

Southern Planning Committee

Agenda

Date:	Wednesday, 31st May, 2017
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

3. **Minutes of Previous Meeting** (Pages 5 - 16)

To approve the minutes of the meeting held on 26 April 2017.

Please contact Julie Zientek on 01270 686466

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

4. **Public Speaking**

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

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

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

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

5. **16/6144C Land West of Goldfinch Close, Congleton: Reserved Matters application (appearance, landscaping, layout & scale) following approved Outline application 13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure for Seddon Homes Ltd (Pages 17 - 32)**

To consider the above planning application.

6. **16/6087N Land to the north of Wistaston Green Road, Wistaston, Crewe, Cheshire: Reserved matters approval for the appearance, landscaping, layout and scale of 150 dwellings, comprising 126 no. 2, 3, 4 and 5 bedroomed houses and 24 no. 1 and 2 bedroomed apartments, sub-station, gas governor, pumping station, public open space including a new ecological pond, attenuation basin and a locally equipped area of play, laying of footpaths and associated works for Jane Aspinall, Bellway Homes Limited (Pages 33 - 48)**

To consider the above planning application.

7. **17/1574N Land At Grand Junction Way, Crewe CW1 2AT: Demolition of an existing building, part demolition of the former PET Hire building, erection of a retail unit (Class A1) measuring 1.207 sq.m. (GIA), alterations to access road, service area and car park layout for Triton Property Fund (Pages 49 - 62)**

To consider the above planning application.

8. **17/1643N 22, Heathfield Road, Audlem CW3 0HH: Application for approval of reserved matters on approval 14/3976N for Mr Mark Ellis, Markden (Audlem) Projects Ltd (Pages 63 - 78)**

To consider the above planning application.

9. **16/4706N Reaseheath College, Main Road, Worleston, Nantwich, Cheshire CW5 6DF: Construction of student accommodation scheme and associated works for Ben Hunt, Reaseheath College** (Pages 79 - 90)

To consider the above planning application.

10. **17/2066C 123, Crewe Road, Sandbach CW11 4PA: Two storey extension to right side of house and rear of property. Extension to be built over existing single storey side, and existing single storey rear extension for Mrs Shona Booth** (Pages 91 - 96)

To consider the above planning application.

11. **16/6058C Land Off Coppenhall Way, Sandbach: Development of 10 dwelling houses and estate road connected to Coppenhall Way for Thorngrove Developments Limited** (Pages 97 - 110)

To consider the above planning application.

12. **16/5015N Baroda, Annions Lane, Wybunbury CW5 7LP: Retrospective application for an importation of soil, filling of pond and levelling of land for Ronald Blackburn** (Pages 111 - 120)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 26th April, 2017 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

OFFICERS PRESENT

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

147 DECLARATIONS OF INTEREST/PRE DETERMINATION

There were no declarations of interest.

148 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 29 March 2017 be approved as a correct record and signed by the Chairman.

149 16/3209C INTERTECHNIC UK LTD, ROAD BETA, MIDDLEWICH CW10 0QF: OUTLINE PROPOSAL FOR A MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL, RETAIL, CAFES, ACCESS TO MARINA AND OTHER ANCILLARY WORKS (ACCESS) FOR MR PETER NUNN

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

150 17/0774N LAND AT MOORSFIELD AVENUE, AUDLEM: OUTLINE PLANNING PERMISSION FOR DEVELOPMENT OF UP TO 34 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR PLOTBUILD

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

Note: Parish Councillor H Jones (on behalf of Audlem Parish Council), Mr J Latham and Dr C Parsons (objectors) and Mr S Grimster (on behalf of

the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:

1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Audlem as defined in the Audlem Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Borough of Crewe and Nantwich Replacement Local Plan. As a result the proposal is not listed as an appropriate form of development within the countryside and would erode the rural character of the countryside and would undermine the ability of the community to shape and direct sustainable development in their area, contrary to the Audlem Neighbourhood Plan Policies H1 and H3, Borough of Crewe and Nantwich Replacement Local Plan Policies NE.2 & RES.5, Cheshire East Local Plan Strategy Policy PG5 and the advice of NPPF paragraphs 17, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.
2. The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal. The proposal is therefore contrary to the Audlem Neighbourhood Plan Policy D1, Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7 and the advice of NPPF paragraphs 17, 131-133, 135, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

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

(c) That, should this application be the subject of an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of affordable housing – 7 units to be provided as social rent/affordable rent with 3 units as intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A contribution of £81,713.00 to secondary education.
 3. POS and LAP (with 3 pieces of equipment) provision and a scheme of management in perpetuity.

151 **17/0374N LAND EAST OF WHITCHURCH ROAD, ASTON, NANTWICH, CHESHIRE: DEVELOPMENT OF UP TO 24 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS (RESUBMISSION OF 16/3974N) FOR CRANFORD ESTATES**

Note: Mr S Grimster attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a S106 Agreement to secure the following:
 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 2. Provision of POS and 5 piece LEAP and a scheme of management.

3. Commuted Sum payment in lieu of secondary education provision
£65,371

and the following conditions:

1. Standard Outline
 2. Submission of Reserved Matters Time limit for submission of reserved matters
 3. Scale, Appearance, Layout and Landscaping Matters to be submitted and approved
 4. Approved Plans
 5. Any subsequent reserved matters application which shall include an Arboricultural Impact Assessment
 6. Implement Reasonable Avoidance Measures for amphibians, reptiles and breeding birds in accordance with the Ecological Appraisal
 7. Provision of bat and bird boxes
 8. Implementation of mitigation within Flood Risk Assessment
 9. All foul and surface water shall be drained on separate systems
 10. Surface Water Drainage Scheme to be submitted for approval in writing
 11. Scheme of the management of overland surface water flows to be submitted for approval in writing
 12. Prior submission/approval of a piling method statement
 13. The provision of electric vehicle infrastructure
 14. Prior submission of a dust mitigation scheme
 15. Works to stop if contamination identified
 16. Any Reserved Matters to include details of existing and proposed land levels
 17. Prior to the occupation of the development the pedestrian footway to be constructed
 18. Detailed scheme for relocation of layby prior to first occupation.
 19. Construction of access and visibility splays
 20. Construction Management Plan
 21. Dropped kerb for crossing and details of signage to be submitted to warn drivers of children crossing/the location of the bus stop
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

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

152 **17/0145N LAND OFF NEWTOWN ROAD, SOUND, NANTWICH, CHESHIRE: PROPOSED HOUSING DEVELOPMENT (21 HOMES), CHILDREN'S PLAY AREA, NATURE RESERVE, ACCESS AND EXTERNAL WORKS FOR TRU PENSION FUND**

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

Note: Mr C Williams attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies; NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

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

8. The location and design of the proposed open space will result in a provision that would create both functional and natural surveillance issues with regards to the included Children's Play Space. The development is therefore considered to be contrary to Policy RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan and Policy SC3 (Health and Well-being) of the emerging Cheshire East Local Plan Strategy.
 9. The proposed development would result in the loss of an area of priority habitat (woodland) which would have an adverse impact upon biodiversity. In addition, the proposed great crested newt mitigation is considered to be unacceptable resulting in a detrimental impact upon protected species. Furthermore, the application fails to provide sufficient information to effectively assess the impact of the development upon a Local Nature Reserve. As such, it is considered that the proposed development would be contrary to Policies NR2 (Wildlife and Conservation – Statutory Sites), NR3 (Wildlife and Conservation – Habitats) and NR4 (Wildlife and Conservation – Non-Statutory Sites) of the Congleton Borough Local Plan First Review 2005, Policy SE3 (Biodiversity and Geodiversity) of the emerging Cheshire East Local Plan Strategy and the NPPF.
 10. The application fails to provide sufficient information to effectively assess the impact of the development upon the Sound Common SSSI in accordance with Policy NR2 (Wildlife and Conservation – Statutory Sites) of the Congleton Borough Local Plan First Review 2005, Policy SE3 (Biodiversity and Geodiversity) of the emerging Cheshire East Local Plan Strategy and the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.
 2. A management plan for the maintenance of the on-site Open Space and Children's Play facility by either a private management company or the Council for a fee to be agreed.

3. £57,578 towards secondary school provision (£49,028) and school transport (£8,550)
4. Biodiversity Offsetting Contribution (amount to be confirmed)

153 **17/0283N CAR PARK, BROWNING STREET, CREWE CW1 3BB:
REDEVELOPMENT FOR 8 DWELLINGS AND ASSOCIATED
INFRASTRUCTURE, PLUS REMODELLING OF REMAINING CAR
PARK FOR A FROST, ENGINE OF THE NORTH**

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

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

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:
 1. The Local Planning Authority considers that insufficient information has been provided in relation to; the existing yellow hatched area outside plot 6, the bin access/storage, information on the parking to be reserved for the Limelight, parking for the adjacent taxi business, access to the parking on Browning Street for spaces labelled 46-54. The development would be contrary to Policies BE.2 and TRAN.8 of the Borough of Crewe and Nantwich Replacement Local Plan
 2. The proposed development would result in an overdevelopment of the site by reason of insufficient private amenity space and cycle parking/bin storage areas and would result in the displacement of vehicles onto nearby streets. The development would be contrary to Policies BE.1, BE.2 and TRAN.8 of the Borough of Crewe and Nantwich Replacement Local Plan
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

154 **16/5584N 84, EDLESTON ROAD, CREWE CW2 7HD: CHANGE OF USE FROM DWELLING (C4) TO SUI GENERIS HOUSE IN MULTIPLE OCCUPATION FOR 7 PEOPLE FOR BEN MORRIS, HOPSCOTCH INVESTMENTS LTD**

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

155 **16/5637N LAND ADJACENT TO BUNBURY MEDICAL PRACTICE, VICARAGE LANE, BUNBURY: DETAILED APPLICATION FOR 7 DWELLINGS ON LAND AT VICARAGE LANE FOR PECKFORTON ESTATE**

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council) and Ms J Redmond (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. Time limit
2. Approved Plans
3. Materials to be submitted and approved
4. Removal of permitted development rights
5. Levels to be submitted and approved
6. Foul and surface water drainage strategy
7. Piling details to be submitted and approved
8. Electric vehicle charging
9. Dust mitigation measures to be submitted and approved
10. Travel information pack to be submitted and approved
11. Contaminated land to be submitted and approved
12. Hard and soft landscape to be submitted and approved
13. Landscaping implementation
14. Boundary treatment to be submitted and approved
15. Retention of the existing hedges with a protection scheme during the course of development.
16. Bin storage access to the rear of plots 2 and 3
17. Management scheme for the open space

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

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

156 **16/4041C LAND AT FIELDS FARM, CONGLETON ROAD, SANDBACH CW11 4TE: PROVISION OF EMERGENCY STANDBY ELECTRICITY GENERATION FACILITY, COMPRISING DIESEL GENERATORS, BUNDED FUEL TANKS, ACOUSTIC FENCING AND GATES, SUBSTATION, GENERATOR TRANSFORMERS, CONTROL AND HV CABINET, LV SWITCH ROOM, CCTV, LANDSCAPING, EARTHWORKS AND ANCILLARY INFRASTRUCTURE FOR INRG SOLAR LTD**

Note: Councillor G Merry declared that she knew the owner of the property. She had not discussed this application and had kept an open mind.

Note: Mr D Dean attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

The Principal Planning Officer drew Members' attention to the fact that the application had originally proposed the provision of an emergency standby electricity generation facility using 40 diesel engines but that this has been amended to 10 gas utilisation engines with associated ancillary equipment, sited within a compound enclosed by a 3m acoustic/security fence.

RESOLVED

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

- an amended description of development being agreed to reflect the amended scheme
- plan reference PV-0304-02 being amended to reflect the amended description of development
- the following conditions:
 1. Time limit
 2. Approved plans
 3. Compliance with the submitted Ecology Report dated August 2016
 4. Updated Badger Survey if development commences after August 2017
 5. Protection for breeding birds
 6. Submission of details of any external lighting
 7. Implementation of the submitted landscape scheme
 8. Implementation and compliance with submitted tree protection measures and tree works

9. Submission of a noise assessment within 6 months of first operation of the facility
 10. Restriction of any piling operations to 9am to 5.30pm Monday to Friday, 9am to 1pm on Saturdays, with no working on Sundays or public holidays
 11. Maintenance of a record of the hours of operation of the generators
 12. Generators shall be as specified in the Air Quality Impact Assessment (January 2017)
 13. Should the operations exceed 2,500 hours per annum, submission of a detailed air quality assessment
 14. Submission and implementation of details of equipment including radiated emission levels
 15. Submission and implementation of a scheme of radiated emission mitigation measures, liaison, monitoring and testing
 16. Submission of a Decommissioning Method Statement
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor G Merry (Chairman)

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Application No: 16/6144C

Location: LAND WEST OF GOLDFINCH CLOSE, CONGLETON

Proposal: Reserved Matters application (appearance, landscaping, layout & scale) following approved Outline application 13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure.

Applicant: Seddon Homes Ltd

Expiry Date: 23-Mar-2017

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

Social Sustainability

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 and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable and complies with the parameters of the outline scheme.

Environmental Sustainability

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

A total of 27 conditions are imposed on the outline permission which address environmental concerns such as ecology, drainage and flood risk issues, trees, amenity, off site highways/provision of bus stops on Canal road, external lighting, travel planning and electric vehicle infrastructure amongst others. The Inspector considered the impact to be acceptable subject to these conditions, which do not need to be repeated as part of reserved matters

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

Economic Sustainability

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

RECOMMENDATIONS

APPROVE subject to conditions

DEFERRAL

This application was deferred by Southern Planning Committee for the following reasons

- Further information required in relation to Housing Mix/Outline approval
- Better quality plans – larger size
- Copy of the Inspectors Reports for the outline appeal decision
- Amended plans to show that all house types meet the required garage standards
- Further discussions regarding additional bungalows

Further information has been provided and the Applicant has increased the numbers of bungalows to address Member concerns. The decision notice at outline stage and plans are contained in the plans pack.

PROPOSAL

Reserved matters approval is sought for the external appearance, layout, landscaping and scale for 120 dwellings at land to the west of Goldfinch Close, Congleton.

This scheme will result in an overall total of 198 dwellings within the Falcon Rise larger site, including the Moorings and land at Goldfinch/Kestrel Close. The larger site was the subject of outline scheme 13/3517C, granted on appeal for 'up to' 230 units. Both Goldfinch and the Moorings also have the benefit of separate reserved matters approvals. The Development at Goldfinch Drive has already commenced in connection with reserved matters 15/0001C.

Two accesses are provided via Kestrel Drive and Goldfinch Close, both of which were previously granted permission at the outline stage.

The development would consist of 1 to 5 bedroom units including some apartments. The entire development is proposed to be 2 storeys in height with the exception of 4 no semi detached bungalows.

The mix of housing is the following:

- 8 no. 1 bed flats (2 storey)
- 6 no. 2 bed bungalows (this has been increased by 2 no units)
- 22 no. 2 bed semi/ terraced units
- 18 no. 3 bed semi units (this is decreased by 2 no units)
- 14 no. 3 bed detached units
- 41 no. 4 bed detached units
- 11 no. 5 bed detached units

Public Open Space circumvents the application site with a LEAP comprising 5 pieces of located to the southern area of POS. Emergency vehicle access is provided via Howey Lane. A series of paths are provided linking the sit via the public open spaces to the PROW network and the town centre.

The outline permission requires the layout to follow the general parameters set in the Parameters Plan

SITE DESCRIPTION

The application site is situated to the west of the residential development on Goldfinch Close and Kestrel Close, Congleton.

The application site extends to Lamberts Lane (a Public Right of Way) to the south, recently built dwelling on Tudor Way and the cemetery to the north and west and by residential properties to the east, with Goldfinch Close and Chaffinch Close forming cul-de-sacs adjacent to the eastern boundary of the site. Both roads lead to Canal Road further to the east. Astbury Golf Club is located on the other side of Lamberts Lane.

The site has a network of existing hedgerows and trees and although it is agricultural land, it has not been managed for a period of time. The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

RELEVANT HISTORY

12/3025C - Land off Goldfinch Close and Kestrel Drive - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014

12/3028C - Land west of the Moorings - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014.

15/0001C – Reserved Matters of 13/3025C – Erection of 38 dwellings on land to the west of Goldfinch Close - Approved with conditions December 2015. This development is implemented and is currently under construction

15/0505C- Reserved Matters following outline approval (12/3028C) for 38 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed at land off The Moorings. Congleton – approved 27 November 2015

13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure – allowed on appeal 20 December 2015. The red edge of the scheme also contained those parts of the site where reserved matters have been approved under refs 15/001c and 15/0505c

14/4938C - Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C – Refused 31-Jul-2015

NATIONAL & LOCAL POLICY

National Policy

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

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

Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Cheshire East Local Plan Strategy

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Material considerations:

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

CONSULTATIONS

Head of Strategic Infrastructure (Highways): No objection - internal road layout is acceptable and the amount of parking provision complies with the Council's standard.

Strategic Housing Manager: No objection – the scheme complies with the outline S106 requirements

Environmental Protection: No objection subject to conditions as detailed in the outline permission.

PROW Team: No objection subject to conditions

Countryside Access Development Officer: No objection subject to condition – the development provides an opportunity to improve walking and cycling in accordance with the NPPF

REPRESENTATIONS

Congleton Town Council: Objection. Consider the details/numbers agreed at appeal should be maintained and adhered to, the wildlife corridor should be maintained. No encroachment on to Lamberts Lane

Objections have been received from 25 different local addresses on the basis of the following:

- Does not comply with planning policy or Town Plan
- Increased traffic
- Unsuitable access and road infrastructure with excessive parking at its access
- Concern that the emergency access will become a bone fide access
- Lack of parking
- Over looking into bungalows on Tudor Way
- Loss of privacy for existing residents
- Disturbance from position of the LEAP
- Loss of hedgerows
- Local infrastructure cannot cope
- Impact on local wildlife
- Proposal does not comply with outline parameters plan

APPRAISAL

Principle of Development

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Access to the site via the 2 access points via Goldfinch and Kestrel Close was fully approved as part of the outline scheme for up to 40 units granted outline permission at appeal.

The key issues for Members to consider in determining this application therefore, are the acceptability of the design and appearance of the scheme (excluding those parts of the original larger outline site area which already have reserved matters approvals), the internal highway configuration, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees/hedgerows and the surrounding area.

Housing Mix

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing.

The Applicant has revised the proposal following the concerns expressed by Committee. This proposal now provides for the following mix:

- 8 no. 1 bed flats (2 storey)
- 6 no. 2 bed bungalows (this has been increased by 2 no units)
- 22 no. 2 bed semi/ terraced units
- 18 no. 3 bed semi units (this is decreased by 2 no units)
- 14 no. 3 bed detached units
- 41 no. 4 bed detached units
- 11 no. 5 bed detached units

At Outline Stage, the Design and Access Statement refers to the site having a 'developable area of 10.3 hectares, which will deliver a range of 2 to 5 bedroom units, with 30% affordable units throughout the site in a style consistent with the housing in general'....

The Inspector, when granting outline permission, states

'...The Updated Parameters Plan is conceptual in its terms showing the indicative relationship of proposed development areas with open green space, woodland buffers, existing vegetation, access points/road layout, existing public rights of way, a proposed network of footpaths and existing neighbouring land uses...' (Paragraph 15)

And at Paragraph 75 (having accepted the quantum of 230 units overall) ;

'..The proposal would also be likely to provide a mix of housing which would meet the social needs of the population of the District and in particular that of Congleton.'

The Inspectors Decision Letter requires general compliance with the design principles set out in the Updated Parameters Plan and the Design and Access Statement as detailed in condition 1 of the outline permission, which states (inter alia) that

'....The reserved matters shall follow the general parameters set out on the Updated Parameters Plan -dwg no 502A-03J and the design principles set out in the Design and Access Statement dated October 2014. The landscaping details shall include both hard and soft landscaping as well as provision for replacement hedge planting for any hedgerows to be removed as part of the development hereby permitted, and ascheme for the provision and management of a buffer zone (at least 5 metres wide) alongside the watercourse.'

The area of built development follows the general parameters as granted permission at outline stage and the development shall follow the Design and Access Statement which makes no reference to the provision of single-storey dwellings on this site. The residential mix is as indicated at outline stage with the exception that the Strategic Housing Manager has negotiated the introduction of 1 bed cottage style units, which was not stipulated within the outline scheme. This is considered to be of benefit to the mix of units overall in that it will deliver a house size capable of use by every part of the community from those wanting a 1 bed unit to a 5 bed unit.

There is no prescriptive residential mix required neither by condition on the outline permission nor by Policy SC4. Policy SC4 requires a range of housing to meet local need. The policy does not dictate the ratio of different sizes. Given the introduction of 1 bed units as a consequence of welfare reform, it is that this scheme provides for a greater range of units than originally referred to in the documentation associated with the Outline permission

The mix of sizes, both for market sale and affordable units are therefore considered to comply with Policy SC4.

