

Southern Planning Committee

Agenda

Date:	Wednesday, 5th July, 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 - 12)

To approve the minutes of the meeting held on 31 May 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. **16/6087N 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 13 - 28)**

To consider the above planning application.

6. **17/1980N Railway Bridge, Sydney Road, Crewe: Demolition of the existing Sydney Road Bridge and provision of a new wider road bridge that will allow for two way traffic movement and removal of the traffic lights, and the creation of new pedestrian footpaths. The scheme also includes the creation of a temporary site compound, temporary site access, provision of a temporary pedestrian and cycle bridge during the construction period and other ancillary works for Chris Hindle, Head of Strategic Infrastructure (Pages 29 - 46)**

To consider the above planning application.

7. **17/1725N 331- 333, Hungerford Road, Crewe CW1 5EZ: Proposed conversion of existing properties to form four self contained apartments for Mr & Mrs Jim Morgan, Homeworld Property Management Ltd (Pages 47 - 54)**

To consider the above planning application.

8. **17/0339N Land to the north of Little Heath Barns, Audlem Road, Audlem, Cheshire: Erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking for McCarthy & Stone Retirement Lifestyles Ltd (Pages 55 - 74)**

To consider the above planning application.

9. **17/0858N Jolly Tar Inn, Nantwich Road, Wardle CW5 6BE: Erection of 15 Dwellings and Access Works for Commercial Development Projects Ltd** (Pages 75 - 88)

To consider the above planning application.

10. **17/0931N Land to the West of Close Lane, Alsager: Reserved Matters Application for the erection of 26 dwellings comprising of 1, 2, 3, 4 & 5 bedroom homes and associated works following outline 15/5654N for Mrs Sutton, Stewart Milne Homes** (Pages 89 - 100)

To consider the above planning application.

11. **16/5279C Land East of Meadow Avenue, Congleton: Erection of 16 Bungalows with ancillary facilities and associated infrastructure for Mr Kevin Humphries, Humphries Builders Ltd** (Pages 101 - 118)

To consider the above planning application.

12. **17/1454C Land south of Elm Tree Lane, Elworth, Sandbach: Development of five detached dwellings (outline application including the matters of access and layout only) and increased area for use by Cricket Club for P E Richardson, Elworth Estates** (Pages 119 - 136)

To consider the above planning application.

13. **17/1504C Wheatsheaf Hotel, 1, Hightown, Sandbach, Cheshire CW11 1AG: Construction of inverted dormer and infill glazing to the existing coaching under-croft of the The Wheatsheaf P.H. New vehicular access off Old Mill Road to rear of building and adjacent land following closing up of existing access. Alterations to existing boundary walls and fences. Creation of new outdoor seating area and terrace in rear courtyard for Mr Andrew Pear** (Pages 137 - 146)

To consider the above planning application.

14. **17/2062C Lawton Mere Nurseries, Cherry Lane, Rode Heath ST7 3QX: Demolition of existing glasshouses and construction of new residential development for up to three dwellings for Mr & Mrs Gary and Lorraine Barratt** (Pages 147 - 162)

To consider the above planning application.

15. **Cheshire East Borough Council (Brereton - Land to the South West of Newcastle Road South) Tree Preservation Order 2017** (Pages 163 - 186)

To consider the above Tree Preservation Order.

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, 31st May, 2017 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Wray (Chairman)
Councillor M J Weatherill (Vice-Chairman)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor S Corcoran

OFFICERS PRESENT

Sheila Dillon (Senior Lawyer)
Daniel Evans (Principal Planning Officer)
Andrew Goligher (Principal Development Control Officer - Highways)
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor A Kolker

1 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received email correspondence with regard to application numbers 16/6087N and 17/1574N.

With regard to the application which she had called in, Councillor J Clowes declared that she had received emails from the applicant and a member of the public but that she had not engaged with them and had passed the emails to the relevant officers.

2 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 26 April 2017 be approved as a correct record and signed by the Chairman.

**3 16/6144C LAND WEST OF GOLDFINCH CLOSE, CONGLETON:
RESERVED MATTERS APPLICATION (APPEARANCE,
LANDSCAPING, LAYOUT & SCALE) FOLLOWING APPROVED
OUTLINE APPLICATION 13/3517C - OUTLINE APPLICATION FOR
ERECTION OF UP TO 230 DWELLINGS, ACCESS, OPEN SPACE AND
ASSOCIATED LANDSCAPING AND INFRASTRUCTURE FOR SEDDON
HOMES LTD**

Note: Town Councillor A Morrison had not registered her intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Morrison to speak on behalf of Congleton Town Council.

Note: Mr P Minshull (objector) and Ms S Wozencroft (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
 - 1. 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 and Lawton housetypes on plots 1, 3, 8, 9, 11, 12, 15, 16, 25, 27, 28, 32, 33, 34, 42, 44, 52, 62, 65, 74, 110-113 and 116 defined as store)
- (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.

- 4 **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**

Note: Mr J Narsai-Latham 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 – That the application be DEFERRED for the following:

- Further negotiation on bungalow provision on the development
- Further information in relation to housing need
- Further information on whether the needs of the older/infirm are being met in terms of life time homes.

- 5 **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**

Note: Mr P Marsden attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the completion of a S106 Agreement with the following Heads of Terms:
- A contribution of £100,000 towards strengthening the physical connectivity between the Retail Park and the town centre

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 non-food goods
9. Fast charge car charging point to be provided

- (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.

**6 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**

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

Note: Mr R Hodgson (objector) and Mr R Blackburn (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED - That, for the reasons set out in the report, the application be APPROVED subject to the following condition:

1. Within 3 months of the date of decision a scheme of replacement hedgerow to be submitted and planted within the first planting season before April 2018.

Informative:

1. NPPF

7 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

Note: Parish Councillor Seddon had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Seddon to speak on behalf of Audlem Parish Council.

Note: Mr M Ellis attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to 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 plan. The LAP shall be provided prior to the occupation of 75% of the dwellings
6. Prior to first occupation of any of the dwellings hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
7. Details of drainage outfall to be submitted and approved
8. Re-design of area between plots 17 and 18 to remove the area of hardstanding
9. Additional planting to rear/side of plots 19-24 which adjoin bungalows fronting Heathfield Avenue

(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.

8 **16/4706N REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE CW5 6DF: CONSTRUCTION OF STUDENT ACCOMMODATION SCHEME AND ASSOCIATED WORKS FOR BEN HUNT, REASEHEATH COLLEGE**

Note: Parish Councillor D Perkins (on behalf of Worleston and District Parish Council) and Mr B Hunt (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
 2. Plans
 3. External Materials, including doors, windows, mortar, bricks, tiles, rainwater good, etc to approved
 4. Surfacing materials to be approved
 5. Window and door reveals to be submitted and agreed.
 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

25. Student accommodation only

- (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.

9 **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**

Note: Councillor J Clowes left the meeting prior to consideration of this application.

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

Note: Mr P Jenkins (supporter) and Mr S Booth (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED - That, for the reasons set out in the report, the application be REFUSED for the following reason:

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 in terms of loss of sunlight/daylight and visual intrusion. 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.

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

The Committee considered a report regarding the above planning application.

RESOLVED

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

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

and the following conditions:

1. Time (3 years)
 2. Plans
 3. Prior submission/approval of materials
 4. Landscape Plan – Implementation
 5. Prior submission/approval of tree protection plan
 6. Prior submission/approval of nesting bird survey
 7. Prior submission/approval of ground-floor levels
 8. Prior submission/approval of 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
- (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 3.46 pm

Councillor J Wray (Chairman)

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

DEFERRAL

This application was deferred at the Southern Planning Committee on 31st May 2017 for more information about Lifetime Homes and more negotiation with the developer concerning the provision of bungalows within the scheme.

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, 6 bungalows (increased from 4), 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
- 69 no 3 bed semi/detached
- 10 no 2 bed semi/detached 2 storey
- 4 no. 2 bed semi-detached/detached bungalows

Total 105

AFFORDABLE

- 6no. 1 bed apartments
- 2no. 2 bed semi-detached bungalows
- 6 no 2 bed semi/detached 2 storey
- 18no 2 bed apartments
- 13no 3 bed semi/detached

Total 45

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
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

Draft Wistaston Neighbourhood Plan (at regulation 16 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
- 69 no 3 bed semi/detached
- 10 no 2 bed semi/detached 2 storey
- 4 no. 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
- 13no 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 Applicant has also swapped 2 three bed detached houses to provide an additional 2 no semi detached bungalows

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
- 13no 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. Six 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 1. A small area around the Brook is within Zone 2. 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

APPLICANTS RESPONSE TO THE COMMITTEE'S CONCERNS

In addition, the applicant has submitted a Lifetime Homes Assessment of the scheme. The Lifetime Homes Standard is a series of sixteen design criteria intended to make homes more easily adaptable for lifetime use at minimal cost. The concept was initially developed in 1991 by the Joseph Rowntree Foundation and Habinteg Housing Association. Bellway's assessment demonstrates that 38 of the houses meet the requirements of lifetime homes in full, whilst the remaining houses meet at least 80% of the requirements for lifetime homes. This means the structures are designed to ensure minimal work is required in any future adaptation that may be necessary. A copy of the Developers Lifetimes Homes Assessment is supplied within the Information Plans pack.

The Applicant has also assessed the development against the HAPPI - Housing our Ageing population: Panel for Innovation principles, and describes how the scheme accords with the ten components that form good design for elderly accommodation. HAPPI was commissioned by the HCA, on behalf of DCLG and the Department of Health, to consider how best to address the challenge of providing homes that meet the needs and aspirations of the older people of the future. The Panel's work builds on Lifetime Homes, Lifetime Neighbourhoods: a national strategy for housing in an ageing society.

In conclusion, the layout has been amended to increase the numbers of bungalows on site by two and now proposes six bungalows, compared with four previously. The Lifetime Homes and HAPPI Assessments clearly demonstrate the dwellings perform well against the requirements and are adaptable.

Plus Dane, who are aware of Committee's concerns and are the contracted Registered Social Landlord on this site, have confirmed that they will prioritise the tenancies of the bungalows and ground floor flats to elderly and/or vulnerable tenants.

Other Material Considerations

The draft Wistaston Neighbourhood Plan has progressed from Regulation 14 stage during the course of the application. Given the early stages of adoption of the Wistaston Neighbourhood Plan (WNP), being at Regulation 16 Stage, limited weight can be afforded to the policies of relevance in this case. This Plan is currently out to consultation ending on 28 July 2017.

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.

