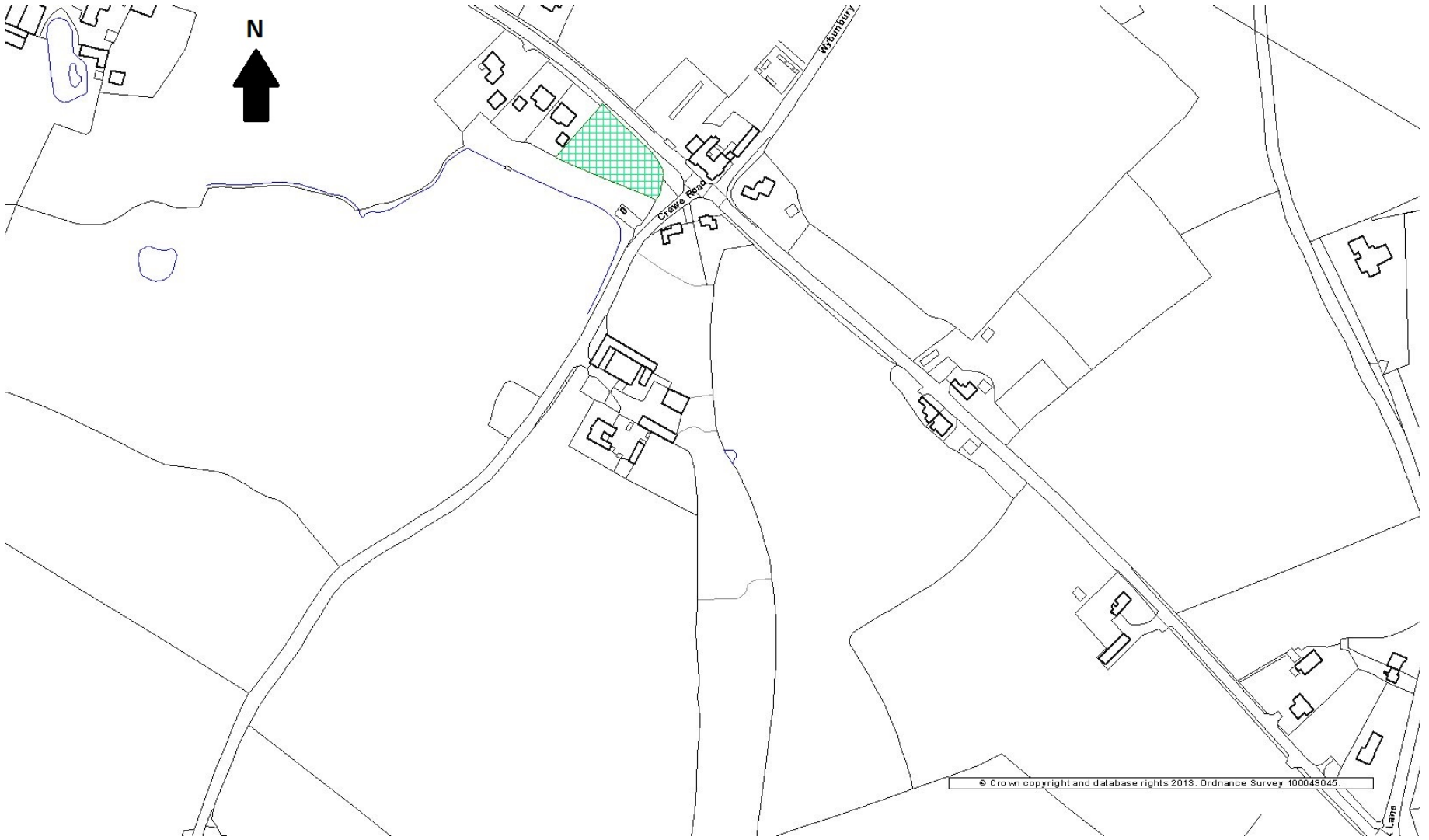
- 27. Prior to the commencement of development, a Public Rights of Way scheme of management shall be submitted to and approved in writing**
- 28. Prior to the commencement of development of each site, dust control measures**
- 29. Prior to the commencement of each site, details of piling foundations shall be submitted to and approved in writing**
- 30. Prior to the commencement of development of Sites 2, 3, 4, 8, 10, 12, 13 & 14 – Phase II Contaminated Land Report**
- 31. No development shall take place on Sites 1, 4, 8, 10 and 14 until 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.**

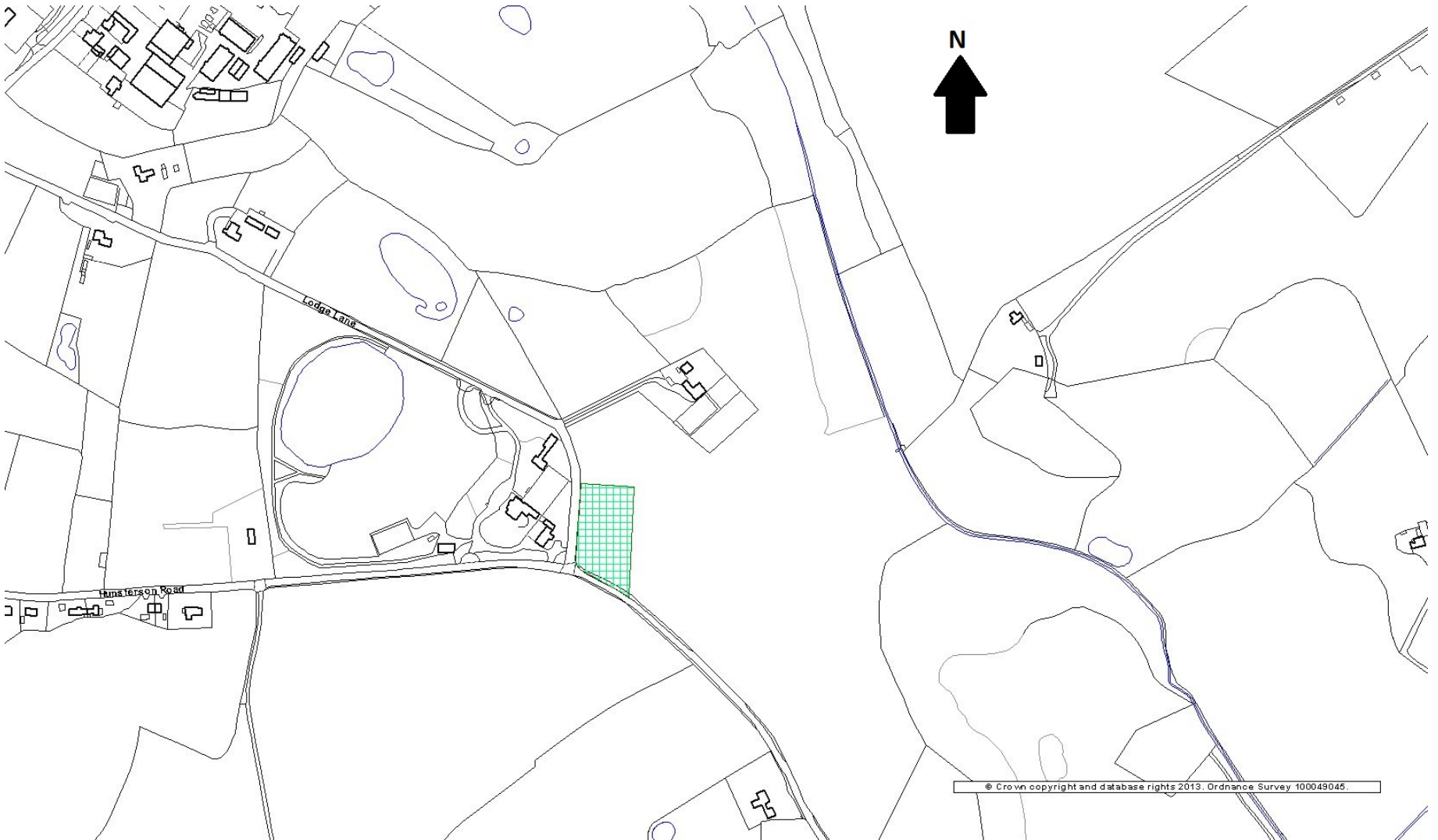
**Prior to first occupation**

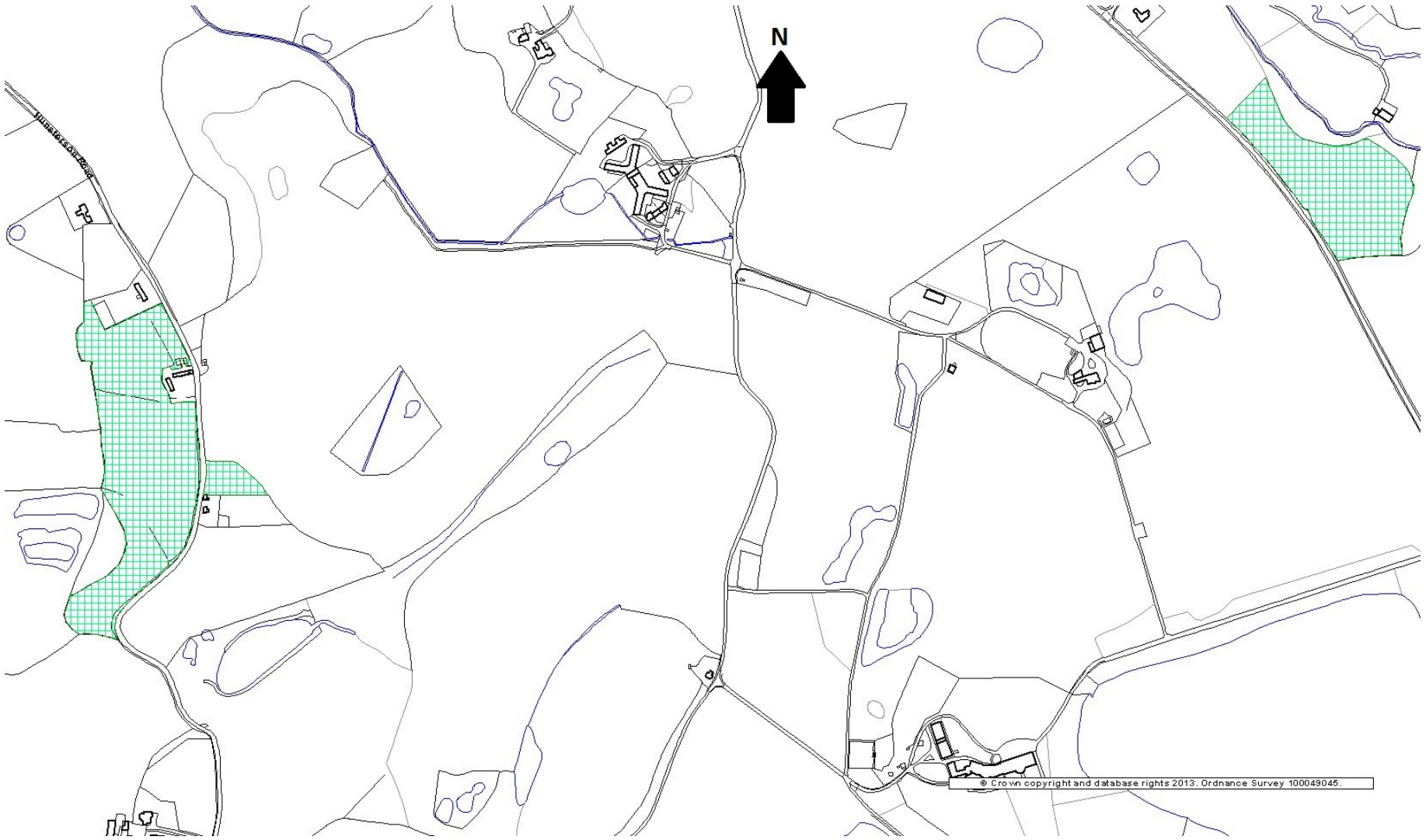
- 32. Prior to first occupation of each site, Residents' Travel Information Pack shall be submitted to and agreed in writing**
- 33. Prior to first occupation of each site, the noise mitigation approved shall be implemented**
- 34. Prior to the first occupation Sites 2, 3, 4, 8, 10, 12, 13 & 14 – Remedial scheme and validation report (contaminated land)**

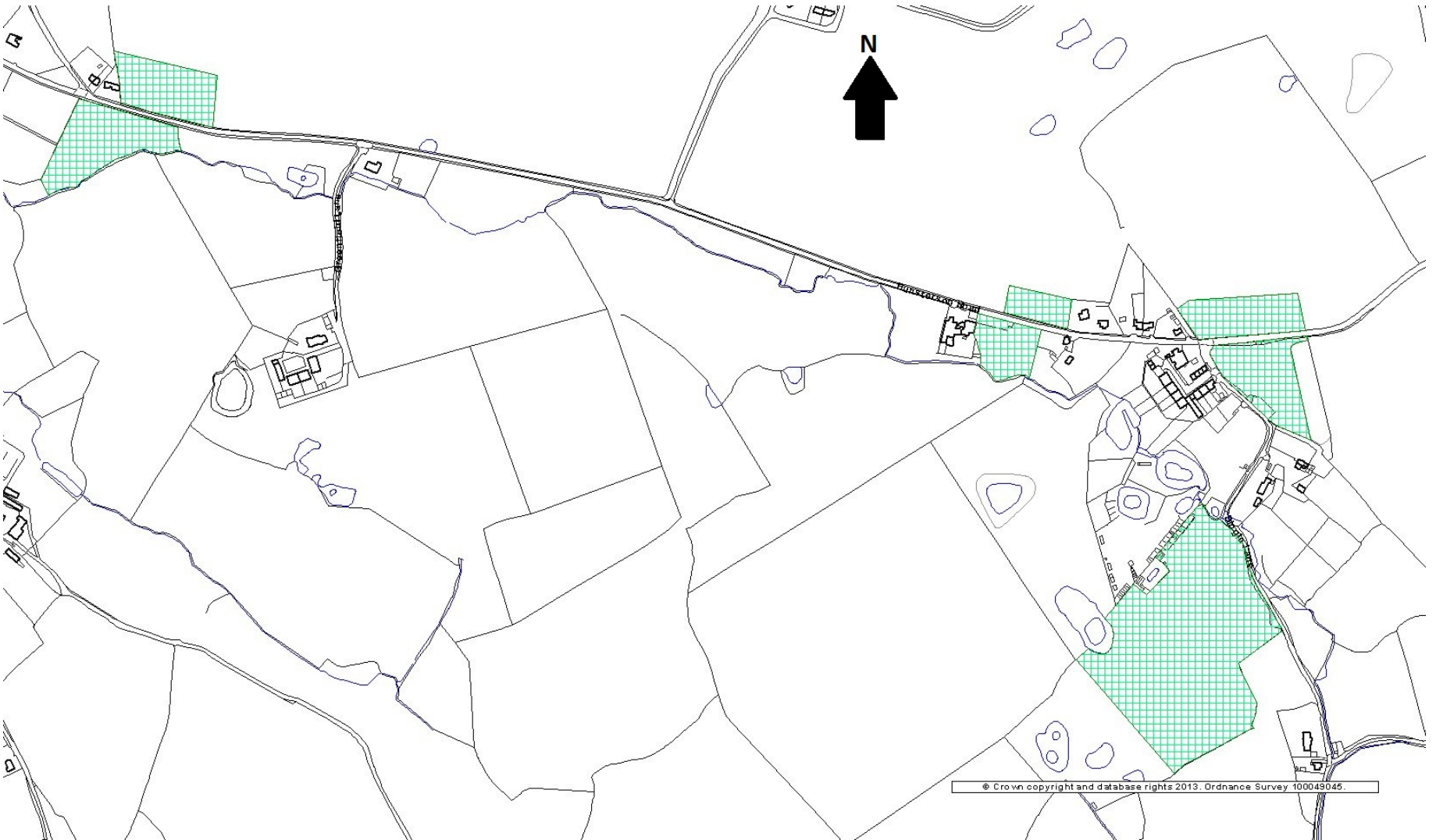
**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in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