Affordable Housing

The S106 Agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

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

This is a proposed development of 120 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 36 dwellings to be provided as affordable dwellings. 23 units should be provided as Affordable rent and 13 units as Intermediate tenure. The applicant has submitted an Affordable Housing Scheme as required by the S106 Agreement attached to the outline permission which confirms that this site will provide the correct number and tenure split of affordable housing.

The SHMA 2013 identified a demand for 58 new affordable dwellings per annum until 2017/18. Broken down this evidenced a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed, 37 x 1 bed older person and 12 x 2 bed older person dwellings.

There are currently 594 households on the Cheshire Homechoice housing register who have selected Congleton as their first choice area for rehousing. They require 243 x 1 bed, 219 x 2 bed, 114 x 3 bed and 18 x 4 bed dwellings.

The applicant has proposed a development which includes 8 x 1 bed apartments (in two x 2 storey cottage style units that look like semi –detached houses), 18 x 2 bed and 10 x 3 bed affordable dwellings. The Strategic Housing Manager considers this to be acceptable and has noted that the applicant has worked closely with a local RP who is happy with this mix and the distribution of the affordable units through the site.

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

The layout has been revised to address a lack of pepper-potting, there are now clusters of affordable dwellings in 3 locations through the site, rather than one location as originally submitted. Clusters of circa. 10 affordable dwellings are deemed acceptable to the Strategic Housing Manager and she therefore raises no objection to this application.

Design Standards

The properties are exclusively 2 storey (approx. 7.6m) height set within individual landscaped plots with off street parking on driveways or within integral garages. The 2 storey apartment blocks comprise 4 one bedroomed flats and are designed to have the appearance of a standard modern mews or terraced house with covered porch. The revisions have split the apartments in to two separate areas of the site.

The layout is in keeping with the residential layout and vernacular in the existing Goldfinch/Kestrel Close estate and the wider modern housing estate. In this case it is considered that the proposed heights are acceptable.

The scheme complies with the Illustrative Masterplan submitted as part of the outline application in the development zones and road layout. The street arrangement follows through from the indicative blocks on the outline masterplan and comprises the inclusion of the feature landscape spaces. The housing zones site within landscaped areas that are set by the outline parameters, which were designed to retain as much hedgerows through the site as possible.

It is considered that the design of the units is appropriate and that the development would not appear out of character with the housing already approved at the Moorings and Goldfinch Close. A variety of house types are used through the street within the scheme which utilise the same palate of materials and are considered to add visual interest.

Details of the proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens, again in keeping with character of the existing estate.

The detailed design and layout has been amended to remove areas of frontage car parking to smaller units and increased pepper-potting of affordable units. The density of development is appropriate and in keeping with the recently approved schemes at the Mooring and Goldfinch Close.

There are a series of pathways throughout the site linking open spaces and the PROW network with the town centre via Howey Lane and the existing housing estate.

Overall, it is considered that the design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.

Landscape Impact and trees/hedgerows

The site is currently unused agricultural land located immediately adjacent to a residential area. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees and although is agricultural land, has clearly not been managed for a period of time, nevertheless the existing vegetation and trees provide an attractive setting and significant screen to the periphery of the site, particularly from Lamberts Lane. The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Landscape Masterplan submitted indicates that the area to the east of the cemetery, currently a small valley will have a large belt of native shrubs composed of *Coryllus avellana* (Hazel), *Crataegus monogyna* (Hawthorn), *Ilex aquifolium* (Holly), *Prunus spinose* (Blackthorn) and *Viburnum opulus* (Guelder rose); there will be approximately 1034 shrubs along this boundary. In addition the masterplan shows that there will be 78 native heavy standard trees, including *Quercus* (Oak), *Malus sylvestris* (Crab Apple), *Prunus avium* (Wild Cherry) and *Tilia cordata* (Linden).

A second smaller belt of native shrubs –approximately 454 extend further to the south and then native heavy standard trees extend along the eastern boundary of the application site.

To the south, along Lambert's Lane are additional areas of native shrub planting, with three separate blocks of 145, 471 and 239 plants, as well as a number of heavy standard native trees. Additional native shrubs are being planted along both sides of Bridleway 4 Congleton, which runs from the southern part of Howey Lane, and while the majority of hedgerows are shown on the Masterplan drawing, it is clear that some changes have been made from the Parameters Plan- the removal of a hedge in area W1 (near Howey lane) approximately 25m and the removal of a section of hedge in area W7, just to the south of the cemetery. This hedge would, if kept, have formed the joint rear boundary of approximately 12 dwellings, total length of this hedge is approximately 65m. The Landscape Officer accepts that overall, the landscaping proposals are in broad accordance with the parameters plan

The layout would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points previously approved) and would allow for landscape and biodiversity enhancement measures to be realised.

The concerns raised in relation to the loss of hedgerows are noted. However conditions 1 and 20 attached to the outline consent secure replacement hedgerow planting for any hedgerows lost at the Reserved Matters stage. The loss of a short section of hedgerow is considered to be acceptable and would comply with the outline consent granted at appeal. In any event as discussed below this scheme would result in an increase of hedgerows by 72%.

The Council's Tree Officer has confirmed that the arboricultural impacts are acceptable and as such there is no objection in this regard.

Residential Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21 metres between principal windows and 13 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

This scheme complies with that policy standard for relationships inside the site and outwith the site. The closest properties on Tudor Way are 25 m from the backs of the bungalows now proposed. This relationship complies with the adopted standard.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that this will be achieved in the majority of cases. It is therefore concluded that the proposed development is acceptable in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Vehicular access to the site is to be taken from Goldfinch Close and Kestrel Drive, precise details of which were granted on appeal. This assessment therefore addresses the internal layout.

The proposed internal road layout would comply with the parameters plan approved at outline phase. The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that the proposed road layout does meet highway standards in regards to road width and pedestrian footways provided and as such are considered acceptable.

With reference to parking provision, the parking provision is 200% for the all of the units except for the 1 bed units, which have 1 space each. This provision accords with the current parking standards. As such, the internal road layout and the parking provision is considered to be acceptable and policy compliant.

The terms of the S106 attached to the Outline permission on this site require highways mitigation in lieu of the impact upon the A34, other matters such as pedestrian refuges on Canal Road and highway improvement scheme in the town centre are imposed upon the outline permission and need not be repeated

PROW and Countryside Improvement

Public Bridleway No. 4 (Howey Lane) runs through the site, retained as part of a link that runs through the POS from Lamberts Lane to Howey Lane. The site is also adjacent to Public Bridleway No. 1 (Lambert's Lane). These routes were previously considered by the Inspector when he determined to grant outline permission.

In terms of the Howey Lane bridleway, the route runs through the POS which was set at outline stage.

The 'Pedestrian/cycle & shared routes' plan depicts a number of pedestrian routes leading to the Public Bridleway which runs through the site and to the Public Bridleway which runs along the southern side of the site. The Public Bridleways can be used by pedestrians, cyclists and horse riders for both leisure and utility journeys. The proposed routes on this site which connect with either end of the Public Bridleways should be designed and constructed to best practice standards to accommodate both pedestrians and cyclists.

Public Bridleway No. 4 is a well-used rural track which connects Congleton town with the network of Public Rights of Way to the south of the urban area. The network in this area has been promoted as the Southern Fringe project, an area of countryside routes offering an accessible leisure resource for the people of Congleton.

An aspiration has been logged under the Council's statutory Rights of Way Improvement Plan (Ref. T174) for the improvement of this route for cycling. Given the increased usage arising as a result of any consented development on this site, the surface would indeed require improvement to accommodate this. Details of the proposed surfacing, widths, gradients, landscaping and structures for this Bridleway need to be agreed, through a condition, with the Public Rights of Way team.

Any development in the area must not exacerbate the drainage issues experienced at the northern end of Bridleway No. 4, and should aim to improve the condition of the drainage of the route in order

to accommodate the increased usage that it could be anticipated to carry as a result of the proposed development. Likewise, there are existing issues of drainage on Public Bridleway No. 1 which should not be exacerbated as a result of any development.

Subject to conditions, this scheme is considered to have an acceptable impact upon the PROW network

Ecology

The application has been the subject of a number of surveys for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Council's Nature Conservation Officer. The ecological conditions imposed on the outline scheme remain and do not need repeating in this application.

Applicant's response to the Planning Committee concerns

Relationship of layout with Lamberts Lane

The proposed layout fully accords with the parameters of development established at the outline stage and the previously approved Parameters Plan

Retention of Hedgerows

With the exception of hedgerows between plots 100-118, (Area W7 as defined by the Outline Parameters Plan) all existing hedgerows are being retained in accordance with the details shown on the previously approved parameters plan. Due to levels issues it is not possible to retain the existing hedgerow between proposed plots 100-118 due to the fact that this hedge will be located in a ditch.

New areas of hedgerow planting are proposed in areas where this was not previously envisaged, including adjacent to the area of open space south of plot 70 and 71, on the south side of the access road. As such, whilst the existing length of hedgerows equates to circa 575m on site, the proposed scheme delivers circa 990m of native hedgerows, equating to an increase of hedgerow on site by approx. 72% overall.

Boundary treatment of open space and relationship with bridleway

The LEAP will be surrounded by a mix of structural planting (large trees) and lower level planting/seeding. There was a proposed knee rail fencing on the northern edge. However, as a direct result of Member's concern, and given the popular use of the bridleway, the landscaping interface between the LEAP and bridleway has been further strengthened by providing a 1.2m railing around the LEAP.

Garage sizing on Brearley House Type

Revised plans have been submitted which shows the garage area changed to a general 'store' area . All Brearley plots (1, 3, 9, 12, 15, 16, 25, 34, 42, 44, 52, 62, 74) provide a policy compliant level of off-street parking at 200%.

All Brearley plots will be provided with Electric Vehicle charging points and given the smaller size of most electric vehicles, it is possible that the space allocated as store in the revisions could still be used to accommodate an electric car, should the occupant choose to.

With respect to overall parking the scheme provides for a policy compliant level of car parking across the site.

The garages on site with the exception of the Brearley are all in line with the Council Standard all have a policy compliant internal measurement

- Carron LG – 2710x5513mm – 4 bed
- Kerridge – 2935x5495mm – 4 bed
- Lawton – 3025x4885mm – 3 bed
- Lytham – 5073x5050mm – 5 bed
- Oakworth – 4960x5030mm – 5 bed

To ensure adequate car parking is retained, the Applicant is happy to accept a condition to retain integral garages across the site for the parking of motor vehicles.

Discharge of Conditions attached to original outline permission 13/3517C

A number of conditions attached to the original outline permission required information to be submitted as part of the reserved matters. This application has addressed this requirement in respect of Condition 1 (replacement hedge planting, soft landscaping and scheme for provision and management of buffer to watercourse); 6 (Phasing); Condition 18 (updated badger survey); Condition 19 (Bird Nesting) and Condition 25 (scheme of pedestrian and cycle provision).

The information submitted satisfactorily addresses the requirements of conditions 1 (with hard landscaping outstanding), 6, 18 and 19. However, condition 25 has not been detailed with regard to signage for cyclists/pedestrians. This can be addressed by condition.

Planning Balance

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

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 and provide a mix of affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

The design, layout and landscaping of the scheme are considered to be of sufficient quality. The scheme follows the general parameters and design principles set out on the at outline stage. The landscaping details include soft landscaping and provision for replacement hedge planting for any hedgerows to be removed as part of the development hereby permitted, and a scheme for the provision and management of a buffer zone (at least 5 metres wide) alongside the watercourse. Hard Landscaping details have not been provided but can be dealt with by condition.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission follows through to this scheme. Drainage/flood risk issues, land contamination are also conditioned by the outline approval.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to acceptable and is recommended for approval.

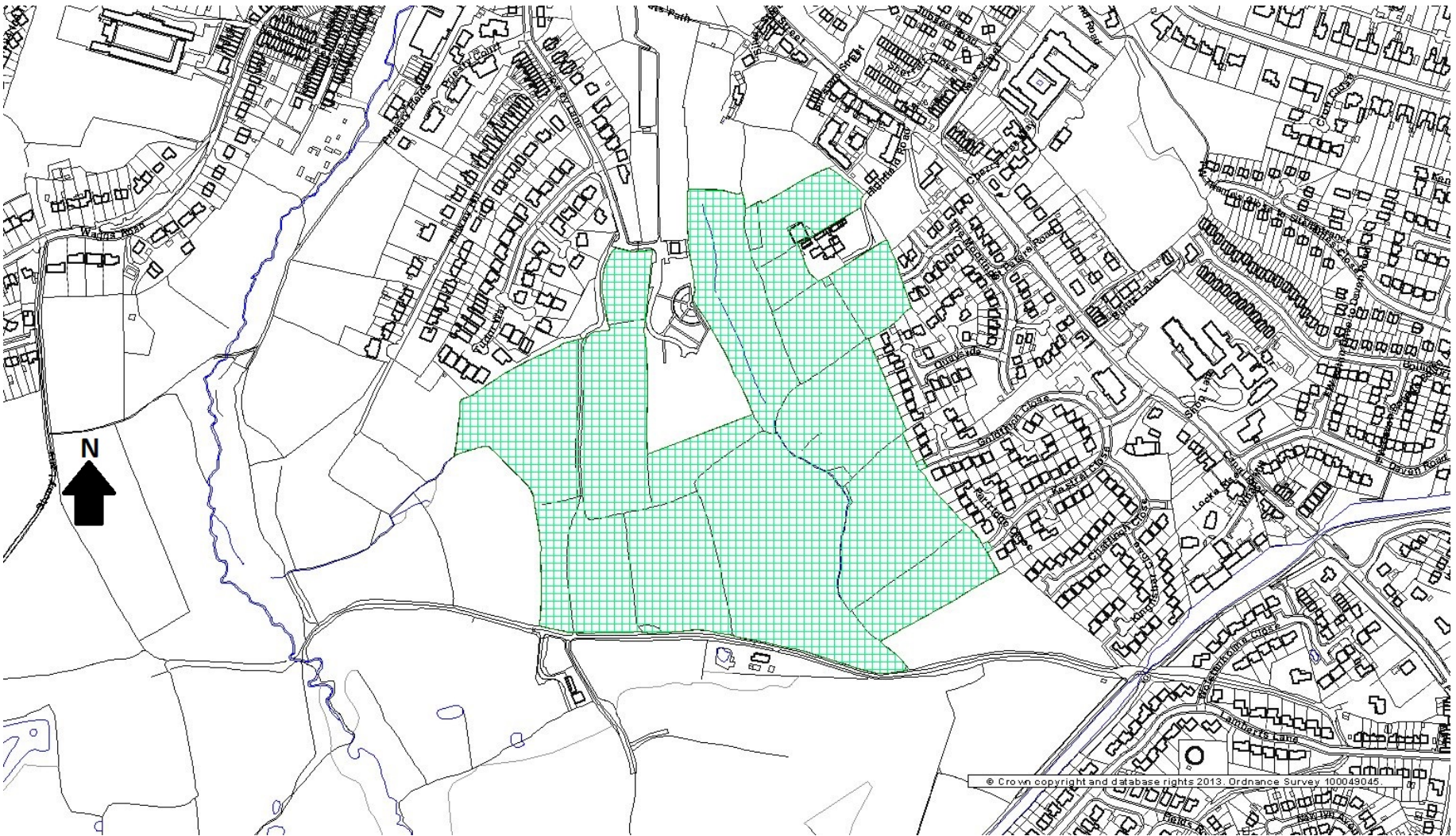
RECOMMENDATION

APPROVE subject to the following conditions

- 1. Development to be carried out in accordance with plans**
- 2. Accordance with details of boundary treatments**
- 3. Scheme of signage for pedestrians/cyclists**
- 4. Accordance with levels**
- 5. Notwithstanding any plan approved in condition 1, details of materials for parking spaces, hard landscaping, shared surfaces and paths through POS to be submitted, approved and implemented**
- 6. Accordance with 5m buffer zone along watercourse**
- 7. Removal of permitted development rights classes A-E (extensions and outbuildings) for smaller units**
- 8. Materials to be submitted and approved**
- 9. Removal of permitted development rights for walls and other means of enclosure forward of front building line**
- 10 Public Rights of Way/Bridleway scheme of management to be submitted and approved**
- 11 Integral garages to be retained for the parking of motor vehicles/Conversion to living accommodation to require planning permission (with the exception of the Brierley housetype on plots 1, 3, 9, 12, 15, 16, 25, 34, 42, 44, 52, 62, 74 defined as store)**
- 12 Notwithstanding the submitted plans a scheme of additional wildflower planting to be submitted and agreed**

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 Principal Planning Manager , in

consultation with the Chair (or in his absence the Vice Chair) 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.



Application No: 16/6087N

Location: Land to the north of Wistaston Green Road, Wistaston, Crewe, Cheshire

Proposal: Reserved matters approval for the appearance, landscaping, layout and scale of 150 dwellings, comprising 126 no. 2, 3, 4 and 5 bedroomed houses and 24 no. 1 and 2 bedroomed apartments, sub-station, gas governor, pumping station, public open space including a new ecological pond, attenuation basin and a locally equipped area of play, laying of footpaths and associated works

Applicant: Jane Aspinall, Bellway Homes Limited

Expiry Date: 20-Mar-2017

Summary

The principle of development has already been accepted as part of the outline approval which also approved the access for up to 150 dwellings granted on appeal on this application site.

26 conditions relating to amenity, drainage, construction management, land contamination, provision of traffic lights at the Rising Sun junction, compliance with specified finished levels in both development areas, ecology, trees, layout conformity with the parameters and drainage, amongst other conditions were approved at outline stage. These conditions sit with the permission and need not be repeated.

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

Mitigation for education impacts was dealt with as part of the Outline approval, which sits in tandem with any reserved matters. The impact upon infrastructure would be neutral as it is mitigated.

In terms of the POS and LEAP provision this is considered to be acceptable as part of the outline approval

Details of the proposed external appearance of the dwellings are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation, these were assessed as part of the outline approval. Drainage matters were also dealt with previously

The development would not have any significant impact upon the trees and hedgerows on this site.

The proposed access points were determined to be acceptable at outline stage and the traffic impact as part of this development has already been accepted. The internal design of the highway layout/parking provision is considered to be acceptable. The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

Approve with conditions

DESCRIPTION OF SITE AND CONTEXT

The application site covers an area of approximately 7.6 ha and is located on the western side of Crewe at Wistaston approximately 3.2km from the town centre. It lies to the north of Wistaston Green Road, while the Nantwich Road A530 is located along the western boundary of the application site. Wistaston brook forms the northern boundary.

The proposed development is formed by two separate pockets of development, one to the north and one further south, with 'Little West End' situated between the two parcels of the application site. Each of the two areas of development has a separate access onto Wistaston Green Road. The smaller part of the site is under cultivation and the larger southern parcel is uncultivated.

Levels drop significantly in the northern direction away towards Wistaston Brook (circa 7m in the smaller part of the site and 8m in the larger parcel).

The lower part of the valley is within the EA flood zone and Wistaston Brook is classified as a main river. Many of the trees on both sides of the brook are protected by TPO (1985 Old Gorse Covert).

A number of services cross the site – a pylon line, low voltage cables on poles and a sewer. A grade II* listed building – Magpie Manor lies to the south of the site adjacent to the 90 degree bend in Wistaston Green Road.

DETAILS OF PROPOSAL

This is a reserved matters application for 150 dwellings within 2 separate parcels of land interspersed by a dwelling known as Little West End. There is a 3 storey apartment block, 2 bungalows, detached and semi detached units, a LEAP, public open space and an underground gas governor.

The development includes 37 dwellings on the northern parcel of land and 113 dwellings on the southern parcel of land.

The proposed housing mix is -

PRIVATE

- 2no. 5 bed detached
- 20 no 4 bed detached
- 84 no 3 bed semi/detached
- 10 no 2 bed semi/detached 2 storey
- 2no. 2 bed semi-detached bungalows

AFFORDABLE

- 6no. 1 bed apartments
- 2no. 2 bed semi-detached bungalows
- 6 no 2 bed semi/detached 2 storey
- 18no 2 bed apartments
- 11no 3 bed semi/detached

RELEVANT HISTORY

14/1326N – Outline permission for up to 150 dwellings with accesses provided granted on appeal subject to S106 Agreement

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE4 (Green Gap)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA
Cheshire East Design Guide

Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy
PG3 – Green Belt
PG6 – Spatial Distribution of Development
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SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Draft Wistaston Neighbourhood Plan (at regulation 14 stage)

Policy H2 – Affordable Housing, Starter Homes and low cost market homes to meet local needs
Policy H5 – Car Parking on New development
Policy D2 – Environmental Sustainability in new buildings and adapting to climate change
Policy D4 – Design of New Housing
Policy GS4 Woodland hedgerows, boundary treatments and paving
Policy TP6 – Cycle parking in new development

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No Objection – advise the inner road layout is acceptable. Parking is also acceptable

Environment Agency: No comments to make .Advise Wistaston Brook is designated "Main River" and EA consent will be required for works within 8 m

Environmental Health: No objection subject to conditions.