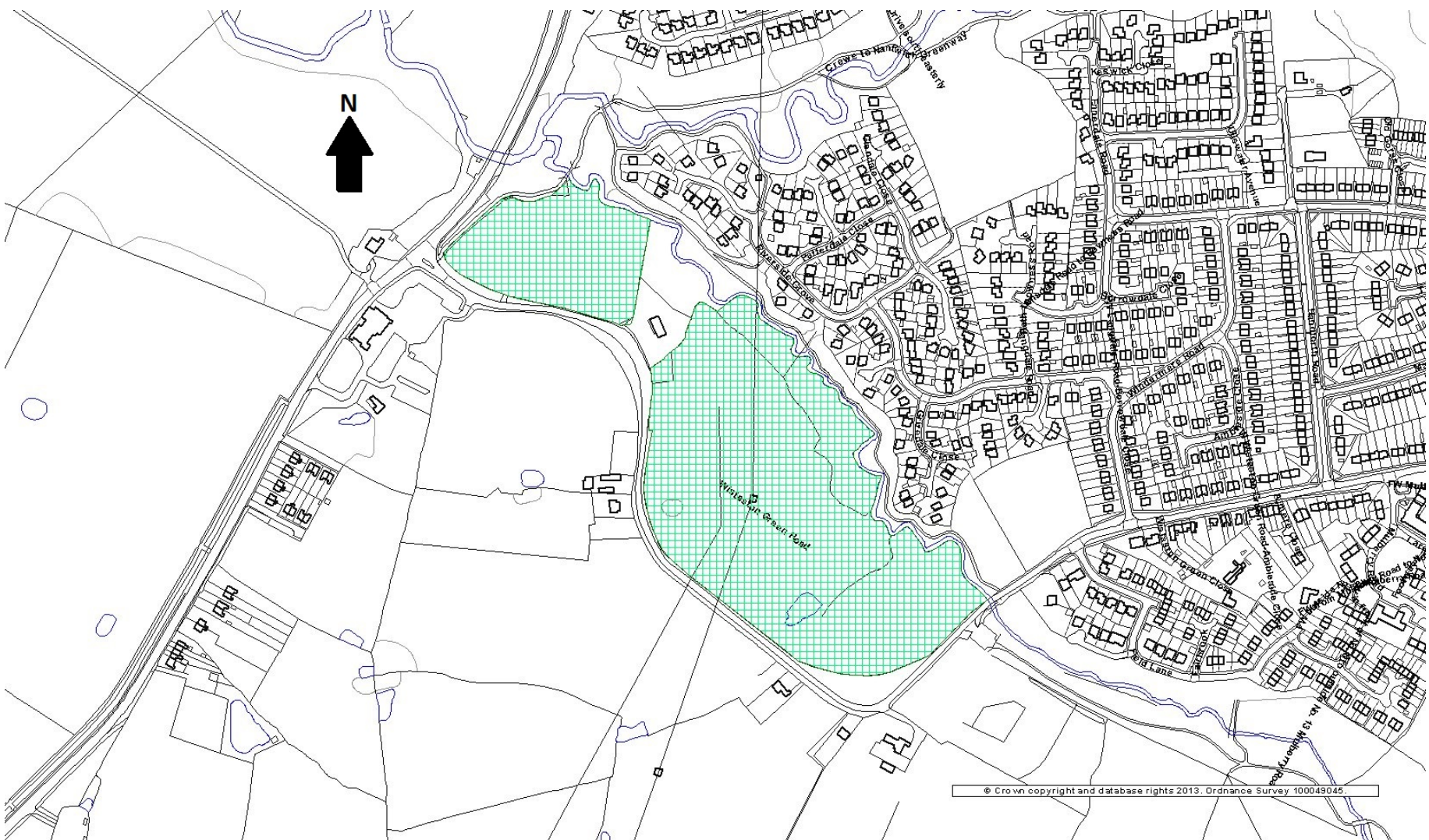
RECOMMENDATIONS

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.



Application No: 17/1980N

Location: RAILWAY BRIDGE, SYDNEY ROAD, CREWE

Proposal: Demolition of the existing Sydney Road Bridge and provision of a new wider road bridge that will allow for two way traffic movement and removal of the traffic lights, and the creation of new pedestrian footpaths. The scheme also includes the creation of a temporary site compound, temporary site access, provision of a temporary pedestrian and cycle bridge during the construction period and other ancillary works.

Applicant: Chris Hindle, Head of Strategic Infrastructure

Expiry Date: 12-Jul-2017

SUMMARY

The existing Sydney Road Bridge is identified within the Cheshire East Infrastructure Delivery Plan (CEIDP). The CEIDP identifies that the developments around Crewe will exacerbate the delays currently caused at the Sydney Road Pinch Point. The CEIDP identifies that the construction of a new bridge to allow two way carriageway is classed as Priority 1 (the highest priority).

The replacement of the existing bridge will provide important highway benefits to Crewe and economic benefits outlined above. It should also be noted that the existing bridge is an aging structure which is classed as 'fair to poor condition'. The bridge currently requires regular maintenance work.

During the construction period of the development there would be some disruption to local residents in terms of noise, traffic diversions, closure of the PROW and through air quality but this would be for a limited time only. Following the completion of the development there would be benefits in terms of improved traffic movement, improved pedestrian and cycle links and a slight reduction in predicted levels of NO₂.

In terms of noise following the completion of the development the NSEA predicts a moderate adverse increase in noise levels at the closest sensitive receptors to Sydney Road. At receptors further away the increase in noise levels is not considered to be significant

The landscape assessment identifies that the landscape impacts will be adverse and most apparent for residential receptors and those using nearby footpath to the western side of the railway (FP26 Crewe) and the cycle track to the eastern side of the railway (formerly FP36 Crewe).

The development would have a neutral impact in terms of trees, ecology, flood risk/drainage and electric infrastructure.

In this case it is considered that the benefits of this scheme would significantly and demonstrably outweigh any harm and on this basis the proposal represents sustainable development.

RECOMMENDATION

Approve with conditions

PROPOSAL

This is a full planning application for a new Sydney Road Bridge. The development would be a single span structure and would measure 22.8m in length and 14.6m in width. The bridge would accommodate a 7.3m carriageway to allow two lane traffic with a 3m wide footway/cycleway set back 0.5m from the southern lane and a 2m footway located to the northern side of the bridge.

The bridge would have parapets of 0.9m in width and 1.85m in height with a red engineering brick cladding to the internal face of the bridge. To accommodate the new structure the existing central bridge pier would be demolished. The new bridge will maintain the existing main span headroom of 4.9m between the bridge and the railway tracks.

The section of Sydney Road to the east of the bridge would require widening works in order for the new bridge to tie into the existing road network. These works would include the creation of a footway/cycleway up to a new pedestrian crossing. The road widening works would permanently require a small amount of land from the back gardens of a number of residential properties on Rochester Crescent and the front garden of the cattery on Sydney Road. A new L-shaped precast retaining wing wall would be installed at the rear of the private properties located along Rochester Crescent.

To the west of the bridge, a new footway/cycleway would be installed adjacent to the southern lane of Sydney Road on a new earth embankment next to the Scottish Power electricity substation. This would tie in with the existing cycle track (formerly Crewe FP36) to the east of the bridge that follows adjacent to the route of the railway line north to connect into Sydney Road. A new guard rail will be installed on the southern side of the bridge.

It is envisaged that the works will be carried out in three phases.

Phase 1 - Would be associated with the piling works for the new substructure and the excavation of a new duct/route for the 132kV Scottish Power cable diversion.

Phase 2 - Would include the completion of the piling works and the diversion of the 132 kV cable.

Phase 3 - The main stage of the works. This would include the assembly of the service access bridge, diversion of services in the bridge structure, demolition of the bridge structure, alteration of the Overhead Line Equipment (OLE), assembly of the 1000T crane, delivery of bridge components, construction of the new bridge, services re-instatement into new ducts, and constructing new sections of the road over the bridge and where the road ties in with existing. This phase would last for approximately 6 months.

The development includes a site compound to the south of the existing Scottish Power sub-station.

SITE DESCRIPTION

Sydney Road is a 'B' road which forms part of the strategic access route from South Crewe to North-West Crewe (including Leighton Hospital and Bentley). The Sydney Road Bridge is one of four locations within Crewe where it is possible to cross the Crewe to Manchester Railway Line. Sydney Road Bridge is currently a single carriageway structure (4.3m wide with a 1.8m wide footway to the northern side) which is only capable of accommodating traffic in one direction at a time with access being controlled by traffic lights.

The application site is located within a predominantly residential area with dwellings fronting Sydney Road and Rochester Crescent being in close proximity to the application site. There is a children's nursery and a cattery to the eastern side of the railway line and a Scottish Power electric substation to the west.

RELEVANT HISTORY

15/3119S - EIA Screening opinion proposed road bridge over Manchester - Crewe Road Coast Main Line – EIA Not Required

POLICIES

National Planning Policy

The National Planning Policy Framework

Local Plan policy

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

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
CO1 – Sustainable Travel and Transport
CO2 – Enabling Business Growth Through Transport Infrastructure

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
National Planning Practice Guidance
Cheshire East Infrastructure Delivery Plan

CONSULTATIONS (External to Planning)

CEC Head of Strategic Infrastructure: No objection subject to the imposition of planning conditions and an informative.

Network Rail: As this proposal is being progressed by Network Rail as a third party scheme with the relevant agreements, there are no comments to make.

United Utilities: A public sewer crosses this site and UU may not permit building over it. UU will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption" for maintenance or replacement.

Scottish Power: No objection subject to the imposition of two planning conditions.

CEC Public Rights of Way: The proposed development would have a direct yet insignificant effect on the Public Right of Way (FP26).

The PROW Officer has made a number of suggestions to improve pedestrian/cycle provision as part of the scheme.

The following conditions have been suggested;

- A PROW scheme of management shall be submitted and approved which shall include proposals for the temporary closure of the PROW along with the alternative route provision
- The line of the PROW shall be marked out prior to the commencement of development
- Pre-commencement and pre-completion surveys of the PROW shall be submitted to the LPA and approved in writing.

CEC Environmental Health: It is for the planning service to make a decision on planning balance, taking account of many factors including noise and air quality. Conditions are suggested.

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

Natural England: No comments to make on this application.

Cheshire Brine Subsidence Board: The Board has considered the above application and is of the opinion that the site is located within an area that has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted. Therefore, the Board in accordance with their duties under Section 38(2) of the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952 requires that precautions are taken to mitigate the effects of any future brine movement.

VIEWS OF THE TOWN COUNCIL

Crewe Town Council: No comments received.

OTHER REPRESENTATIONS

One letter has been received from Cllr Brookfield which makes the following general observations;

- Whilst appreciating the essential nature of the proposed works and adaptation to Sydney Road Bridge I have concerns about the diversions that will be put in place and also the public transport changes that are required. Both these will impact residents in Crewe East greatly. The area would have already seen major disruption with Crewe Green roundabout, Manchester Bridge and the numerous housing developments which will see major roadworks and adaptation taking place (Remer St/Cross Keys, Broughton Road and Maw Lane).
- In all cases the Traffic Management and communication have to date been inadequate and requiring more thorough communication with residents.
- I have concerns that some of the roads intended to take the increased traffic are basically 'not up to the job' and have significant further concerns that the Ward's residential side streets will see increased deterioration to their already damaged surfaces. Will there be a programme of resurfacing and repairs for these roads following the numerous roadworks in the immediate vicinity?
- In this regard I would politely request the Planning Committee consider conditions being affixed to this application for such works to be addressed?
- Air quality and congestion along the intended diversion routes are already poor and/or serious - what will the Local Authority / Planners do to mitigate these issues for local residents?
- In respect of public transport - no regard has been given to school bus / college transport and would ask for assurances that schools etc will be liaised with. I would also make an observation that if the bus companies establish services are becoming unviable that support is provided for the services to continue post bridge works and it is not used to see bus services further reduced in the area.

Two letters of objection has been received which raises the following points;

- The proposed diversion route ignores the fact that Hungerford Road has a 7.5 ton limitation.
- As a large number of trucks use Remer Street and Sydney Road they will be diverted via Hungerford Road which is not acceptable.
- Hungerford Road is in a residential area and has a Primary Academy and an increase in vehicles will increase the volume of traffic which raises issues in terms of road safety, health and air quality.
- The works to Crewe Green roundabout should be functional by the start of the bridge construction and a better diversion route would be down Macon Way and onto Crewe or Weston Road which are better suited for large volumes of traffic. A large amount of traffic using Sydney Road at peak time is destined for or coming from Electra Way and the suggested diversion would be a better approach.
- Hungerford Road suffers from parking on both sides which restricts the width of road.