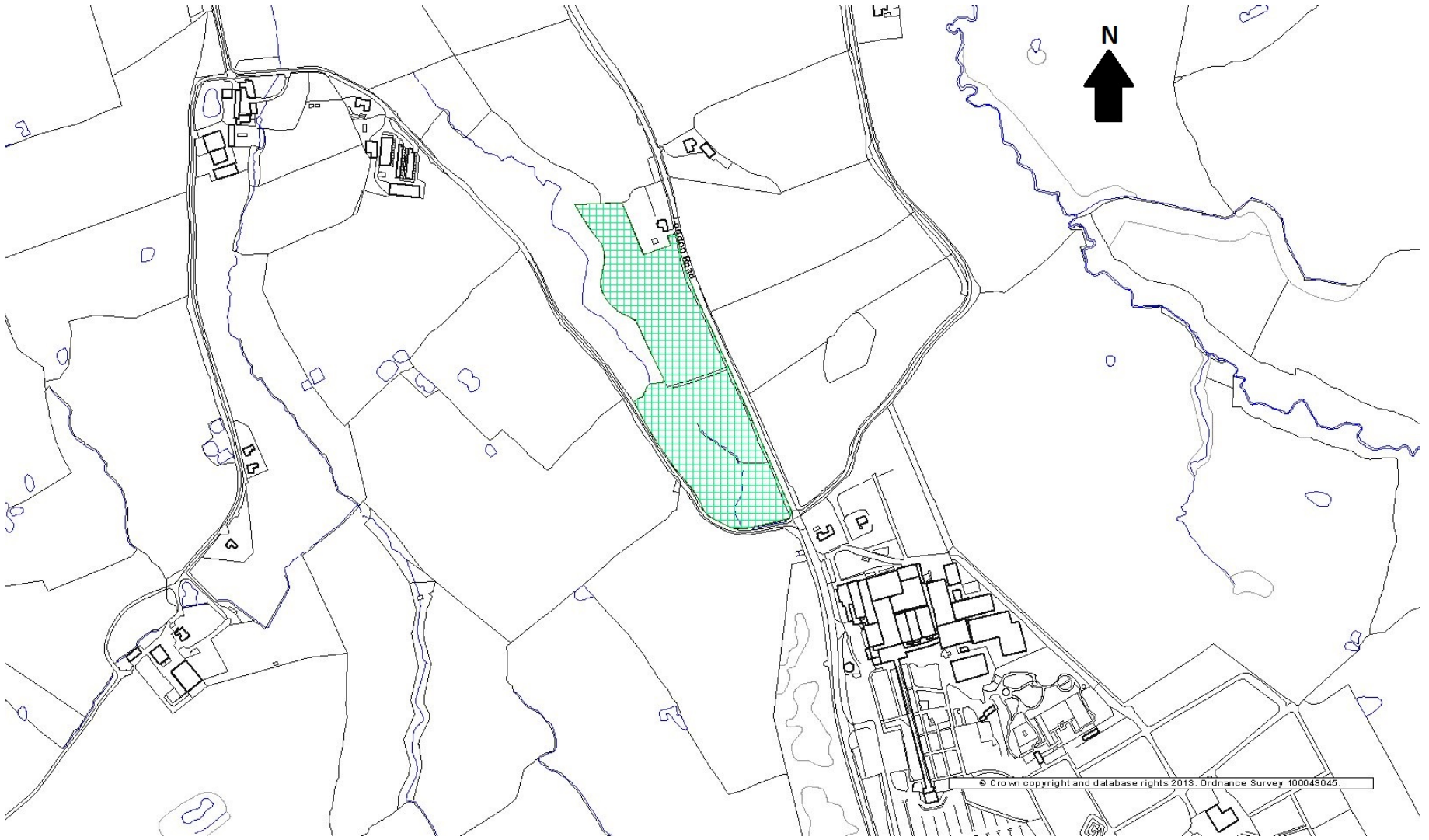
**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.**











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Application No: 17/0539N

Location: Land Rear Of, CHEERBROOK ROAD, WILLASTON

Proposal: Reserved matters application following outline approval 14/5825N - Outline application for residential development for up to 100 dwellings with access and associated works

Applicant: ., Wainhomes (North West) Ltd

Expiry Date: 01-Sep-2017

### **SUMMARY**

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

The development will not have a detrimental impact upon residential amenity, it 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 impact upon infrastructure would be neutral.

In terms of the POS and play space provision this is considered to be acceptable and would be a benefit to this scheme.

The proposed landscaping scheme is acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation (conditions 9-11 on the outline consent).

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout and parking provision is considered to be acceptable.

The design/layout of the development is considered to be acceptable and has been subject to negotiation with the developer. The design/layout is considered to comply with the Design Guide SPD.

There is no objection to this development in terms of the impact upon the trees on the site.

The development of the site would provide a number of economic benefits in the residential use of the site.

The proposed development is in accordance with the development plan and as such the NPPF recommends that the development should be approved without delay.

**RECOMMENDATION**  
**APPROVE with conditions**

## **PROPOSAL**

This is a reserved matters application for 100 dwellings. Access was approved as part of outline application 14/5825N which was allowed at appeal and would be taken via Illidge Close onto Cheerbrook Road to the south of the site.

This application seeks approval for the appearance, landscaping, scale and layout of the development.

The development of this site includes the provision of 30% affordable housing and a LEAP.

## **SITE DESCRIPTION**

The site of the proposed development extends to 4.4 hectares and is located to the north of Cheerbrook Road, to the west of an existing area of open space and to the south of the Crewe-Nantwich Railway line. To the south-east of the site are residential properties which front The Fields. To the south of the site is a recently constructed group of residential properties located on Illidge Close.

There are a number of trees and lengths of hedgerow to the site boundaries. Four of the trees located to the boundaries of the site are subject to TPO protection (1 tree to the north-east corner and 3 trees to the south-west corner).

## **RELEVANT HISTORY**

17/3360N - Variation of legal agreement relating to 14/5825N - Outline application for residential development for up to 100 dwellings with access and associated works – S106 Modified 15<sup>th</sup> September 2017

17/0965N - Erection of one dwelling (Plot 7 – Phase 1) – Approved 7<sup>th</sup> April 2017

16/1329N - Outline application for residential development for up to 100 dwellings with access and associated works (Resubmission of 14/5825N) – Withdrawn 8<sup>th</sup> December 2016

14/5825N - Outline application for residential development for up to 100 dwellings with access and associated works – Refused 16<sup>th</sup> April 2015 – Appeal Lodged – Appeal Allowed 7<sup>th</sup> September 2016

14/5837N - Variation of Condition 2 (Plans) on Application 13/3762N - Construction of 21 two-storey residential dwellings, new shared access and associated works (Resubmission 13/0641N) – Application has a resolution to approve subject to the completion of a S106 Agreement

14/4423N - Non Material Amendment to Approved application 13/3762N – Approved 2<sup>nd</sup> October 2014

13/0641N - Construction of 21 two-storey residential dwellings, new shared access and associated works – Refused 7<sup>th</sup> May 2013 – Appeal Lodged – Appeal Withdrawn

10/4452N - Extension to Time Limit - P07/1435 - To increase Basement Area of Dwelling – Approved 22<sup>nd</sup> December 2010

P07/1435 - Resubmission to Increase Basement Area of Dwelling Approved Under Application No P07/0832 – Approved 12<sup>th</sup> December 2007

P07/1407 - Additional Vehicular Access – Refused 10<sup>th</sup> December 2007

P07/0832 - Replacement Dwelling – Approved 10<sup>th</sup> August 2007

P06/1376 - Replacement Dwelling – Withdrawn – 12<sup>th</sup> January 2007

P05/1628 - Demolition of Existing Bungalow and Garage and Erection of Replacement Dwelling – Refused 31<sup>st</sup> January 2007 – Appeal Lodged – Appeal Dismissed

### **NATIONAL & LOCAL POLICY**

#### **Cheshire East Local Plan Strategy (CELPS)**

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 - 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 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

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

The relevant Saved Policies are:

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Willaston Neighbourhood Plan**

In this case the Willaston Neighbourhood Plan has reached Regulation 17 stage and the relevant Policies are relevant to this application

GG1 – Green Gap

H1 – Scale of Housing Development

H2 – Affordable Housing, Starter Homes and Low Cost Market Housing to meet Local Housing Needs

H3 – Tenure Mix

H4 – Settlement Boundary

H5 – Car Parking on New Development

D2 – Environmental Sustainability of buildings and adapting to climate change

D4 – Design of New Housing

LE2 – Landscape Quality, Countryside and Open Views

LE4 – Woodland, Trees, Hedgerows, Walls Boundary Treatment and Paving

TP1 – Footpaths, Cycleways and Public Rights of Way

TP2 – Traffic Congestion

TP3 – Improving Air Quality

TP4 – Walkable Neighbourhoods

TP5 – Bus Services

TP6 – Cycle Parking

TP7 – Identification of Underground Utility Assets

C2 – Provide for the sports needs of residents

C3 – Community Facilities

C5 – Contributions to Community Infrastructure

### **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

### **Supplementary Planning Documents**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Cheshire East Design Guide

### CONSULTATIONS

**CEC Strategic Housing Manager:** No objection.

**CEC Flood Risk Manager:** No comments received.

**Network Rail:** The revised site plan states that there will be a 2m high acoustic fence on varying height wall to give 5m above tracks. No proposal should increase Network Rail's liability. This will mean that there will be works to alter the ground levels adjacent to the railway boundary as well as a 2m high acoustic fence. At this stage we cannot the proposal until the developer has provided the following information to Network Rail;

- Wind loading and foundation details to be agreed with Network Rail
- Details of the excavation works to be agreed with Network Rail
- The applicant will need to sign a Basic Asset Protection Agreement (BAPA) to facilitate the proposed works
- Details of loading adjacent to the railway boundary
- The applicant will also need to assess if the works impact upon any drainage on the section of land they are proposing to construct the retaining wall on and how will the wall and fence be maintained in future

The land falls away from the railway boundary and therefore there is a concern that the retaining wall and the acoustic fence works could impact upon the safe operation of the railway unless agreed to and supervised by Network Rail.

The applicant should contact Network Rail Asset Protection and discuss this matter. Once they have agreed to the works and a BAPA is set up then NR Town Planning would have no further comments.

**Strategic Highways Manager:** No objections subject to the imposition of planning conditions.

**United Utilities:** A 24" trunk main crosses the site. United Utilities need access for operating and maintaining it, we will not permit development in close proximity to the main. The development will need an access strip of no less than 10 metres, measuring at least 5 metres either side of the centre line of the pipe.

**CEC Environmental Health:** Conditions suggested relating to environment management plan, construction hours, dust mitigation, noise mitigation, travel plan, and electrical vehicle infrastructure.

**Ansa (Public Open Space):** No comments received at the time of writing this report.

**CEC Countryside Access Team:** The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of

a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site.

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

### **VIEWS OF THE PARISH COUNCIL**

**Willaston Parish Council:** The Parish Council make the following comments;

- The adjacent playing field is Parish Council land and the Council is not prepared to see open access over this land due to concerns that it would lead to a re-occurrence of anti-social behaviour. The gates to the playing field are currently closed at dusk every evening following previous anti-social behaviour causing concern to surrounding residents. Therefore a revised travel plan is required based upon there being no access through the playing field into the village.
- The working hours on site should be restricted to 08:30 to 17:00 Monday to Friday and 09:00 to 14:00 on Saturdays.
- There are concerns about the bounce back effect of the proposed noise mitigation barrier along the railway line and the increased noise levels which this could cause to the existing properties on Park Road and Beech Tree Close.
- The current access road to the site was originally designed for the phase one development of just 21 houses and is very narrow. The Parish Council are already seeing construction vehicles cutting across the front gardens of adjacent houses on Cheerbrook Road and would strongly propose that the access needs to be widened.
- There are concerns about who will pick up responsibility for the ongoing maintenance of the LEAP and open spaces once the development is completed and the developers have left. This council would like to see some kind of bond from the management company to cover the likely costs over at least the following ten years.