Archaeology: No objection subject to condition

Greenspace Manager: No objection to the design or position of the LEAP

Strategic Housing Manager: No objection – scheme satisfies Affordable housing requirements

PROW Countryside Access Team: No objection subject to condition

VIEWS OF THE PARISH COUNCIL

Wistaston Parish Council: Objection on following grounds –

- 1 The 3 storey apartment block is out of character with the neighbourhood.
2. No properties such as bungalows suitable for the elderly or retired residents are proposed as highlighted in the emerging Neighbourhood Plan which is due to be completed in July 2017.
3. The existing Wistaston Green Road is heavily used and the traffic will increase significantly once the development is completed.

Therefore there is a need to provide a footway and cycle way along Wistaston Green Road to link the existing footways from the junction of the A530 Middlewich Road to the narrow bridge across Wistaston Brook.

OTHER REPRESENTATIONS

Letters of objection have been received from 18 local addresses and a local group called Hands off Wistaston (HOW) raising the following points:

- Principle of development
- Highways congestion and safety
- Wistaston cant cope with the development
- Maintain objection submitted against application 14/1326N
- Loss of green gap
- Detritus on the road where HGV's have left the field
- Wistaston Green Road floods in heavy rainfall
- Proposed density is too high
- Belief that the outline scheme provide a bridge across the Brook
- Inadequate cycle and footpath routes
- 3 storey flats out of character with the locality
- Loss of privacy/overlooking
- Impact on education infrastructure
- Access points are unsafe and an audit should be provided
- The affordable housing is not family housing
- Unacceptably high density / overdevelopment of the site that will lead to the loss land and the open aspect of the neighbourhood

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

OFFICER APPRAISAL

Principle of Development

The principle of residential development has already been accepted following the approval of the outline application 14/1326N which was allowed at appeal for a development of up to 150 units and access.

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

Housing Mix

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

This proposal provides for the following mix:

PRIVATE

- 2no. 5 bed detached
- 20 no 4 bed detached
- 84 no 3 bed semi/detached
- 10 no 2 bed semi/detached 2 storey
- 2no. 2 bed semi-detached bungalows

AFFORDABLE

- 6no. 1 bed apartments
- 2no. 2 bed semi-detached bungalows
- 6 no 2 bed semi/detached 2 storey
- 18no 2 bed apartments
- 11no 3 bed semi/detached

This residential mix is acceptable as it sits entirely in accordance with the Parameters and Design Statement within the original outline scheme determined to be acceptable by the Inspector.

The Decision Notice in the Outline scheme requires general conformity with the Parameters plan. The design and access statement submitted to the outline scheme did not specify a mix of units across the sites, rather it refers to a mix of 2, 2 and ½ and 3 storey buildings. There is no prescriptive residential mix required neither by condition on the outline permission nor by Policy SC4.

Policy SC4 requires a range of housing to meet local need. Given the introduction of 1 bed units on this scheme as negotiated by the Strategic Housing Manager, which has occurred as a consequence of welfare reform, it is considered that this scheme provides for a greater range of units than originally referred to in the documentation associated with the Outline permission.

The scheme has been revised to increase the numbers of smaller family homes. The numbers of 4 bed units have been reduced as a result of some 4 bed units not having policy compliant levels of car parking. As a result there appears to be a large number of 3 bed units for market sale, however, it is important to note that the 3 bed units comprise a range of sizes of units to meet local needs.

Overall it is considered that the mix of sizes, both for market sale and affordable units provide a mix across all types and sizes. This is in accordance with policy SC4 and is considered acceptable.

Landscape Impact

Located towards the edge of the Cheshire Plain the site displays many of the characteristics of the Cheshire Plain, and the Cheshire Landscape Assessment characterises the wider area as being a predominantly flat, large scale landscape with relatively few hedgerow trees or dominant hedgerows. This combines with the low woodland cover typical of this landscape type, to create an open landscape with long views in all directions to a distant skyline. At this location this is a landscape of contrasts with many variations, and in places the relatively dense settlement pattern is very obvious, as well as the areas of woodland associated with Wistaston Brook and the blocks of woodland to the north of Wistaston Brook, which follows the north eastern boundary of the application area. Generally the southern part of the site is influenced by its close proximity to Wistaston.

The Wistaston Green Road site has extensive areas of existing structure planting along Wistaston Brook, adjacent to Little West End, as well as existing hedgerows along much of the boundary with Wistaston Green Road. The boundary treatment has been amended to provide boundary fencing where a number of proposed dwellings back onto existing woodland blocks and hedgerows, notably to the rear of properties 18-24 Street 1, properties 106-115 Street 6 and properties 130-150 Lane 1.

The planting proposals shows new hedgerow planting to the rear of 1-9 Street 1. The planting proposal drawings also show a new re-aligned roadside hedgerow with *Quercus robur* (oak) along the northern and south western boundary with Wistaston Green Road, and additional *Quercus robur* trees along the western boundary. The proposals also show trees along the internal road and open spaces as well as shrub planting areas and wildflower planting areas and marginal planting around the ecological pond. The planting proposals are appropriate for such a development.

Affordable Housing

To comply with the S106 Agreement attached to the outline permission 45 dwellings need to be provided as affordable dwellings. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure.

The SHMA 2013 identified a requirement for 217 new affordable dwellings per annum in the Crewe sub-area until 2017/18. Broken down there was an evidenced requirement for 50 x one bed, 149 x three bed, 37 x four + bed, 12 x one bed older person and 20 x two bed older person dwellings (there was an evidenced oversupply of two bed general needs accommodation).

There are currently 114 households on the Cheshire Homechoice housing register who have selected Wistaston as their first choice area for rehousing. They require 17 x one bed, 50 x two bed, 40 x three bed and 7 x four bed.

The applicant is now proposing to provide –

- 6no. one bed apartments
- 2no. two bed semi-detached bungalows
- 6 no two bed semi/detached 2 storey
- 18no two bed apartments
- 11no three bed semi/detached

The Strategic Housing Manager confirms that an acceptable Housing Scheme has been submitted as required by the S106 Agreement in force. She further confirms that the mix and pepper-potting of the units is acceptable.

Access and Car Parking

The development is split into two areas, the western end of the site has 35 units and the eastern section has 115 units. Each of the development areas will have their own individual access from Wistaston Green Road.

The outline permission approved the priority junction arrangements for these access points and the visibility splays proposed at each access point are sufficient for the speed limit of 40mph. The outline permission also requires the developer to undertake signal improvements at the Rising Sun junction.

Shared surfaces have been introduced which has allowed the layout to have a less engineered design, this has also had the added benefit of facilitating the introduction of visitor parking spaces on the southern site

There is a mix of 1, 2 bed, 3 bed and 4 bed units on the site. Car parking provision would be 200% for the 2 and 3 bed units, the 4 + bed units would have 3 or more car parking spaces. This level of car parking would meet the current CEC standards and is acceptable. One space is provided for the 1 bed units. Visitor spaces are provided adjacent to the open space

Overall, the proposed scheme meets current highway standards and the Highway Authority raise no objections. The proposal would accord with Policies BE.3 and TRAN.9 of the Borough of Crewe and Nantwich Local Plan 2011.

Amenity

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

- 21 metres between principal elevations
- 13.5 metres between a non-principal and principal elevations

The layout complies with the standard with existing properties at Grizedale and Riverside Close being in excess of 30m on the other side of Wistaston Brook, which affords significant screening from the site

The Levels on the site drop away from Wistaston Green Road. The central portion of the larger site, where the 3 storey apartment block is situated drops away so much in the landform that the apartment block is tucked into the site and will be barely visible from Wistaston Green Road. It is considered that the distances involved, together with the vegetation in the vicinity of the Brook satisfactorily safeguards the amenity of residents on the other side of the Brook

Contaminated Land and Air Quality

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

A Phase II Contamination Assessment in relation to land contamination is required by condition attached to the outline permission. This issue is therefore satisfactorily addressed and need not be re-visited here.

A condition for Electric Vehicle Infrastructure is also contained on the outline permission. Likewise an environmental management scheme is required by condition.

The Environmental Health Officer has raised no objections to the development on air quality grounds/ amenity grounds subject to the use of conditions. The requested conditions are already contained on the outline permission and do not need to be replicated.

Trees and Hedgerows

Selected groups of trees to the North West boundary of the application site adjacent to Wistaston Brook are afforded protected by the Crewe and Nantwich Borough Council (Old Gorse Covert) TPO 1985.

As required by condition upon the outline permission, the application is supported by an Arboricultural Impact Assessment (AIA), Tree Protection Plan and Arboricultural Method Statement (AMS) in accordance with *BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations*

The Tree Officer has considered the submitted Impact Assessment and has no objections to the proposed layout.

Design

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

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

In this case the development of the site at 150 units set within defined building areas within extensive green areas was granted on appeal. The Hedgerow fronting on to Wistaston Green Lane although sporadic in places is an important design influence which also screens this site for considerable distances.

The smaller part of the site has a 7m land levels drop from south to north and the larger site drops away by some 8m from Wistaston Green Road in the west to the Brook boundary in the east.

With the exception of the bungalows and the apartment block, the houses are mainly 2 storey (approx. 7.9m) height set within individual landscaped plots with off street parking on driveways or

within integral/stand alone single and double garages. A parking court has been provided behind the apartment blocks, thus leaving the frontages of the units at the entrance of the site free of car parking.

The street arrangement follows through from the indicative blocks on the outline masterplan and comprises the inclusion of the feature landscape spaces focussing on Wistaston Brook

The houses are predominantly a mix of 2 storey semi-detached and detached properties arranged off the central access route through the site. Two bungalows and a block of 3 storey flats are proposed on the larger site.

The density of dwellings at 33 per hectare is in line with the development framework indicated within the information submitted within the design and access statement submitted at outline stage. The palette and mix of materials comprises render as well as brick, with key focal point units being double fronted and orientated to key streetscene points. Whilst the house types are part of this house builders standard portfolio, different design treatments are used throughout the area to create a different sense of place by well chosen design features. This use of different palettes such as hanging tiles, render, timber boarding or brick to the same bay within different street scenes is considered to be appropriate and will add interest in streetscenes.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings, the palette of materials and their scale/ distribution throughout the site is considered to be acceptable. The proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens.

It is considered that the development complies with Policy BE.2 (Design Standards) and the NPPF.

Ecology

Wistaston Brook

Wistaston Brook is located on the northern boundary of the application site. A 10m undeveloped buffer zone is provided adjacent to the brook as part of the outline permission. It is also important that the Brook is protected during construction

Other Protected Species

An updated survey has been submitted as required by condition. The outlying sett previously recorded on site is still active. The sett is located within 20m of a proposed access road and so the applicant is proposing that the works be undertaken under the terms of a Natural England license. The proposed development will also result in some localised loss of foraging habitat.

It is intended to retain the sett. However in order to avoid any harm to this species it may be necessary to close the sett, either permanently or temporarily prior to works commencing. The most appropriate mitigation strategy would depend upon precise level of activity taking place immediately prior to works commenced.

In these circumstances it is considered that a condition should be attached which requires an updated survey, impact assessment and mitigation strategy to be submitted prior to the commencement of the development.

Ponds

Ponds are a Local Priority Habitat and hence a material consideration. Two existing ponds are present on site. Both of these would be lost as a result of the proposed development. Two replacement ponds are now being proposed. This is acceptable if planning consent is granted it is recommended that a condition be attached which requires a detailed design of the ponds to be submitted.

Hedgerows

Hedgerows are a priority habitat. Much of the existing hedgerows would be retained. There will however be losses of two sections of hedgerow to as a result of the development proposals. The applicant has confirmed that a greater length of replacement planting is now proposed in relation to that lost. This is considered to be acceptable in ecological terms

Bird and bat boxes

Proposals for the incorporation of bat and bird boxes is included with the landscape masterplan. These are acceptable

Public Open Space

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

The POS and LEAP is located to a central part of the site underneath the pylons that traverse the site. This is as indicated on the parameters plan and considered by the Inspector as being acceptable at outline stage when he added a condition requiring the development to be in conformity with the parameters plan.

The Councils Open Space and Play Area Consultee has advised about the position and layout of the LEAP and raises no objection to the siting. Five pieces of equipment/maintenance are required as part of the S106 Agreement attached to the Outline.

Additionally, the National Grid have published guidelines in two documents which are considered most relevant:

- Development Near Overhead Lines (July 2008)
- A sense of Place: Design guidelines for development near high voltage overhead lines.

Electric and Magnetic Fields (EMFs) - Both documents cover this subject in detail and outline the current legislation on building close to overhead lines. Page 15 of National Grids Publication

'Development Near Overhead Lines' states that 'in the UK at present, there are no restrictions on EMF grounds on building close to overhead lines.' and concludes that 'Neither the UK Government nor the National Radiological Protection Board (NRPB) has recommended any special precautions for the development of homes near power lines on EMF grounds'.

Recreational use of land beneath and alongside overhead lines

Page 42 of National Grids Publication 'A Sense of Place: Design guidelines for development near high voltage overhead lines' outlines utilising land close to overhead lines and states that 'Land beneath and adjacent to overhead power lines can be efficiently used in many practical and profitable ways that benefits development and helps break down linearity.' This section of the document breaks down the various land uses that are considered acceptable into a table and summarises the use in the context of overhead lines. Public Open Space, both passive and active are considered acceptable and can help to create visual interest at ground level in order to minimise the impact of the overhead lines and pylons.

Flood Risk and Drainage

The majority of the site is located in Flood Zone 3. The outline permission contains conditions pertaining to conformity with the Flood risk assessment and drainage to be on separate system. The Flood Risk Officer advises that no further conditions are required. Likewise, the Environment Agency advises that drainage is no longer their responsibility.

Compliance with conditions/Discharge of conditions attached to the outline permission

A number of conditions attached to the original outline permission required information to be submitted as part of the reserved matters. This application has satisfactorily addressed this requirement in respect of Condition 11 (Lighting Plan), Condition 16 (Arboricultural Impact Assessment); Condition 22 (updated badger survey). The information received is acceptable and these conditions are discharged.

Conditions 20 (shared routes for cyclist and pedestrians) and 24 (details for the disposal and storage for the disposal of refuse/recycling also required information to be submitted with reserved matters. With respect to bin storage, the houses have adequate sized rear gardens and gated access for the storage of waste and recyclables to rear gardens, however, no details of bin store has been received in respect of the apartment block. Likewise although the inner road layout has been amended during the application to introduce shared surfaces in keeping with the Cheshire East Design Guide, no details of shared routes have been submitted. These issues do not go to the heart of the case and it is therefore considered appropriate to re-impose these conditions

Other Material Considerations

Given the early stages of adoption of the Wistaston Neighbourhood Plan (WNP), being at Regulation 14 Stage, limited weight can be afforded to the policies of relevance in this case.

Planning Balance

The principle of development has already been established.

Social Sustainability

The development, subject to conditions, will not have a detrimental impact upon residential amenity of future or existing residents it would provide benefits in terms of affordable housing provision in line with the housing need survey and the IPS and would help in the Councils delivery of 5 year housing land supply. The mix of units provides a range of dwelling sizes as required by Policy SC4. On site play and open space is provided as part of the outline permission and its position and configuration is acceptable

The impact upon education infrastructure has already been assessed at outline stage when the Unilateral Undertaken contribution to primary education of £292,850 was accepted by the Planning Inspector at outline stage. The impact would be mitigated and would thus be neutral.

In terms of the POS and children's play provision this is considered to be acceptable. The social housing is provided in accordance with the IPS and is acceptable

Environmental Sustainability

The detailed layout and design of this residential development site, previously allowed on appeal is considered to be acceptable.

With regard to ecological impacts, an ecological mitigation payment of £2000 is required as part of the outline permission, the development would have a neutral impact subject to conditions.

The drainage/flood risk implications for this proposed development were considered to be acceptable at outline stage.

Open space on site is the subject of the Unilateral Undertaking in terms of its provision and management.

The development would not have any significant impact upon the trees on this site subject to conditions.

Economic Sustainability

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

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

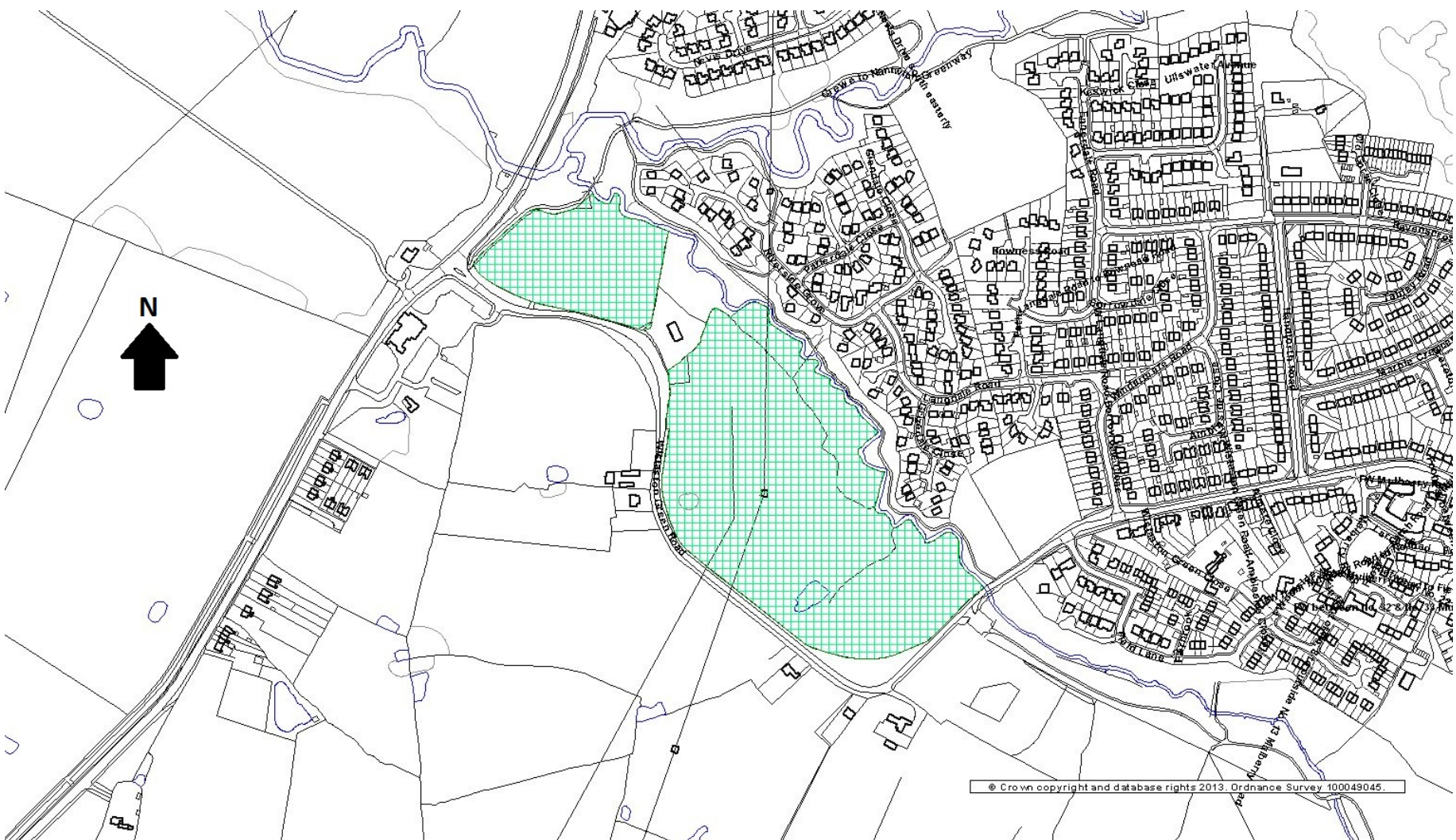
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATIONS

APPROVE subject to the following conditions:

1. Plans
2. Bat and birds boxes installed as recommended
3. Integral garages to be retained for parking of motor vehicles
4. Landscaping scheme implementation
5. Materials as specified
6. Updated badger survey
7. Details of fencing off of the 10m buffer adjacent to Wistaston Brook during the construction phase.
8. Detailed replacement pond design (x2)
9. Compliance with AIA
10. Removal of permitted development rights for rear extensions (Class A) – smaller plots
11. Boundary treatment to be as per plans
- 12 Removal of permitted development for boundary walls forward of building line
13. Shared Routes
14. Bin store/bike store for apartment block

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 Principal Planning Manager (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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Application No: 17/1574N

Location: LAND AT GRAND JUNCTION WAY, CREWE, CW1 2AT

Proposal: Demolition of an existing building, part demolition of the former PET Hire building, erection of a retail unit (Class A1) measuring 1.207 sq.m. (GIA), alterations to access road, service area and car park layout

Applicant: Triton Property Fund

Expiry Date: 27-Jun-2017

Summary

The principle of development is acceptable and the sequential test has now been met (the failure of the sequential test formed the only reason for refusal as part of application 16/3433N). The design of the proposed development is considered to be acceptable and there would be no amenity issues. The proposed development is also considered to be acceptable in terms of its highway implications. Finally the development would bring economic benefits in terms of increased employment and wages in Crewe. The benefits of this scheme outweigh any harm and as a result the development represents sustainable development.