- Queues of standing traffic are common along Hungerford Road at peak times and Sundays due to the Grand Junction Retail Park.
- Hungerford Road is used as a route for emergency services.
- The diversion via Earle Street is designated as an Air Quality Management Area with some of the worst air quality in Crewe.
- HGV's accessing Earle Street from Vernon Way have great difficulty making this manoeuvre due to the tight turning circle
- The proposal to divert traffic via Vernon Way/Middlewich Street is unsafe as HGVs and some medium fixed vehicles cannot negotiate this route due to the height restriction under the Cumberland Railway Bridge. Middlewich Street is reduced to a single width carriageway due to on-street parking
- A more suitable diversion would be via Crewe Green Roundabout to the A534 Crewe/Nantwich Road and then onto Edleston Road/Oak Street/Vernon Way subject to the weight restriction being lifted on Edleston Road Bridge. At the junction of Vernon Way with Badger Avenue traffic should be diverted left along Badger Avenue and right into Broad Street to the Cross Keys Roundabout.
- Cheshire East have failed to carry out a risk assessment for this diversion route which is unacceptable.
- The submitted Transport Assessment gives little credence to public transport and contains omissions and inaccurate information.
- There should be discussion/liaison with schools, colleges and bus operators to ensure that pupil/student school/college timetables are unaffected.
- The bus stop needs to be repositioned, upgraded and retained to serve future development within the design of the Sydney Road Bridge.
- The highway design provided as part of this planning application is inadequate in respect of the new pedestrian crossing
- The highways design conflicts with the design for the approved development for Muller Properties (13/2055N). Without the widening of the bridge the highway design for the estate would be adequate as traffic entering the estate would be assisted by the traffic signals at the bridge. When the bridge is widened and the traffic signals are removed traffic entering the estate will require the highway near the junction to be widened to provide a middle recess right turn to prevent queueing traffic entering the estate from blocking back along Sydney Road

OFFICER APPRAISAL

Principal of Development

The existing Sydney Road Bridge is identified within the Cheshire East Infrastructure Delivery Plan (CEIDP). The CEIDP identifies that the developments around Crewe will exacerbate the delays currently caused at the Sydney Road Pinch Point. The CEIDP identifies that the construction of a new bridge to allow two way carriageway is classed as Priority 1 (the highest priority).

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

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

The NPPF then goes onto state that Local Planning Authorities should;

'identify priority areas for economic regeneration, infrastructure provision and environmental enhancement'

And that Local authorities should work with transport providers to;

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

In terms of the Crewe and Nantwich Local Plan Policy TRAN.1 (Public Transport) seeks to safeguard the rail infrastructure within the Borough and states that *‘development affecting rail corridors throughout the Borough will not be permitted’*. TRAN.3 requires new development to make appropriate provision for pedestrians through a number of measures including *‘improving an existing footpaths’* and *‘creating pedestrian routes through housing and employment areas’*.

The Cheshire East Local Plan Strategy identifies that the Sydney Road Bridge is an important infrastructure requirement and the allocations CS5 (Sydney Road, Crewe), CS38 (Leighton, Crewe) and CS39 (Broughton Road) all seek to secure S106 contributions towards the Sydney Road Bridge or the Sydney Road Corridor.

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

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

As a result it is considered that the principal of the bridge replacement in this location is acceptable.

SOCIAL/ENVIRONMENTAL SUSTAINABILITY

Amenity

The proposed bridge would not raise any impacts upon adjoining residential properties in terms of loss of light, privacy or overbearing impact. The main amenity concerns relate to noise, air quality and contaminated land. These issues are considered below.

Noise and vibration

The proposed development has the potential to residents being exposed to noise and vibration at various times. There are also concerns caused by the re-routing of traffic onto other roads causing a temporary increase in road traffic noise levels for residents along those routes.

When assessing any planning application the impacts of the scheme have to be assessed against the overall long term benefits of the scheme.

The bridge crosses the West Coast Main Line (WCML) and due to this there will be a necessity for a great deal of the work to be undertaken during the night time and at weekends. Works over and on the WCML can only be undertaken during planned possessions (closures) of the line.

The construction is to be split over three phases as identified within the ‘Proposal’ section above.

There are also predicted impacts from ground borne vibration due to compaction rolling and bored piling.

Finally following completion of the scheme it is likely there will be an increase in the number of vehicles and the speed of vehicles using the road.

In addition throughout the scheme a site compound will be operational, and this is located in close proximity to sensitive receptors. Again due to the nature of the scheme it is assumed this will be operational 24/7 throughout the scheme.

The Non-Statutory Environmental Assessment (NSEA) submitted with the application uses baseline noise monitoring and noise prediction modelling to determine the impact of various operations on the nearest noise sensitive receptors.

During the construction phases, the NSEA predicts significant impacts with respect to noise and vibration at a number of noise sensitive properties. It is considered therefore that for the duration of the scheme significant controls and mitigation will be required to minimise the disruption to residents.

During the operational phase the NSEA predicts a moderate adverse increase in noise levels at the closest sensitive receptors to Sydney Road. At receptors further away the increase in noise levels is not considered to be significant.

The impact of the scheme is assessed against the Noise Policy Statement for England criteria which describes the impacts of noise as LOAEL (Lowest Observable Adverse Effect Level) through to SOAEL (Significant Observed Adverse Effect Level).

With the scheme in place 255 noise sensitive receptors are expected to experience SOAEL during the daytime (07:00-23:00) and 143 during the night-time (23:00-07:00).

The NSEA proposes a series of mitigation measures to minimise the impacts of the construction phase however it is recognised that there is little in the way of mitigation available for noise sensitive receptors likely to experience adverse impacts of noise in the long term operational phase.

The NSEA concludes that on noise grounds the proposed scheme has an adverse effect.

Ultimately it is for the decision maker to make a decision on planning balance, taking account of many factors including noise.

Whilst it is accepted (if approved) that construction and demolition will inevitably take place overnight and at weekends it is considered that wherever possible the noisiest activities should take place during standard construction hours.

The following conditions would be needed to prevent any amenity impacts as part of this development;

- Submission and approval of a Construction Environment Management Plan including that where possible that noise generative activities take place during standard construction hours
- A scheme to facilitate a residents liaison group
- At all times signage shall be displayed with contact numbers for reporting issues and problems associated with the construction works.

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, this office 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).

As part of this application the applicant has submitted a detailed assessment of the likely impact on air quality in the area both with and without the development. The following scenarios were considered:

- Baseline 2013;
- Do minimum 2019;
- Do something 2019 including the widening of Sydney Road Bridge

The report concludes that there will be no significant adverse affect on the NO₂ and PM₁₀ levels as a result of the proposed development. In most cases there is a slight reduction in predicted levels of NO₂.

However, this Environmental Health Officer has concerns over the air quality in other areas during the development phase road closure which is scheduled to last for 22 weeks. The diversion route passes through the Earle Street Air Quality Management Area where there could be an impact on the NO₂ levels, although this will be limited by the fact that the diversion will only be in place for 22 weeks. There are also concerns that traffic could use an alternative route to the official diversion by travelling down Queen Street/Lime Tree Avenue which could have an impact on the air quality in this area.

The following conditions would be required to mitigate the air quality implications of this development;

- The provision of diversion route signage
- Dust Control Measures

Contaminated Land

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

Highway Implications

The existing bridge is located on the north east side of Crewe and carries Sydney Road over the four electrified lines of the Crewe to Manchester Rail line. Sydney Road is a part of the distributor road network within Crewe and forms a key strategic corridor linking the east and south-east parts of the town with areas to the north and north-west. The location is one of only four places within Crewe where it is possible to cross the West Coast Main Line (WCML). At present there is only a single carriageway across the bridge and flow is controlled by traffic signals; this causes congestion particularly at peak times. The new structure will increase the capacity of the road by allowing for two way flow across the bridge and as such remove a pinch point from Crewe road network. This will result in some

redistribution of traffic associated with removing the capacity constraint at the bridge, with the modelling suggesting approximately 120 and 175 additional vehicles using Sydney Road in the AM and PM peaks respectively (for forecast year 2034).

The existing bridge also suffers from poor pedestrian/cycle facilities with only one footway on the northern side of the bridge. This requires those approaching the bridge from the south to cross Sydney Road in order to safely cross the bridge. This issue is further compounded by no pedestrian crossing facilities (dropped kerb, tactile paving etc) being in place.

The new bridge will be designed with footways on both sides improving access for pedestrians and reducing the need for pedestrians to cross the road to use the existing footway, thus reducing potential traffic / pedestrian conflicts. Also, by situating a footpath on both sides of the carriageway the replacement structure will provide a continuous link within the pedestrian network. The design of the replacement bridge will ensure a safe route for pedestrians; it will also provide a safer route for cyclists by providing a combined cycle/footpath across the railway line.

During phase 3 of construction it is necessary to close Sydney Road Bridge to all vehicular traffic for a period of approximately 22 weeks. Options for potential diversionary routes are limited as Sydney Bridge is one of only four crossing points over the rail line within Crewe. As such, a diversion route has been proposed which involves utilising the A532 & B5076 which is deemed acceptable in principle as this route benefits from a higher or equivalent road classification than Sydney Road. However to enable this route to be fully utilised the existing 7.5 tonne weight restriction along Hungerford Road will need to be temporarily suspended by way of a Temporary Traffic Regulation Order. If this order wasn't forthcoming then an alternative diversion route utilising Crewe Road/Macon Way would need to be pursued.

The existing bus route 8 will need to be diverted during the works as this route currently traverses Sydney Road Bridge. The applicant has undertaken to discuss a suitable diversionary route with the relevant bus company.

The scheme will need to take account the consented residential development at land to the rear of 138 Sydney Road which may result in amendments to these access arrangements however the access arrangements detailed in application 14/5842N appear to cater for the changing traffic dynamic that would result from the bridge improvement scheme by the provision of a right turn lane into the residential development.

There will inevitably be some disruption on the local highway network during the construction period of the new bridge. However once complete the development will provide benefits to the flow of traffic along Sydney Road with the removal of the existing bottleneck. The development will also provide benefits in terms of improved pedestrian and cycle links across the railway. The highway benefits of this development weigh in favour of this proposed development.

Landscape

The scale of the proposed development and urban character of the surrounding area means that a variety of vegetation will need to be removed, including a number of trees. As part of the application an assessment of the proposed scheme on landscape character, townscape character and views has been submitted. The submitted assessment indicates that the townscape character is of low sensitivity, since it is already influenced by road and railway infrastructure. The assessment identifies that the

impacts will be adverse and most apparent for residential receptors and those using nearby footpath to the western side of the railway (FP26 Crewe) and the cycle track to the eastern side of the railway (formerly FP36 Crewe).

The assessment identifies that the construction work and removal of vegetation will result in very large adverse effects and that users of FP26 Crewe will experience a major view, and that users of cycle track will experience a moderate change in view, with moderate adverse effects for residents at no 205-243 Lime Tree Avenue and also for residents of Sydney Road. It is identified that these effects will reduce with replacement planting.

The Councils Landscape Architect would broadly agree with the assessment. The proposed mitigation will help reduce the impacts over time and although a Landscape Mitigation Plan has been submitted, this is only illustrative and only shows proposed tree planting without identifying particular species. Since some of this planting is located in private gardens it may not be the case that it will ever be planted, dependant on the views of owners. The Councils Landscape Architect has suggested that every effort be made to implement this planting, but also that additional tree planting could be undertaken along the western side of the bridge, particularly to the north of the existing sub station, where there appears to be no replacement vegetation proposed for the vegetation that will be removed as part of this scheme.

The scheme of landscaping will be secured through the imposition of a planning condition.

Trees

The Application is supported by an Arboricultural Impact Assessment (AIA) which provides an assessment of the potential impact of the development on existing trees, anticipated tree losses and protection measures required for those trees identified for retention. The scope of the assessment includes land 15 metres either side of the proposed road bridge or within 15 metres of the proposed works, provision of a 5 metre clearance/working width within the construction footprint, a 1 metre working width to the pedestrian footpath and fixed footprint for a 600t working crane and site compound.

The trees within the area of land required for development are not protected by a Tree Preservation Order and the site does not lie within a designated Conservation Area.

The submitted AIA has identified 50 individual trees, 21 groups and 7 hedgerows within or immediately adjacent to the application site. One individual tree has been identified as High (A) category; 8 individual trees and 6 groups have been identified as moderate (B) category. Three individual trees and 2 groups are specified as being in a poor condition (U category) with the remaining 38 individual and 13 groups categorised as low quality (C category) trees.

The AIA provides an assessment of likely impact on trees and identifies 17 individual trees and 8 groups for removal of which the majority are low quality (C category) trees. Three moderate (B) category individual trees and 4 moderate (B) category groups are proposed for removal.

The assessment identifies that the arboricultural impact of the scheme is considered to be of low to medium significance to the surrounding area with just over half of surveyed tree features to be removed or partially removed.

In terms of the loss of trees, the greater proportion have been assessed as low quality (C) category individual specimens or groups. Whilst it is accepted that these losses will have a low to medium impact from an arboricultural perspective, collectively from a landscape perspective the impact is considered to be greater.