**Stapeley & District Parish Council:** No comments received

### **REPRESENTATIONS**

Letters of objection have been received from 31 local households raising the following points:

#### Principal of development

- Willaston has already seen a large amount of development
- Willaston will no longer be a village
- Lack of employment
- Loss of Green Belt
- A public footpath runs through the site
- No decision should be made on this application until there is the outcome of the Supreme Court decision at Moorfields, Willaston
- There is no need for more housing in Willaston
- Brownfield sites should be used first
- The comments made on the original application were ignored
- Impact upon the Green Gap
- Allowing this development could result in future phases of development
- Erosion of the gap between Willaston and Nantwich

### Highways

- Adverse impacts caused by increased traffic
- Difficult to access the 'Peacock' and 'Cheerbrook' roundabouts
- Wistaston Road is very narrow and is used for rat running
- Lack of parking within Willaston
- Traffic problems will be worse when school buses are cancelled
- The existing highway network is in a poor state of repair
- Increased traffic will cause a danger to pedestrians/school children
- The access via Illidge Close is narrow with poor visibility
- Cheerbrook Road is too narrow
- Large vehicles have to use a private drive to turn into Illidge Close
- The access has created a crossroads
- Drainage problems on part of the highway
- The S106 contributions towards the peacock roundabout will not be sufficient to mitigate the impact of this development
- Concern that it will not be possible for refuse collection vehicles and emergency services to access this site

### Green Issues

- The fields are valued by the local community by dog walkers and families
- Loss of the fields would impact upon community health and well being
- The site is abundant with wildlife
- The site includes a number of mature trees
- Impact upon wildlife

### Infrastructure

- The development of the site could lead to localised flooding issues
- Impact upon education provision
- Cheshire East schools are going to have a significant funding cut which will result in the loss of teaching staff
- The doctors surgery is full
- Sewage infrastructure is at capacity
- Drainage infrastructure is at capacity
- Dentists in the locality are full

### Design Issues

- The acoustic wall to the railway will be an eye saw

### Amenity Issues

- The acoustic wall will reflect the railway sound back towards the existing residential properties to the northern side of the railway
- The proposed block of flats would be overly tall
- The proposed flats would impact upon privacy
- Increased air pollution
- Concern that land levels will be raised on this site
- Increased noise pollution
- The acoustic fencing is not required
- The properties to the north of the site are set at a much lower level

- Loss of privacy/overlooking
- Acoustic fencing should be installed on both sides of the railway
- Noise and disturbance caused during the construction phase of the development

### Other Issues

- Loss of agricultural land
- Lack of notification of this planning application

## **APPRAISAL**

### **Principle of Development**

The principle of residential development and the point of access has already been accepted following the approval of the outline application 14/5825N which was allowed at appeal.

The site was formerly part of the Green Gap but has now been removed from this designation as part of PG5 (Strategic Green Gaps) of the CELPS.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Housing Mix**

Paragraph 50 of the Framework sets out that Council's should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 6 x one bed units
- 6 x two bed units
- 26 x three bed units
- 47 x four bed units
- 15 x five bed units

In terms of provision for elderly residents the development would provide 6 ground floor flats (three x 1 bed and three x two bed) which would provide level access for the future occupiers.

Clearly there is a larger number of four and five bedroom units proposed as part of this application. In relation to this issue the applicant has stated that the 4 and 5 bed units vary in size from 1,200 square foot to around 2,700 square foot and consequently they vary in price (c.£250k – c.£470K). This can be seen in the table below;

No. proposed	House types	No. of bedrooms	Approximate floor area (square foot)	Indicative price range
15	Scott and Newton	4	1,200	£250k to £260k
18	Haversham and Shakespeare	4	1,350	£280 to £285k
14	Oxford, Whitemoor Eaton	4	1,500	£310k to £315k
13	Cavendish and Montgomery	5	1,700	£350k to £360k
2	Richmond and Raleigh	5	2,100 to 2,700	£460k to £470k

In terms of house prices within Willaston information from Rightmove dated September 2017 states that;

*‘The majority of sales in Willaston during the last year were detached properties, selling for an average price of £339,075. Terraced properties sold for an average of £136,007, with semi-detached properties fetching £199,282.*

*Willaston, with an overall average price of £234,371, was similar in terms of sold prices to nearby Nantwich (£232,985), but was more expensive than Wistaston (£194,486) and Shavington (£190,067)’*

From the above it is clear that the proposed dwellings which are proposed are within a price range which would appear consistent with the existing price range identified by Rightmove. The wording of Policy SC4 states that *‘New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities’* and it is clear that the development meets this requirement as it would provide housing ranging from 1-5 bed units.

### **Affordable Housing**

The S106 attached to the outline consent requires 30% affordable housing provision on this site with a tenure split of 65% social/affordable rent and 35% intermediate tenure.

This proposed development of 100 dwellings generates a requirement for 30 affordable dwellings. The Strategic Housing Market Assessment (SHMA) 2013 shows the majority of the demand in Crewe for the next 5 years is for 50 x one bedroom, 149 x three bedroom, 37 x four bedroom dwellings and 12 x one bedroom and 20 x two bedroom dwellings for Older Persons.

The majority of the demand on Cheshire Homechoice in Willaston is for 6 x one bedroom, 8 x two bedroom, 10 x three bedroom and 4 x four bedroom dwellings. In this case the developer would provide 20 units as Affordable Rent (6 x one bed units, 6 x two bed units and 8 x three bed units) and 10 units as Intermediate tenure (all three bed units).

The Councils Strategic Housing Officer has confirmed that the amended plans will now meet with the local affordable housing need in this location. Furthermore the location of the affordable housing has now been pepper-potted across the site within 5 areas.

As a result the proposed development complies with Policy SC5 which requires that affordable homes must be of a tenure, size and type to meet identified housing need, that affordable homes are

dispersed throughout the site, that the market and affordable homes are undistinguishable and achieve the same design quality.

### **Public Open Space**

Based on a development of 100 dwellings there would be a requirement for 4,500sq.m of open space on this site. This would be easily provided within the site in three pockets; on the eastern boundary, to the south-east corner and to the western boundary which measure 7,100sq.m.

The original S106 required the provision of an 8 piece NEAP on the site. In this case the developer was unable to provide the required off-set distances to the NEAP. In order to address this issue the applicant proposed that they would provide a LEAP and make a commuted payment of £35,000 to provide replacement equipment on the adjacent Parish Council owned play area. This was agreed as part of application 17/3360N and a Deed of Variation to the S106 was signed on 15<sup>th</sup> September 2017.

On this basis the development is acceptable in terms of its POS and play space provision.

In terms of the management of the POS and play area this is to be dealt with by a management company which was agreed as part of the S106 Agreement as part of the outline application which was allowed at appeal.

The open space provision on the site would comply with Policy SE6 of the CELPS which seeks to strengthen the contribution that sport, playing fields, open space and recreation facilities make through the adequate provision of open space, secure new provision to help address identified shortages, to secure the appropriate location of open space facilities and to promote linkages between new development and the surrounding recreational networks, communities and facilities.

### **Education**

The impact upon education provision was considered at the outline stage and the S106 Agreement for the appeal application includes a contribution of £45,500 towards Special Educational Needs provision.

### **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. In this case there was no requirement for any contribution towards health contribution at the outline stage. This cannot be reconsidered at the reserved matters stage.

### **Residential Amenity**

In terms of the surrounding residential properties, the properties to the north are located to the opposite side of the railway, to the east they are located to the opposite side of an area of open space, the dwellings to the south front Cheerbrook Road, Illidge Close and The Fields.

In terms of the appearance and visual impact of the noise mitigation fencing the heights were provided at the outline stage (as discussed below) and in relation to the visual impact the inspector found at paragraph 20 that;

*'Therefore whilst there would be a noticeable change in the character and appearance of the appeal site, having regard to the surrounding residential development, including that to the north of the railway line, and the relatively contained nature of the appeal site, I consider that the proposal would not significantly harm the visual character of the landscape when viewed from the playing fields'*

To the north of the site the nearest proposed dwellings are those which front Beech Tree Close. In this case there would be a separation distance of 45m between the proposed dwellings and the dwellings on Beech Tree Close (to the dwellings on Park Road the closest separation distance would be 56m). In this case there would be an intervening railway line and the section drawing shows that the existing and proposed dwellings would have a similar slab level. It is considered that the proposed development would not have a detrimental impact upon the dwellings to the north of the site.

To the dwellings on the Fields there would be intervening open space and a separation distance of 40m. It is considered that the proposed development would not have a detrimental impact upon the dwellings fronting The Fields.

The separation distances to the dwellings on Cheerbrook Road are acceptable given the long separation distances to these dwellings. It is also considered that adequate separation distance would be provided to the dwellings fronting Illidge Close (Phase 1 of the development).

The Environmental Health Officer has requested conditions relating to environment management plan and construction hours. These matters are covered by Condition 12 attached to the outline consent.

As a result the proposed development complies with Policy BE.1 (Amenity) and the SPD titled 'Development on Backland and Gardens'.

## **Noise**

A number of objections submitted as part of this application raise concerns over the impact of the proposed acoustic fencing that will be installed along the northern boundary of the site to screen the development from the adjacent railway line. The submitted plan states that an acoustic fence will be provided along the northern boundary of the site and that the height would vary from 2m when viewed from the application site to 2.2m-4.7m when viewed from the railway (including a retaining wall) to give a height of 5 metres above the tracks of the railway line.

In this case the noise mitigation is the subject of condition 15 attached to the outline consent which states as follows;

*'No development shall commence until a noise mitigation scheme for protecting the proposed dwellings from rail traffic noise in accordance with the recommendations of the Martec Environmental Consultants Noise Assessment, dated December 2014 has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any dwellings to which they relate are occupied'*

The Martec Environmental Consultants Noise Assessment (dated December 2014) as referred to within the condition above was submitted as part of the outline application and makes the following recommendation;

*'If it is desired to control garden noise levels, an acoustic barrier should be erected along the boundary of the site with the railway; its top/crest should be 5m above the height of the nearest section of railway; the height of the top/crest will vary above local ground height. The barrier should "return" along the western and eastern boundaries by say 20m. This barrier could be any combination of fence, walls or mound to achieve the specified height'*

The assessment also makes recommendations for the mitigation of noise with the first floor windows of the bedrooms facing the railway line being upgraded to thermal glazing of the form 10mm glass/12mm air/6mm glass and Greenwood MA3051 Acoustic Wall Vent or similar and approved. The ground floor habitable rooms of the same dwellings can be mitigated to the levels specified in BS8233:2014 using standard thermal glazing and trickle vents using an indirect air path.

In this case the exact details of the noise mitigation will be determined as part of a future application to discharge condition 15 attached to the outline consent. However it should be noted that the height of the fencing will need be in accordance with the details submitted as part of the Martec Environmental Consultants Noise Assessment (5m above the height of the nearest section of railway) and referred to within condition 15 attached to the outline consent.

A number of the letters of objection raise concerns that the proposed acoustic fence would result in the deflection of the noise back across the railway to the dwellings which front Beech Tree Close and Park Road. In relation to this issue the applicant has provided an updated Noise Assessment which states that;

*'It is understood that concern has been expressed over the possible effects of railway noise being reflected back over the railway line towards the existing properties; however, the maximum effect of the reflection is 1.5dBA; given that the least discernible difference in noise levels is generally considered to be 2 to 3dBA, and then only if the change occurs immediately, it is considered that any changes are unlikely to be noticed by the existing residents'*

As stated above the exact specification of the acoustic fencing will be agreed as part of condition 15 and there are numerous fence specifications which would absorb rather than deflecting sound. On this basis the Environmental Health Officer has confirmed that there is no objection in terms of noise deflection to the properties on the opposite side of the railway.

## **Vibration**

A vibration assessment was submitted as part of the outline application to consider the existing vibration levels from rail movements and their potential impacts for future residents on the proposed development. The monitoring indicated that levels are not such as to cause an adverse impact.

## **Air Quality**

The concerns raised in relation to air quality are noted. In this case the impact would be mitigated through the conditions attached to the outline consent; Condition 12 Environment Management Plan (including dust mitigation), Condition 13 Travel Plan and Condition 14 Electrical Vehicle Infrastructure. As a result there is no objection from the Environmental Health Officer in terms of the impact upon air quality.

## **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The issue of contaminated land is controlled through the imposition of condition 16 attached to the appeal decision.

### **Public Rights of Way**

There are no public footpaths crossing the site.

### **Highways**

The point of access and the traffic generation as part of this development were considered as part of the outline application. It should also be noted that the S106 Agreement attached to the outline consent includes bus pass provision in the form of a public transport voucher equivalent to the cost of three x 4 weekly Arriva bus passes.

Condition 17 attached to the outline approval requires that a scheme of improvements for the Peacock Roundabout shall be submitted and implemented in accordance with a timetable which is to be agreed.

The proposed internal road does not raise any material concerns regarding width and alignment subject to there being no raised tables within the design. The level of off-street parking provided for each of the units across the development accords with CEC standards as identified in Appendix C of the CELPS and is considered acceptable.

In this case it should be noted that both conditions requested by the Strategic Highways Manager in relation to the provision of the access prior to occupation and a Construction Management Plan are attached to the outline consent (Conditions 4 and 12) and there is no need to repeat the conditions on this reserved matters application.

### **Trees and Hedgerows**

The application is supported by a Tree Survey and Tree Protection Plan.

The original plans raised concerns in terms of the encroachment of the proposed development into the Root Protection Areas in terms of the proposed highway. The receipt of amended plans has addressed these concerns and this aspect is considered to be acceptable.

There are issues of spatial relationship and social proximity remain in respect of plot 63 and the adjacent mature Lime identified as T11. Whilst it is accepted that the adjacent property could be constructed without detrimentally impacting on the tree, providing protective fencing is maintained; there may be long term issues of light nuisance, and over bearing impact. This single tree shouldn't be considered as a reason for refusal.

The impact upon trees and hedgerows is considered to be acceptable and complies with Policy NE.5 of the C&NLP and SE5 of the CELPS. In particular SE5 states that the Council will seek to ensure the sustainable management of trees, woodland and hedgerows including the provision of new planting (including large trees) to provide local distinctiveness within the landscape and to support biodiversity.

## 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.”*

### Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development was considered by the Inspector who determined the appeal.

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The proposal only has a single point of vehicular access to the south and whilst this is rarely ideal given the nature of the site there are no other potential places for pedestrian/vehicular access. It was hoped that an access could be secured to the existing Parish Council owned play area to the east of the site. However the Parish Council have stated that they are not prepared to allow access from the application site.

Internally within the site vehicular movements have been improved through the provision of a central internal loop road with a reduction in the number of cul-de-sacs. Pedestrian connectivity is better with a pleasant footpath link from northeast to southwest through the open space and around the proposed play area. With regard to the edges and land uses around the site these are handled reasonably well with pedestrian access to the neighbouring open space via the new informal open space area to the eastern boundary.