RECOMMENDATION

Approve subject to a S106 Agreement with conditions

PROPOSAL:

This is a full application for the demolition of an existing unit (located to the east of the site and accessed off Rainbow Street) and the partial demolition of part of the former P.E.T unit and the erection of a new retail unit (Class A1).

The new retail unit would be sited between the existing Sports Direct and Hobbycraft units. The unit would replace an existing service road which provides access to the rear of the existing retail units.

The proposed retail unit would have a gross internal area of 1,207sq.m. This consists of 594sqm at ground floor and 613sqm at mezzanine level (the floorspace at mezzanine level is greater than ground floor as it extends over the ground floor entrance feature).

The proposed development would provide a new vehicle turning area to the rear of the Sports Direct unit and highway works at the junction of Earle Street and Rainbow Street.

SITE DESCRIPTION:

The application site is an irregular shaped parcel of land within the Crewe Settlement Boundary.

The site includes Rainbow Street (and areas of highway land at either side of the junction with Earle Street), part of the former P.E.T unit, a utilitarian building to the rear of the former P.E.T plant hire unit, an existing service road from the retail park and areas of hardstanding/external storage.

RELEVANT HISTORY:

16/3433N - Demolition of an existing building, part demolition of the former pet hire building, erection of a retail unit (Class A1) measuring 1,207sq.m. (GIA), alterations to access road, service area and car park layout – Refused 27th October 2016 for the following reason;

'In this case there is an available unit within Crewe Town Centre which is currently available. This application fails to satisfy the sequential test and as such the development is contrary to Paragraphs 24 and 27 of the NPPF.'

15/5777N - Demolition of An Existing Unit, Erection Of A Retail Unit (Class A1) Measuring 1,207sq.m. (GIA), Alterations To Access Road, Service Area And Car Park Layout – Withdrawn 1st April 2016

POLICIES

National Policy:

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

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

23-27 Ensuring the Vitality of Town Centres

32 Promoting Sustainable Transport

56-68 Requiring good design

Development Plan:

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

The relevant Saved Policies are: -

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

S.10 (Major Shopping Proposals)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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
SE 13 - Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

CONSULTATIONS:

CEC Flood Risk Manager: Conditions suggested.

CEC Environmental Health: Condition suggested in relation to contaminated land. Informatives suggested in relation to hours of construction and contaminated land.

CEC Regeneration: The proposed development at Grand Junction Retail Park is an out-of-centre retail scheme and therefore risks undermining the role of the Town Centre. In light of this, the Council seeks to ensure that the proposed development includes measures/contributions in support of strengthening the physical connectivity between the Retail Park and the town centre, to ensure that linkages from the perspective of the shoppers/visitors are improved, such as enhanced pedestrian/vehicular connectivity, physical design/linkages, signposting and promotion.

It is therefore expected that the applicant will identify how they will contribute to a scheme of works to enhance Earle St and the link between the Retail Park and the Town Centre.

CEC Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition.

Network Rail: It appears that the proposed layout of the site and the works to facilitate the design will not impact upon the existing operational railway, unless the developer is proposing any vibro-impact or piling works. There are some works proposed for the road leading to the bridge which appear to be approximately 20m+ from the railway boundary, so again unless the works include excavations or piling then there are no comments to make.

VIEWS OF THE TOWN COUNCIL:

Crewe Town Council: Objects to the application on the following grounds;

- The proposal fails the sequential test because there are eminently suitable premises in the Town Centre at the former BHS store and the M&S store. BHS is vacant and can accommodate the proposed floorspace at ground floor level. M&S are relocating from the

Town Centre to the retail park in August and their town centre premises are being marketed. Both sites have large ground floor areas and are within a few metres of the bus station and large surface car parks.

- The impact of the proposed development on its own, and cumulatively with previous approvals on the viability and vitality of the Town Centre is contrary to the NPPF, Policy S10 of the Borough of Crewe and Nantwich Local Plan 2011, and Policy EG5 of the Cheshire East Local Plan Strategic Policies. Since July 2015 and additional 3,207sqm of floorspace has been approved for Grand Junction Retail Park in a series of incremental applications. The current application would take this to 4,214sqm. This incremental and piecemeal approach has by-passed the requirement in the NPPF for a retail impact assessment which would have been required if that amount of floorspace had been the subject of a single application. The construction of a further unit on Grand Junction could lead to the relocation of yet another major retailer out of the town centre, further reducing its attractiveness and hence its vitality and viability. It is clear that Grand Junction Retail Park is already having an impact on the Town Centre, and further development will make this worse.
- There is already significant traffic congestion at the single entrance to the retail park at peak periods which not only affects local residents but also impedes access to the Town Centre further affecting its attractiveness vitality and viability. Additional floorspace can only make this situation worse.
- The new service access via Rainbow Street is intended for use by HGVs. After the proposed re-alignment it will join Earle Street close to the foot of Earle Street Bridge, almost opposite Brierley Street. Brierley Street is a residential street which also provides access to a primary school, public car park and sports facility. There is already traffic congestion at this point, and the additional HGVs turning movements will cause severe adverse impacts on congestion and road safety.
- Rainbow Street is currently exclusively used as an access to the former PET hire building, River and Reef Aquatics and the small light industrial units on the west side of the street. These businesses generate a lot of traffic, and during the daytime there is on street parking on both sides of the road. If this application is approved, there is potential for conflict between service vehicles accessing Grand Junction Retail Park and vehicle movements associated with the Rainbow Street units and between service vehicles and parked cars. The 5 spaces proposed on the east side of Rainbow Street will not adequately replace the amount of on-street parking currently available.

REPRESENTATIONS:

One letter of objection has been received which raises the following points;

- This is the third time that the applicant has sought planning permission for the additional retail unit and the alterations to the junction with Rainbow Street
- Earle Street is used by emergency services to access the eastern side of Crewe and beyond.
- There is an issue of visibility when travelling over the Earle Street bridge and emergency vehicles will not have a clear view of HGVs using the new junction
- Emergency vehicles have difficulty accessing Earle Street due to the heavy volume of traffic
- The Transport Statement makes little reference to the fact that the Rainbow Street junction is opposite the junction with Brierley Street. Brierley Street serves the Cumberland Sports Stadium and a Primary School and there will be an impact at peak times
- The Lifestyle Centre was determined to be unsuitable when sited on the Cumberland Stadium due to the traffic implications
- The narrow nature of the pavements on Earle Street and Rainbow Street

- Earle Street is difficult to cross for pedestrians
- The alterations to the junction of Earle Street and Rainbow Street will not be safe
- Increased air pollution due to more HGVs in the area. 40,000 people die each year due to air pollution.
- The age of local infrastructure is a concern. Network Rail have concerns over the age and narrow nature of the existing Earle Street railway bridge.
- The application does not take into account the existing traffic congestion during peak hours. Traffic regularly queues over Manchester Bridge and up to Macon Way and Hungerford Road
- It is understood that the bus services 1A and 1B are experimental and are not guaranteed to run in the long term.
- The proposed developments at the Crewe Green Roundabout and Sydney Road Bridge will cause congestion and disruption for the next 2 years with diversions in place.
- The applicants appear to be trying to force through this application and this application should be rejected like the previous application.

A letter of objection has been received from Cllr Brookfield which raises the following points;

- Earle Street at this location is a very busy thoroughfare and there are concerns for the small traders that will be affected
- One small trader has already reported problems and has requested double yellow lines along Rainbow Street.
- HGV's would affect the businesses along Rainbow Street due to the limited space for customers who will be deferred further.
- It is requested that the Committee look at the Brierley Street junction which is directly opposite Rainbow Street.
- Brierley Street provides access for residents, a primary school, other small businesses, a car park and a sports arena and is heavily used.
- The increased HGV movement in the area would impact greatly on an already congested area. Questions of safety and pollution levels must be raised.
- The single entrance to the Grand Junction from the roundabout at the head of Queen Street experiences significant traffic congestion particularly at peak times affecting the lives of local residents and the trade of the town centre in terms of access. The increase in retail space would only increase this.
- Whilst welcoming there have been moves to improve the connectivity between the Grand Junction Retail Park and the town centre there is no doubt that a further larger retailer will impact negatively on the town centre.
- There is space within the town centre to facilitate any possible demand and would also draw the Committee's attention to the fact that one large store on the Retail Park is closing down imminently and as such vacant space will be available to meet any current demand without the need for further development in this restricted/over developed area.
- The nature of the piecemeal development of this Retail Park has impacted greatly on the Town Centre to its detriment and by passed the requirement for a Retail Impact Assessment under the NPPF.
- It is requested that Planning Committee Members consider the impact on small local businesses, local communities, the town centre and residents when making a decision.

APPRAISAL

Principle of Development

The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. The Cheshire Retail Study 2016 identifies that the Grand Junction Retail Park is an edge-of-centre location.

Within the town centre the Cheshire Retail Study 2016 identifies that Crewe Town Centre has a higher number of vacant units than the national average but that the majority of the vacant units are small to medium in scale. However the report also concludes that the town centre is well represented in terms of the convenience (food, drinks, tobacco, newspapers/magazines, cleaning materials, toiletries) and comparison goods provision (all other goods) but is under-represented in terms of its service provision.

The Cheshire Retail Study then goes on to conclude that the health of Crewe Town Centre has declined in recent years and that it is evident that positive steps have already been taken to attracting new investment in Crewe via the production of the Crewe Town Centre Regeneration Delivery framework for Growth in addition to the Council's acquisition of the Royal Arcade site with the intention of delivering a leisure-led mixed use development.

Impact Assessment

An impact assessment is not required as the proposed development is below the threshold of 2,500sq.m as set out within the NPPF.

The point raised by the Ward Member in relation to the cumulative impact of developments is noted. However it is only possible to consider each individual proposal in terms of threshold for the impact assessment.

As long as it can be demonstrated that there are no sequential preferable town centre or edge-of-centre sites then the development is highly unlikely to have a significant impact upon investment in Crewe Town Centre. Crucially, an impact assessment is not required as part of this application due to the modest scale of the proposed development.

Sequential Test

The NPPF advises that where an application fails to satisfy the sequential test then the application should be refused.

Outside of Crewe Town Centre policy S.10 of the Crewe and Nantwich Replacement Local Plan only relates to major proposals (defined as those with a gross floorspace of over 2500sqm). As a result this policy does not apply to this application.

The sequential test is a key element of the NPPF. In support of this the Planning Practice Guidance states that the sequential test should be proportionate and appropriate for the given proposal and should;

- Have due regard to the requirement to demonstrate flexibility. Has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to sites that are well connected to the town centre.

- Is there scope or flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of the development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

Where a proposal fails to satisfy the sequential test it should be refused.

The applicant states that proposed development seeks to meet the requirements of large format, retail warehouse occupiers and that any alternative sites need to be able to accommodate the total floorspace to be created at the application site (1,207 sq. m).

The sequential test only allows the consideration of town centre or edge of centre sites that are available. It does not ask whether such sites are likely to become available during the plan period or over a number of years (this was determined in a SoS decision in East Northamptonshire in 2014).

A sequential test was considered as part of the previous application and this considered the existing vacant units within Crewe Town Centre. The largest vacant units in Crewe Town Centre are 29 Queensway (the former BHS Unit) (2,818sq.m), (Burford House (523sq.m) and 39 High Street (796sq.m). It should be noted that Burford House measures 1,671sq.m but only 523sq.m is available to let.

In this case the agent states that the proposed development is to meet the requirements of a large format retail warehouse and any alternative sites need to accommodate the total floorspace of 1,207sqm subject to the application of flexibility. The applicants have stated that to demonstrate flexibility they would be looking at sites between 1,000sqm and 1,400sqm.

The largest unit available within Crewe Town Centre is the former BHS Unit and this is the unit which is referred to within the reason for refusal for the previous application (16/3433N). The applicant has stated that this unit is not sequentially preferable for the following reasons;

- The BHS unit is not a 'commercially realistic' alternative to the development site and is of a different scale (2,849sqm – GIA) and format to the bespoke retail warehouse proposed at the application site.
- The unit has been occupied since 1959. Its configuration includes three separate customer entrance points and floorspace is configured over three levels.
- It is possible to occupy the ground floor of the BHS unit but this would represent an inefficient use of space which would impact upon the viability of the operation. The annual rent of the BHS unit is quoted as being £213,150 and this reflects the overall quantum of floorspace within the premises. The proposal is a new unit configured over two levels and multi-level trading is an integral part of the business model of the proposed operator
- It is unrealistic to assume that an operator would occupy a premises that significantly exceeds the amount of floorspace it requires given there will be a rental liability on the surplus space.
- At a previous meeting the Council confirmed that it had not assessed the BHS unit or sought any expert advice to support the assertion that the costs of configuring the premises to create a smaller premises would 'not be significant'. The applicant has appointed a specialist building consultant who has visited and analysed the BHS unit to provide an approximate cost of subdividing and reconfiguring the premises. This has found that;

- The building is in a poor condition with visible signs of lack of investment and proper maintenance for some years. There are signs of structural issues and records of Asbestos Containing Materials.
- The premises would need numerous internal changes such as access corridors, lifts, new service areas/loading bays, removal of existing plant, stripping of internal fittings and possibly a new substation. In addition to the external works; new shop front, windows, roof repairs.
- Works to subdivide the unit.
- Given the complexity of the process and requirements for structural works the total cost to subdivide the premises is estimated to be in excess of £3,500,000. Such cost is not commercially realistic given the rental return from the two separate units when compared to letting the unit as a whole.
- In light of the above the BHS unit is not a viable option to accommodate the proposed development and a more realistic option is a short term letting to a single operator.
- The Council has published clear aspirations for the redevelopment of the Royal Arcade site. The BHS Unit could be retained as part of a future scheme but given the issues highlighted with the integrity of the building and the difficulty of reconfiguring the existing space its retention would be detrimental to the success of any future scheme.
- The BHS Unit does not come with direct level car parking to serve the unit. Whilst not essential this compounds the viability/suitability issues raised with the site.

On this basis of this information it is considered that the BHS Unit is not a sequentially preferable site which could accommodate the proposal.

In this case there are no other units over 1000sqm and the applicant has looked at whether any of the vacant units could be amalgamated to form a larger unit of more than 1000sqm. The applicants have stated that there are a number of locations where units could be amalgamated as listed below;

- 79 and 79A Victoria Street (total size 450sqm)
- 37 and 39 Victoria Street (total size 230sqm)
- 36 and 38 Victoria Street (total size 390sqm)
- 21 and 23 Queensway (total size 410sqm)
- 69 and 71 Market Street (total size 440sqm)
- 267 Edleston Road, 42 High Street and 44-46 High Street (total size 770sqm)
- 2, 4 and 6-10 High Street (total size 300sqm)
- 25 and 27 High Street (total size 1,570sqm)

In this case the amalgamated units would not meet the requirements of sites between 1,000sqm and 1,400sqm. In terms of the site at 25-27 High Street the applicant has also commented that the site is within a secondary frontage, the buildings are of a poor state of repair with low foot fall. The applicant has also stated that the proposed development of this unit would require significant capital expenditure and comprehensive redevelopment and that the current configuration of floor space meets the previous leisure use and is not suitable to meet the requirements of a large format retail operator.

The applicant has stated that the former PET Hire unit adjacent to the Grand Junction Retail Park measures 1,150sqm. However the owner of this unit in formal discussions with a potential future occupier of this unit and that the unit is currently subject to a planning application (16/3452N) to

improve the environment and linkages to the town centre and the wider retail park and this forms part of the negotiations with the potential future tenants.

The objection from Cllr Brookfield raises the point that the Brantano Unit (Unit 2B) on the retail park is about to be vacated. In response to this point the agent has confirmed that following the announcement that Brantano would be entering administration that the site has been marketed and four offers have already been received from different commercial operators. Discussion will continue in relation to the Brantano Unit which is not expected to remain vacant for a prolonged period of time. Furthermore, Unit 2B only measures 464sqm, this is just 38% of the floorspace proposed at the application site (1,207 sq.m). Unit 2B is not a suitable or viable alternative to the new unit proposed at the application site. Unit 2B cannot meet the same operator need due to the significant undersupply of floorspace.

Overall, it is considered that there is no sequentially preferable site occupying an in-centre location within Crewe which would meet the applicant's needs. On this basis the sequential test has been met.

Improved Linkages to Crewe Town Centre

The applicant have stated that they are willing to make a contribution to a series of measures that provide improved links between the retail park and the Town Centre. This includes measures/contributions in support of strengthening the physical connectivity between the Retail Park and the town centre, to ensure that linkages from the perspective of the shoppers/visitors are improved, such as enhanced pedestrian/vehicular connectivity, physical design/linkages, signposting and promotion.

The Council is currently working on costing a scheme for these improvements and this will form part of an update report.

Other Economic Benefits

The applicant has stated that the proposed development will provide a number of economic benefits which weigh in favour of the development. These benefits include increased retail choice, increased employment and local wage generation.

Based on the floor area of the development and using Drivers Jonas Deloitte Employment Densities the applicant estimates that this development will create 13 full time equivalent (FTE) positions. This will relate to £166,842 of wages within Crewe (based on an average annual wage of £12,834).

This economic benefit weighs in favour of the proposed development.

Highways Implications

The application would involve the closing of an internal access road within the Grand Junction Retail Park which would result in the use of Rainbow Street as the main service access to the units on the western side of the retail park.

Within Rainbow Street the gable wall of the former PET unit will be demolished and moved eastwards into the site. The Rainbow Street carriageway width will be increased from 5.6m to 7.6m, additional parking bays, dropped kerbs and footway would be introduced. This will allow for HGVs to travel along Rainbow St while on-street parking is taking place.

At the junction of Rainbow Street and Earle Street a new 1.8m wide pedestrian refuge island would be created. Swept paths of 16.5m articulated and 10m rigid vehicles have demonstrated that these vehicles would be able to safely enter and exit via the new Rainbow St/Earle St junction.

Data on the existing HGV deliveries to the retail units along the western edge of the retail park have been provided and are shown in the table below.

Day	During trading hrs		Outside trading hrs	
	16.5m artic	7.5t Box Van	16.5m artic	7.5t Box Van
Monday	4	1	2	1
Tuesday	6	2	1	3
Wednesday	5	2	2	3
Thursday	4	1	1	2
Friday	5	2	2	2
Saturday	3	1	1	2
Sunday	3	1	2	2

The busiest day sees 12 deliveries although a number of these are smaller box vans. This averages at around 3 deliveries per week per unit; it would therefore be reasonable to assume the proposal for 1 additional unit would result in a few extra deliveries over a week.

The proposal will result in the same number of HGVs not having to route through the retail car park where a large number of pedestrians would be located.

The proposal is small in scale and as a stand alone unit it would generate around 1 vehicle per minute during a weekday evening or a Saturday afternoon peak hour.

As this proposal would be located within an existing retail park close to the town centre it is accepted that a proportion of the trips generated to the new unit will be linked trips and as such the number of additional vehicle trips will be less than that of a standalone unit.

The parking provision on the wider retail park is considered to be acceptable and the site would be accessed via linked trips by visitors to the retail park.

The development would provide a pedestrian island at the junction of Rainbow Street and Earle Street and this would help to maintain the existing pedestrian connections between Crewe Town Centre and the retail park.

In terms of the highway works on Rainbow Street it is noted that such works may cause some levels of disruption (as it would on any site where highway works are involved). However such works would be temporary and would be managed in a way to minimise the impact upon the existing businesses and residents in proximity to the site. As such this issue could not be used as a way to resist this development

The traffic impact on the road network capacity will therefore be minimal.

Highways Conclusion

The proposed development would be situated within a sustainable location and would not adversely impact on the local highway network capacity.

The proposed improvements to the pedestrian infrastructure, and the widening and improvements to Rainbow Street, would allow for safe two-way vehicle movement and would suitably mitigate any adverse impact on pedestrian infrastructure.

Amenity

The site is located within an existing retail park between two retail units. There are no residential units in close proximity to the site and as a result it is not considered that the development will have a detrimental impact upon residential amenity through overbearing impact, loss of light or loss of privacy.

In terms of litter generation it is not considered that a proposed retail unit would generate litter. There are existing bin facilities on the retail park for patrons to use.

Noise

Given the scale of the development, intervening land uses and separation distances involved it is not considered that the development would have a detrimental impact upon amenity due to noise. This is supported by consultation response from Environmental Health.

Air Quality

The applicant has submitted a Transport Statement addressing the potential impact of the proposed development on the existing infrastructure. The site is already an existing retail park occupying numerous retail units being accessed daily by customers. The site is easily accessible by all means of travel both car and non-car travel. It is therefore deemed that the proposal will provide a sustainable development in transport terms.

In order to ensure that sustainable vehicle technology is a real option for future occupants / future patrons at the site to ensure that one fast (7Kv) charge point shall be provided and shall be made publically available. This will be secured through the imposition of a planning condition.

The issue of dust from the demolition and construction works will be controlled through the use of a standard condition which relates to dust control.

Contaminated Land

The application area has a history of factory, works, electricity substation and former pond use and therefore the land may be contaminated. Furthermore the site is within 250m of an area of ground that has the potential to create gas.

As a result a condition will be attached in relation to contaminated land as requested by Environmental Health.

Design

The proposed development relates to an elongated flat roofed unit which would be sandwiched between two existing retail units on Grand Junction Retail Park.