It is noted that there are proposed tree losses within private gardens principally within No.88 and 110 Sydney Road, and a section of hedge within and adjacent to No 78 Sydney Road. These have been mostly assessed as low quality specimens but nevertheless provide some benefit of screening to residents.

An Illustrative Landscape Mitigation Plan has been submitted with the scheme showing proposed tree planting and further planting should be considered to offset the impact of the scheme.

Reference is made in the supporting Extended Phase 1 Habitat/Bat Roost & Activity Survey Report to an Oak tree located to the west of the electricity sub station which has been recorded as having cavities which could be used for roosting bats (category 1). The tree, is identified in the submitted Arboricultural Assessment as T9, a low quality (Category C) tree. The tree is not affected by the proposal and is shown for retention on the Tree Removals and Constraints Plan.

The Assessment broadly identifies that a number of trees may be encroached by the development (associated infrastructure, retaining walls or earthworks) and that there may be subsequent alterations to the scheme, such as the submission of construction details relating to proposed retaining walls which may require additional tree removals.

In the light of the above, a precautionary approach is required to address current and possible future arboricultural implications of the proposal and as suggested by the Assessment an Arboricultural Method Statement/Tree Protection Plan and on site monitoring of the project will be required.

Ecology

Statutory Designated Sites

Natural England have been consulted on the application to advise on the potential impacts of the proposed development upon statutory designated sites. In this case Natural England have stated that they offer no comments on this application and as a result it is not considered that the development would impact upon any statutory designated sites.

Bats and trees

A tree has been identified within the works compound area as having High potential to support roosting bats. It has now been confirmed that this tree will be retained as part of the proposed development.

A lighting condition may be required to avoid any impacts on foraging and commuting bats as a result of any construction phase lighting.

Woodland

A small area of broad leaved woodland would be lost as a result of the proposed works compound. This woodland area however consists of only a handful of small trees.

The area of the works yard is currently proposed to be restored to amenity grassland. To compensate for the loss of the existing trees the Councils Ecologist recommends that the submitted landscape plan be amended to show woodland planting provided in this area instead.

Hedgerows

The proposals will result in the loss of a section of species rich native hedgerow. Habitats of this type are a material consideration for planning purposes. The submitted landscaping plan suggests either the translocation or replanting of a new hedgerow to compensate for this loss.

In the event that planning permission is granted the Councils Ecologist recommends that a condition be attached which requires the submission of detailed proposals for the creation of compensatory hedgerows.

Reptiles

Habitats adjacent to the railway embankment have been identified as having potential to support common reptile species. The Council Ecologist advises that considering the scale of the proposed works the impacts of the proposals on reptiles is likely to be low (if they are in fact present). The submitted habitat report recommends that the potential impacts on reptiles be mitigated through the implementation of a suite of 'Reasonable Avoidance Measures'. This approach is acceptable.

In the event that planning permission is granted a condition could be imposed which requires the submission of a reptile mitigation method statement.

Japanese Knotweed

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

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

Other Protected Species and Great Crested Newts

Based upon the results of the submitted surveys the Council Ecologist advises that these species do not present a constraint on the proposed development.

Nesting Birds

If planning consent is granted the following condition is required to safeguard nesting birds.

Flood Risk/Drainage

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

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

Impact upon the Public Right of Way (PROW)

The proposed development would have a direct yet insignificant effect on the Public Right of Way (FP26) and the cycle track (formerly FP36). The Councils PROW Officer has raised no objection to the scheme subject to the imposition of planning conditions.

The PROW Officer has made a number of suggestions to improve pedestrian/cycle provision as part of the scheme.

In terms of the suggested pedestrian/cycling improvements to the scheme the applicant has confirmed that the works are not possible as they would rely on third party land.

However the applicant has confirmed that they are keen to take the opportunity to improve the local highway network if possible – provided that the delivery of the planning permission is not dependent on it. As a result the applicant has suggested that a condition could be imposed with the following wording;

‘Prior to the commencement of the development hereby approved, a scheme to improve cycleway and footpath provisions in the vicinity of the development shall be submitted to the local planning authority for written approval.’

The proposed development will result in benefits to both pedestrians and cyclists with the proposed bridge accommodating improved pedestrian/cycle connections.

Brine Subsidence

The Brine Board has stated that the site is located within an area that has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted.

A standard informative will be attached to any approval to advise the applicant of these comments in order that they are taken on board during the construction phase of the development.

Electric Infrastructure

The site lies adjacent to a Scottish Power substation and there are power cables which run through the existing bridge structure. In this case Scottish Power have been consulted on this application and originally objected in terms of the impact that the development would have upon their infrastructure in

terms of the encroachment of the development upon their access and the position of the site compound.

Following negotiations Scottish Power have now confirmed that they have no objection to the development and that the imposition of two planning conditions will address their concerns. The first condition is for an amended plan to be submitted to realign the footpath to avoid Scottish Power land and apparatus, the second condition relates to further details of the proposed site compound and details of its time of use. On this basis there is no objection in terms of the electrical infrastructure as part of this development.

ECONOMIC SUSTAINABILITY

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

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

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

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

The existing single carriageway structure acts as a bottleneck within the highway network. Sydney Road acts as a main distributor route for traffic to the north of Crewe Town Centre and provides access from the South of Crewe to North West Crewe (which includes Leighton Hospital, Bentley Motors and future housing sites identified within the Cheshire East Local Plan Strategy).

Providing additional infrastructure capacity in the local highway network is required in order to help Crewe play a vital role in the economic growth of Cheshire East and the wider sub-region, and the Department for Transport identifies that the proposed development would have the benefit of: *‘removing a significant pinch point and unlocking capacity to support a number of allocated housing sites.’*

As well as being a bottleneck in the local highway network and constraining future growth aspirations for the area, Sydney Road Bridge is also an ageing structure that is in need of regular maintenance work. The existing bridge is owned by Network Rail and has sub-standard parapets, and also suffers from cracks that are caused by differential movement between the bridge supports. A recent structural survey showed the bridge to be in a *‘fair to poor condition’*.

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

CONCLUSIONS

The existing Sydney Road Bridge is identified within the Cheshire East Infrastructure Delivery Plan (CEIDP). The CEIDP identifies that the developments around Crewe will exacerbate the delays currently caused at the Sydney Road Pinch Point. The CEIDP identifies that the construction of a new bridge to allow two way carriageway is classed as Priority 1 (the highest priority).

The replacement of the existing bridge will provide important highway benefits to Crewe and economic benefits outlined above. It should also be noted that the existing bridge is an aging structure which is classed as 'fair to poor condition'. The bridge currently requires regular maintenance work.

During the construction period of the development there would be some disruption to local residents in terms of noise, traffic diversions, closure of the PROW and through air quality but this would be for a limited time only. Following the completion of the development there would be benefits in terms of improved traffic movement, improved pedestrian and cycle links and a slight reduction in predicted levels of NO₂.

In terms of noise following the completion of the development the NSEA predicts a moderate adverse increase in noise levels at the closest sensitive receptors to Sydney Road. At receptors further away the increase in noise levels is not considered to be significant

The landscape assessment identifies that the landscape impacts will be adverse and most apparent for residential receptors and those using nearby footpath to the western side of the railway (FP26 Crewe) and the cycle track to the eastern side of the railway (formerly FP36 Crewe).

The development would have a neutral impact in terms of trees, ecology, flood risk/drainage and electric infrastructure.

In this case it is considered that the benefits of this scheme would significantly and demonstrably outweigh any harm and on this basis the proposal represents sustainable development.

RECOMMENDATIONS

Approve subject to the following conditions;

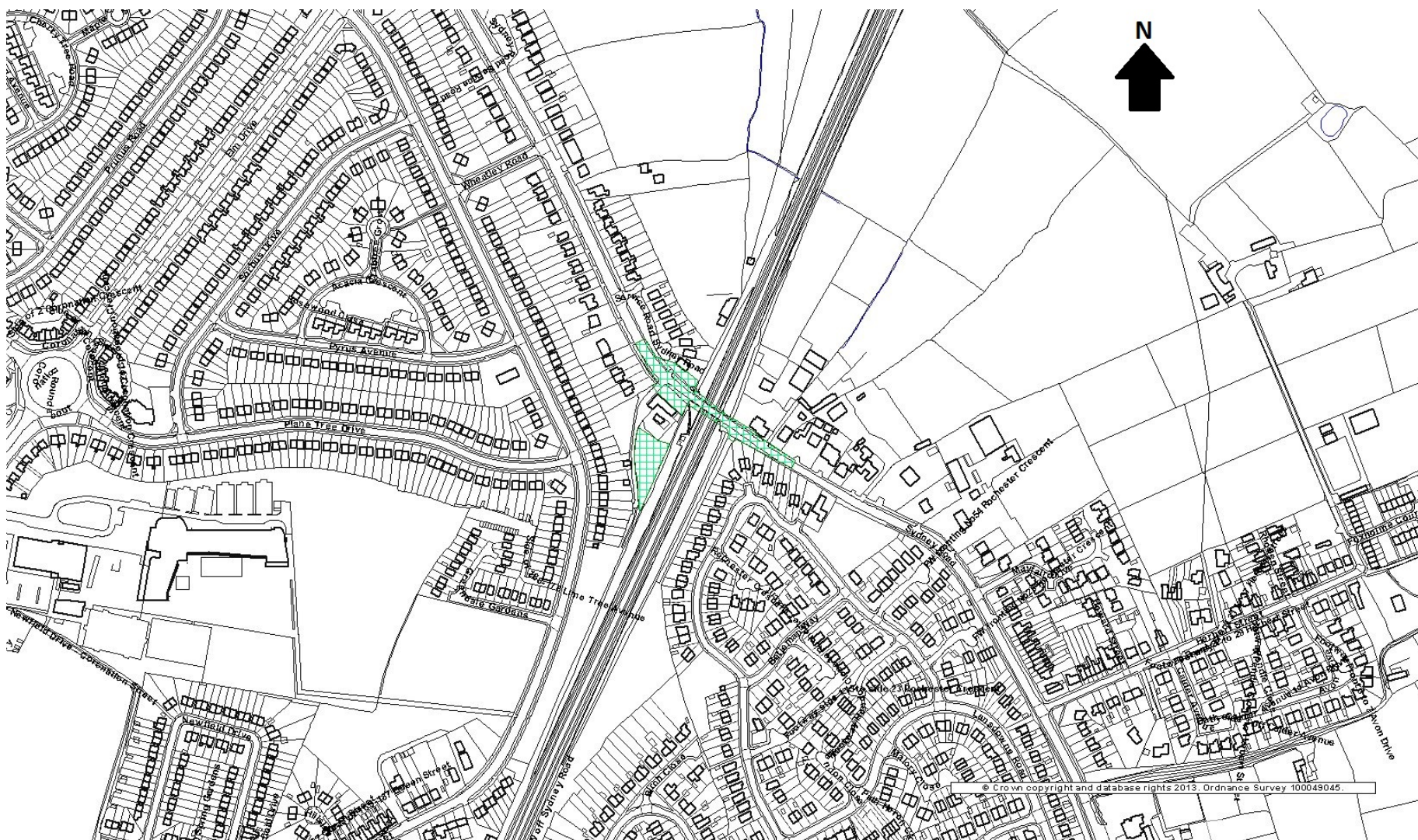
- 1. Standard time 3 years**
- 2. Development to proceed in accordance with the approved plans**
- 3. Prior submission of an amended plan to realign the footpath and to avoid Scottish Power infrastructure**
- 4. Details of the siting of the compound and its timing to be submitted and agreed**
- 5. Prior to the commencement of development a Tree Protection Scheme is to be submitted and approved**
- 6. Prior to the commencement of development an Arboricultural Method Statement is to be submitted and approved**
- 7. Submission of a scheme of landscaping including replacement tree and hedgerow planting to be submitted**
- 8. Implementation of the scheme of landscaping including the replacement tree and hedgerow planting**
- 9. Reptile Mitigation Method Statement to be submitted and approved**
- 10. Nesting birds – timing of works**
- 11. Prior to the commencement of development a Construction Environment Management Plan is to be submitted and approved**
- 12. Where possible noise generative activities shall take place during standard construction hours**

13. At all times of construction there shall be a prominently displayed contact telephone numbers for the reporting of issues and problems
14. Dust Control Measures to be submitted and approved
15. Drainage Strategy and design to be submitted and approved
16. Prior to commencement a scheme to improve cycleway and footpath provision within the vicinity of the site shall be submitted and approved
17. A PROW scheme of management shall be submitted and approved which shall include proposals for the temporary closure of the PROW along with the alternative route provision
18. The line of the PROW shall be marked out prior to the commencement of development
19. Pre-commencement and pre-completion surveys of the PROW shall be submitted to the LPA and approved in writing.