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

This issue was considered as part of the outline application which was allowed at appeal. In this case the Inspector found that;

*‘The appeal site is accessible to local shops and services, including schools. Therefore having regard to public transport services in the area, including Nantwich Station, I conclude that the appeal site occupies an accessible location’*

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

Again this issue was considered as part of the outline application and the Inspectors comments above apply. The developer indicates that there are five bus stops within 10 minutes walking distance of the

site and whilst these distances have clearly been calculated from the closest part of the site there are a number of bus routes accessible within walkable distances. These routes provide services to Crewe, Nantwich and Chester where national rail can be accessed. The inclusion of public transport vouchers for each dwelling as a part of the S106 agreement will encourage occupants to use public transport.

### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

In terms of the affordable housing on site and as discussed above the development would provide 6 x one bed units, 6 x two bed units and 18 x 3 bed units. This meets housing need in both the SHMA and Cheshire Homechoice data.

In terms of the open market housing this is discussed above with reference to Policy SC4. It is considered that the proposed mix complies with Policy SC4.

### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

Willaston is identified as an example settlement within the Design SPD and is located within the Salt & Engineering Towns area and the design cues for this are include the following;

- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.
- All eras of architecture are found within the settlement character area •
- Existing landscape features should be retained on site to preserve the landscape character.

There is a variation of house-types adjoining the site. The majority are two-storey in height although there are some single-storey units in the area (to the west of the access onto Cheerbrook Road and dwellings fronting The Fields to the south east) and one two-and-a-half storey dwellings along Cheerbrook Road (to the east of the access). The age of the surrounding dwellings also varies with some larger period properties and more modern dwellings which appear to be set within relatively large plots along Cheerbrook Road. To the north (along Park Road and Beech Tree Close) and to the east (along Wybunbury Road) the dwellings are more closely grouped terrace and semi-detached units.

The surrounding dwellings largely have pitched roofs but there are some properties with hipped roofs located mainly along Wybunbury Road to the east. As a general rule the dwellings which surround the site are relatively simple in their design. The dwellings in the locality of the site include a number of design features such as projecting gables (some with timber infill details but the majority in brick), bay windows (single and two-storey), window header and sill details (stone, brick, arched and flat-stopped) and chimneys. The materials in the locality are largely red brick with slate and tiled roofs (largely blue with some red).

The proposed dwellings including the apartments would all be two-storeys in height apart from a single Raleigh House Type on Plot 64 which would be two-and-a-half storeys in height. Most of the proposed dwellings would have a gabled roof design apart from the Newton, Oxford and Eton house types (a total of 16 units) which would have a hipped roof. The roof heights vary across the development which would add some interest and most of the proposed house types include chimneys. The height variation across the proposed development is consistent with the wider locality in this part of Willaston and is considered to be acceptable.

Largely it is considered that the proposed development respects this character of the area. Many of the design cues within this location are incorporated into the development with a modern design. The development includes projecting gables (most with a timber and render infill which is a design cue referenced for Willaston within the design guide), window design includes bay windows at ground floor level, brick cill and arched header details (the design guide refers to arched detailing) brick banding and finial detailing (which is a feature which is prevalent on properties further north of the site along Wistaston Road).

The perimeter block type layout is at an appropriate density with corner turning houses providing active frontages and removing the requirement for prominent blank gables within the street-scene.

The proposed materials would be red brick with a grey tiled roof. This would match the first phase of the development and complies with the Cheshire East Design Guide.

### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The site is currently open farmland with no existing buildings with the retention of the majority of existing hedgerows and mature trees to the western edge of the site. It is also positive that the site appears to open up to the existing area of public open space to the eastern edge.

The only real concern is the relationship to the railway line to the north, the housing seems relatively close to the railway but any impact could be mitigated as per the Inspectors appeal decision.

### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The proposed dwellings are generally positioned well in a loose perimeter block layout, front doors face the street, blocks turn corners effectively in a variety of ways creating good passive surveillance and they do define the streets and spaces. Specifically the cluster of homes at the southern gateway to the site work well and the homes on plots 90-95, front the public open space and LEAP. The clusters of homes around the home-zone type courtyards are also sensibly located.

### Easy to find your way around

*Is the scheme designed to make it easy to find your way around?*

The layout is legible with a wide variety of house types and a varied and interesting layout including corner turning blocks and properly terminated views all of this will aid navigation around the proposed development.

### Streets for all

*Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?*

There is a clear hierarchy of streets with variations in materials and shared-space mews turnings. It can be seen that all streets are designed in such a way as to reduce vehicle speeds. There is a real potential for the streets to be used as social/play spaces, specifically the shared-space areas. Overall the streets are pedestrian and cycle friendly as well as being safe for vehicles.

### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

The level of off street parking is suitable and complies with the Councils standards. This is provided predominantly in curtilage on driveways to the front and side of homes and in small parking courts serving the two apartment blocks and the terraces of smaller two and three-bed houses. These parking courts are landscaped with short runs of adjacent bays which are located close to properties and are well overlooked.

### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The proposed development is adjacent to an existing area of public open space (although no access has been agreed with the Parish Council) that it opens up to with its own informal open space. In addition to this there is a 400m<sup>2</sup> LEAP located at the southern edge of the site. All areas of public open space are well overlooked and would feel safe. However, there is a question over the strip of open space to the west of the established hedgerow on the western boundary. With regard to private space, every house has a private but independently accessible rear garden that is clearly defined and most homes also have gardens to the front. The apartment blocks do not have dedicated communal gardens but they are both located in close proximity to public open space.

### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

All houses have adequately sized rear gardens with external access that are suitable for the storage of refuse and recycling bins as well as potentially cycles. The two apartment blocks have dedicated bin stores located close to the front doors. Many homes have garages, either internal or detached (the larger units have double garages).

### Design Conclusion

On the basis of the above assessment it is considered that the proposed development does score well and on this basis it is considered that the design of the development is acceptable and would comply with the Cheshire East Design Guide and Policy SE1 (Design) of the CELPS).

### **Landscape**

The wider impact upon the landscape and Green Gap was considered as part of the previous appeal decision on this site and the Inspector stated that;

*‘Overall, I conclude that whilst the proposal would erode the Green Gap, it would nevertheless comply with the objectives of policy NE.4 and would not significantly harm the visual character of the landscape’*

In this case the applicant has submitted a landscape scheme for the proposed development and this has been the subject of a number of revisions following concerns raised by the Councils Landscape Architect. The revised landscaping scheme is considered to be acceptable and would comply with Policies SE4 (The Landscape) and SE6 (Green Infrastructure). Policy SE4 requires that development should incorporate appropriate landscaping which reflects the character of the area, avoid the loss of habitats of significant landscape importance and protect/conservate the ecological qualities of an area.

### **Ecology**

#### Bats

Four trees on site were identified at the outline stage that had the potential to support roosting bats. Two of these trees are retained as part of the proposed development and one has already been felled. The final tree (referred to as T9 on the submitted tree survey) has been subject to a detailed survey which did not record any evidence of roosting bats. As a result the Councils Ecologist advises that roosting bats are not reasonable likely to be affected by the proposed development.

#### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site entrance. The Councils Ecologist advises that the submitted landscaping proposals should be amended to include the provision of native species hedgerow planting.

#### Provision for Nesting Birds

If planning permission is granted the Councils Ecologist has suggested the imposition of a condition to secure nesting bird mitigation measures on this site.

Therefore it is considered that the development complies with Policies NE.5 and NE.9 of the C&NLP and SE3 (Biodiversity and Geodiversity) of the CELPS. In particular SE3 requires that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

### **Flood Risk/Drainage**

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) was submitted as part of the outline application and judged to be acceptable at that stage by the Planning Inspector.

The Planning Inspector attached a condition to the outline consent relating to the disposal of surface water and stated within her decision that

*'A scheme for the disposal of surface water, in accordance with the principles within the submitted Flood Risk Assessment, is necessary in order to ensure that the proposed dwellings would not be at risk of flooding or increase the risk of flooding elsewhere'*

### **Agricultural Land Quality**

In this case the loss of BMV agricultural land was considered as part of the outline application on this site where the Inspector found that the loss would be relatively small and that it was not a determinative factor in the appeal.

### **Impact upon Railway Infrastructure**

As can be seen from the comments made by Network Rail there are potential concerns over the impact of the development upon the adjacent railway infrastructure and Network Rail have requested further information from the applicant. At the time of writing this report negotiations were continuing between the applicant and Network Rail and an update will be provided in relation to this issue.

### **Economic Benefits**

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

### **PLANNING BALANCE**

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development will not have a detrimental impact upon residential amenity, it 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 impact upon infrastructure would be neutral.

In terms of the POS and play space provision this is considered to be acceptable and would be a benefit to this scheme.

The proposed landscaping scheme is acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation (conditions 9-11 on the outline consent).

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout and parking provision is considered to be acceptable.

The design/layout of the development is considered to be acceptable and has been subject to negotiation with the developer. The design/layout is considered to comply with the Design Guide SPD.

There is no objection to this development in terms of the impact upon the trees on the site.

The development of the site would provide a number of economic benefits in the residential use of the site.

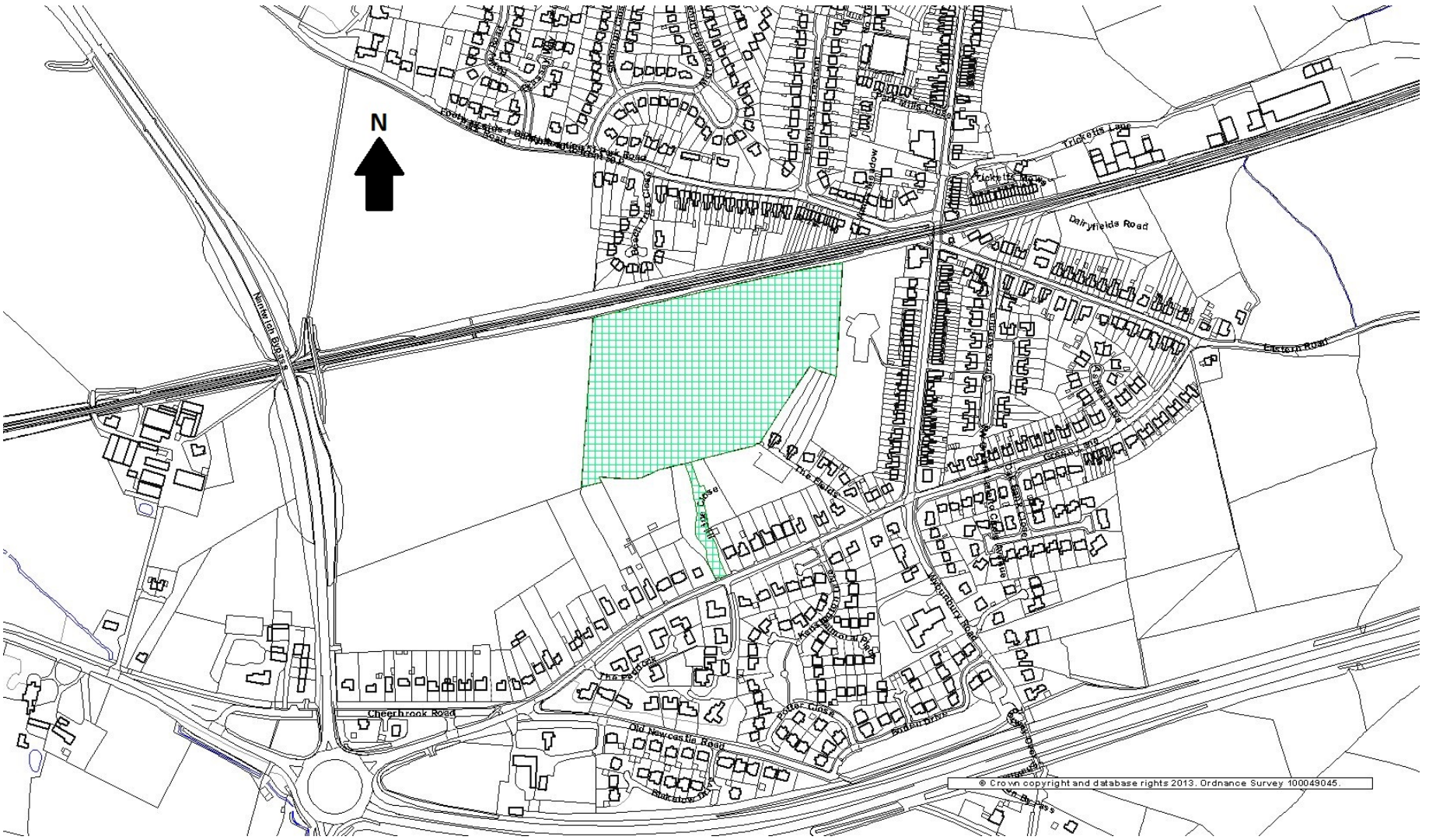
The proposed development is in accordance with the development plan and as such the NPPF recommends that the development should be approved without delay.

**RECOMMENDATION:**

**APPROVE subject to the following conditions;**

- 1. Approved Plans**
- 2. Materials to be submitted and agreed in writing**
- 3. Approved landscaping scheme to be implemented**
- 4. Prior to the commencement of development the developer shall submit details of the LEAP for approval in writing. The approved scheme shall be implemented prior to the first occupation of 50% of the dwellings on the site.**
- 5. A scheme of nesting bird mitigation measures to be submitted and approved**
- 6. A scheme of hard landscaping/surfacing to be submitted and approved**
- 7. A scheme of boundary treatment to be submitted and approved**
- 8. All arboricultural works shall be carried out in accordance with TBA Arboricultural Impact Assessment and Method Statement Phase 2 Rev B (Ref MG/4780/AIA&AMS/PHASE2/REVB/MAY17 and TBA Tree Protection Plan (Drawing No 4780.04 B) received by the Local Authority on the 19<sup>th</sup> May 2017**
- 9. Notwithstanding the approved plans – details of a gated maintenance access to the railway shall be submitted and approved**

**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 Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



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Application No: 17/3096N

Location: Land At, CREWE GREEN ROAD ROUNDABOUT, CREWE

Proposal: Redevelopment and extension of Crewe Green Roundabout to provide additional traffic lanes and improvements to pedestrian and cyclist facilities, landscaping and re-contouring of the roundabout, and ancillary works.