The front elevation includes a projecting gable at first floor level which would be supported by brick plinths. The materials that would be used are brick and cladding to match the adjacent units.

The detailed design would not appear out of character on this modern retail park and the detailed design complies with the NPPF and Policy BE.2.

Flood Risk and Drainage

The application site is an existing area of hardstanding and the Councils Flood Risk Manager has confirmed that he has no objection to the development subject to the imposition of planning conditions.

CONCLUSION

The principle of development is acceptable and the sequential test has now been met (the failure of the sequential test formed the only reason for refusal as part of application 16/3433N). The design of the proposed development is considered to be acceptable and there would be no amenity issues. The proposed development is also considered to be acceptable in terms of its highway implications. Finally the development would bring economic benefits in terms of increased employment and wages in Crewe. The benefits of this scheme outweigh any harm and as a result the development represents sustainable development.

RECOMMENDATION:

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

- **A contribution towards strengthening the physical connectivity between the Retail Park and the town centre (Sum to be confirmed)**

And the following conditions;

- 1. Standard Time 3 years**
- 2. Approved Plans**
- 3. Materials to match the adjacent units**
- 4. The off-site highway works proposed on the approved plans should be complete prior to commencement of development of the retail unit.**
- 5. Contaminated Land**
- 6. Surface Water Drainage details to be submitted and approved**
- 7. Overland Flow details to be submitted and approved**
- 8. Restriction on goods sold from the unit to bulky goods**

9. The retail consent shall be for non food sales only in bulky trades normally found on retail parks which are furniture, carpets, DIY, electrical goods, car accessories, garden items and such other trades
10. Fast charge car charging point to be provided

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 his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

- A contribution towards strengthening the physical connectivity between the Retail Park and the town centre (Sum to be confirmed)



Application No: 17/1643N

Location: 22, HEATHFIELD ROAD, AUDLEM, CW3 0HH

Proposal: Application for approval of reserved matters on approval 14/3976N

Applicant: Mr Mark Ellis, Markden (Audlem) Projects Ltd

Expiry Date: 30-Jun-2017

SUMMARY:

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

This assessment considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

Social Sustainability

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 and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral. The provision of public open space and the proposed play area is acceptable and complies with the parameters of the outline scheme.

Environmental Sustainability

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

A total of 17 conditions are imposed on the outline permission which address environmental concerns such as ecology, drainage and flood risk issues, trees, amenity, road layout, travel planning and electric vehicle infrastructure amongst others.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with highway works at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

Economic Sustainability

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

RECOMMENDATION

Approve with conditions

PROPOSAL:

The application seeks reserved matters approval for the appearance, landscaping, layout and scale following the approval of application number 14/3976N. Access was approved at the outline stage. The outline application was for '*up to 26 dwellings*' and this application proposes 24 dwellings.

SITE DESCRIPTION:

The application site covers an area of approximately 1.27 ha and is located to the east of Audlem on land to the east of Heathfield Road. The site comprises the curtilage of 22 Heathfield Road and an adjacent field to the south. It is bound by residential dwellings on Heathfield Road to the west, Mill Lane to the north east and properties known as The Paddock and Mill Cottage to the north.

The majority of the site is designated as being within the open countryside, with the access point from Heathfield Road being within the settlement boundary.

RELEVANT HISTORY:

15/0903N Release from legal obligations for education and health care contributions – Approved 9th October 2015

14/3976N Outline application for up to 26 dwellings – Approved 19th December 2014

13/5162N Outline application for up to 26 dwellings – Refused 10th April 2014 (Appeal withdrawn)

13/3210N Outline application for up to 36 dwellings – Refused 5th November 2013

NATIONAL & LOCAL POLICY

National Policy

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

Local Plan Policy

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

The relevant Saved Policies are:

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

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

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

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

PG 2 Settlement Hierarchy
PG 6 Spatial Distribution of Development
SC 4 Residential Mix
SC5 Affordable Homes
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 Green Infrastructure
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
IN1 Infrastructure
IN2 Developer Contributions
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

Audlem Neighbourhood Plan 2015 – 2030 (ANP)

H1 – Number of New Homes
H3 – Scale of New Development

H4 – Size of Homes
H5 – Type of Homes
D1 – Character & Quality
D2 – Size & Space
D3 – Position & Topography
D4 – Conservation Areas
D7 – Efficiency & Sustainability
D8 - Retaining Green Space and Encouraging Nature Conservation
D10 – Drainage
D11 – Residential Parking
D13 – Safe Access
CW3 – infrastructure Support
T2 – Traffic Congestion and Risk to Road Users

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

CONSULTATIONS:

Audlem Parish Council: The Parish Council submitted a comprehensive six page objection to the proposal on the grounds that it is contrary to several policies in the Audlem Neighbourhood Plan. The objection covers the following points;

- The proposal is contrary to Policies H4 (Size of Homes) and H5 (Type of Homes) as the development is dominated by detached dwellings which are 4 and 5 bedroom
- The proposal is contrary to Policy H6 (Affordable Housing) as 30% of 24 is 7.2. There should be 8 affordable units on this development
- The proposal is contrary to Policy D1 (Character and Quality) due to the off the peg design, there is insufficient information in relation to materials, and non-compliance with the CEC Design Guide
- The proposal is contrary to Policy D3 (Position and Topography) as the two-storey dwellings will dominate the surrounding bungalows.
- The proposal is contrary to Policy D4 (Conservation Areas) as the modern dwellings do ignore the cottage style dwellings in the Salford area. Harm to the Conservation Area
- The proposal is contrary to Policies D6 (Street Furniture and Lighting) and D7 (Efficiency and Sustainability) as no detail is provided on the plans
- The proposal is contrary to Policy D8 (Retaining Green Space and Encouraging Nature Conservation) as there is little detail of the public open space. The storage area and car park will harm Mill Lane which is a public bridleway
- The proposal is contrary to Policy D9 (Planting) as there are no planting details or details of management of the open space
- The proposal is contrary to Policy D10 (Drainage) there is no information of how the drainage will be managed. Concern over the outfall into Salford Brook in terms of flooding and pollution
- The proposal is contrary to Policy D11 (Residential Parking) as it is not clear that there would be adequate parking provision on this site

- The proposal is contrary to Policy D14 (Storage Space) as it is not clear that the development complies with this policy
- The use of Mill Lane for a car park is unacceptable
- A maximum time period should be set for the completion of the development. Deliveries should not be made before 09:00 and after 15:00
- Concerns over land contamination on this site

Highways: No objection.

Flood Risk Manager: No objection subject to further information relating to storm period and intensity calculations and temporary storage facilities.

United Utilities: None received at the time of report writing.

Public Rights of Way: No objection.

Environmental Health: Recommend conditions/informatives relating to noise and disturbance, air quality and contaminated land.

REPRESENTATIONS:

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

One supports the proposal stating that new housing is needed in Audlem, there is a good mix of houses, local businesses would benefit and the school needs more pupils.

The objectors make the following points:

- No more housing required in Audlem
- Contrary to the Neighbourhood Plan
- Development on greenfield land outside the settlement
- Highway safety
- Need for a traffic management scheme
- Access to Mill Lane
- Inadequate drainage
- Flood risk
- Inappropriate layout
- Impact on trees
- Loss of hedgerow
- Overlooking
- Overbearing
- Visual intrusion
- Loss of privacy
- Loss of light
- Too many large dwellings
- Property prices

APPRAISAL:

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

Principle of Development

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Access to the site onto Heathfield Road was fully approved as part of the outline scheme for up to 26 units granted outline permission.

The key issues for Members to consider in determining this application therefore, are the acceptability of the design and appearance of the scheme, the internal highway configuration, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees/hedgerows and the surrounding area.

Audlem Neighbourhood Plan

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

Policy H4 of the ANP requires that new development should favour smaller dwellings to meet the needs of Audlem unless a viability study or other material considerations justify a different mix.

In the case of this site, the development would provide 4 x two bed semi-detached (affordable), 3 x three bed mews houses (affordable), 4 x three bed detached dormer bungalows, 2 x three bed detached houses, 6 x four bed detached houses and 5 x five bed detached houses. As such just over half would be two and three bed units, seven of which would be affordable housing. To restrict this to all 'small' units on the site would mean a significant increase in the number of dwellings on the site.

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

Policy H5 relates to the type of new homes and specifies that residential development should have only one-third detached dwellings with the rest being bungalows, terraced or semi-detached. In response to the Parish Council the proposal has been amended to include 3 bungalows, meaning that 11 of the dwellings would be bungalows, terraces or semi-detached. Whilst this does not fully comply with the requirements of the ANP, it should be noted that the outline approval (albeit indicative) showed 18 of the proposed dwellings as detached.

Policy H6 relates to affordable housing relates to the provision of 30% affordable housing. The Parish Council note that, the calculation for 24 dwellings would be 7.2 affordable dwellings and consider that the number should be increased to 8 or a financial contribution sought. This would not be reasonable or in compliance with the Council's affordable housing policy.

Policy D1 relates to character and quality and the Parish Council consider that the development fails to respect and enhance the natural, built and historic environment of the village. It should be noted that there are a mixture of property types in the vicinity of the site, including the suburban development around Hilary Drive. The proposal is for a mixture of nine different property types and it is considered that with careful use of materials that these would integrate into the local area. This can be controlled by condition.

Policy D3 relates to position and topography. The Parish Council consider that two storey houses would dominate the existing bungalows on Heathfield Road, causing overlooking and overshadowing. However, although the land slopes upward, the required separation distances would be complied with and the outline consent required a maximum ridge height of 8m, which the development also complies with.

Policy D4 relates to Conservation Areas. The site lies to the north of the Woore Road (Audlem) Conservation Area and is approximately 100m from it. The site is elevated but it is not considered that there would be an adverse impact on the character and appearance of the Conservation Area or its setting.

Policies D6 and D7 relate to street furniture/lighting and efficiency and sustainability and the Parish Council consider further information is required. These issues however can be controlled by condition. In addition street lighting and furniture will need to be designed in accordance with Cheshire East Highways requirements as the roads will ultimately adopted by them.

Policy D8 relates to retaining green space and encouraging nature conservation. Concerns about damage to Mill Lane are noted; however a construction management plan has been submitted and compliance with this will be controlled by condition. It is not clear what detrimental impact the PC think there will be to the bowling green.

Bat and bird boxes are proposed within the development and the Council's Principal Nature Conservation Officer is satisfied that these are acceptable. The inclusion of bat boxes on the side of new dwellings is common practice and to the benefit of nature conservation.

Policy D10 relates to drainage and this issue will be dealt with by condition.

Policy D11 relates to residential parking. The Head of Strategic Infrastructure has assessed the development and is satisfied that the parking provision is acceptable and complies with Cheshire East requirements.

Policy D14 relates to storage space. This can be controlled by condition.

Audlem PC has also raised concerns about the use of Mill Lane as a car park and for construction traffic. This is not the case, the Mill lane access will only be used for access to the site for contractor's vehicles until the primary access is formed. Plot 11 does not have an access onto Mill Lane.

The Parish Council have requested that a maximum time frame for completion of the development be imposed. This would not be in line with national requirements; however the provision of the affordable housing would be controlled by the S106 Agreement.

Land contamination is assessed by Environmental Protection who have recommended a condition relating to contaminated land.

The applicant has submitted a response to the comments of the PC which he considers addresses all the issues raised. An indicative plan has also been submitted showing a housing mix and density that would meet the objections of the PC. These can be viewed on the website.

Social Sustainability

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 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 as set out in the IPS. Since the Court of Appeal decision and the NPPG amending the rules for Rural Non Exception sites the IPS has been amended to 10 dwellings or a combined floor space including annexes and garages of 1000sqm's in size as the trigger point for Affordable Housing Provision.

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 24 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Audlem per annum until 2018 is for 4 x one bedroom, 16 x three bedroom, and 4 x four bedroom dwellings for General Needs. The SHMA is also showing 3 x two bedroom dwellings for Older Person.

The SHMA shows an over supply of 2 bedroom General needs properties. A rural housing needs survey was carried out in January 2013. 810 surveys were delivered to all households in Audlem, with 416 being returned giving a response rate of 51%. The survey has highlighted several types of resident that had an affordable housing need within Audlem.

These included:

- 29 respondents requiring alternative housing within the parish, most commonly because they needed smaller accommodation
- 40 current Audlem residents who might wish to form a new household inside Cheshire East within the next 5 years
- 29 ex-Audlem residents who might move back into the parish within 5 years if affordable housing were available.
- Therefore, there were a potential total 98 new households that might be required within Audlem within the next 5 years.

Of these 98 potential new households at least 37 would need to be subsidised ownership or rentable properties, with the majority of these being for a son or daughter of a current resident.

The majority of the demand on Cheshire Homechoice is for 6 x one bedroom, 6 x two bedroom, 4 x three bedroom and 1 x five bedroom dwellings therefore 1, 2 and 3 bedroom dwellings on this site would be acceptable. Five units should be provided as Affordable rent and two units as Intermediate tenure.

The Affordable Housing Scheme has been revised and is now advising that the Tenure Split is to 5 Social Rent and 2 Shared Ownership. This is now IPS compliant.

There was an objection to the Affordable Housing statement advising the timing of the construction and handover of the Properties to Aspire Housing will be no later than when 80% of the private sale houses are occupied.

The IPS states:

4.10 In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.

This resubmitted Affordable Housing Scheme is now showing the timing of the Affordable Housing to be completed by 50% of the Market Housing being occupied. This again now meets the IPS and is acceptable.

Health

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

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

Public Open Space

With regards to CNLP, Policy RT3 requires a combined area of shared recreational open space and shared children's play space of 35sqm per dwelling equating this development to a minimum of 840sqm. The area being provided on left of the entrance road shown on the planting plan addresses this requirement with a slight over provision.

The nearest equipped play facility is just over 430m away as the crow flies however it is accessed via two main roads A525 and A529 therefore a small formal on site play area is required. As this

is a relatively small development a combined LAP/Local Landscaped Area for Play is required laid out to Fields in Trust standards containing 3 fixed items of play aimed at younger children. This area should contain minimal planting to ensure a flat free space for informal games.

An amended planting plan has been submitted to address the issues outlined above satisfactorily.

Education

An application was approved to remove the requirement to provide the education provisions on this site (15/0903N). This follows the conclusions that were reached by the Inspector on the nearby site on Audlem Road for 120 dwellings (13/2224N).

Having regard to the contribution to secondary education, the Inspector concluded that the contributions were not necessary or justified to mitigate the effects of the new development in accordance with Regulation 122 of the CIL Regulations and therefore it was not reasonable to require this contribution.

The requirement for education contributions was justified for exactly the same reasons as on the Audlem Road decision. In the light of that decision it was considered that education contributions could not be justified on this site.

Environmental Sustainability

Landscape

This is a reserved matters application and the principle of erecting up to 26 dwellings on the site has already been accepted. The Council's Principal Landscape Architect has assessed the proposal in terms of landscape impact and is satisfied that this is acceptable. The landscaping proposals put forward within the details of the application are also considered to be acceptable.

Trees & Hedgerows

The Council's Principal Forestry and Arboricultural Officer has assessed the application in terms of the impact on trees and hedgerows and is satisfied that there are no significant impacts in this regard.

Heritage

The site lies to the north of the Woore Road (Audlem) Conservation Area and is approximately 100m from it. The site is elevated but it is not considered that there would be a significant adverse impact on the character and appearance of the Conservation Area or its setting.

Ecology

Condition 12 attached to the outline consent at this site requires the submission of features for nesting birds and roosting bats. The Council's Principal Nature Conservation Officer has advised that the submitted proposals are acceptable.

Three trees were identified at the outline application stage that have the potential to support roosting bats. It was anticipated that most of these trees would be retained as the outline stage. It is difficult to cross reference the tree survey submitted with this application with the protected species report submitted with the outline application but it appears that two of these trees would be removed as part of the proposed layout.

Currently an updated Bat Survey is being undertaken and an update on this matter will be given to Members prior to the meeting.

Hedgerows are a priority habitat and hence a material consideration. There are a number of hedgerows around this site. Based on the submitted tree survey it can be seen that two short sections of hedgerow would be removed to facilitate the site access. To ensure that adequate compensation for this loss of provided it is recommended that the proposed hedgerows be of a suitable native species mix rather than the currently proposed holly hedges. It is considered that the as much of the existing hedgerows as possible should be retained.

Location of the site

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

As such the site is considered to be locationally sustainable.

Access and Highways

The access point to the site was determined at the outline stage. The Head of Strategic Infrastructure has assessed the application in terms of internal layout and parking provision and is satisfied that they meet all the necessary requirements

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

Flood Risk

Details of drainage from the site have been submitted with the application. The Council's Flood Risk Manager is satisfied with the submitted drainage plan & discharge rate provided. However, in order to discharge any surface water drainage conditions there will need to be calculations demonstrating storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, submitted / approved by LLFA to ensure adequate drainage is implemented on site.

Consequently, any potential site overland flow routes need to be identified and all surface water should be contained within the site boundary. This information has been requested from the developer and update will be provided for Members prior to the meeting.

Amenity

In terms of the amenity of future occupiers of the proposed dwellings, adequate private amenity space could be provided within the site including for cycle/bin storage.

Having regard to privacy, all the required separation distances between existing and proposed dwellings and between the proposed new dwellings would be met. The outlook from neighbouring properties would be altered; however it is not considered that the development would create an overbearing or obtrusive outlook.

The proposal is therefore considered to be acceptable in amenity terms and in accordance with Policy BE.1

Design

This is a reserved matters application relating to layout, appearance, landscaping and scale.

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

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

The layout of the site would comprise a ‘Y’ shaped road formation accessed from Heathfield Road at a point opposite Hilary Drive. The road would be of a formal nature when first entering the site with the two sides of the ‘Y’ becoming more informal shared surfaces.

There is a mix of nine types of dwelling proposed within the site, including detached, semi-detached, mews and dormer bungalows which are considered to reflect the mix of dwelling types in the surrounding area. The facing materials to be used are a mix of brick and render with tiled roofs, which is also considered to be acceptable. The particular brick and tile type and the colour of render should be controlled by condition should the application be approved.

The design and layout of the proposed development is therefore considered to be acceptable and in accordance with Policy BE.2 of the adopted local plan.

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, the Council 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 a reserved matter application for the development of 24 new dwellings. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment,

there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

At the outline stage recommendations were made in relation to a travel plan, electric vehicle charging points and a dust management plan. The applicant has submitted a construction management plan which covers the dust management for the site and should be adhered to for the duration of the development. The Council would make these further recommendations should the reserved matters application be approved:

With regards to the electric vehicle charging points, the plans submitted show the location of external electrical points on each dwelling. A Travel Plan will also be secured through the imposition of a planning condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The application site has a history of agricultural use and therefore the land may be contaminated. A Ground Investigation and Test Report was submitted with the application, however, Environmental Protection are not satisfied with this information and as such an application to discharge this condition from the outline approval will need to be submitted.

Economic Sustainability

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

PLANNING BALANCE AND CONCLUSION

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

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

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 and provide a mix of affordable housing in an area of continuing need.