Informatives;

1. Japanese knotweed informative
2. Liaison committee to be set up with local residents and Members
3. Diversion Route signage to be provided
4. Standard Construction Hours informative
5. Contaminated Land informative
6. Informative to advise of United Utilities Infrastructure
7. A temporary Traffic Regulation Order will be required to enable any diversion along Hungerford Road
8. Brine Board informative to advise that precautions are required to mitigate the effects of any future brine movement

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



Application No: 17/1725N

Location: 331- 333, HUNGERFORD ROAD, CREWE, CW1 5EZ

Proposal: Proposed conversion of existing properties to form four self contained apartments

Applicant: Mr & Mrs Jim Morgan, Homeworld Property Management Ltd

Expiry Date: 05-Jul-2017

SUMMARY:

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

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design and residential amenity satisfying the environmental sustainability role.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality during construction and social role by providing housing in a sustainable location.

Whilst the proposal would not provide any additional car parking spaces and would not provide the recommended minimum size of garden area, car ownership levels for apartments are lower than that for houses and the site is sustainably located in close proximity to the town centre which offers transport links and access to parks and green spaces.

Therefore on balance the proposal is considered to be acceptable as the benefits outweigh the dis-benefits.

RECOMMENDATION:

Approve subject to conditions

REASON FOR CALL IN

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

The application appears to be for conversion of two terraced houses into 4 apartments/residential units each comprising 2 bedrooms (8 bedrooms in total) and yet there are only two vehicle spaces provided. Whilst the properties are extensive and the

accommodation provided appears to be adequate the concerns that a MINIMUM of 4 vehicles may need parking spaces. I have not been to the rear of the property but would imagine that access is limited for vehicles as it is in most cases for terraced houses in Crewe.

Hungerford Road is a very busy thoroughfare with significant on-street parking - with residents parking permits in place in areas too. As such the off-street parking would be essential.

I would also have concerns that the storage area for the 'wheelie bins' (as stated on the application) is inadequate. There will be a minimum 8 no. bins (2 bins per property) to be stored in the space indicated.

PROPOSAL

Proposed conversion of x2 existing properties to form four self contained apartments.

No external alterations are proposed.

SITE DESCRIPTION

The application site is located east of the Crewe Town Centre Boundary and within the Crewe Settlement Boundary. The property is an end and mid terraced two-storey unit. At the rear is a small courtyard area.

The locality consists of predominantly residential properties.

RELEVANT HISTORY

No relevant planning history.

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

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

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.1 – Housing Allocations

TRAN9 – Parking Standards

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
EG1 Economic Prosperity

CONSULTATIONS:

Crewe Town Council: Objection - the proposal does not provide sufficient off-street parking provision. The proposal is for four 2 bed apartments. The Cheshire East Parking Standard requires 2 spaces for each apartment, a total of 8 spaces. This compares to a requirement for 4 spaces in total for the two existing 3 bedroom houses. The application proposes only 2 spaces, although doubt has been raised about the ability to access these spaces satisfactorily. Parking restrictions apply on Hungerford Road, so there is no available on-street parking. The increased occupation density resulting from this proposal will create road safety issues as a result of inadequate parking provision.

Highways: No objection

Environmental Protection: No comments received at the time of writing the report

Housing Standards & Adaptations: No objection

ANSA: No objection

REPRESENTATIONS:

None received at the time of writing the report

APPRAISAL

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

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Crewe and Nantwich Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Crewe Town Centre

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

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

Highways

The proposal is to convert 2 houses to 4 apartments, with access and parking remaining the same.

Whilst car parking provision is not being increased, car ownership levels for apartments are generally lower than that for houses. The proposal is also sustainably located and within walking distance of the centre of Crewe, the railway station, and local retail units.

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

Design

No external alterations are proposed therefore it is not considered that the proposal would cause any visual harm to the overall character/appearance of the area.

Amenity

Residential properties surround the application property therefore the proposed use is a complimentary use and is not expected to cause any significant harm to living conditions of existing properties.

The proposal does not provide the recommended minimum garden area of 50sqm. The total area provided would be just 72sqm. However the property does seek to provide some limited private amenity space to the rear which would allow an outside seating area and an area to hand out washing etc. The location of the site also gives easy access to indoor and outdoor recreation facilities with the nearest park being located 500m to the south west of the site. Therefore it is considered that future occupants will be able to enjoy amenity space either on site or in the parks locally. Any shortfall in the garden area would have to be weighed in the overall planning balance against the benefits of the scheme.

There is space available for cycle, refuse and domestic storage within the rear garden area and each unit would have x2 bedrooms, bathroom, kitchen, living and dining room. It is therefore considered that the proposed change of use is acceptable in terms of the impact to the surrounding residential properties and would provide suitable living conditions for future occupants.

Bin storage/waste collection

ANSA have been consulted and have advised that the bin storage area is sufficient to accommodate the number of bins required which would allow bins to be stored in a dedicated area at the end of the rear garden area and would be wheeled out to the alley way between Nos 345 & 347 Hungerford Road on bin collection day.

Housing standards

The Housing Standards and Adaptions Team have been consulted and have confirmed that as these are self contained flats they have no objections as room size requirements only relate to Houses in Multiple Occupation.

ECONOMIC SUSTAINABILITY

The proposal would create economic benefits from the spending power of the future occupants.

SOCIAL SUSTAINABILITY

The proposal would create additional residential accommodation in an accessible location close to the town centre.

Conclusion

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

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design and residential amenity satisfying the environmental sustainability role.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality and social role by providing housing in a sustainable location.

Whilst the proposal would not provide any additional car parking spaces and would not provide the recommended minimum size of garden area, car ownership levels for apartments are lower than that for houses and the site is sustainably located in close proximity to the town centre which offers transport links and access to parks and green spaces.

Therefore on balance the proposal is considered to be acceptable as the benefits outweigh the dis-benefits.

RECOMMENDATION

Approve subject to the following conditions:

- 1. 3 years commencement**
- 2. Compliance with approved plans**
- 3. Materials as specified**
- 4. Refuse to be provided as shown**
- 5. Cycle storage area to be provided**

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

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Application No: 17/0339N

Location: Land to the north of Little Heath Barns, Audlem Road, Audlem, Cheshire

Proposal: Erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Expiry Date: 05-Jul-2017

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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

The adverse impacts of the development would be that the proposal is technically contrary to Policy NE. 2. However the principle of residential development of the site has already been established as part of approved application 13/2224N. The proposal would also fail to provide the full commuted sum for affordable housing. However a viability report has been provided which has been independently assessed allowing the Council to negotiate a contribution which could be used on local housing schemes. Bearing in mind the special type of housing which McCarthy and Stone are providing and given the advantages of the scheme at going some way to meet the acknowledged national and local shortage of this type of housing this shortfall is not considered to be significant in the overall planning balance.

The development would provide benefits in terms of meeting an acknowledged national and local shortage of housing for the elderly and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-

benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to a S106 Agreement and conditions

REFERRAL

The application has been referred to Southern Planning Committee because it is a major development and a departure from the development plan as it is situated outside of the settlement zone line for Audlem.

PROPOSAL

This is a full application for the erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking.

The proposal includes a cluster of buildings in an L shaped design with car parking to the west and a landscaped garden to the east.

Vehicular access would be taken from an existing access point Audlem Road with a pedestrian access also taken off Audlem Road to the south-eastern boundary.

Existing hedging is being shown as retained on the eastern boundary.

SITE DESCRIPTION

The proposed site is former agricultural land, situated on the northern edge of the village of Audlem. It forms part of a wider site to the north and west which has gained planning permission for the erection of 120 dwellings and construction works have now commenced.

A row of four recently constructed terraced properties at Little Heath Barns, are orientated side on to the site boundary. A combination of garden fences and mature vegetation form the boundary at the south of the site.

The wider site to the north and west is now under construction.

RELEVANT HISTORY

13/2224N - Proposed residential development of up to 120 dwellings, highway works, public open space and associated works – Appeal against non-determination – Appeal Allowed 7th January 2015

13/3746N - Proposed residential development of up to 120 dwellings, highway works, public open space and associated works. (Resubmission) – Refused 6th March 2014

16/1131N - appearance, landscaping, layout and scale of outline permission for up to 120 dwellings (outline ref: 13/2224n) – approved 21st October 2016

16/5503N – Non material amendment to 16/1131N to move the affordable units – Planning permission required 13-Dec-2016

16/6085N – Variation of Condition 1 (approved plans) of 16/1131N appearance, landscaping, layout and scale of outline permission for up to 120 dwellings – approved 10-Mar-2017

16/6077D – Approval of conditions 2 (lighting), 3 (landscape), 4 (landscape), 5 (boundary treatment), 6 (materials), 7 (play equipment) & 8 (bins) on approval 16/1131N - appearance, landscaping, layout and scale of outline permission for up to 120 dwellings (outline ref: 13/2224N) – approved 06-Mar-2017

16/6152D – Discharge of Conditions 5 (contaminated land), 6 (drainage), 8 (arboriculture method statement), 9 (habitat management), 10 (Environmental management plan), 11 (levels) & 12 (bus stop) on approved application 13/2224N - Residential development of up to 120 dwellings, highway works, public open space and associated works – approved 02-Mar-2017

17/0243D – Discharge of condition 13 (affordable housing) on application 13/2224N – approved 27-Mar-2017

Variation of the approved planning layout from ah066/01 rev 25 to ah066/01 rev 29 on existing permission 16/1131n; approval of reserved matters appearance, landscaping, layout and scale of outline permission for up to 120 dwellings (outline ref: 13/2224n) – Not determined at the time of writing the report

IMPACT ON THE APPROVED SCHEME

The wider site has gained planning approval for the erection of 120 dwellings including 36 affordable units. This included 11 dwellings (3 of them affordable units) on the location of the current application site.

The current application seeks consent for the erection of 25 apartments in place of the approved 11 dwellings (including 3 affordable units). This would result in a net increase in the number of units proposed by 14.

The number of units would be reduced on the wider site by 11 (including 3 affordable units) resulting in a development of 109 dwellings which requires 33 affordable units, which still equates to 30% affordable housing and thus the approved scheme would remain policy compliant, despite the loss of units.

However as the application has been submitted with its own site edged in red, including just the area to be developed, the application needs to be assessed independently on its own individual merits.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

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

Development Plan

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

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.8 (Sites of Local Importance for Nature Conservation)
- 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)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)
- 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.9 (Parking Standards)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- PG2 – Settlement Hierarchy
- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE3 – Biodiversity and Geodiversity
- SE5 – Trees, Hedgerows and Woodland
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE 3 - Biodiversity and Geodiversity
- SE 13 - Flood Risk and Water Management
- SE 6 – Green Infrastructure
- IN1 – Infrastructure
- IN2 – Developer Contributions

Audlem Neighbourhood Plan (ANP)

The Audlem Neighbourhood plan was made on 12th April 2016 and the following policies are relevant to this application;

- H1 – Number of New Homes
- H2 – Redevelopment of Infill Land and Brownfield Land
- H3 – Scale of New Development
- H4 – Size of Homes
- H5 – Type of Homes
- H6 – Affordable Housing
- H7 – Tenancy Mix
- D1 – Character and Quality
- D2 – Size and Space
- D3 – Position and Topography
- D7 – Efficiency and Sustainability
- D8 – Retaining Green Space and Encouraging Nature Conservation
- D9 – Planting
- D10 – Drainage
- D11 – Residential Parking
- D12 – Road Widths
- D13 – Safe Access
- D14 – Storage Space

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

Interim Planning Statement Release of Housing Land

Development on Backland and Gardens

Cheshire East Design Guide

CONSULTATIONS

CEC Highways: No objection

CEC Flood Risk Manager: No objection subject to condition requiring a drainage strategy

CEC Environmental Health: No objection subject to conditions/informatives regarding lighting, travel pack, electric vehicle charging points, working hours and contaminated land

CEC Housing: Objection as the proposal would require x8 affordable units or a contribution of £665,900 towards local housing schemes

CEC ANSA: No objection subject to contribution of £9,000 for green gym facilities

CEC Public Rights of Way (PROW): No objection subject to advisory notes to the applicant

NHS England: No response received at the time of writing the report

United Utilities: No objection subject to foul and surface water drainage and drainage strategy

VIEWS OF AUDLEM PARISH COUNCIL

Objection on the following grounds:

Affordable housing policies in the Local Plan

The proposal would result in a loss of 3 affordable units from the approved scheme at the site thus would be contrary to relevant affordable housing policies

Errors and omissions in the documentation submitted by the Applicant

Page 7 of supporting statement Location - The photograph narrative says the site is opposite 74 & 76 Heathfield Road. It is actually opposite an open field and not part of the built up area.