Applicant: Chris Hindle, Cheshire East Council

Expiry Date: 20-Sep-2017

## SUMMARY

The roundabout currently suffers acute congestion in peak hours, with users commonly experiencing delay times at the junction of 20 minutes or more at all arms of the roundabout due to the volume of traffic moving in and out of Crewe town centre. The Cheshire East Council Infrastructure Development Plan (IDP) sets out that '*Crewe Green Roundabout suffers from peak period delays*' and identifies improvements to the roundabout as a Category 1 Project, which is the category used to identify schemes for which there is greatest need .

Crewe Green Roundabout is a key gateway into Crewe, and improvements at the junction: '*will support the growth strategy whilst addressing existing traffic and access constraints*'. As well as helping reduce congestion in the local highway network, the proposed scheme is also an important part of allowing the Council to realize their development aspirations for the wider area.

During the construction period of the development there would be some disruption to local residents in terms of noise, and traffic diversions, through but this would be for a limited time only. The landscape impacts, in particular the loss of trees and hedges will have a longer term impact, but replacement planting will offset that in the medium term once the planting has established. Following the completion of the development there would be benefits in terms of improved traffic movement, improved pedestrian and cycle links.

The development would have a neutral impact in terms of ecology, flood risk/drainage, and air quality.

In this case the application is in accordance with appropriate planning policies within the development plan and is also considered to represent sustainable development.

## RECOMMENDATION

**Approve with conditions**

## **SITE DESCRIPTION**

This application relates to the existing Crewe Green Roundabout, a 5 arm roundabout on the eastern edge of Crewe, at the junctions of Sydney/Hungerford Road, Crewe Green Road, University Way, Crewe Road and the A534 to Sandbach.

Whilst there are open fields to the north (LPS 6 referenced below) and east, the other frontages are built up with residential properties to the west and commercial uses, including a new Jaguar Garage to the south. The roundabout itself has landscaped areas to the boundaries, with woodland belts to the residential areas on the western side, and hedgerows and trees to the other frontages. The centre of the roundabout is partially mounded, grassed with a few ornamental trees in one area.

Crewe Green Conservation Area lies to the east off Crewe Green Road, and there are a number of Listed Buildings within 1 km of the site.

## **PROPOSAL**

The proposed scheme involves the partial removal of the existing Crewe Green Roundabout and the realignment of the section of Hungerford Road and Sydney Road that connects into the existing roundabout. The Crewe Green Roundabout will be extended to the north to connect into Sydney Road and Hungerford Road, effectively adding an additional arm to the roundabout. This will also require the realignment of the footway/cycleway adjacent to the western side of the roundabout and between Sydney Road and the A534. The connection between the A534 and the roundabout will also be realigned, requiring the use of part of a field, between Sydney Road and the A534 that is currently used for agriculture.

The scheme also involves the profiling and contouring of the enlarged roundabout. Crossing points for Non-Motorised Users (NMUs) have been provided at all six arms of the junction. The existing footways and cycleways will also require realignment at the southern end of the roundabout to tie back in with existing cycle lanes and pedestrian accesses.

A number of trees, shrubs and hedgerows would be removed, most notably a tree belt along the western side adjacent to Renaissance Way, where an acoustic fence is proposed. Full landscaping proposals are included within the application to mitigate the losses proposed.

The current proposal is “option 3” of 4 options, which were consulted upon in August 2016, which resulted in 3 further options being assessed. This proposal performed best against a number of criteria, and was the preferred option in the public consultation exercise.

## **RELEVANT HISTORY**

17/0355S - EIA Screening Opinion for improvement works to Crewe Green Roundabout. Land At, CREWE GREEN ROAD ROUNDABOUT, CREWE – EIA Not Required

17/1980N - Demolition of the existing Sydney Road Bridge and provision of a new wider road bridge that will allow for two way traffic movement and removal of the traffic lights, and the creation of new pedestrian footpaths. The scheme also includes the creation of a temporary site compound, temporary site access, provision of a temporary pedestrian and cycle bridge during the construction period and other ancillary works. RAILWAY BRIDGE, SYDNEY ROAD, CREWE - APPROVED July 2017

## **POLICIES**

### **Cheshire East Local Plan Strategy – 2010-2030**

PG2 – Settlement Hierarchy  
PG6 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
CO1 – Sustainable Travel and Transport  
CO2 – Enabling Business Growth through Transport Infrastructure

LPS 6 Crewe Green – (Adjacent housing allocation)

### **Crewe and Nantwich Local Plan (Saved policies)**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.6 – Development on Potentially Contaminated Land  
NE.5 – Nature Conservation and Habitats  
BE.7 – Conservation Areas  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
TRAN.3 – Pedestrians  
TRAN.5 – Provision for Cyclists  
RT.9 – Footpaths and Bridleways

### **Other Material Considerations**

The National Planning Policy Framework

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

National Planning Practice Guidance

Cheshire East Infrastructure Delivery Plan

The Cheshire East Council Local Transport Plan Strategy

All Change for Crewe: High Growth City

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

**CEC Head of Strategic Infrastructure:** No objections subject to a condition requiring a speed reduction to 30mph through a Traffic Regulation Order to be progressed.

**United Utilities:** No objections provided a condition requiring the implementation of the submitted Surface Water Drainage Design Drawing is attached to any approval. In addition they comment that a public sewer crosses the site which they may not permit building over, and require an access strip on either side. They suggest the applicant discuss this with them at an early stage.

**Cheshire Brine:** They have no comments to make.

**CEC Public Rights of Way:** They comment that Provisions for cyclists leaving and joining the carriageway on each arm of the roundabout should aspire to recommendations given in Fig 8.1 of Sustrans' Design Manual • Chapter 7: Junctions and crossings: cycle friendly design (draft). to enable safe and continuous transitions. A signage scheme has been agreed and this should be conditioned accordingly.

**CEC Environmental Health:** Detailed comments have been received in relation to noise and air quality, where especially in relation to noise issues were raised, but with conditions to mitigate the impacts they have raised no objections to the application.

**CEC Flood Risk Manager:** They have no objections but recommend informatives are attached to any approval regarding obstructions within 8 metres of a water course, and the requirement for written consent for works likely to affect a water course.

**Natural England:** No comments to make on this application.

**Archaeology:** The site was considered to have very limited archaeological potential and based on the findings submitted there is no justification for further archaeological mitigation.

## **VIEWS OF THE TOWN COUNCIL**

### **Crewe Town Council:**

The Town Council would like to be assured that:

- 1) The roundabout is designed to the appropriate standards for cyclists and pedestrians.
- 2) That the traffic management systems will in place before work starts and will be enforced and adhered to.

## **OTHER REPRESENTATIONS**

Two letters have been received from local residents. One resident was concerned work has already started and that work had started before 8am, whereas the other resident has expressed concerns about anticipated increases noise and pollution impact, which already impacts negatively on their lives.

## **OFFICER APPRAISAL**

## Principle of Development

The Crewe Green Roundabout is identified within the Cheshire East Infrastructure Delivery Plan (CEIDP). The CEIDP identifies that works to the roundabout are classed as Priority 1 (the highest priority), to reduce acute congestion and help the Council realise their development aspirations for the wider area. The scheme is also highlighted in The Cheshire East Council Local Transport Plan Strategy which identifies the most congested locations in the borough and the roundabout is identified as a “hotspot”.

The Core Planning Principles of the NPPF identify that planning should;

*‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs’*

The NPPF then goes on to state that Local Planning Authorities should;

*‘identify priority areas for economic regeneration, infrastructure provision and environmental enhancement’*

And that Local authorities should work with transport providers to;

*‘develop strategies for the provision of viable infrastructure necessary to support sustainable development’*

The Cheshire East Local Plan Strategy identifies the Crewe Green Roundabout as an important infrastructure requirement and housing site LPS 6: Crewe Green is intrinsically linked to the delivery of the roundabout, providing the necessary land to secure its delivery. The roundabout would need to be completed before any houses were built on this site. Housing site LPS 7: Sydney Road requires contributions towards highway improvements, including the roundabout.

Other key policy considerations include:

Policy CO1 (Sustainable Travel and Transport) identifies that development should give priority to walking, cycling and public transport within its design and create safe and secure footways/cycleways and paths linking public transport and other services.

Policy CO2 states that the Council will support transport infrastructure including schemes outlined within the current Infrastructure Delivery Plan/Local Transport Plan and support the improvement of rail infrastructure.

In terms of the saved policies in the Crewe and Nantwich Local Plan Policy TRAN.3 requires new development to make appropriate provision for pedestrians through a number of measures including ‘improving an existing footpaths’ and ‘creating pedestrian routes through housing and employment areas’.

As a result it is considered that the principle of the improvements to the roundabout are fully in line with the adopted Local Plan and a number of other documents set out in the policy section above.

## SOCIAL/ENVIRONMENTAL SUSTAINABILITY

## Amenity

The proposed amendments should not give rise to any impacts upon adjoining residential properties in terms of loss of light, privacy or overbearing impact, subject to the landscaping (including the acoustic fencing) as proposed, being implemented. The main amenity concerns relate to noise, air quality and contaminated land. These issues are considered below.

### Noise and vibration

The proposed development has the potential to residents being exposed to noise and vibration at various times. Short term impacts include;

- Construction works
- Noise associated with the site compound
- Operational noise impacts as traffic is moved closer to noise sensitive uses

The scheme involves an extension to the roundabout, which will move traffic closer to noise sensitive uses. It is noted that the scheme proposes the removal of the present signals from the roundabout and as such there may be some noise benefits as traffic will be able to flow more smoothly.

The application contains a Non-Statutory Environmental Statement (NSES) and Chapter 9 covers noise and vibration. The methodology in the NSES is accepted and the standards used to measure the potential impact of the scheme are appropriate.

There are a number of nearby sensitive receptors to noise and vibration, and the assessment considers a sample of receptors based on “worst case” locations. The assessment is undertaken based on the opening year (2019) and the future year where traffic is predicted to be at its greatest (in this case 2034).

The noise sensitive receptors are already exposed to a degree of road traffic noise due to the existing road, and as such the assessment considers the magnitude of change to noise levels that will be experienced by these receptors.

### *Construction Phase*

The majority of the construction is expected to be undertaken during the daytime (08:00 to 18:00 Monday to Friday and 09:00 – 14:00 Saturdays), however due to the nature of the scheme for operational and safety reasons some night time working will be inevitable.

Whilst Environmental Protection considers that night time construction noise is generally to be avoided, it is accepted that on major engineering schemes (particularly for highway and railway works) it is unavoidable. However a condition will be recommended seeking to minimise this, and to ensure that only essential works take place during the night.

In general the mitigation measures proposed in section 8.8.1 of the NSES are adequate, even with this mitigation in place significant impacts are predicted during the construction phase.

Whilst it is anticipated that residential properties will only be exposed to individually noisy activities for relatively short periods of time during the construction phase, it is a concern that noise predictions show significant impacts in the daytime and night time at particularly close receptors to the proposal and as such mitigation is suggested including acoustic fences, and the potential need to temporarily relocate people.

At this stage the detailed working methods have not been finalised so the exact methods of construction and scheduling is not yet known, and as such a condition will be required a detailed assessment when the final details are known, and the management of construction noise.

### *Operational Impacts*

The NSES submitted with the report assesses the operational impacts of the new roundabout on nearby noise sensitive receptors. As discussed above impacts are separated into short and long term.

As a result of the predicted impact of noise mitigation is proposed in the form of an acoustic barrier 160m in length and 2.5m height.

Whilst there is a reasonable improvement predicted with the acoustic barrier, a number of properties remain in the Minor and Moderate adverse impact categories and Environmental Protection considers this is far from ideal.

During the application process the applicant has undertaken further work to examine acoustic improvements that may be obtained through speed reductions on the approach to the roundabout (effectively making the roundabout and all arms 30MPH limits).

By effectively levelling the speeds, the acoustic benefits result in a significant improvement

As such Environmental Protection considers that, if the scheme is to be approved in order to ensure the maximum mitigation during the operational phase of the development the scheme should incorporate the proposed speed reductions in the area.

Without this, the residual noise impacts are likely to lead to an impact on health and quality of life for the residents affected and that would be of concern.

In relation to noise, conditions are recommended in relation to hours of working; installation of the acoustic barrier proposed; commence implementing the process of speed reductions within 2 months of any approval, and in the event this is unsuccessful, proposing and getting approval for a scheme to reduce noise levels on Sydney Road.

### Air Quality

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.

When assessing the impact of a development on Local Air Quality, Environmental Protection has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local

Monitoring Data and the EPUK Guidance “Land Use Planning & Development Control: Planning for Air Quality May 2015)

This proposal is the redevelopment and extension of Crewe Green roundabout to provide additional traffic lanes and improvements to pedestrian and cyclist facilities, landscaping and re-contouring of the roundabout, and ancillary works. As part of this application the applicant has submitted a detailed assessment of the likely impact on air quality in the area both with and without the development. The following scenarios were considered:

Baseline 2014;  
Do minimum (DM) 2022;  
Do something (DS) 2022

The report concludes that there will be no significantly adverse affect on the (Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>) levels as a result of the proposed development. With regards to NO<sub>2</sub>, in 107 out of 159 receptors there is a predicted imperceptible to medium reduction in predicted levels of NO<sub>2</sub> with 6 seeing no change at all. The remaining 44 receptors are predicted to receive only imperceptible to small increases in NO<sub>2</sub> with a single one seeing a medium increase. With regards to PM<sub>10</sub> levels, 38 receptors are predicted to experience an imperceptible to small increase in levels, while 50 will experience no change with the rest seeing an improvement in levels.

It should be noted that the report contained inaccurate data for the 2014 mean NO<sub>2</sub> concentrations for the diffusion tubes used for verification. The report has since been updated to include the most recent correct data. The differences between the two sets of data shows a slight increase in the concentrations at the receptors, however, the level of change predicted between the Do-Nothing and Do-Something scenarios remain roughly the same. Therefore, the conclusions of the assessment remain as having an imperceptible impact.

A condition requiring the approval of Dust Control Measures is recommended.