Provision of public open space and the proposed play area is acceptable. The requirement for contributions to health and education was deemed not to be CIL compliant under application 15/0903N Release from legal obligations for education and health care contributions – Approved 9th October 2015

The design, layout and landscaping of the scheme are considered to be of sufficient quality. The scheme follows the general parameters and design principles set out on the at outline stage. The landscaping details include soft landscaping and provision for hedge planting Hard Landscaping details have not been provided also been provided and are acceptable.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission follows through to this scheme. Drainage/flood risk issues, land contamination are also conditioned by the outline approval.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

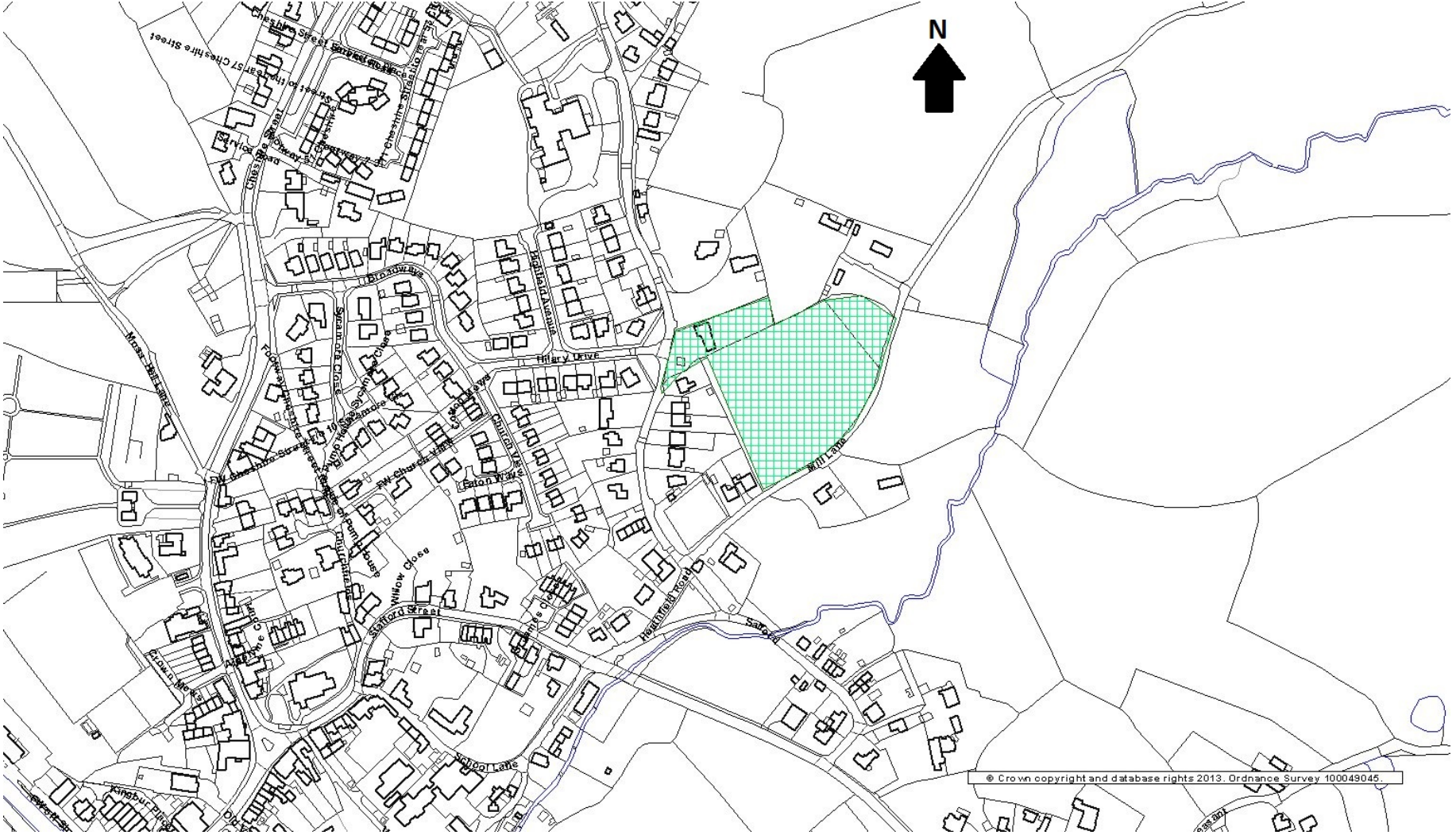
The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to acceptable and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Approved plans.**
- 2. Submission and approval of external materials**
- 3. The electric vehicle charging points shall be 'overnight' ones with dedicated off-road parking served from a 30amp independent circuit**
- 4. Travel information pack for future residents**
- 5. Provision of a LAP as shown on the planting. The LAP shall be provided prior to the occupation of 75% of the dwellings**

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



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Application No: 16/4706N

Location: REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE, CW5 6DF

Proposal: Construction of student accommodation scheme and associated works

Applicant: Ben Hunt, Reaseheath College

Expiry Date: 06-Jan-2017

SUMMARY

The application seeks full planning permission for five 2 and 3 storey blocks of student accommodation to the rear of the Reaseheath campus. The site is situated within the Open Countryside and adjacent to the Reaseheath Conservation Area. It is considered that the principal of development is acceptable and is associated with the agricultural nature of the College.

The proposal will enable more on-site provision for student accommodation, which in turn will reduce movement to-and from the site, making it more sustainable. The internal parking provision is to be managed by the College, to ensure it does not have a knock on affect on the adjacent roads, and the Strategic Highways officer has raised no concerns with the development proposal. Furthermore, the loss of trees and impact on ecology is considered to be acceptable and will not have a detrimental impact Trees or protected species. There will also be no significantly negative impact on neighbouring amenity.

The amended proposal is of design, height, bulk and position which will have a minimal impact on the Conservation Area and Open Countryside. Details of hard and soft landscaping and materials details are subject to approval by condition, and therefore the proposal is considered to acceptable in accordance with Local and National Planning Policy.

RECOMMENDATION

Approve with conditions

DESCRIPTION OF SITE AND CONTEXT

Reaseheath College is located approximately two miles north of Nantwich town centre and is accessed off the A51. The application site is located centrally within the college campus, on land previously used for greenhouses and other horticultural purposes. The land is slightly elevated from the adjacent land and the Reaseheath Conservation Area is sited to the south of the site, but not within it.

The application site is located just outside the Reaseheath Conservation Area and is within the open countryside.

DETAILS OF PROPOSAL

Full Planning Permission is sought for the construction of a student accommodation scheme and associated works. The revised proposal is for 200 student bedrooms, in the form of 5 blocks of townhouse designed properties. The proposed buildings are a mix of 2 and 3 storey height and the proposed buildings would be of brick construction with tiled roof, and large window openings. The proposal also includes a small single storey Laundry building and associated soft and hard landscaping to create a courtyard.

RELEVANT HISTORY

P97/0086 - Replacement glasshouse incorporating farmshop – approved with conditions 3rd March 1997

P98/0950 - Steel framed building (GPDO Determination). – Determination – approval not required (stage 1)

P08/1142 - Construction of Barn for Teaching, Barn for Staff/Student Services, Tractor/Tool Store, Landscape Workshop and Teaching Area, 3 Commercial /Teaching Glasshouses, 3 Polytunnels and Associated Works (Development to be Constructed over 2 Phases) – approved with conditions 11th December 2008

7/09192 - Glass house. – approved with conditions 5th August 1982

POLICIES

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.7 (Conservation Areas)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RT.9 (Footpaths and Bridleways)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

Cheshire East Local Plan Strategy – Submission Version

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 7 The Historic Environment

SC 3 Health and Well Being

CO 1 Sustainable Travel and Transport

Worleston and District Neighbourhood Plan

The Neighbourhood Plan is yet to reach Regulation 14 stage and as a result no weight can be given to the Neighbourhood Plan at this stage.

Other Material Planning Considerations

Reaseheath Local Development Order

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

CONSIDERATIONS (External to Planning)

United Utilities: No objections subject to conditions for a flood risk assessment, and sustainable management and maintenance plan.

Environmental Protection: No objections, subject to conditions for noise mitigation, travel information pack, and contaminated land, soil and unidentified contamination.

Highways: No objection, subject to condition Construction Management Statement implementation

Flood Risk: No objection subject to conditions for surface water drainage, management of overland flow, and finish floor levels.

Spatial Planning - In summary, the proposals are considered acceptable and no objections are raised to the application for Student Accommodation. The site proposed for the Student Accommodation does not fall within the remit of the recently approved Local Development Order (LDO) which was adopted on 19th October 2016.

As an informative, any future development on the Reaseheath College campus site must be determined in line with the Design Statement and Heritage Impact Assessment (HIA), produced to support the LDO.

Reaseheath College is an established educational institution and already offers a level of Student Accommodation on site, which was subject to planning approval and has since been completed.

Opinion Research Services (ORS) prepared a Housing Development Study to consider the full objectively assessed need for housing (FOAN) in the Borough. ORS found that the headline Objectively Assessed Need for Housing in Cheshire East was 36,000 dwellings over the 20-year

period 2010-30, equivalent to an average of 1,800 dwellings per year. However this relates to C3 housing and C2 (residential institutions for the elderly) only and so the need for Student Accommodation across Cheshire East has not been tested or set at a particular level. These proposals are also fully compliant with policies within the emerging Local Plan Strategy (LPS), particularly policy EG2, Rural Economy.

VIEWS OF THE PARISH / TOWN COUNCIL

Worleston and District Parish Council – Worleston Parish Council (WDPC) is not objecting to the whole of this application, only the Contractors Access which from a planning perspective is unsafe and unwelcome and purely a convenience for RHC.

WDPC questions the need for a 4 storey accommodation block which if visible from outside the campus is totally out of character with the low rise nature of the rest of the campus within a rural environment.

WDPC strongly object to the proposals for the access to contractor's traffic. Strictly speaking this is outside of the recently approved LDO, however WDPC believe the planning principles to be like for like. In point 4 of the conditions attached to the LDO for campus sites 1-5 CEC states that all construction access should be via Worleston Road/B5074 entrance for the reasons of "protecting the amenity of nearby residents". WDPC would ask what is the difference here. The College would like to use Wettenhall Road and the farm track for construction access, seriously damaging the amenity of houses on Reaseheath Green A51, Holly Bank Farm and the residents on the lower half of Cinder Lane. Having already secured an extra entrance on the B5074, the Parish Council believes that this would set another precedent for a general entrance off Wettenhall Road. An unclassified Road the section between the A51 and the farm track is narrow endangering pedestrians and cyclists particularly between the Crewe Alex Training Ground and the splay into the A51 junction. Two 30 ton vehicles would not pass simultaneously without extreme care. The stretch also contains a 45 degree bend and a pinch point on the junction with the A51, a frequent site for minor and medium grade accidents. The very nature of this traffic, i.e. Multiple trips daily for 30 ton plus vehicles will exponentially increase traffic movements on this stretch of unclassified rural highway. RHC have shown on the recent Muga pitch project to pay scant regard to traffic management etc. with:

- construction access allowed well in advance of agreed start times
- allowing large vehicles to queue on a major trunk road and blocking visibility from and access to private driveways. Using this entrance these vehicles again would access via the A51 and then Wettenhall Road, compromising the amenity of these properties plus those in Cinder Lane adding many 10's of heavy vehicle movements per day. Traffic queuing to join the A51 would be seriously inconvenienced whilst potential lines of heavy tippers wait to join the busy A51 which is already congested at peak times by college traffic on the Reaseheath roundabout and the student crossing at the equine centre. This road is the lifeline for Poole, Cholmondeston, Aston, Stoke and Wettenhall etc to the A51 and Nantwich. Indications are that some traffic would attempt to miss this pinch point by using smaller lanes around Worleston School to gain access to the B5074, a potential dangerous scenario. To quote the LDO judgement we believe using this so far low level entrance is not in the interests of the amenity of nearby residents. In addition a hazard and an inconvenience to upstream villager relying on this road for access to Nantwich. Whilst WDPC appreciates the condition placed by planners on the LDO approval, WDPC fail to see any material difference in terms of this development. It is instead rather more of a planning convenience for RHC which in their many meetings with the Parish Council has never been presented before. If approved WDPC believe RHC will take as a precedent for future projects to the detriment of

residents. Access is available via Worleston Road and the rear (northern end) of the campus so in the interests of resident amenity, highway safety and condition, pedestrian and cycle safety, and the maintenance of a reasonable journey to work and school thoroughfare WDPC would ask that the Planning Committee reject this part of the application and stick to the judgement in point 4 of the LDO Approval.

OTHER REPRESENTATIONS:

None received at time of writing this report.

OFFICER APPRAISAL

Principle of Development

The application site is situated wholly within the Open Countryside, where Local Plan Policy NE.2 and Policy PG 5 of the emerging Cheshire East Local Plan, note only development which is essential for the purposes of agriculture, forestry, and outdoor recreation is acceptable. The application does not necessarily meet these requirements; however the site is an existing Agricultural College within the open countryside and therefore is a use which is appropriate within a rural area. The proposed development must be in keeping with the agricultural nature of the site and the wider open countryside. The proposal will be sited within the existing envelope of development, on previously development land, within the site and therefore it is considered that provided the development is of a scale and design which is keeping with the surrounding development the proposal will not have detrimental impact on the character of the open countryside.

Therefore it is considered that the principle of development on the site is acceptable, subject to compliance with the relevant policies of the Local Plan. Furthermore, as this site is situated adjacent to the Reaseheath Conservation Area, the design, scale and position of the development are key considerations in the determination of the application.

In terms of the emerging Cheshire East Local Plan Strategy there is support within Strategic Priority 1 which states that economic prosperity will be created by *'securing excellent educational facilities to meet the needs of the current and future population of all ages, to improve educational attainment and provide a wide skills base'*.

Furthermore policy SC3 (Health and Well Being) which states that the Council will improve education and skills and life-long learning and policy SD1 (Sustainable Development in Cheshire East) states that development should provide appropriate infrastructure to meet the needs of the local community including education.

Design and Impact on the Conservation Area

The proposal as amended is for five 2 and 3 storey blocks of student accommodation, with varying numbers of 'town houses' creating small terrace blocks of student accommodation. The scheme has been amended to reduce the number of beds from over 300 to 200. The scheme has also reduced from seven blocks of 3 and 4 storey buildings, to the now proposed five blocks of 2 and 3 storey height.

The proposed blocks of student accommodation would be positioned around a hard landscaped area and parking area, creating a courtyard style landscaped development. The site is surrounded by buildings on three sides and open countryside to the north. The surrounding buildings are a mix of traditional and more modern and are a mix of single storey, and two storey with some buildings of a three storey height, but mainly these are features such as chimneys. The Reaseheath Conservation area sits adjacent to the southern site boundary. There is also a Public Right of Way which runs approximately 350m to the north of the site.

The revised scheme includes a mix of 2 and 3 storey buildings. The applicant states that the buildings will be constructed on a lower level than the current land level of the site, which is slightly elevated than the adjoining buildings, and the eaves have been reduced as low as possible to help reduce the overall height of the buildings.

The proposed student accommodation blocks would be sited around the edge of the site with an open aspect to the north and two blocks reduced to partly two storey adjacent to the conservation area boundary. The elevations include large windows and are of a symmetrical nature. The roof line of each block has been designed in such a way as to break up the bulk of the buildings and create a development which is more akin to the existing development within the Reaseheath site, which is of varied height, scale and density.

The Design and Heritage Officers have reviewed the revised proposal and considered that the majority of the original concerns with the original proposal, in regards to design, height, mass and impact on the conservation area have now been addressed. Although the overall height of some of three storey blocks would benefit from a reduction in height in parts to help create a more varied detail, the development has been significantly altered with the removal of two blocks to allow views through the site. The variations in height and rooflines and siting of the blocks adjacent to the Conservation Area will help to reduce the overall impact of the development on the open countryside and Conservation Area.

The material pallet is an important consideration in this sensitive position, on the edge of the Conservation Area and open countryside. It is considered that the details of the external materials, soft and hard landscaping will need to be approved by condition.

It is therefore considered that the proposed development as amended will not have an adverse impact on the character and appearance of the open countryside or the adjacent Conservation Area, subject to controlling conditions for materials and landscaping which are key to the detailed delivery of this development.

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The proposed building is sited within the existing College campus with no neighbouring properties surrounding the site. Therefore, considering the separation distances and the intervening boundary treatment will help to mitigate any negative externalities.

Furthermore, the bedroom sizes, position of habitable windows and potential overlooking issues are all considered to be acceptable and will not have an adverse impact on the future occupiers of the site. Furthermore the inclusion of a shared amenity spaces helps to create a more inclusive environment for the future occupiers.

It is considered that the proposal complies with policy BE.1 (Amenity).

It is noted that the Parish Council have raised objections with the use of a construction access off Woreleston Road due to amenity impact on neighbouring properties. This is temporary proposal, and whilst there may be some disturbance to the neighbours during the construction period this will be for a limited time, as with any development site, and therefore given the temporary time frame the access will be in use it is considered to be acceptable and will not have detrimental impact on neighbouring amenity in the future. A condition will be added to the permission to ensure the access is returned to previous use once the development has been completed.

Highways

The proposal seeks permission to erect a number of buildings for student accommodation. This application is not included the Reaseheath College LDO that was given permission recently.

The Strategic Highways Manager has considered the larger scheme for 260 beds, the proposal has been reduced since then and comments on the revised scheme are still outstanding. The car parking provision has been altered, however additional spaces are to be provided and managed by the college.

The Strategic Highways Manager noted previously that it is preferable if student accommodation is located within the College itself as this limits the number of trips to and from the site on a daily basis. There are a number of car parks located within the college and many of these are fully utilised and there will be a need to manage the parking provision for students bringing vehicles to the site. However, the operational parking issues will be internal and it is not considered that it will affect the public highway.

It is therefore considered that the proposals are acceptable subject to revised comments from the Strategic Highways Manager.

Landscape

The site was previously occupied by glass houses, poly tunnels and a plant nursery and there are a number of trees and lengths of hedge on the site. There is also an off site group of trees to the south east.

The amended plans appear to give more separation to the Conservation Area boundary. The council's Landscape Officer anticipates the buildings (and associated lighting) would still be visible from some viewpoints outside the site, the proposals omit previously proposed light coloured render and the removal of the northern blocks is an improvement. The reconfigured layout includes 27 parking spaces and appears to provide adequate landscaped space between buildings although some of the space is occupied by cycle stands. Future car parking is still indicated outside the application site, this would be subject to a separate planning application.

The planting proposals are reasonable. The proposed tree planting is appropriate for the site use but is essentially ornamental and it should not be assumed that this would make a significant contribution to screening.

On the latest landscape plans the various areas to be hard surfaced are not clearly specified and there are no specific material details for the paving and 'hard surface' defined in the key. Car parking and routes through the site are represented by the same colour on the plan, and a concrete paving banding strip is a different colour on the key to that on the plan. The key annotation indicates the car park would be tarmac which would be acceptable, however tarmac would be inappropriate for routes through the central space. (Earlier visuals showed these routes as light grey coloured modular concrete paving with contrasting strips). Detailed design details for seating, lighting, cycle stores etc. have yet to be agreed and will be conditioned for future approval.

Proposed off site screen planting and an increase of hedge height to help address views from the north as described in the '*Supplementary Landscape Planning Information Rev C*' is welcomed. As these works are sited outside the red edge but within the blue edge of the application site a Grampian condition can be used to ensure the works are carried out.

Overall the amended scheme has made improvement in terms of the impact on the wider landscape, although some elements of hard and soft landscape detail, lighting and street furniture need to be agreed by condition.

Trees

The submitted Arboricultural Implications assessment indicates that all the existing vegetation within the site, (comprising three groups of trees and 5 lengths of hedge) would be removed due to the proposed development. The tree groups comprise a group of four early mature Pines and 3 Spruce to the north east of the site and two groups of fruit trees. All the vegetation is afforded Grade C in the report. A group of Grade B off site trees would be retained.

The existing on site vegetation is not of significant quality and subject to planting in mitigation of losses as part of an overall landscape scheme it is considered that the development is acceptable in forestry terms.

Ecology

The Council's Ecologist has considered the application and submitted ecological report and does not anticipate there being any significant protected species issues associated with the proposed development.

Hedgerows

A native species hedgerow is present along the site's northern boundary. Habitats of this type are a material consideration for planning. The current proposals include the loss of this hedgerow and its replacement with a mixed species hedgerow.

Whilst this will include the loss of initial biodiversity, The Council's Ecologist has confirmed that a replacement mixed species hedgerow is a reasonable proposal to address the issues.

Great Crested Newts

This protected species was recorded at a pond located over 280m from the boundary of the application site. The Council's Ecologist advises that, considering the distance between the pond, the nature of the habitats affected by the proposed development and the scale of the proposed works Great Crested Newts are not reasonable likely to be affected by the proposed development.

Nesting Birds

If planning consent is granted it is recommend that a condition be attached to safeguard nesting birds.

Whilst the native hedgerow is not to be retained, a replacement is proposed and the both the Ecologist and Landscape Officer have confirmed this is acceptable. It is considered therefore that in this instance mitigation has been proposed that will afford suitable mitigation for the initial loss.

Other matters

This application does not form part of the LDO for Reaseheath, therefore the comments from the Parish Council relating to the LDO are not relevant to this application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application seeks permission for five 2 and 3 storey blocks of student accommodation to the rear of the Reaseheath campus. The site is situated within the Open Countryside and adjacent to the Reaseheath Conservation Area. It is considered that the principal of development is acceptable and is associated with the agricultural nature of the College.

The proposal will enable more on-site provision for student accommodation, which in turn will reduce movement to-and from the site, making it more sustainable. The internal parking provision is to be managed by the college, to ensure it does not have a knock on affect on the adjacent roads, and the Strategic Highways Manager has raised no concerns with the development proposal. Furthermore, the loss of trees and impact on ecology is considered to be acceptable and will not have a detrimental impact trees or protected species. There will also be no significantly negative impact on neighbouring amenity.

It is therefore considered that the limited harm to the open countryside will be outweighed, and would not significantly or demonstrably outweigh the benefit of creating more on site student accommodation within the college site. This will reduce trips to and from the site, and subject to detailed material and landscape detail should not have a detrimental impact on the character or appearance of the Conservation Area.

The proposal is therefore considered to be acceptable and in accordance with the Policies of the Crewe and Nantwich Replacement Local Plan, Emerging Cheshire East Local Plan Strategy and the NPPF.