Page 8 of supporting statement Local character - There is no 'Little Heath Farm shop or other local independent businesses' along Audlem Road to the south of the proposed site. The area is residential until the village centre is reached. The Little Heath Farm Shop is again - erroneously – as shown on the map on Page 9.

On Page 13 of supporting statement all of the identified buildings are wrongly named, giving a totally incorrect impression of, for example, the distance from the site to Audlem Medical Practice which is said to be 0.3 miles away “just a 15-minute walk”.

Page 4 transport statement disagree with the statement “there is no obvious lack of “much needed family housing”

Page 4 of the transport statement disagree that the site is “in a central location”

Sustainability/location

Question the accuracy of the sustainability of the site and the distances quoted to local services given that occupants would be slower and less mobile

Contrary to policies in the ANP

Contrary to Policy H1 Number of New Homes as the proposal is in excess of those granted on 27th April 2015 and does not accord with other policies in the plan

Contrary to Policy H3 Scale of New Development as the proposal is greater than 10 dwellings and not commensurate with the village

Contrary to Policy H4 Size of homes as the supply of affordable housing was paramount to ensure that the village continues to retain and attract young families

Contrary Policy H6 Affordable Housing not providing 30% affordable and no viability put forward

Contrary Policy H7 Tenancy Mix as the proposal would result in the loss of affordable homes secured by previous permission and would not provide required tenancy split

Contrary Policy D1 Character and Quality as the proposal is urban in appearance and material do not match the area, does not retain views or provide required privacy distances

Contrary Policy D10 Drainage as the area is known for flooding and the drainage report was carried out at the wrong time of year

Contrary Policy D11 Residential parking as not enough parking is provided

Contrary Policy D13 Safe Access as residents would have to walk to Audlem and bus stops, reliance on cars would reduce sustainability of the village as users would shop elsewhere

Contrary Policy CW3 Infrastructure Support as the proposal would put pressure on the existing medical centre

Contrary Policy CI1 Infrastructure as the proposal would put pressure on existing medical facilities therefore a financial contribution is required

REPRESENTATIONS

31 letters of objection received regarding the following:

- Insufficient parking for residents and visitors
- Contrary to the ANP and Local Plan
- No affordable housing poor design/not in-keeping with the village/visually dominant
- Too far from the village/not sustainable/not taking into account older people would take longer to reach local services
- Pavements inadequate/no safe pedestrian route to the village
- Impact on existing infrastructure such as medical centre
- Contrary to the appeal decision
- Traffic generation has been understated
- Will increase the number of dwellings to 135
- No need for this type of accommodation

10 letters of support received regarding the following:

- This type of accommodation is needed in the village
- High standard of living provided
- Generally good standard of finish

4 letters that are neutral offering no objection

APPRAISAL

Principle of Development

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

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

However it is worth pointing out that the principle of residential development of the site has already been established as part of approved application 13/2224N.

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

Audlem Neighbourhood Plan

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

Policy H1 relates to the number of new homes and advises that development in the settlement boundary in excess of those approved 27th April 2015 will be permitted where it accords with other policies within the ANP. The proposed development is sited within the settlement boundary therefore the development is acceptable in principle in terms of the ANP subject to meeting other policies which are assessed below.

Contrary to Policy H3 relates to the Scale of New Development and advises that proposals will normally be limited to 10 properties on a scale commensurate with the village. Exceptions include development significant benefit to the community such as social housing or village centre car parking. In this case whilst the proposal is over 10 properties it is considered an exception as it provides significant community benefit by providing much needed retirement housing to help fill a national shortage.

Contrary to Policy H4 Size of homes advises that development should favour smaller dwellings unless independent viability study or other considerations offer justification for a different mix. In this case the proposal provides 3x one bedroom and 22x two bedroom retirement living apartments. These are not considered to constitute large dwellings and thus comply with this policy.

Contrary Policy H6 Affordable Housing advises that proposal for net gain of 3 dwellings should provide minimum of 30% affordable housing unless a financial viability assessment or other material considerations demonstrate justification for a different percentage. Policy H7 Tenancy Mix also requires the affordable housing mix to be based on 35% intermediate housing. Based on the 25 units proposed, x 8 units would need to be affordable. However the application has been supported by a viability report which concluded that the scheme could not deliver the required contribution. This has been independently assessed which concluded that the scheme could provide a greater contribution but still

lower than that required to provide x8 units. However negotiations with the applicant have resulted in a contribution of £259k (250k for affordable housing and 9k for open space) which is considered a suitable compromise bearing in mind the specific nature of housing which McCarthy and Stone deliver. As a result the proposal provides an appropriate exception to this policy.

Contrary Policy D1 Character and Quality relates to the design of the proposal to reflect local context. The proposal has been subject to various discussions with the Councils Urban Design Officer at both pre-application stage and during the application itself which have resulted in the design/appearance of the scheme being altered in such a way that the scheme is now supported by the Urban Design officer. The build line of the proposal has been amended to ensure that it respects the build line of the development sites to the north to ensure a natural transition with this development and to prevent the building being overly prominent. The height has been amended to include a stepped design from both the north and south to ensure a continuation of ridge heights, whilst this increase to the middle section this is less prominent given the stepped approach. Materials could be secured by planning condition. As a result it is considered that the proposal would integrate well with the existing environment given the mix of modern and traditional property types.

Contrary Policy D10 Drainage requires parking areas to be permeable to allow water drainage. This can be secured by condition.

Contrary Policy D11 requires properties with 2 bedrooms or more to provide at least 2 parking spaces. The Head of Strategic Infrastructure has assessed the development and as satisfied that the parking provision is acceptable and complies with Cheshire East requirements.

Contrary Policy D13 Safe Access requires developments to be safe for pedestrians and cyclists from the site to village centres, schools and recreational areas. The Head of Strategic Infrastructure has assessed the development and as satisfied that the proposal would provide safe and suitable access.

Contrary Policy CW3 Infrastructure Support requires proposals for more than 6 houses to include an infrastructure evaluation to quantify the likely impact on the community infrastructure and if impacts are identified the proposal shall make improvements or offer a financial contribution towards such improvements. The proposal would not require any contribution towards education given the market the proposal is aimed at. Contributions relating to affordable housing and open space are required and can be secured by Section 106 agreement. In terms of the impact on the existing medical centre, the NHS choices website advises that the closest medical centre is in Audlem village located 0.4miles away and is current accepting patients.

Contrary Policy CI1 Infrastructure requires new development to address impacts and benefits it will have on community infrastructure. In this instance the proposal requires contributions towards housing and open space which can be secured by section 106 agreement.

Housing Land Supply

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy, the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption, the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbrough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

"This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy"

This conclusion was reached before the Inspector's Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

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

This is a proposed development of 25 apartment units therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings with the above 65/35 split.

In this instance no affordable units are to be provided on site. The Councils Interim Planning Statement: Affordable Housing requires affordable housing to be provided on-site, however there may be circumstances where on-site provision would not be practicable or desirable. In this instance, the applicant proposes a financial contribution instead of on-site provision. Given the limited number of units required and the special type of housing (retirement living) which McCarthy and Stone are providing, it is considered reasonable to accept a financial contribution in lieu of on site provision. To provide the required 8 units a contribution of £665,900 would be required.

A viability appraisal was submitted in support of the application and concluded that the development could provide a contribution of £61,485 which is a shortfall of the required contribution. This has been independently examined by White Young Green and who have concluded that the development could potentially provide a contribution of up to £556,699 whilst remaining viable. It is therefore worth noting that the scheme could not deliver the full contribution of £665,900 in any case.

After negotiation, the applicant has committed to provide £250,000 towards off-site affordable housing & 9k towards open space. This would help to deliver circa 4 units (2 x affordable rent and 2 x intermediate - 1 beds). Whilst this is a shortfall in the required contribution this figure is considered a suitable compromise which could be used on local affordable housing projects bearing in mind the special type of housing which McCarthy and Stone are providing and given the advantages of the scheme at going some way to meet the acknowledged national and local shortage of this type of housing. The affordable housing provision will be secured as part of a S106 Agreement.

Nevertheless this shortfall needs to be addressed in the overall planning balance.

Public Open Space

There is an unquantified area of POS fronting Audlem Road however this seems more suited to a communal open space specifically for the residents rather than Public Open Space. The submitted site plan shows segregation of the retirement properties and "POS" from the wider development. ANSA have requested the redesign of the "POS" giving it a more open feel with an opportunity to combine the area with the wider development.

Amended plans have been received which now include a sitting out area in the landscaped garden for use by the residents of the proposed scheme and a direct pedestrian access from the gardens to Audlem Road. Whilst this will not be available for public use, it will provide a public interface between this proposal and the wider housing development. The applicant has also advised that given that security is one of the main reasons for the residents (who are on average 78 years old on entry to this form of accommodation) to move to this form of housing, it will not be possible to make this area available to the wider public. Given that the plans have been amended to allow users to connect the landscaped garden to Audlem Road this is considered a suitable compromise.

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. The proposal seeks to provide 25 apartments therefore the proposal requires 875sqm of public open space.

New housing developments with more than 20 dwellings (except sheltered housing) require 15sqm of shared recreational open space and 2 or more bed an addition 20sqm play space. Whilst the proposal seeks retirement homes and are aimed at older people, it is providing 2 bedroomed properties which require play space. This may not be "play space" as we think of swings, slide etc, however this could be a green gym, there are many items on the market for older people to keep active. Policy RT.3 allows for small developments to provide contributions towards equipment rather than on site provision therefore a contribution of £9,000 is required based on real costs which will be held for 10 years should the wider side come forward to be used specifically for green gym equipment.

The above contribution can be secured by section 106 agreement.

Education

No contribution for education is required for a development bearing in mind the housing is aimed at older people seeking retirement living. It is however considered necessary to attach a condition to any planning approval restricting the occupancy.

Health

Although no consultation response has been received from the NHS there is a medical centre in Audlem village within 0.4 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

In this instance no such assessment has been provided with the application. The site is located outside the Audlem settlement boundary and therefore could be argued to be locationally unsustainable. However outline consent has been allowed on appeal at the site to the north/west for the erection of 13/2224N where the inspector concluded *“The range of facilities and services in and around the village, along with ready access to public transport are factors which have influenced the classification of the village by the Council as being capable of supporting new residential development. Albeit that the appeal site lies on the edge of the settlement, it is within walking distance of many of these facilities. Therefore, in respect of location and a movement to a low carbon economy, the sustainability of the appeal site is positive”*

Given that the application site is directly across the road from the appeal site, it is considered reasonable to conclude that the application site is also locationally sustainable.

Nevertheless locational sustainability is not the determinative factor in its own right but does weigh again the proposal in the overall planning balance.