### Contaminated Land

The proposal includes the creation of a temporary site compound and temporary site access, and necessitates the import of material for the mounding on the roundabout. The Contaminated Land Officer has raised no objection to this application subject to the imposition of an informative.

### **Highway Implications**

#### Operational Traffic Assessment

In regards to traffic impact, an assessment has been undertaken on two scenarios, the current arrangements remaining in place and also with the provision of the new roundabout. Tests have been undertaken in 2019 and 2034 in the peak hours and also in the inter peak period, and these have included current committed sites and also planned Local Plan sites that would affect the traffic flows at Crewe Green roundabout.

The modelling has included other local major junctions in the assessment of the scheme and these are the Weston Road/Crewe Rd roundabout, Crewe Road/Crewe Green Rd roundabout and the Weston Road/University Way roundabout.

The results of the modelling does indicate that due to the increased capacity being provided at Crewe Green Roundabout there is a reassignment of traffic from other routes to use the new roundabout and the other junctions tested. Whilst, there is likely to be increased traffic flows using the junction in the future the key consideration is the operation of the new roundabout scheme in the design year and future year and whether there are likely to be capacity problems as a result of the scheme.

Overall, as a result of the scheme Crewe Green roundabout is forecast to have a reduction in delay in both the AM and PM peak hours and in both the opening year 2019 and design year 2034.

### Facilities for Pedestrians/Cyclists

There a number of pedestrian/cycle crossings to be provided as part of the scheme, Toucan crossings located on Crewe Road, University Way, Crewe Green Road and Hungerford Road and Zebra crossings on Sydney Road and the A34.

A shared footway/cycleway is provided around the roundabout that will link to the crossings.

### Roundabout Design – Safety Audit

The design has been subject to a Stage 1/2 safety audit and the applicant has provided a designers response to the recommendations raised in the audit. The main issue raised was the speed of vehicles approaching the pedestrian crossings and this should be addressed by reducing the speed limit for 40mph to 30mph on the approaches and through the roundabout. The other safety recommendations are design issues for the proposed signing and road markings, these are all problems that can be satisfactory dealt with by the applicant.

### Summary and Conclusions

The current Crewe Green roundabout does experience congestion and delay during peak periods and these problems are expected to worsen through general traffic growth and new development proposals.

The proposed scheme significantly improves capacity at the junction that would alleviate the congestion issues and also cater for reassigned traffic that currently uses other routes. The scheme would also improve travel times through the junction and the nearby Hungerford Road signal junction.

Facilities are provided for pedestrians and cyclists with controlled crossings on the majority of arms with the provision of a shared footway/cycleway around the external perimeter of the roundabout.

It is important that traffic speeds are reduced on the approach to the proposed pedestrian crossings and also on the circulatory carriageway, the applicant should progress the implementation of the Traffic Regulation Order prior to opening of the new roundabout.

In summary, the new roundabout scheme will operate within capacity and provide benefits in reducing congestion levels on the road network, no objections are raised. A condition requiring the process of seeking a reduction in traffic speeds to 30 mph is recommended.

### **Traffic Management during construction**

This was clearly an issue raised by many residents during the pre application consultation as works of this nature will cause some disruption to the highway network. Of particular note is the proposed closure of Sydney Road and Hungerford Road for a period of approximately 12 weeks, preventing any movements north to these roads from Crewe Green Road, University Way, Crewe Road and the A534 to Sandbach. . Signed diversions will be in place. In addition to re-profile the roundabout soils will be transported (approx. 3,700 cubic metres) surplus from the Crewe Green Link Road, along David Whitby Way and University Way. These movements (approx. 616 HGV movements) will be over a 2 week period outside peak hours.

Works to Sydney Road Bridge, approved in July this year, will not start until the Crewe Green Roundabout is “fully operational”.

### **Trees/Landscape**

The applicant has undertaken a landscape appraisal as part of a non-statutory EIA in accordance with methodology IAN 135/10, which is appropriate for this scheme. The assessment is accepted and proposed mitigation which is partly constrained by services running through the existing roundabout. The proposal to leave “broken up” carriageway under the landscape areas is acceptable providing a minimum depth of 500mm of topsoil is provided under shrub planting areas.

A hedgerow assessment has been carried out in accordance with an appropriate methodology.

An arboricultural assessment has been undertaken in accordance with an appropriate methodology. A number of mature and semi mature category B and C trees are to be removed, but there is a substantial amount of replanting within the roundabout. A tree protection plan for the remaining trees has not been supplied and agreement of proposals for tree protection prior to commencement should be conditioned.

The proposed landscaping for the development as detailed on the submitted drawings is considered acceptable. Maintenance should be carried for 5 years after planting and a management plan for this work should be submitted and agreed prior to commencement.

An acoustic fence is proposed along the rear of properties on Renaissance Way, and although it's location is indicated on the plans, and it's dimensions of 2.5m high x 60m long are given in the noise assessment details of the fence are awaited at the time of writing the report. Its implementation should be conditioned.

In the short term there will be a significant landscape impact, with in particular, the removal of a section of hedge-line to the north, and the removal of a sizable proportion of the tree belt on the western boundary separating the site from Renaissance Way. However, proposed replacement tree and hedge planting will, in the medium term, off set that impact. Whilst some re-planting is proposed adjacent to Renaissance Way, the tree belt will be thinner than exists at present as there is insufficient space for denser planting. A significant amount of planting is however proposed on the roundabout itself, which will obscure views across the site and compensate for losses elsewhere. Overall the landscape impact is considered to be neutral.

### **Ecology**

#### *Designated Sites*

The application site falls within Natural England's SSSI impact risk zone for transport schemes. It is therefore advised that Natural England should be consulted on this application to advise on potential impacts of the proposed scheme on the Sandbach Flashes SSSI.

### *Badgers*

It is advised that this protected species is unlikely to be affected by the proposed development.

### *Roosting Bats*

A further bat survey has been undertaken of the trees identified as having potential to support roosting bats. No evidence of roosting bats was recorded and it is advised that roosting bats are not reasonably likely to be affected by the proposed development.

### *Hedgerows*

Four hedgerows were surveyed as part of the assessment undertaken in support of this planning application. Each of these is considered to be of sufficient value to be considered Priority Habitat and hence a material consideration in the determination of this application. Two of the hedgerows (Hedgerow 1 and 4) meet Local Wildlife Site selection criteria and in addition Hedgerow 1 is considered to be Important under the Hedgerow Regulations.

The Ecology chapter of the submitted Environmental Statement advises that 200m of species rich hedgerow would be lost together with 190m of species poor hedgerow. This includes the loss of a section of Important Hedgerow (Hedgerow 1).

The landscape chapter of the ES advises that 446m of hedgerow would be lost and replaced by 237m of hedgerow.

The Council's Ecologist notes that the proposed scheme would result in an overall reduction in hedgerows within the application site, with a corresponding loss of biodiversity value. It is therefore advised that a greater provision of replacement habitat be included as part of the scheme. The scheme should aim to deliver a greater length of replacement hedgerow in relation to that lost. This has been discussed with the applicant, and there is nowhere within the site area to plant a replacement hedge, other than on the roundabout, but the proposals already include extensive re planting there, and the only areas left cannot be planted as there are services below the ground.

If planning consent is granted a condition should be attached which requires the submission of a hedgerow reinstatement method statement and 10 year management plan for the newly planted replacement hedgerows.

### *Woodland*

The proposed development will result in the loss of 1655 square meters of plantation woodland. The submitted Environmental Statement advises that this woodland is of Local value.

The proposed development will also result in the loss of 188 square meters of semi-natural broadleaved woodland. The submitted Environmental Statement advises that this woodland is of County value.

This lost habitat would be replaced by though the planting of 2124 square meters of new planting. The Council's Ecologist advises that this is inadequate to fully compensate for the loss of woodland associated with the development and recommend that the extent of woodland planting proposed as

part of the scheme be significantly increased. It is recommended that the Defra biodiversity offsetting metric be used to calculate an appropriate level of compensatory planting. As with the hedgerow planting above, there is no where else on the site to plant additional woodland, so unfortunately this request cannot be accommodated, but it is important to highlight that more trees (which would be native species with more ecological value) are being planted than lost through the proposals.

### **Built Heritage**

A number of heritage assets have been identified in the vicinity of the site, principally to the east off Crewe Road, where Crewe Green Conservation Area and a number of listed buildings are located. Whilst vegetation removal will have some limited short term visual impact on the western entrance to the conservation area, (as the boundary is adjacent to the roundabout), the medium to long term impacts are not considered significant with the proposed replacement planting. The nearest listed building is some distance from the roundabout and the impact on it's, and the other listed buildings and their settings is considered to be negligible and not significant.

### **Flood Risk/Drainage**

The site is located within Flood Zone 1. In this case the Councils Flood Risk Team have raised no objection to the development subject to the imposition of a planning condition in relation to drainage strategy/design.

The comments raised by United Utilities in relation to their infrastructure are noted. An informative will be attached to any approval to make the developer aware of any implications as part of the construction phase of the development.

### **ECONOMIC SUSTAINABILITY**

The overview to the CELPS states that the policy principles underpinning the vision for the Borough includes;

*'Support new development with the right new infrastructure; our plan proposes at least eight miles of new roads and substantial upgrades to our overall transport network.'*

The Overview to the CELPS then goes on to state that;

*'This Plan is strongly underpinned by a need to improve transport connections across the Borough. New projects are planned in all towns as part of the Plan, to address congestion issues.'*

The submitted Design and Access Statement sets out economic case:

*Crewe Green Roundabout is a key gateway into Crewe, and improvements at the junction: 'will support the growth strategy whilst addressing existing traffic and access constraints (' CEC Cabinet Committee Report October 2016). As well as helping reduce congestion in the local highway network, the proposed scheme is also an important part of allowing the Council to realise their development aspirations for the wider area.*

*The baseline report for the Cheshire East Council Local Infrastructure Plan was published in 2011 and provides an assessment of existing pressures and constraints*

*on local services within CEC as 'well as identifying priorities for investment.*

*For the highway network the document specifically sets out that:*

*'Infrastructure requirements highlighted in the Local Transport Plan include:*

- Crewe Green Roundabout to also unlock the full potential of the Basford East strategic development site.'*

*Basford East is a major employment land allocation to the south of Crewe, by the West Coast main railway line. Basford West is on the other side of the railway line, is also mentioned in the local development plan, along with Basford East, as development of these sites is seen as 'crucial to the future prosperity of this part of Cheshire East and the proposed scheme will help to achieve this.*

*The proposed scheme will also improve the route from Junctions 16 and 17 of the M6 motorway to Crewe town centre. A further objective of the scheme is to help deliver additional network capacity in the area prior to the arrival of the proposed HS2 Hub11 and the scheme will also provide additional capacity to help meet the predicted growth in traffic in Crewe for the period up to 2030.*

As a result it is considered that there would be significant economic benefits arising from this proposed development.

## **CONCLUSIONS**

The roundabout currently suffers acute congestion in peak hours, with users commonly experiencing delay times at the junction of 20 minutes or more at all arms of the roundabout due to the volume of traffic moving in and out of Crewe town centre. The Cheshire East Council Infrastructure Development Plan (IDP) sets out that 'Crewe Green Roundabout suffers from peak period delays' and identifies improvements to the roundabout as a Category 1 Project, which is the category used to identify schemes for which there is greatest need .

Crewe Green Roundabout is a key gateway into Crewe, and improvements at the junction: 'will support the growth strategy whilst addressing existing traffic and access constraints '. As well as helping reduce congestion in the local highway network, the proposed scheme is also an important part of allowing the Council to realize their development aspirations for the wider area.

During the construction period of the development there would be some disruption to local residents in terms of noise, and traffic diversions, through but this would be for a limited time only. The landscape impacts, in particular the loss of trees and hedges will have a longer term impact, but replacement planting will offset that in the medium term once the planting has established. Following the completion of the development there would be benefits in terms of improved traffic movement, improved pedestrian and cycle links.

The development would have a neutral impact in terms of ecology, flood risk/drainage, and air quality.

In this case the application is in accordance with appropriate planning policies in the development plan.

## **RECOMMENDATION**

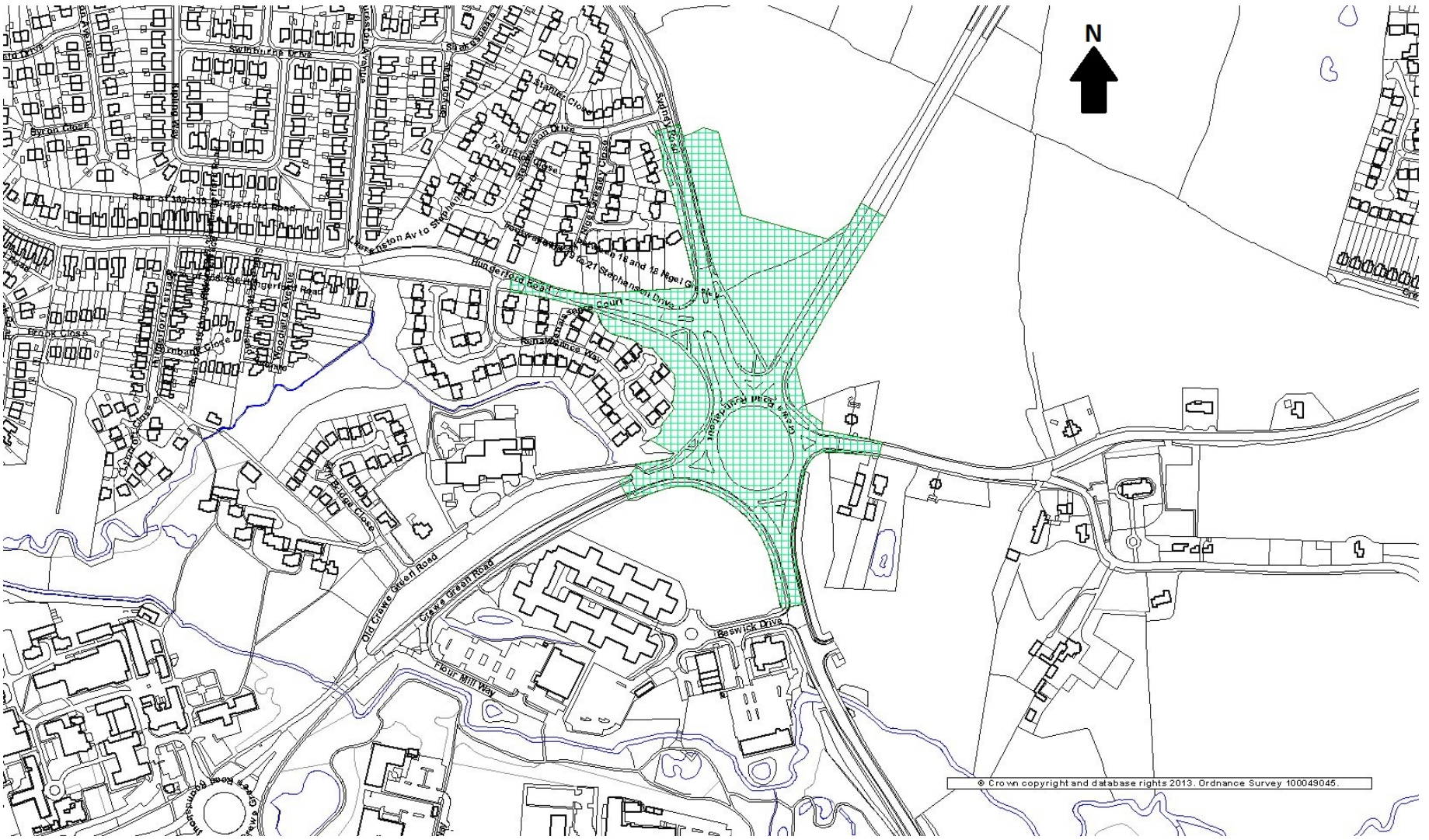
**Approve subject to the following conditions;**