RECOMMENDED DECISION – Approve with conditions

Conditions

1. Time
2. Plans
3. External Materials, including doors, windows, mortar, bricks, tiles, rainwater good, etc to approved
4. Surfacing materials to be approved
5. Windows and door reveals of 100mm
6. Landscaping Plan to include boundary treatment
7. Landscaping implementation
8. Street furniture, cycle stores, lighting columns submitted for approval
9. Hedge and tree planting (outside of red edge) shall be carried out within next planting season
10. Nesting bird survey required if work commence between 1st March and 31st August
11. External lighting plan
12. Travel plan to be submitted and agreed in writing
13. Construction Management plan implementation
14. Drainage management plan
15. Drainage – overland flow management
16. Finished floor levels – flood risk
17. Noise mitigation implementation
18. Travel Information pack
19. Contaminated Land – Phase II
20. Contaminated land – soil
21. Contaminated Land – unexpected
22. Development to be carried out in accordance with the FRA
23. Sustainable drainage management and maintenance
24. Existing and proposed levels

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



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Application No: 17/2066C

Location: 123, CREWE ROAD, SANDBACH, CW11 4PA

Proposal: Two storey extension to right side of house and rear of property. Extension to be built over existing single storey side, and existing single storey rear extension.

Applicant: Mrs Shona Booth

Expiry Date: 14-Jun-2017

SUMMARY:

The application site lies entirely within the Sandbach Settlement Zone Line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan.

The proposed development is appropriate to the character of its locality in terms of the principle and the overall design.

In this case it is considered the proposed development will have a significant detrimental impact upon the neighbouring amenity of No. 121, Sandbach Road. The proposal therefore is contrary to Policy GR1 (New Development), Policy GR2 (Design) and Policy GR6 (Amenity and Health) of the adopted Congleton Borough Local Plan First Review 2005.

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

The application was called to be determined at Southern Planning Committee by Cllr. Corcoran for the following reasons:

"Several applications have been refused on technical grounds. Sean Hannaby suggested to the applicant that they should ask their ward councillor to call in the application if they wanted it heard by a committee. All the neighbours have agreed to the current application and therefore I think this one should be approved. If officers are minded to approve the application I will withdraw my appeal."

SITE DESCRIPTION

This application relates to a two storey, detached dwelling constructed out of red facing brick and a blue tile roof. The property is located on the western side of Crewe Road, Sandbach. The dwelling benefits from a single storey side/rear extension.

The area is predominately residential in character and the property is located wholly within the Sandbach Settlement Zone Line.

PROPOSAL

Planning Permission (Householder) is sought for the erection of a two storey extension to right side of house and rear of property and an extension to be built over existing single storey side and existing single storey rear extension.

RELEVANT HISTORY

17/0658C - Certificate of Lawful Proposed Use for a single-storey side extension. This will involve partial demolition of existing garage and the creation of new garage space and new utility room – refused 4th April 2017

17/0404C - Two storey extension to rear of property – refused 21st March 2017

16/2351C – two storey extension to the right side of the property with a small ground floor utility connecting the garage to the main house – refused 9th September 2016

2934/3 – Extension to kitchen incorporating utility room and WC – approved 13th February 1976

LOCAL & NATIONAL POLICY

Development Plan:

Sandbach Neighbourhood Plan (Regulation 20)

Policy H2 – Design and Layout

Adopted Congleton Borough Local Plan First Review 2005

Sandbach Settlement Zone Line

PS4 - Towns

GR1 – New Development

GR2 - Design

GR6 – Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

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

Cheshire East Local Plan Strategy (Submission Version)

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

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
SE1 – Design

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
56-68 - Requiring good design

CONSULTATIONS:

None received.

VIEWS OF THE TOWN COUNCIL:

Sandbach Town Council – No objection however members would like the Planning Officer to consider the impact on Neighbour's side windows

REPRESENTATIONS:

17 letters of support have been received.

APPRAISAL

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

Principle of Development

The dwelling is located within the Sandbach Settlement Zone Line where, in line with Policy PS4, extensions to residential properties are acceptable in principle provided that they are in keeping with the scale of the host dwelling and character of the area and does not conflict with the other policies of the Local Plan.

Design

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

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

The design of the proposed extension is considered to be in keeping with the character of the host dwelling and area and is considered to be acceptable. The scale and massing of the proposed extension is considered acceptable and the impact on the streetscene (which is residential in character) would not be significant. When viewed from the front of the dwelling the proposed extension has not been set down from the height of the existing roof line. The rear portion of the two storey extension has been designed to be subservient in terms of the roof ridge height. It is considered good design practice for an extension to be subservient to the host dwelling and the proposed development does achieve this to some extent however it is noted that when viewed from the front the proposal is not subservient in terms of the height. It is noted that there are

similar style extensions in the vicinity of the application site and it is not considered that this would constitute a valid reason for refusal. The extension is considered acceptable in design terms and is in keeping with the character of the area.

The proposed openings are considered to be in keeping with the host dwelling and area and are acceptable in design terms.

The proposal is therefore considered to be in compliance with Policies GR1 (New Development) and GR2 (Design) of the adopted Local Plan and Policy H2 (Design and Layout) of the Sandbach Neighbourhood Plan.

Parking and Access

The proposal involves an increase in residential accommodation by 2 bedrooms. The integral garage space is to be retained and there is room for at least 2 cars to park at the front of the dwelling and the application site is considered to be in a sustainable location.

It is considered that there is enough parking provision and that the proposal is in accordance with Policy GR9 (Accessibility, Servicing and Parking Provision).

Amenity

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

When considering the impact on the amenity of the neighbouring dwellings it is not considered that the proposed extension would have a significant negative impact on the amenity of No. 125, the neighbouring dwelling to the south. The extension would project from the side/rear of the existing dwelling and above the existing single storey rear appendage. Due to the siting of the extension the relationship with No. 125 would remain largely unchanged and it is considered that the impact on the amenity afforded to the occupiers would not be significant.

However, it is considered that the extension would have an unacceptable impact on the residential amenity of the occupiers of No. 121, Crewe Road (the neighbouring dwelling to the north). There is a window located in the side facing elevation of No. 121 at first floor level and this is the only window serving one of the bedrooms (a main window). The extension would project from the existing rear elevation by 5.2 m and the existing side elevation by 2.8 m.

A minimum distance of 13.8 m is required between main windows and the side elevation of an adjacent dwelling with the Adopted Congleton SPD. It is noted that the existing separation distance from the side facing bedroom window to the existing side elevation of the application dwelling falls short of these recommended standards, however, the proposal would further exacerbate a poor interface relationship. The existing separation distance between the side elevation of No. 123 and the two storey part of No. 121 is 8.8 m (it is noted that the submitted existing block plan shows this distance to be 10.1 m however when measured off the plan the figure is 8.8 m. This raises concerns over the accuracy of the submitted plans).

The proposed separation distance between the two storey side elevations would be 6.0 m. As such it is considered that the proposed two storey extension would have a significant impact on the amenity afforded to the occupier of the bedroom over and above the existing situation and would be overbearing when viewed from this window.

It is therefore considered that the development would result in an over bearing impact when considering the amenity afforded to the neighbouring dwelling (No. 121) and as such the proposal is contrary to with Policy GR6 (Amenity and Health) and the SPG.

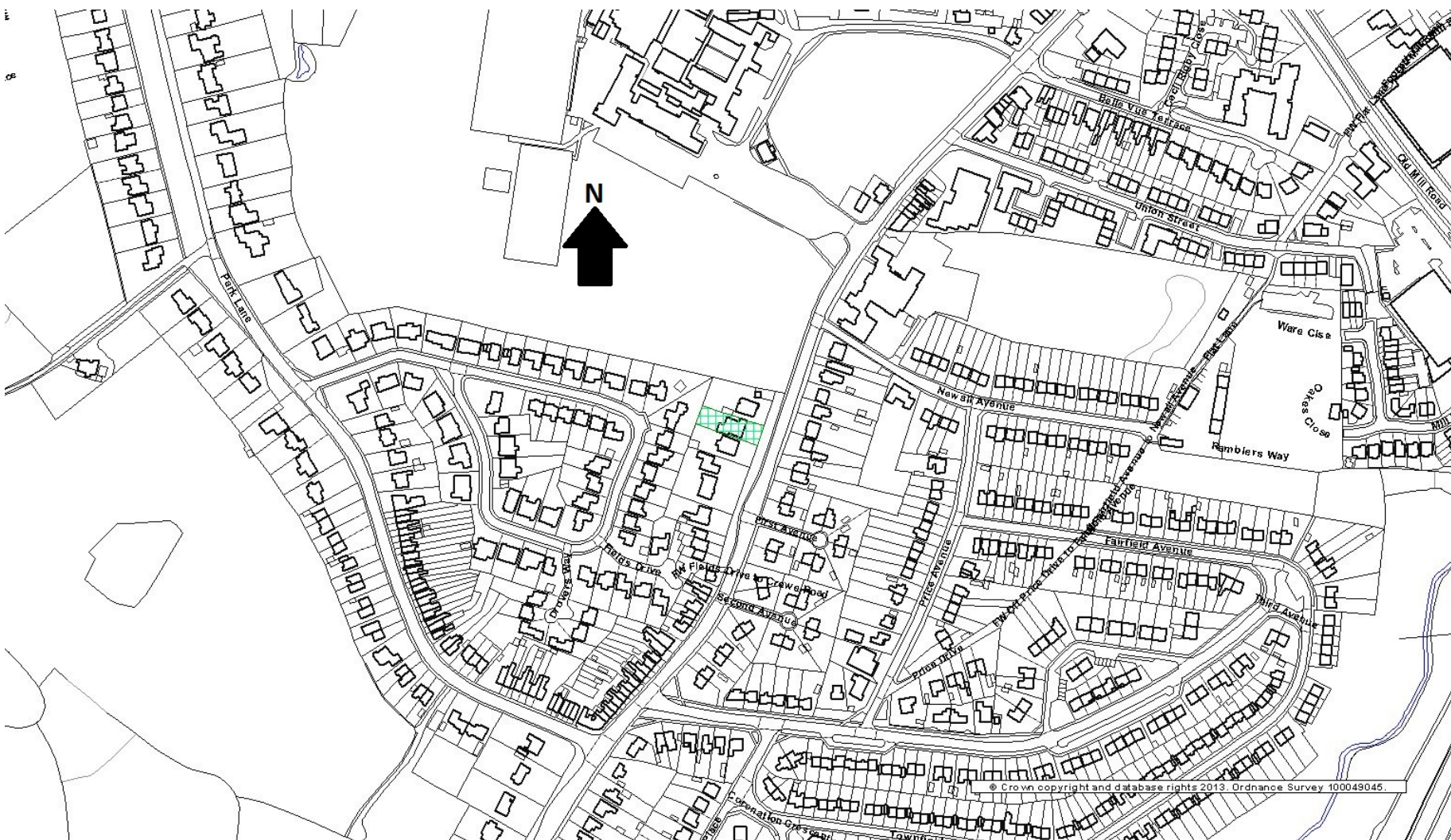
Planning Balance

Whilst the support for the Applicants is noted, the proposed development will have a significant detrimental impact upon the neighbouring amenity of No. 121, Sandbach Road. The proposal therefore is contrary to Policy GR1 (New Development), Policy GR2 (Design) and Policy GR6 (Amenity and Health) of the adopted Congleton Borough Local Plan First Review 2005.

RECOMMENDATION

REFUSE

It is considered that the proposal by reason of its height, bulk and massing would be detrimental to the residential amenity of No. 121, Crewe Road. The proposal is therefore contrary to adopted Congleton Borough Local Plan 2005 Policies GR1 (New Development), GR2 (Design) and GR6 (Amenity and Health) and guidance contained within the Supplementary Planning Guidance Note 2 and the NPPF.



Application No: 16/6058C

Location: Land Off, COPPENHALL WAY, SANDBACH

Proposal: Development of 10 dwelling houses and estate road connected to Coppenhall Way.

Applicant: Thorngrove Developments Limited

Expiry Date: 02-Jun-2017

SUMMARY

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

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

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location at a time when the Council cannot demonstrate a 5-year housing land supply. Furthermore, the development would generate the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Balanced against these benefits would be the dis-benefits, which in this instance, relate to the smaller garden sizes proposed than policy guidance.

In this instance, it is not considered that this dis-benefit significantly and demonstrably outweigh the benefits.

The application is therefore recommended for approval subject to a S106 Agreement to secure the off-site open space contribution, and conditions.

RECOMMENDATION

APPROVE subject to S106 Agreement

BACKGROUND

Southern Planning Committee resolved to approve this application, subject to a S106 Agreement to secure a commuted sum for off-site Open Space enhancements, including maintenance and conditions, on the 29th March 2017.

Since this determination, it has been identified that the 'red edge' of the application as approved, was incorrect. On the western boundary on the site, the land to be included within the application should have been narrower.

The parcel of land to now be excluded from the application is in the shape of a narrow wedge with its widest section being to the northern part of the western boundary which subsequently diminishes in width when travelling south along this boundary.

The result of this change in 'red edge', effectively results in smaller rear gardens to the properties on plots 7-10 by a maximum of 1.2 metres.

The main considerations as a result of this change are considered to be the impacts upon the future amenities of the occupiers of the dwellings on plots 7-10 and any knock-on impacts upon the boundary vegetation/trees.

REASON FOR REFERRAL

This application was originally referred to Southern Planning Committee at the request of Councillor Barry Moran for the following reasons;

'This high profile application raises a number of significant planning issues, that will need careful consideration and will be subject to scrutiny by members of the public and Sandbach Councillors.

Key matters such as potential over intensive/density site development, the built form to open space ratio, neighbours' boundary treatment, detrimental impact on neighbours through visual intrusion, the visual impact of the dwellings' height and scale and the highways access arrangements, should be publicly tested for conflict/harm against appropriate policies in the Local Plans and the Sandbach Neighbourhood Development Plan. A report to the Southern Planning Committee will provide a public forum for debate to the appropriate decision makers.

Additionally, construction vehicles' site access and waiting arrangements will need careful consideration, in terms of the perceived adverse impact on residents with properties in a cul-de-sac environment'

PROPOSAL

This application seeks full planning permission to erect 10 semi-detached dwellings.

Revised plans have been received during the application process amending the layout from blocks of terraces to semi-detached units only. A re-consultation was undertaken.

SITE DESCRIPTION

The site relates to a rectangular shaped parcel of scrubland to the west of Coppenhall Way, Sandbach, within the Sandbach Settlement Boundary. The site measures 0.19 hectares in size and is relatively level.

There are no planning designations affecting the site.

RELEVANT HISTORY

15/4611C - 8no 2.5 storey 4 bedroom semi-detached houses together with associated access, car-parking and private gardens – Declared invalid

19372/3 - Employees Car Park – Approved 29th March 1988

LOCAL & NATIONAL POLICY

National Policy

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

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

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as within the settlement boundary.

The relevant Saved Policies are;

PS4 (Towns), H1 (Provision of new housing development), H4 (Residential Development in Towns), GR1 (New Development – General Criteria), GR2 (Design), GR4 (Landscaping), GR6 (Amenity), GR9 (Accessibility, Servicing and Parking Provision), GR19 (Infrastructure), GR20 (Public Services), GR21 (Flooding), NR1 (Trees and Woodlands) and NR2 (Protected Species).

Emerging Cheshire East Local Plan Strategy

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

PG1 – Overall Development Strategy, SC4 – Residential Mix, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 – Design, SE2 – Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape and SE5 – Trees, Hedgerows and Woodland

Sandbach Neighbourhood Plan (SNP)

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

PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), HC2 (Protection and Enhancement of the Town Centre), H1 (Housing growth), H2 (Design & Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT (Parking), IFC1 (Community Infrastructure Levy), CW1 (Amenity, Play, Recreation and Outdoor Sports Facilities), CW3 (Health) and CC1 (Adapting to Climate Change)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the following conditions; the prior submission/approval of a Construction Management Plan and the prior submission/approval of wheel wash measures

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary); the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought

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

ANSA Open Space – No objections, subject to the provision of a commuted sum of £16,834.50 towards off-site upgrading and maintenance (£4,332 upgrade and £12,502.50 for maintenance)

Flood Risk Manager – No objections, subject to the prior submission/approval of a surface water drainage scheme

Sandbach Town Council – Object to the proposal for the following reasons;

- Contravenes Neighbourhood Plan Policy IFT2 - loss of parking spaces
- Contravenes Neighbourhood Plan Policy H2 - Gardens are not of sufficient sizes

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. Furthermore, a re-consultation exercise was undertaken in respect of a revised layout plan. To date, 11 letters of representation have been received. The main objections raised include;

- Principle of further housing in Sandbach
- Inappropriate use of site

- Highway safety – Access safety particularly during construction, parking concerns, volume of traffic, muddy/dusty roads during construction, impact upon access for emergency vehicles
- Ecology – Loss of wildlife/habitat, impact
- Design - Scale of bulk of development, layout not in character, over-development of site (density), position of bin storage, dwellings too tall
- Amenity – overlooking, loss of privacy, loss of light and visual intrusions, safety during construction, hours of operation
- Landscaping - lack of soft landscaping

APPRAISAL

The key issues are:

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

Principle of Development

Policy PS4 of the Local Plan advises that within the settlement boundary lines, there is a general presumption in favour of development providing that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan. Policies PC3 and HC2 of the Sandbach NP also support the principle of residential development in this location.

Policy H1 of the Sandbach NP refers to housing growth. More specifically, it advises that development for housing will be met either through existing commitments in the Local Plan or through windfalls. It is considered that the application site is classified as a windfall site and as such, would adhere with this Policy also.

Policy H4 of the Local Plan refers to residential development in towns. Policy H4 states that new housing in such locations will be permitted where the following criteria is satisfied; the proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan; the proposal adheres with design policies; the proposal adheres with all other relevant local plan policies and the development would not have a detrimental impact upon housing land supply totals.

In response, the site is not allocated for any other purpose in the Local Plan and the proposed development would assist the Council's housing land supply shortage (as expanded upon below).

The adherence of the development with all other relevant Local Plan policies is considered within the sustainability section of this report.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

Environmental role

Landscape Impact

The application site is located within the Sandbach town centre enclosed on all sides by existing development be that either dwellings (and their associated curtilages), or car parks. As such, the proposal would not have a detrimental impact upon the wider landscape.

In consideration of the landscaping within the site itself, the application was originally supported by a landscape strategy. The layout of the proposed development has been amended since the production of this document and a soft landscaping plan submitted.

The soft landscaping plan proposes trees within the streetscene which is a welcome addition to the site.

Trees and Hedgerows

The application is supported by an Arboricultural Impact Assessment and Method Statement.

The application identifies the removal of eight individual trees and one group (T5, 6, 7, 8, 10, 11, 12, 14, & G9) all of which have been categorised as low value Category C specimens.

The Council's Tree Officer advises that this categorisation is accepted and no objection is raised to their loss.

Outside the site edged red on the western boundary of the site stand four early mature Sycamores and a mature Holly hedge. Both T1 and T2 appear to have established as coppiced re-growth, with multiple stems now forming the basis of their respective crowns.

Plot 6 establishes an incursion within the Root Protection Area of T1 with the tree also presenting a less than desirable social proximity to the gable elevation; the Council's Tree Officer has advised that the tree's long term retention is unsustainable within the present layout. Excavation to facilitate the adjacent properties foundations will directly impact the trees root system. The position of T2 in relation to the front elevation of Plot 6 is again prohibitive to long term retention given the predicted growth potential of the tree.

Both trees have been categorised as Moderate value specimens (Category B), this is not contested by the Council's Tree Officer who further states that as a result of the previous management the multi-stemmed formation does raise concerns in respect of their long term structural integrity.

The Council's Tree Officer advises that the orientation of the plots 7 to 10 establishes a more preferable relationship with the adjacent off site trees (T3 & T4). T3 is a poor low value Category C specimen with T4 categorised as being of Moderate value (B); these valuations are considered accurate. T4 does encroach over the rear garden aspect of Plot 10 but this can be managed by lateral pruning.

The Council's Tree Officer advises that none of the four identified trees are significant category A specimens considered worthy of formal protection under a Tree Preservation Order, the retention of the hedge is considered more preferable than the trees; this is particularly applicable in respect of T1 and T2

To conclude, the Council's Tree Officer has recommended that should the application be approved, conditions in relation to tree protection and tree pruning and felling should be incorporated to reflect the possible removal of T1 and T2.

The Council's Tree Officer advises that the change in extent of plot width along the western boundary does not alter his conclusions and recommendations.

Ecology

The application is not supported by an Ecology Report. However, the Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development, subject to a nesting birds condition.

Design

Policy H2 of the Sandbach NP expects all new developments to be of a high standard that is in keeping with the character of the area, is sympathetic in terms of scale, density, layout, scale and appearance amongst other considerations.

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

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

The revised layout plan proposes 3 pairs of semi-detached dwellings (6 units) on the southern portion of the site fronting in a northern direction fronting onto an extension to Coppenhall Way.

A further 2 pairs of semi-detached units are proposed at a 90 degree angle to the other units towards the centre/north of the site fronting in an easterly direction onto a turning head.

This cul-de-sac design would respect the layout of the existing housing estate to which it would be linked into and as such, is considered to be acceptable.

All of the dwellings proposed are semi-detached dwellings. This would continue the pattern of form of the existing dwellings on Coppenhall Way and would therefore be acceptable.

In relation to scale, the dwellings would have a footprint of approximately 48.5 square metres and would have a maximum ridge height of 9.7 metres. In comparison to the closest associated dwellings on Coppenhall Way both the footprints and the maximum heights of the dwellings would be similar.

To ensure that the heights are secured, a proposed ground-floor levels condition is proposed should the application be approved.