Need for older persons housing

The Government's formally adopted National Planning Practice Guidance (NPPG) states under Housing and Economic Development Needs Assessments paragraph 21:

'Housing for older people, advises as follows:

“The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). The age profile of the population can be drawn from Census data. Projection of population and households by age group should also be used. Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish”

The majority of older people who are looking to move home in later life are downsizing from a larger family home. Hence the need to deliver a range of choice in terms of type and tenure that will enable them to make such a move. The proposed development will contribute to the provision of such a choice and therefore falls within the spectrum of accommodation cited in the NPPG and will meet a need for specialised accommodation for older people which weight in favour of the proposal.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are Little Heath Barns and plots 1, 11, 12 & 22 of the wider development site.

The proposal would introduce side facing windows at a distance of 14.6m to the side elevation of plot 1 which contains windows serving a first floor bathroom window. This complies with Council interface distances to prevent harm through overlooking/loss of privacy.

The proposal would introduce side facing windows at a distance of between 21.5-22.8m to the front elevations of plots 11 & 12 which contain windows serving primary/habitable rooms. This complies with Council interface distances to prevent harm through overlooking/loss of privacy.

The proposal would introduce side facing windows at a distance of 11m to the side elevation of No11 Little Heath Barns which contains windows serving a first floor bedroom and ground floor kitchen. The kitchen window is not a habitable room and therefore can only be attributed limited protection and the bedroom is a secondary window with the main window being sited on the front elevation. Therefore this distance is considered acceptable subject to condition requiring the proposed first floor living room window on apartment 10 to be fitted with obscure glazing to prevent harm through overlooking/loss of privacy.

The proposal would introduce side facing windows at a distance of 9m to the side elevation of plot 23 which contains ground floor lounge windows. This is short of the recommended interface distance contained in the SPG therefore a condition will be attached to any planning approval requiring the first floor living room windows of apartment 16 to be fitted with obscure glazing to prevent harm through overlooking/loss of privacy.

Environmental Protection have raised no objections subject to condition regarding lighting, travel pack, electric vehicle charging points, working hours and contaminated land which can be attached to any decision notice.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Public Rights of Way (PROW)

The Councils Public Rights of Way Team have been consulted regarding the application and have not raised any objections. They have however offered advisory notes to the applicant which can be added to any decision notice as an informative.

Highways

The proposal is for 25 apartments aimed at retirement living. The development will replace 10 houses approved under application 13/2224N and will be accessed from within the approved site layout.

The Councils Highways Department have been consulted who advises that the net impact of the proposal over the existing, in terms of pedestrian and vehicle movements, is considered to be minimal. The proposal would provide 25 car parking spaces. Car ownership data and data from comparable sites demonstrate that this will be enough to accommodate the parking demand of this proposal.

As a result the proposal will not result in any significant harm to the existing highway network.

Landscape

This is an application for the erection of retirement living housing, communal, facilities, landscaping and car parking. The application site has been subject to an Appeal which has already established the principle of development on this site.

The application includes a Landscape Planning Layout Drawing. The Councils Landscape Architect has considered the proposal and concludes that the application site could accommodate the proposed additional development subject to condition requiring a landscaping scheme.

As a result it is considered that the proposal could be accommodated into the existing landscape without causing significant harm to its character/appearance.

Trees

The principle of development on this site has been established with the extant permission associated with application 16/1131N. This prevails in respect of access into the site and the Audlem Road hedge (H1) which has been identified as being important under the Archaeological and Historical criteria criterion 5 of the 1997 Hedgerow Regulations.

The retirement living accommodation and the associated landscaping including car parking establishes no direct or indirect impact in relation to trees including those protected as part of the Cheshire East Borough Council (Audlem - Land west of Audlem Road) Tree Preservation Order 2015 with development occupying the open field aspect.

As a result it is not considered that the proposal would cause significant harm to the existing tree stock.

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 area is characterised by a mixture of modern properties to the south of the site and more traditional property types to the east and further south to the village, all predominantly 2 storey in character and finished in red brick/render. The site has received planning permission for the erection of 120 houses, the design of which has also been deemed acceptable. The current proposal seeks to remove 11 of the approved dwellings and replace with a 25 unit apartment block but remaining 2 storey in height and finished in red brick.

As a result it is considered that the site could accommodate the proposed apartments given the mixed property styles and would therefore be viewed in context of this wider development rather than stand along built form.

The proposal has been subject to various discussions with the Councils Urban Design Officer at both pre-application stage and during the application itself. These discussions have resulted in the build line of the proposal being amended so that it respects the build line of the development approved to the

north to ensure a natural transition with this development and to prevent the building being overly prominent. Whilst it would be sited forward of the build line to Little Heath Barns a visual gap would remain between the properties to soften this impact. The height has also been amended to include a stepped design from both the north and south to ensure a continuation of ridge heights, whilst this increases to the middle section this is less prominent given the stepped approach. The Urban Design officer has suggested some minor changes to fenestration details and exact finish materials which can be secured by planning condition.

As a result it is considered that the proposal would integrate well with the existing environment given the mix of modern and traditional property types and would be viewed in the context of the development to the north and west of the site.

Ecology

The application is supported by an ecological assessment. The site was last surveyed in April 2013. The Councils Ecologist has revived the report and has advised that whilst, this survey is now out of date, he considers the habitats on site, with the exception of the hedgerows, are of limited nature conservation value and have limited potential to support protected species/priority species, therefore no further ecological surveys are required.

No hedgerows appear to be lost as part of this application, but sections of hedgerow will be removed to facilitate site access points under the adjacent scheme. New hedgerow planting is proposed as part of the proposed development which should be secured by planning condition.

As a result the proposal will not result in any significant harm from an ecological perspective.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment concludes that residential development would be considered sustainable in terms of flood risk.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water and a drainage strategy. The Councils Flood Risk team have also raised no objection subject to condition requiring a drainage strategy.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

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 for the elderly as well as bringing direct and indirect economic benefits to Audlem including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Regulations

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

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

The proposal would result in a requirement for the provision of 8 affordable units. However after the submission and assessment of a viability report and further negotiation, the applicant has committed to provide £250,000 towards off-site affordable housing. This would help to deliver circa 4 units in the local area (2 x affordable rent and 2 x intermediate - 1 beds). This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in a requirement for the provision of public open space which would be provided as a commuted sum of £9,000. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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

The development would have a neutral impact upon protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

The development would provide benefits in terms of meeting an acknowledged national and local shortage of housing for the elderly and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The adverse impacts of the development would be that the proposal is technically contrary to Policy NE. 2 and there would be a loss of open countryside, however the principle of residential development of the site has already been established as part of approved application 13/2224N. The proposal would also fail to provide the full commuted sum for affordable housing. However a viability report has been provided which has been independently assessed allowing the Council to negotiate a contribution which could be used on local housing schemes. Bearing in mind the special type of housing which McCarthy and Stone are providing and given the advantages of the scheme at going some way to meet the acknowledged national and local shortage of this type of housing this shortfall is not considered to be significant in the overall planning balance.

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

RECOMMENDATION:

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

Heads of terms

- 1. Commuted sum of 250k towards affordable housing in the local area**
- 2. Commuted sum of 9k towards a “Green Gym” for use by the occupants of the proposed apartments**

And the following conditions;

- 1. Time limit – 3 years**
- 2. Development in accordance with the approved plans**
- 3. Materials – to be submitted and agreed**
- 4. Levels – to be submitted and agreed**
- 5. Foul and surface water drainage – to be submitted and agreed**
- 6. Drainage strategy – to be submitted and agreed**
- 7. Electric vehicle charging – to be submitted and agreed**
- 8. Travel information pack – to be submitted and agreed**
- 9. Contaminated land – to be submitted and agreed**
- 10. Lighting – to be submitted and agreed**
- 11. Landscaping scheme to be submitted and agreed**
- 12. Landscaping scheme to be implemented**
- 13. Replacement hedgerow planting – to be submitted and agreed**

Informative

1. PROW

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 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.

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. Commuted sum of 250k towards affordable housing in the local area**
- 2. Commuted sum of 9k towards a “Green Gym” for use by the occupants of the proposed apartments**



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Application No: 17/0858N

Location: Jolly Tar Inn, NANTWICH ROAD, WARDLE, CW5 6BE

Proposal: Erection of 15 Dwellings and Access Works

Applicant: Commercial Development Projects Ltd

Expiry Date: 04-Jul-2017

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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

The adverse impacts of the development would be the loss of open countryside and agricultural land.

The development would provide benefits in terms of affordable housing provision, delivery of housing and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

The brownfield nature of the site is also a material consideration as although the proposal would be contrary to Policy NE.2 it would meet one of the core planning principles contained within the NPPF which states that planning should ‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’.

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

RECOMMENDATION

APPROVE

REFERRAL

The application has been referred to Southern Planning Committee because it is a major development and a departure from the development plan as it is situated outside of the settlement zone line for Crewe and Nantwich.

PROPOSAL

The application seeks full planning consent for the erection of 16 dwellings and access works

The dwellings would comprise 5 terraced style properties and 11 detached properties. With a mixture of 3 and 4 bedrooms properties with brick/render walls and tiled roofs.

Access, both vehicular and pedestrian would be taken from a single point off Nantwich Road.

Trees are shown as being retained on the north-eastern boundary.

SITE DESCRIPTION

The application site comprises a rectangular parcel of brownfield land which previously houses the Jolly Tar Inn. It measures 0.93 hectares in size, situated off Nantwich Road in between settlements to the north-west and south-east. The land is designated as being within the open countryside in the adopted local plan.

The site is predominantly flat and the boundary treatment is a buffer of trees to all boundaries except the road frontage which is open with a small group of 7 trees to the north-eastern boundary.

The canal is sited to the north of the site.

RELEVANT HISTORY

Various application for extensions, signage, car parking and temporary caravans for storage purposes however none relevant to the current proposal.

7/17713 – Detached agricultural dwelling – approved 06-Dec-1989

P08/0957 – Change of Use of Agricultural Land to Form All Weather Caravan Pitches/Camp Site – approved 16-Oct-2008

16/1403N – Demolish Former Public House, Managers Dwelling and Two Detached Concrete Panel Garages – approval not required 11-Apr-2016

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

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)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

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.9 (Parking Standards)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS

CEC Highways: No objection to condition requiring the footway to be constructed prior to first occupation

CEC Flood Risk Manager: No objection subject to drainage conditions

CEC Environmental Health: Object due to lack of information regarding noise to future occupiers given the close proximity to Nantwich Road. Various conditions/informatives offered in all other regards such as piling, dust, travel pack, electric vehicle charging points, working hours and contaminated land

CEC Education: No objection subject to a contribution of £32,685 towards secondary education

CEC Housing: No objection subject to provision of 5 affordable units

CEC Public Rights of Way (PROW): No objection however advisory notes offered to the applicant

NHS England: No response received at the time of writing the report

United Utilities: No objection subject to drainage conditions

Canal and River Trust: No objection however consider that landscaping would be important to soften the visual impact of the proposal from the canal

VIEWS OF THE PARISH/TOWN COUNCIL

No comments received at the time of writing the report

REPRESENTATIONS

No comments received at the time of writing the report

APPRAISAL

Principle of Development

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

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

Although the proposal would be contrary to Policy NE.2 it would meet one of the core planning principles as contained within the NPPF which states that planning should;

‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’

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

Housing Land Supply

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan’s Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy, the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector’s report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption, the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbournough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

"This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy"

This conclusion was reached before the Inspector's Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in

2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 16 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings with the above 65/35 split.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

The number of dwellings proposed is below the threshold which requires contributions towards open space.

Education

A development of 16 dwellings is forecast to generate 2 secondary school children.