- 1. Standard time 3 years**
- 2. Development to proceed in accordance with the approved plans**
- 3. Prior to the commencement of development a Tree Protection Scheme is to be submitted and approved**
- 4. Prior to the commencement of development an Arboricultural Method Statement is to be submitted and approved**
- 5. Implementation of the scheme of landscaping including the replacement tree and hedgerow planting**
- 6. 10 year management plan for hedgerows/woodland**
- 7. Nesting birds – timing of works**
- 8. Implementation of the submitted Construction & Environment Management Plan**
- 9. Hours of construction**
- 10. Acoustic Barrier installation**
- 11. Dust Control Measures to be submitted and approved**
- 12. Signage scheme for pedestrians/cyclists to be installed**
- 13. Progress a TRO to reduce speeds to 30mph but if unsuccessful agree alternative noise reduction measures.**
- 14. Progress a TRO to reduce speeds to 30mph but if unsuccessful agree a scheme for a revised pedestrian crossing.**

**Informatives;**

- Public Rights of Way**
- Water Course**
- Contaminated Land**

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



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Application No: 17/3197C

Location: CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH, CW10 0JR

Proposal: To demolish a grade 2 listed barn and other derelict buildings within the farm site

Applicant: Cheshire East Council

Expiry Date: 18-Aug-2017

**SUMMARY**

The total loss of this designated heritage asset is very regrettable. However, the building is in such a poor state of repair and in danger of collapse. The unauthorised access that is taking place is a significant health and safety risk to the public, and there are also no options for the repair of the building. Safeguarding public health through the demolition of this building that is beyond repair is considered to amount to a substantial public benefit which outweighs the substantial harm arising from the loss of the building.

Subject to clarification about the removal of trees from the site as part of the demolition works, the proposal raises no further issues in terms of the relevant matters outlined within this report.

The proposal accords with the relevant policies of the development plan and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**PROPOSAL**

The application seeks full planning permission for the demolition of the remains of the former farm house 'Cledford Hall' which has been gutted by fire, outbuildings which have partially collapsed and the grade 2 listed barn.

**SITE DESCRIPTION**

The application site comprises the remains of the now de-listed Cledford Hall building and a number of smaller equally dilapidated buildings, a grade II listed redundant agricultural barn. A large industrial building is located to the north east of the site and immediately adjacent to the west and south of the application site is predominantly farmland with three residential

properties located on the opposite side of Cledford Lane. The site is located within the Settlement Zone of Middlewich as identified in the Congleton Borough Local Plan.

### RELEVANT HISTORY

14/5721C - 9no transit pitches and 1no permanent Wardens pitch, open space for play, and the conservation and conversion of an existing grade two listed barn within the site. The barn is to provide washing and toilet facilities and office accommodation for the resident warden. The barn is also to provide office accommodation for Cheshire East – Approved 05.05.2015

14/5726C - Listed Building Consent for grade two listed barn to be converted from an agricultural barn into washing and sanitary accommodation for the transit Gypsy and Travellers. Office accommodation is to be provided for the permanent Warden and for the Cheshire East office staff – Approved 05.05.2015

06/1290/FUL - Conversion of existing farm buildings to 5 dwellings. Conversion of farmhouse to 2 dwellings. New garages and sewage treatment plant. Demolition of outbuildings – Approved 21.08.2007

06/1287/LBC - Conversion of existing farm buildings to 5 dwellings conversion of farmhouse to two dwellings, new garages, sewage treatment plant, demolition of out buildings – Approved 21.08.2007

### 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.

#### Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG5 Open Countryside

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE7 The Historic Environment

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Congleton Borough Local Plan First Review 2005

The Congleton Borough Local Plan First Review 2005 allocates the whole site as being within the Settlement Zone of Middlewich.

The relevant Saved Policies are:

GR6 (Amenity and Health)  
BH2 (Demolition of listed building)  
PS8 (Open Countryside)

## **CONSULTATIONS:**

Environmental Health – No comments received

Middlewich Town Council – No comments received

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a press advert was placed in the local newspaper and a site notice was erected.

No letters of representation have been received

## **APPRAISAL**

### **Heritage considerations**

#### Policy

Policy BH2 of the Congleton Local Plan explains that consent will only be granted for the demolition of Listed Buildings in exceptional circumstances, and where the building is structurally unsound; its repair is not an economically feasible alternative; alternative uses and disposal of the building have been investigated, and; detailed plans for redevelopment have been approved.

Policy SE7 of the CELPS states that, the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by:

- i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.
- ii. Considering the level of harm in relation to the public benefits that may be gained by the proposal.
- iii. The use of appropriate legal agreements or planning obligations to secure the benefits arising from a development proposal where the loss, in whole or in part of a heritage asset is accepted.

Paragraph 133 of the Framework states that, where a proposed development will lead to substantial harm to or total loss of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits that outweigh the harm or loss.

Each of these local plan policies is sets out a clear presumption against substantial harm of loss of designated heritage assets except in exceptional circumstances or cases of clear public benefit.

### Listing and description

The barn to be demolished is Grade II listed. The list description for the barn is as follows:

*“Outbuildings to Cledford Hall GV II Outbuildings to adjoining farmhouse. Dated 1822 on brick in longer range. Red brick, tile roofs. Long. narrow plan of two halves, the range to south with lower roof and more irregular form. Longer northern range of eleven bays, originally with eleven doors under round brick heads regularly spaced, some later blocked to for windows. Lower range with double doors under relieving arch, open roundels to loft above and with hinged doors under flat lintels below. Ventilation openings in gable end to side. Interiors: not inspected, but believed that the northern half retains contemporary roof structure. Included as a good dated range of outbuildings, with strong group value with Cledford Hall.”*

The barn historically formed part of a farm, centred on Cledford Hall and represented Cheshire's strong dairy farming heritage, with their built form sharing common forms with other contemporary farmsteads in the area. The barn remains a grade II listed building, but is now in a state of disrepair, and has lost some significance through its severance from Cledford Hall, which was de-listed in July 2014 following catastrophic fire damage.

Historic England has noted that Cledford Hall Barn is distinctive as a particularly long example of its type, which is the result of numerous additions and extensions. Cledford Hall, and its barn, were a high quality example of an early 19th century farm complex, with the hall having “handsome internal features”.

### Condition of Barn

Consultants working on behalf of Cheshire East have been monitoring the movement of the building for a period of time, and can conclusively demonstrate the continuous lateral movement of the external walls. This movement could be the result of a number of factors, the length and construction technique of the walls, decay in the lateral support, namely roof members and ground conditions as the barn is positioned in an area of brine extraction, known to cause subsidence locally.

Whilst an internal temporary scaffold is supporting the upper floor, it does not provide structural support to the external envelope of the building. The very poor condition of the barn prohibits safe working within and around the structure, and this greatly restricts the ability to repair the building. A structural scaffold was proposed in an attempt to support the building in the short term. However due to the condition of the building, which is in serious danger of partial or complete collapse (indeed part a section of the front elevation has already collapsed), it was concluded that it was too dangerous to enter the building to erect the scaffold.

At the pre-application stage Historic England raised the possibility “that cranes and working baskets could be utilised to first remove the roof covering and carcass, prior to installation of the scaffold”. This option of repair has been considered, and discounted as a possibility as it would not facilitate the repair of the walls at foundation level; as a result the applicants consider that there is no practical way of repairing the barn. Its condition results in the building being a

considerable health and safety risk, which can only be addressed through the demolition of the structure.

The continued structural monitoring of the building has been valuable in demonstrating the extent of movement the barn is subject to, and that it is on-going. Historic England accepts the findings of the submitted structural reports, and agrees that no solution exists for the positive repair of the building.

The applicant has stated that the major concern now is the clear evidence that people are still gaining unauthorised access into the building. Fences have been breached and boards have been removed from windows. This may have been done by rough sleepers or by children but anyone in or near the building are putting themselves at serious risk.

It should be noted that the building was in a poor condition at the time the Council purchased the building in May 2015. The temporary scaffold was erected soon after the purchase, which allowed access to the building and more detailed survey work to be undertaken. It was this more detailed survey work that found some very serious defects in the building and initial concerns about the long-term stability of the structure.

### Heritage conclusion

Whilst it is extremely regrettable that this situation has arisen, the building is now in danger of collapse. Given the unauthorised access to the site that is taking place despite the landowners best efforts to secure the site, this is now a significant health and safety issue. It is considered that there are no options available for the repair of the building and having regard to this and the health risks arising from the condition of the building it is considered that the removal of this risk is a substantial public benefit that outweighs the loss of the building. Whilst it is acknowledged that no redevelopment of the site is currently proposed as required by policy BH2 of the Congleton Borough Local Plan, the benefits to public safety are considered to outweigh this policy requirement. Appropriate conditions are recommended to ensure that the site does not have a detrimental impact upon the character of the area following demolition. It should also be noted that there is no similar requirement in policy SE7 of the CELPS or the National Planning Policy Framework. In all other regards the proposal complies with policy BH2 of the Congleton Borough Local Plan, and policy SE7 of the CELPS.

### **Character & Appearance**

The application site is located within the Settlement Zone, however, as the site is approached from the A533 the character of the area changes dramatically from a commercial / industrial area to one that is distinctly rural. Then as you carry on along Cledford Lane past the application site a very substantial industrial building presents itself to this rural lane. In addition, the Middlewich Eastern bypass is proposed to be constructed to the west of the application site. Therefore whilst the location of the site has rural qualities, there are also very significant urban influences.

The existing buildings on the site are set back from Cledford Lane, with the closest, the redundant barn being approximately 40 metres from this highway. The vegetation to the southern boundary screens the building from Cledford Lane and the residential properties on the opposite side of the road.

No redevelopment of the site is currently proposed and the application submission suggests that the yard areas, slabs and roads are to be left in position and boundaries are to be maintained. Given the absence of proposals for redevelopment, it is considered necessary to condition details relating to the removal of materials and the landscaping of the site to ensure that the site is left in an appropriate condition that will not have an adverse impact upon the character of the area, in accordance with policies SE1 and SE4 of the CELPS.

### **Amenity**

The nearest neighbours are a group of three properties which are located opposite the entrance to the application site on Cledford Lane. Background noise is currently very limited in this area; therefore any increase in activity is likely to be noticeable to existing residents.

In this case, the demolition of all buildings on the site leaving only areas of hardstanding would not result in any significant impact upon the living conditions of neighbouring properties in accordance with policy GR6 of the Congleton Local Plan.

### **Ecology**

#### Bats

A minor roost of a common bat species has previously been recorded within the barn. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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 in this regard. 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.

### Alternatives

Options for the repair of the building have been investigated, but due to the condition of the building it has been concluded that no alternatives to demolition exist.

### Overriding public Interest

Due to the condition of the building, the evidence of unauthorised access to the site, and the substantial health and safety risks that this presents, the demolition of the building is considered to be of overriding public interest.

### Mitigation

Bat boxes have been erected on site under the terms of the previous planning permission and Natural England license, which do provide suitable compensation for the loss of the existing roost. Recommendations for the timings of the works and other strategies to reduce the risk of bats being disturbed during the works have also been submitted.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable to address the loss of the roost within the barn and is likely to maintain the favourable conservation status of the species of bat concerned.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

### Barn owls

Further barn owl surveys were completed in June and July 2017 which confirm that no evidence of roosting barn owls was recorded within the buildings on site. However, these surveys were constrained due to the dangerous state of the building meaning that no internal inspection could be completed. Barn owls were recorded as being active in the general area of the site. The nature conservation officer advises that based upon the available information barn owls are not reasonably likely to be present or affected by the proposed development.

A condition is recommended to require the submission of proposals for the erection of a barn owl box on site in order to ensure that the site continues to provide opportunities for this species.

Due to the poor state and recent further deterioration the other buildings on site these are not likely to offer potential for protected species.

### Great Crested Newts

Great crested Newts have been recorded at the on-site pond and also within nearby ponds. Removal and exclusion of great crested newts from the site was undertaken under the previous planning consent and a Natural England license issued in respect of this site.

Subject to a condition to ensure that all works are undertaken within the boundary of the existing great crested newt fencing the proposed demolition works are not likely to have an adverse impact upon this species.

### Reptiles

Grass snake is known to occur in this broad locality. The previously submitted ecological assessment identifies suitable habitat for reptiles being present on site and advised that there is a risk of reptiles being killed during site clearance works. The fencing erected as part of the Great Crested Newt Mitigation strategy would also serve to exclude reptiles from the application site. For this reason, reptiles are not likely to be affected by the proposed demolition works.

### Nesting Birds

A condition is recommended to safeguard nesting birds during the construction process.

### **Trees / landscape**

Clarification is awaited from the applicant in terms of whether any trees will be removed as part of the demolition process.