Following negotiations, the appearance of the proposed dwellings would also closely reflect those of Coppenhall Way. These will include a ground-floor bay window, centralised dual-pitched roofed dormer windows and stone cills and lintels.

Within the Council's emerging Design Guide, pages 40 and 41 refer to Sandbach. The examples of the vernacular and form for the area include gable features, ground-floor bays windows and stone decoration, all of which are provided.

Subject to the prior approval of materials, it is considered that the appearance of the dwellings would respect the local prevailing character.

As a result of the above reasons, it is considered to adhere with Policy H2 of the SNP, Policy GR2 of the Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy.

Access

The proposal would be accessed via a continuation of Coppenhall Way into the site.

The Council's Head of Strategic Infrastructure (HSI) has reviewed the proposals and advised that the existing standard of infrastructure of Coppenhall Way is sufficient to accommodate the additional 10 units proposed; the internal roads within the site are a shared surface arrangement.

The applicant has submitted swept paths to indicate refuse vehicles can turn within the site.

Parking provision has been provided in accordance with Council standards within Appendix 2 of the emerging Cheshire East Local Plan, and there are 3 additional visitor spaces provided.

As a result of the above reasons, no highway objections to the application are raised subject to the following conditions; the prior submission/approval of a Construction Management Plan and the prior submission/approval of wheel wash facility details.

Flood Risk and Drainage

The application site does not fall within a Flood Zone 2 or 3 and is not of a scale which requires the submission of a Flood Risk Assessment (FRA).

The Council's Flood Risk Officer has reviewed the application and advised that he has no objections, subject to the prior submission/approval of a surface water drainage scheme.

United Utilities have also reviewed the application and advised that they have no objections in relation to matters of drainage, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

Environmental Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design flooding or drainage concerns subject to conditions.

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

Economic Role

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

Social Role

The provision of market dwellings itself would be a social benefit. The scheme is not of a scale that triggers policy required contributions/provision towards education or affordable housing.

Residential Amenity

According to Policy GR6 of the Local Plan advises planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The closest neighbouring properties to the application site include; No's 5-9 Coppenhall Way to the east and No's 22 and 24 Platt Avenue to the north.

The rear elevations of the properties on Platt Avenue have rear gardens of 20 metres in length and are over the recommended minimum separation standards referred to above from the proposed development. As such it is not considered that the occupiers of these Platt Avenue properties would be detrimentally impacted by the proposed development in terms of loss of; privacy, light or visual intrusion.

The side elevation of No.9 Coppenhall Way would be 20.1 metres away from the front elevations of the dwellings proposed on plots 8 and 9, comfortably adhering with the 13.8 metre standard.

The rear elevations of No's 6-8 Coppenhall Way, originally would have been approximately 12.9 metres away from the side elevation of the dwelling proposed on plot 1. This was below the 13.8 metre standard. The applicant has subsequently amended the layout so this distance is increased to 13.8 metres, and adhering with the policy standard.

As a result of this re-design, the proposal would not create any significant amenity issues for the occupiers of No's 6-8 Coppenhall Way with regards to loss of light or visual intrusion. The windows proposed within the relevant side elevation of plot 1 would be conditioned to be obscurely glazed to prevent a loss of privacy.

There are no other neighbours within close proximity of the development that would be directly impacted in terms of loss of privacy, light or visual intrusion.

In terms of the amenity of the future occupiers of the proposed dwellings, the proposed dwellings would largely adhere with the recommended minimum separation standards.

In relation to the proposed gardens, paragraph 3.2 of SPG2 advises that *'in general, the overall rear garden area should not be less than 65 square metres.'*

Before the amendment to the 'red edge', it was identified that all of the rear gardens proposed ranged between 40 and 55 square metres. It was concluded that although this was below the recommended standard, it was still considered that these spaces would be large enough for the future occupiers to carry out their normal functions such as; drying washing, sitting out etc.

Although the change in the 'red edge' reduces the extent of the gardens to plots 7-10, these were the larger of the gardens proposed and none would drop below 40sqm.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary); the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought.

Although the proposed gardens sizes would be below the recommended minimum size, it is still considered that they are large enough for purpose as detailed above. For the above reasons, subject to obscure glazing conditions and the conditions proposed by the Council's Environmental Protection Officer, the application is considered to adhere with amenity policies GR1 and GR6 of the Local Plan.

Public Open Space (POS)

As the application proposal is for 10 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

The applicant, within their Design and Access Statement has advised that;

'The site is small and there is not adequate room available to provide useful public open space alongside the housing, so the Applicant prefers to deal with the matter by way of a financial contribution, calculated in accordance with the formula in Supplementary Planning Guidance Note 1, and subject to the overarching consideration of development viability, which is being examined now that the development context is fixed.'

In accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on "POS Provision for New Residential Development" 2008, the Council's Open Space Officer has assessed what POS would be needed to serve the proposals for up to x10 No 3 bed dwellings shown on the submitted proposed revised site plan dated January 2016, there would be a need to increase the capacity to absorb the impact of this development.

Sandbach Park which is within 430 metres of the site has been identified to be enhanced by the upgrading of paths in the upper section of the park and providing new mini goal sets and associated ground works.

Applying the standards and formulae in the 2008 Guidance the Council would need £4,332.00 towards the upgrading. The Council would also need a commuted sum of £12,502.50 to maintain the upgraded facilities over 25 years.

The above would be secured via a S106 Agreement.

Social Conclusion

Social benefits in the form of the provision of market dwellings in the settlement boundary in light of the Council's lack of housing land supply. In addition, no significant neighbouring amenity concerns would be created.

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

Planning Balance

The application site lies within the Sandbach settlement boundary where Policy PS4 of the Local Plan advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan. Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location at a time when the Council cannot demonstrate a 5-year housing land supply. Furthermore, the development would generate the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Balanced against these benefits would be the dis-benefits, which in this instance, relate to the smaller garden sizes proposed than policy guidance.

In this instance, it is not considered that this dis-benefit significantly and demonstrably outweigh the benefits.

The application is therefore recommended for approval subject to a S106 Agreement to secure the off-site open space contribution, and conditions.

RECOMMENDATION

APPROVE Subject to S106 Agreement to secure;

- 1. Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50)**

And conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission/approval of materials**
- 4. Landscape Plan - Implementation**
- 5. Prior submission/approval of tree protection plan**
- 6. Prior submission/approval of nesting bird survey**
- 7. Prior submission/approval of ground-floor levels**
- 8. Prior submission/approval of a Construction Management Plan to include details of construction access to the site**
- 9. Prior submission/approval of wheel wash facility details**
- 10. Prior submission/approval of a surface water drainage scheme**

11. Foul and surface water to be drained on separate systems
12. Prior submission/approval of a sustainable drainage management and maintenance plan
13. Obscure glazing requirements - First-floor side windows (all plots)
14. Prior submission/approval of a piling method statement
15. Prior submission/approval of a dust mitigation scheme
16. Prior submission/approval of electric vehicle infrastructure
17. Prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary)
18. Prior submission/approval of soil verification report
19. Works should stop if contamination identified
20. Prior submission/approval boundary treatment
21. Removal of PD Rights – Part 1 Classes A-E

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

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

1. Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50)



Application No: 16/5015N

Location: Baroda, ANNIONS LANE, WYBUNBURY, CW5 7LP

Proposal: Retrospective application for an importation of soil, filling of pond and levelling of land.

Applicant: Ronald Blackburn

SUMMARY

The application proposes the infilling of a pond with inert construction and demolition waste. Policy 1 of the Cheshire Replacement Waste Local Plan (CRWLP) requires that proposals to maximise opportunities for waste to be managed in accordance with the waste hierarchy of reduction, re-use, recycling and composting and using waste as a source of energy. In the case of this proposal the waste would be used to bring an area of land back to a condition that would allow its use as a garden, as such it is considered to be acceptable in principle.

It is not considered that the development will have a detrimental visual effect upon the surrounding open countryside as the land has been levelled.

The development will not have a detrimental impact of the amenity of neighbouring residential dwellings.

The proposal would have a neutral economic and social sustainability role due to the retrospective nature of the application.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee by Cllr Clowes for the following reasons:

At the request of Wybunbury Parish Council and residents living on Annions Lane:-

- 1) *Inadequate detail of drainage and flood mitigation. The planning statement refers to manhole covers, land drains and a proposed SUDs system but there are NO details of any of these in the planning documents. It is suggested that this is a area of historic hard-standing for a previous coal yard. In fact this area has always been a green field / garden area with the historic coal yard and other brown field uses situated to the rear of the property behind the in-filled site.*

- 2) *Confusion regarding location - The Planning Statement refers to road names that don't exist in Wybunbury (See 2.3 which refers to an access off 'Kidderminster Road'. The only access in and out of this site is off Annions Lane.*
- 3) *Further detail is required regarding landscaping of the in-fill site and ecological mitigation. The loss of a significantly sized pond will always involve a loss in terms of ecological value and impact. The retrospective nature of this application requires that a suitable and reasonable degree of mitigation is included in the landscaping and other conditions to be imposed on this site.*
- 4) *Hydrology concerns regarding impact on other properties and ponds on property adjacent to this site.*
- 5) *Clarification required regarding the significant damage to the highway (Annions Lane) that was caused by HGVs accessing and exiting the Baroda site during the in-fill process. (See highways reports).*
- 6) *Clarification that the infill materials are suitable, inert materials that will not cause future subsidence, contamination or other local negative impacts.*

PROPOSAL

This application seeks retrospective planning permission for the importing of soil, filling of pond and levelling of land.

SITE DESCRIPTION

The application site is within the open countryside and located between two dwellings off Annions Lane, Wybunbury. As it now stands the actual site area of the former pond has been levelled and seeded bringing it back into use as a garden for Baroda

To the south and north of the site are open fields, with residential dwellings to the east and west and a yard/storage area to the south east. Mature hedges border the site and a copse of mature trees lies just to the North West.

The site area is now levelled and seeded with grass and is generally flat.

RELEVANT HISTORY

No history for the actual site but adjacent:

P93/0376 – Certificate of Lawful Use for use as a single residential unit with coal storage/delivery yard – positive certificate 2004

7/1857 – Dwellinghouse and double garage – approved 1976

NATIONAL & LOCAL POLICY

National Policy

NPPF

Development Plan

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

The relevant saved policies are:

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

The Cheshire Replacement Waste Local Plan

Policy 1: Sustainable Waste Management
Policy 12: Impact of Development Proposals
Policy 14: Landscape
Policy 17: Natural Environment
Policy 19: Agricultural Land Quality
Policy 29: Hours of Operation
Policy 32: Reclamation

National Planning Policy for Waste

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management.

Wybunbury Combined Neighbourhood Plan

The Neighbourhood Plan is yet to reach Regulation 14 stage and as a result no weight can be given to the Neighbourhood plan at this time.

CONSULTATIONS

Environment Agency – No objection.

CEC Flood Risk Manager – The Flood Risk Team are unable to comment on the application as the works have already been completed and the landowner will be liable for any flooding caused.

Wybunbury Parish Council – Object for the following reasons:

- Inadequate drainage and flood mitigation
- Confusing location, named roads aren't in Wybunbury
- Ecological mitigation
- Hydrology and impact on other properties
- Damage to highway caused during works
- Clarification of materials used for infilling

REPRESENTATIONS

Three letters of representation have been received which object to the proposal for the following reasons:

- Material used
- Intrusion into the open countryside
- Work started without permission
- Noise and disturbance caused by the works
- Loss of ecology

APPRAISAL

Principle of Development

The site lies within in the Open Countryside and Green Gap as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

This application is retrospective with the issues being the effect on the open countryside, drainage and flooding and the type of material used to fill the former pond.

Historically clay has been removed from the site to make bricks; this left a depression in the field which was excavated further during the 1980s creating a pond to help with the drainage of the site.

The pond has recently been filled in and the site levelled. The general principle of this operation is acceptable taking into consideration the effect on the open countryside, drainage/flooding and the types of materials used.

The applicant has infilled a hollow in the land with inert construction and demolition waste. Policy 1 of the Cheshire Replacement Waste Local Plan (CRWLP) requires that proposals to maximise opportunities for waste to be managed in accordance with the waste hierarchy of reduction, re-use, recycling and composting and using waste as a source of energy. In the case of this proposal the waste would be used to bring an area of land back to a condition that would allow its use as garden/paddock, as such it is considered to be acceptable in principle.

Materials imported

The application states that the materials imported on to the site were inert and comprise sub soils, clay and stone. The definition of inert waste at regulation 7(4) of the Landfill Regulations states that inert waste:

- Will not undergo significant physical, chemical or biological transformations;
- Will not dissolve;
- Will not burn;
- Will not physically or chemically react;
- Will not biodegrade;
- Will not adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health;
- Has insignificant total leachability and pollutant content;
- Produces a leachate with an ecotoxicity that is insignificant (if it produces a leachate)

The control of the processes or emissions is regulated by the Environment Agency and the two systems should complement, but not duplicate each other. In this case the Environment Agency have been consulted and have raised no objection to the development.

It is considered that there would not be significant adverse impacts caused by the inert waste importation, on the ecology and the visual amenity of the area.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

Economic and Social Role

As the application is retrospective and the works have been carried out, it is considered that there will be a neutral effect in this instance.

Environmental Role

Drainage and Flooding

The Cheshire East Flood Risk Team has been consulted as part of the application process. As part of the works consent would have been required for the pumping away of the water within the former pond, this does not appear to have been sought. However, consents are not issues retrospectively.

As part of this application drainage plans have been submitted and the Flood Risk Manager has stated that they are unable to comment on this retrospective application. The Environment Agency has raised no objection to this scheme. In this case it is not considered that the infilling of a recently constructed pond of this size will raise any significant drainage implications.

Importing of Waste

In order to fill the former pond quantities of waste have been imported on to the site. The submitted documentation and waste transfer notes show that inert waste has been used to fill the pond; this waste consists of clay, sub soils and stone.

The importation of waste is regularised by the Environment Agency through a waste exemption certificate. The material used in the infilled activities is considered by the Environment Agency to be acceptable for use.

The National Planning Policy for Waste makes it clear that planning authorities should focus on the use of the land and whether this is appropriate and should assume the relevant pollution control regimes regulated by the Environment Agency are properly applied and enforced.

As such, it is considered that the importation of inert subsoils for the infilling of the land is appropriate in this instance and would not generate any adverse impacts in relation to pollution of groundwater or surface water.

The Waste Hierarchy

The National Planning Policy for Waste states that when dealing with waste:

- Prevention - the most effective environmental solution to reduce the generation of waste, including the re-use of products.
- Preparing for re-use – products that have become waste can be checked, cleaned or repaired so that they can be re-used.
- Recycling – waste materials can be reprocessed into products, materials, or substances.
- Disposal – the least desirable solution where none of the above options is appropriate.

This is a retrospective application and whilst it would be preferable that a planning application was submitted prior to the development being carried out, it has been demonstrated that the materials used it will not have an adverse environmental impact.

Protected Species

The site has matures trees to the North West which have not been affected by the development.

With regards to protected species the Council's Ecologist does not offer any objection to the application as the works that have been undertaken have prevented the appraisal of the ecological and conservation value of the pond in terms of its potential to support protected species.

However, as the pond was relatively new and with its location and relative large size the Ecologist considers that its ecological value would have likely been low.

With the above in mind, it is considered that the proposed development will not have a significantly detrimental effect upon Protected Species or ecology in the wider context.

Design and Open Countryside

The application site lies within the open countryside therefore any development has to minimise the potential impact on this.

The site formerly comprised of a pond within a garden/paddock area between two residential dwellings. Following the infilling of the pond the site has been levelled and returned to grass. As such, there has been no actual built development and it is considered that there has been no detrimental visual harm to the openness of the surrounding open countryside.

Trees and Landscape

There is a copse of mature trees to the North West corner of the site, however these do not appear to have been or will be affected by the development.

Once the infilling of the former pond was complete, the land was levelled, seeded with grass and restored to its previous state. This is considered appropriate to the site and the former use. The surrounding area is generally relatively flat as is the application site, with this in mind it is not considered that there is a conflict between the two.

In terms of landscape impact, the infilling of the pond has not lead to a detrimental impact on the landscape or character of the application site.

Residential Amenity

In terms of neighbouring residential amenity it is accepted that the traffic and noise generated during the works would have had an impact on the amenity of neighbouring residential properties. However, this has happened and cannot be considered as part of the determination of this application. Furthermore, issues such as traffic and noise can be controlled by other agencies.

With regards to the actual application only the potential impact from the development can be considered. In this case it is not considered that the site and the infilled pond as it now stands will have any future detrimental impact on the amenity of neighbouring dwellings.

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

Highway Safety

In terms of highways safety and the overall impact on the road network, the traffic and vehicles movements associated with the works have already occurred and now finished.

With regards to this application it is not considered that there will be any further highways issues raised.

As such, it is considered that the proposal adheres with Policy BE.3 of the Local Plan.

Conclusion

In conclusion, the materials that have been deposited on the site are inert and have been considered to be acceptable by the Environment Agency; therefore the proposal would be highly unlikely cause contamination to the land. The appropriate restoration of the land has not caused harm to the visual amenities of the area.

Furthermore, the development will not raise any neighbouring residential amenity concerns.

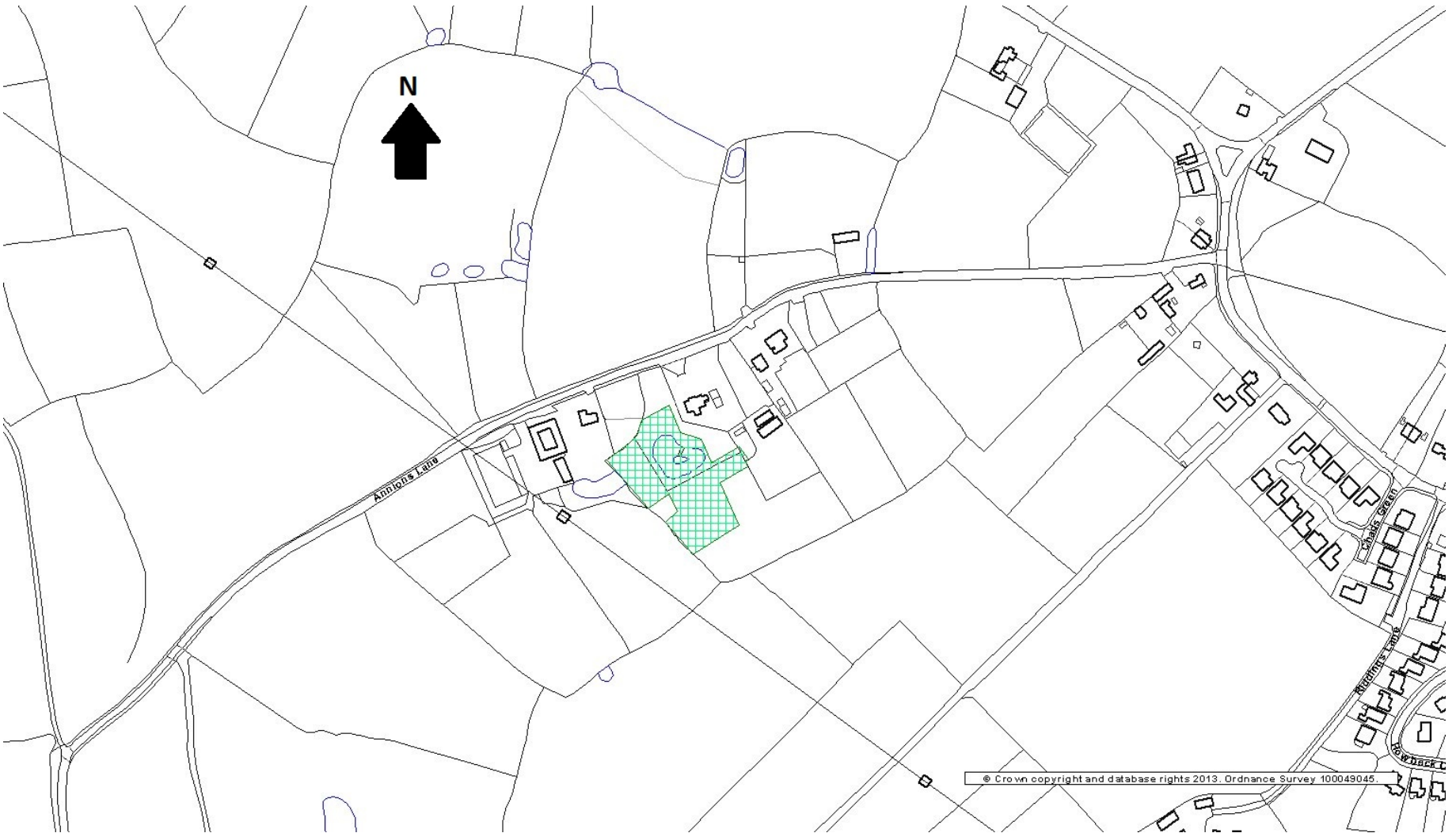
Therefore, the application is recommended for approval.

RECOMMENDATION

APPROVE without condition

Informatives:

1. NPPF



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