Subject to this clarification and implementation of any necessary tree protection measures, no significant arboricultural concerns are anticipated in relation to the existing trees. Nevertheless, the matter of retention/or removal of existing vegetation does need to be clarified as this will also have bearing on new landscape proposals. This will be reported in an update.

### **Highways**

Due to the nature of the proposals no significant highways impacts are anticipated.

## **PLANNING BALANCE AND CONCLUSIONS**

The total loss of this designated heritage asset is very regrettable. However, as outlined above, the building is in such a poor state of repair and in danger of collapse. The unauthorised access that is taking place is a significant health and safety risk to the public, and there are also no options for the repair of the building. Safeguarding public health through the demolition of this building that is beyond repair is considered to amount to a substantial public benefit which outweighs the substantial harm arising from the loss of the building.

Subject to clarification about the removal of trees from the site as part of the demolition works, the proposal raises no further issues in terms of the relevant matters outlined above.

The proposal accords with the relevant policies of the development plan, and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

### **Decision making**

Given that the Council are the applicant and the proposal is for the demolition of a Listed Building, it is necessary to consider whether the application should be referred to the Secretary of State for a decision.

The National Planning Practice Guidance (NPPG) sets out the circumstances when an application made by a Local Planning Authority should be referred to the Secretary of State. The NPPG states that the following applications should be referred:

*Application for listed building consent by local planning authorities, where Historic England or a national amenity society are notified and object to the proposed works, and the local authority do not propose to refuse the application.*

As this is an application for planning permission, as opposed to Listed Building Consent, there is no requirement to refer the application to the Secretary of State.

## **RECOMMENDATION**

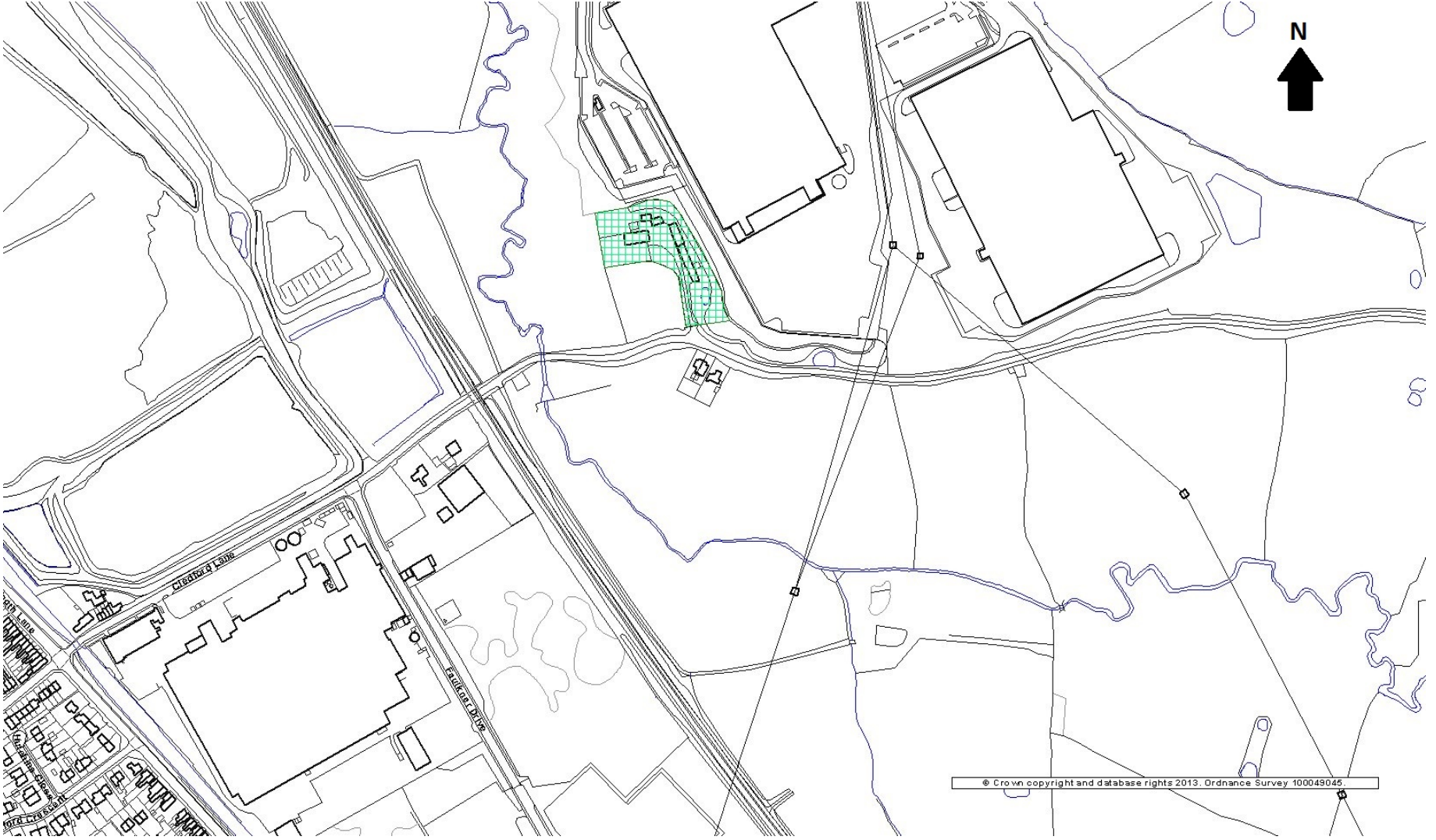
For the reasons set out above, the application is recommended for approval, subject to the satisfactory receipt of the outstanding information.

*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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of site clearance, restoration and landscaping to be submitted
4. Development to be carried out in accordance with the recommendations of the submitted Ecology Update Report
5. Proposals for the erection of a barn owl box to be submitted
6. All works to be undertaken within the boundary of the existing great crested newt fencing
7. Nesting bird survey to be submitted



Application No: 17/3198C

Location: CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH, CW10 0JR

Proposal: Listed building consent to demolish a grade 2 listed barn and other derelict buildings within the farm site

Applicant: Cheshire East Council

Expiry Date: 18-Aug-2017

**SUMMARY**

The total loss of this designated heritage asset is very regrettable. However, the building is in such a poor state of repair and in danger of collapse. The unauthorised access that is taking place is a significant health and safety risk to the public, and there are also no options for the repair of the building. Safeguarding public health through the demolition of this building that is beyond repair is considered to amount to a substantial public benefit which outweighs the substantial harm arising from the loss of the building.

Subject to clarification about the removal of trees from the site as part of the demolition works, the proposal raises no further issues in terms of the relevant matters outlined within this report.

The proposal accords with the relevant policies of the development plan, and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**PROPOSAL**

The application seeks Listed Building Consent for the demolition of the grade II listed barn and remains of outbuildings.

**SITE DESCRIPTION**

The application site comprises the remains of the now de-listed Cledford Hall building and a number of smaller equally dilapidated buildings, a grade II listed redundant agricultural barn. A large industrial building is located to the north east of the site and immediately adjacent to the west and south of the application site is predominantly farmland with three residential properties located on the opposite side of Cledford Lane. The site is located within the Settlement Zone of Middlewich as identified in the Congleton Borough Local Plan.

## RELEVANT HISTORY

14/5721C - 9no transit pitches and 1no permanent Wardens pitch, open space for play, and the conservation and conversion of an existing grade two listed barn within the site. The barn is to provide washing and toilet facilities and office accommodation for the resident warden. The barn is also to provide office accommodation for Cheshire East – Approved 05.05.2015

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06/1287/LBC - Conversion of existing farm buildings to 5 dwellings conversion of farmhouse to two dwellings, new garages, sewage treatment plant, demolition of out buildings – Approved 21.08.2007

## 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

126 – 141 Conserving and enhancing the historic environment

### Development Plan

Cheshire East Local Plan Strategy (CELPS)

SE7 The Historic Environment

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

### Congleton Borough Local Plan First Review 2005

The Congleton Borough Local Plan First Review 2005 allocates the whole site as being within the Settlement Zone of Middlewich.

The relevant Saved Policies are:

BH2 (Demolition of listed building)

## CONSULTATIONS:

Historic England – No objections

The Society for the Protection on Ancient Buildings – No comments received

Council for British Archaeology – No comments received

The Ancient Monuments Society – No comments received

The Georgian Group – No comments received

The Victorian Society – No comments received

Twentieth Century Society – No comments received at the time of writing

Middlewich Town Council – No comments received

## **REPRESENTATIONS**

A press advert was placed in the local newspaper and a site notice was erected.

No letters of representation have been received

## **APPRAISAL**

### **Heritage considerations**

#### Policy

Policy BH2 of the Congleton Local Plan explains that consent will only be granted for the demolition of Listed Buildings in exceptional circumstances, and where the building is structurally unsound; its repair is not an economically feasible alternative; alternative uses and disposal of the building have been investigated, and; detailed plans for redevelopment have been approved.

Policy SE7 of the CELPS states that, the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by:

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Paragraph 133 of the Framework states that, where a proposed development will lead to substantial harm to or total loss of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits that outweigh the harm or loss.

Each of these local plan policies sets out a clear presumption against substantial harm of loss of designated heritage assets except in exceptional circumstances or cases of clear public benefit.

### Listing and description

The barn to be demolished is Grade II listed. The list description for the barn is as follows:

*“Outbuildings to Cledford Hall GV II Outbuildings to adjoining farmhouse. Dated 1822 on brick in longer range. Red brick, tile roofs. Long. narrow plan of two halves, the range to south with lower roof and more irregular form. Longer northern range of eleven bays, originally with eleven doors under round brick heads regularly spaced, some later blocked to for windows. Lower range with double doors under relieving arch, open roundels to loft above and with hinged doors under flat lintels below. Ventilation openings in gable end to side. Interiors: not inspected, but believed that the northern half retains contemporary roof structure. Included as a good dated range of outbuildings, with strong group value with Cledford Hall.”*

The barn historically formed part of a farm, centred on Cledford Hall and represented Cheshire's strong dairy farming heritage, with their built form sharing common forms with other contemporary farmsteads in the area. The barn remains a grade II listed building, but is now in a state of disrepair, and has lost some significance through its severance from Cledford Hall, which was de-listed in July 2014 following catastrophic fire damage.

Historic England has noted that Cledford Hall Barn is distinctive as a particularly long example of its type, which is the result of numerous additions and extensions. Cledford Hall, and its barn, were a high quality example of an early 19th century farm complex, with the hall having “handsome internal features”.

### Condition of Barn

Consultants working on behalf of Cheshire East have been monitoring the movement of the building for a period of time, and can conclusively demonstrate the continuous lateral movement of the external walls. This movement could be the result of a number of factors, the length and construction technique of the walls, decay in the lateral support, namely roof members, and ground conditions as the barn is positioned in an area of brine extraction, known to cause subsidence locally.

Whilst an internal temporary scaffold is supporting the upper floor, it does not provide structural support to the external envelope of the building. The very poor condition of the barn prohibits safe working within and around the structure, and this greatly restricts the ability to repair the building. A structural scaffold was proposed in an attempt to support the building in the short term. However due to the condition of the building, which is in serious danger of partial or complete collapse (indeed part a section of the front elevation has already collapsed), it was concluded that it was too dangerous to enter the building to erect the scaffold.

At the pre-application stage Historic England raised the possibility “that cranes and working baskets could be utilised to first remove the roof covering and carcass, prior to installation of the scaffold”. This option of repair has been considered, and discounted as a possibility as it would not facilitate the repair of the walls at foundation level; as a result the applicants consider that there is no practical way of repairing the barn. Its condition results in the building being a considerable health and safety risk, which can only be addressed through the demolition of the structure.

The continued structural monitoring of the building has been valuable in demonstrating the extent of movement the barn is subject to, and that it is on-going. Historic England accepts the findings of the submitted structural reports, and agrees that no solution exists for the positive repair of the building.

The applicant has stated that the major concern now is the clear evidence that people are still gaining unauthorised access into the building. Fences have been breached and boards have been removed from windows. This may have been done by rough sleepers or by children but anyone in or near the building are putting themselves at serious risk.

It should be noted that the building was in poor condition at the time the Council purchased the building in May 2015. The temporary scaffold was erected soon after the purchase, which allowed access to the building and more detailed survey work to be undertaken. It was this more detailed survey work that found some very serious defects in the building and initial concerns about the long-term stability of the structure.

#### Heritage conclusion

Whilst it is extremely regrettable that this situation has arisen, the building is now in danger of collapse. Given the unauthorised access to the site that is taking place despite the landowners best efforts to secure the site, this is now a significant health and safety issue. It is considered that there are no options available for the repair of the building and having regard to this and the health risks arising from the condition of the building it is considered that the removal of this risk is a substantial public benefit that outweighs the loss of the building. Whilst it is acknowledged that no redevelopment of the site is currently proposed as required by policy BH2 of the Congleton Borough Local Plan, the benefits to public safety are considered to outweigh this policy requirement. It should also be noted that there is no similar requirement in policy SE7 of the CELPS or the National Planning Policy Framework. In all other regards the proposal complies with policy BH2 of the Congleton Borough Local Plan, and policy SE7 of the CELPS.

The proposal accords with the relevant policies of the development plan, and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

#### **Decision making**

Given that the Council are the applicant and the proposal is for the demolition of a Listed Building, it is necessary to consider whether the application should be referred to the Secretary of State for a decision.

The National Planning Practice Guidance (NPPG) sets out the circumstances when an application made by a Local Planning Authority should be referred to the Secretary of State. The NPPG states that the following applications should be referred:

*Application for listed building consent by local planning authorities, where Historic England or a national amenity society are notified and object to the proposed works, and the local authority do not propose to refuse the application.*

Historic England and the national amenity societies have been consulted on the application, and no objections have been received. Unfortunately, the consultation to the Twentieth

Century Society was delayed, and their statutory consultation period now expires on 6 October 2017. Therefore a decision on the application cannot be made until this date passes or a response is received from them confirming that they have no objections. If no objection is received then there will be no requirement to refer the application to the Secretary of State.

### **RECOMMENDATION**

For the reasons set out above, the application is recommended for approval, subject to the expiry of the statutory consultation period for the Twentieth Century Society.

*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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.*

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. Standard Time Limit
2. Development in accord with approved plans
3. Scheme of building recording to be submitted



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