The details of this forecast are contained within the table below:

Development	Jolly Tar Inn				Number of Dwellings	15					
Planning App Number	17/0858N				Primary Yield	3					
Date Prepared	5.5.2017				Secondary Yield	2					
					SEN Yield	0					
	PUPIL FORECASTS based on October 2015 School Census										
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	Comments	
Calveley Primary Academy	15	15	105	105	88	94	90	90	92		
Developments with S106 funded and pupil yield included in the forecasts				0							
Developments pupil yield not included in the forecasts									0		
Pupil Yield expected from this development									3		
OVERALL TOTAL	15	15	105	105	88	94	90	90	95		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					17	11	15	15	10		
	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
Secondary Schools					2016	2017	2018	2019	2020	2021	2022
Malbank School and Sixth Form College	210	210	1,050	1,050	907	985	1,016	1,066	1,086	1,122	1,159
Tarporley is catchment but malbank is nearest CE (not within the 3 miles)											
Please Note; All figures quoted exclude any allowance for 6th Form Pupils											
Developments with S106 funded and pupil yield included in the forecasts				71							
Developments pupil yield not included in the forecasts										100	
Pupil Yield expected from this development										2	
OVERALL TOTAL	210	210	1,050	1,121	907	985	1,016	1,066	1,086	1,122	1,261
OVERALL SURPLUS PLACES PROJECTIONS					214	136	105	55	35	-1	-140

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

$$2 \times £17,959 \times 0.91 = £32,685.38 \text{ (secondary)}$$

Total education contribution: £32,685.38

As such there is a requirement for a contribution from this development towards secondary school and the sum of £32,685.38 will be secured as part of a S106 Agreement.

Health

There is a medical centre in Bunbury (Bunbury Medical Practice) within 2.7 mile of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

In this instance no such assessment has ben provided with the application. However it is clear that the site would not be located near to a number of key services. Nevertheless this is not untypical for houses in the countryside and will be the same distances for the existing residential properties on Nantwich Road to the northwest and southeast of the site.

There is a bus stop located 95m to the south-east of the site. This is served by the No.84 bus which goes to Chester, Tarvin, Duddon, Tarporley, Nantwich, Willaston & Crewe with 13 services Monday-Saturday until 10pm but with a slightly reduced service on Sunday until approx. 5pm. The bus stop to the north of the road is assessable by footpath. The footpath to the south of the road is assessable by grass verge however the proposal seeks to replace this with a footpath. As a result many of the services in these centres would be readily available without the need for car travel.

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

Nevertheless locational sustainability is not the determinative factor in its own right but does weigh again the proposal in the overall planning balance.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are properties to the North known as Junction House.

However the edge of the application site to the boundary of these properties is 50m with the actual interface distances between main face elevations being 58m which is well above the 21m interface distance as recommended in the SPG to prevent significant harm to living conditions.

It is also considered that residential use of the site for 16 dwellings would likely result in a neutral impact in general noise and disturbance over the existing use as a public house.

Environmental Protection have raised an objection that the applicant provides insufficient information to consider the impact of road noise on future occupiers. A noise assessment has since been received

however this was too late to be considered before the committee report deadline. Therefore further comments will be provided on this matter in the update report or at the committee meeting itself.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Public Rights of Way (PROW)

The Councils Public Rights of Way Team have been consulted regarding the application and have not raised any objections. They have however offered advisory notes to the applicant which can be added to any decision notice as an informative.

Highways

The proposal is a full application for 16 dwellings with an amended access onto Nantwich Road and off-road parking.

A new access is to be provided for the A51 Nantwich Road, roughly in the position of the existing access serving the previous public house. It is proposed that the access will be 5.5m wide with 2m pavements on either side. The drive will be gated at a distance well over 10m from the junction with Nantwich Road. Curve radii of 7m are achieved. Each of the properties is provided with at least two off street parking areas with all but the semi-detached 3 bed properties also having integral garages.

The proposal has been assessed by the Councils Highways Department who consider that the access design is acceptable and the unobstructed visibility splays of 120m are sufficient. Parking provision is in accordance with CEC requirements. The development will be gated and remain private but refuse vehicles can still enter the site if need be.

A new footway to the bus stop approximately 120m south of the site is proposed which could be utilised by residents of the properties and the local area. Highways have requested this to be implemented prior to first occupation of the proposed dwellings which can be secured by condition.

As a result the proposal will not result in any significant harm to the existing highway network.

Landscape

The application site is identified as Open Countryside in the Crewe and Nantwich Local Plan, there are no landscape designations on the application site and within the Cheshire Landscape Character Assessment the application site is located on the boundary of the East Lowland Plain Landscape Type, specifically the Ravensmoor Character Area (ELP1).

The Jolly Tar Inn formerly stood on the site; this has now been demolished. There is a good network of existing hedgerows and trees around the perimeter of the site and while the Design and Access Statement indicates that the existing hedgerows around the site will be retained, there is no further information included with the submission, nor are the existing hedgerows clearly shown on the

Proposed Site Plan C (Drawing No: (SK) 03J, further clarification is needed relating to existing perimeter vegetation.

The Councils Landscape Architect has considered the proposal and concludes that the application site could accommodate residential development however suggests conditions requiring a landscaping scheme for both hard and soft landscaping.

As a result it is considered that the proposal could be accommodated into the existing landscape without causing significant harm to its character/appearance.

Trees

The application has been assessed by the Councils Arborist who concludes that there are no significant Arboricultural implications associated with this application.

The Nantwich Road linear group of trees which are identified for retention are considered to be low value Category C specimens none of which individually or collectively are worthy of formal protection under a TPO.

The main body of the proposed development site is devoid of any meaningful tree cover, with only mature hedges and scattered trees forming other than the Nantwich Road aspect the boundaries to the site. The hedges are identified for retention so they cannot be considered under the 1997 Hedgerow Regulations; should the application proceed their status cannot be re-visited once a hedge forms part of a domestic garden curtilage.

In order to ensure the retained boundary planting is not compromised during the construction period, suitable tree protection details will be required, this can be addressed by condition.

As a result it is not considered that the proposal would cause significant harm to the existing tree stock.

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 site was previously occupied by the Jolly Tar Inn Public House, the site however currently lies vacant with the building demolish excluding the parking area to the front.

The locality consists of mixed character and property types. It is considered that terrace and detached style properties could be accommodated without causing significant harm to the character and appearance of the locality.

Property footprints, heights and garden areas would be comparable to others in the area. The properties would also be set back from the road by approximately 8m which would retain the existing level of openness to the site frontages and ensure that the visual prominence of the buildings are reduced.

The proposed materials comprise brick/render walls and tiled roofs, which would match the material palette of the local area.

On this basis, it is considered that an appropriate design has been submitted, which will sit comfortably alongside the mix of existing development within the area. The proposal is therefore considered to be in compliance with Policy GR2 of the adopted local plan.

Ecology

The proposal has been assessed by the Councils Ecologist who advises that the risks to Great Crested Newts would be adequately mitigated against by the implementation of reasonable avoidance measures detailed within the provided Amphibian Assessment dated 9th June 2017, which should be secured by condition.

As a result it is not considered that the proposal would cause any significant harm from an ecology perspective.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment concludes that residential development would be considered sustainable in terms of flood risk.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water and a drainage hierarchy. The Councils Flood Risk team have also raised no objection subject to condition requiring a drainage strategy.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

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

CIL Regulations

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

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

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

The proposal would result in a requirement for the provision of 5 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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

Whilst the proposal is technically contrary to Policy NE. 2, the brownfield nature of the site, it would meet one of the core planning principles as contained within the NPPF which states that planning should ‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’.

The development would provide benefits in terms of affordable housing provision, delivery of housing and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

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

RECOMMENDATION:

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS, 106 AGREEMENT AND THE FOLLOWING HEADS OF TERMS

Conditions

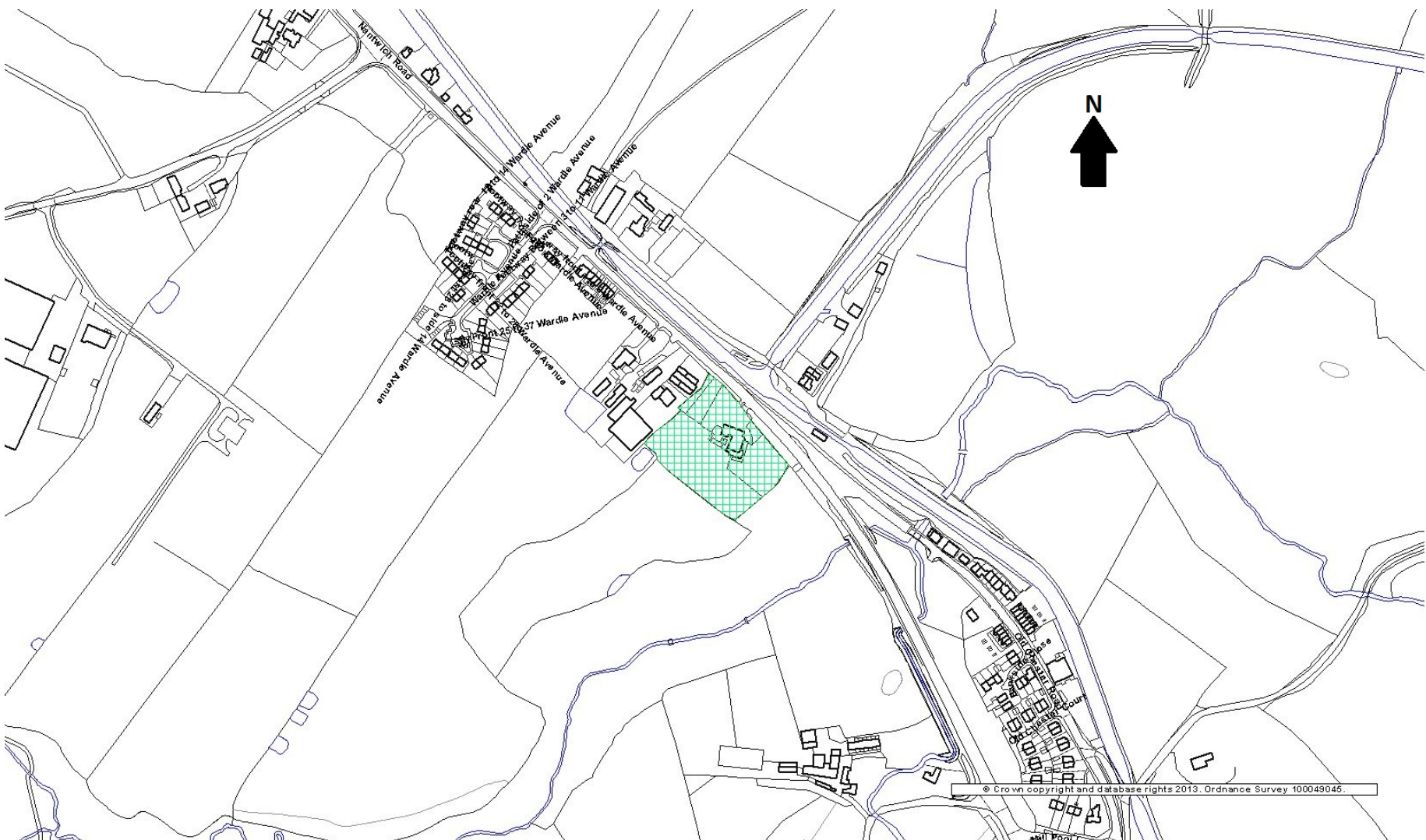
1. Time limit
2. Plans
3. Materials
4. Removal of permitted development rights – plots 12-16 for extensions/outbuildings and plots 5-11 enclosures
5. Levels
6. Foul and surface water drainage
7. Drainage strategy
8. Piling
9. Electric vehicle charging
10. Dust
11. Travel information pack
12. Contaminated land
13. Management scheme of the PROW
14. Landscaping scheme
15. Tree Protection measures
16. Construction of new footpath prior to first occupation
17. Reasonable avoidance measures detailed within the provided Amphibian Assessment dated 9th June 2017

Informative

1. PROW

Heads of terms

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Secondary Education Contribution of £32,685.38



Application No: 17/0931N

Location: LAND TO THE WEST OF CLOSE LANE, ALSAGER

Proposal: Reserved Matters Application for the erection of 26 dwellings comprising of 1, 2, 3, 4 & 5 bedroom homes and associated works following outline 15/5654N

Applicant: Mrs Sutton, Stewart Milne Homes

Expiry Date: 06-Jul-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. Another Inspector accepted the reduction in numbers of units for the over 55's from 56 no. to 6 no. when permission was granted to vary the over 55's condition imposed on the original outline 13/1305N.

This assessment is therefore limited to 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 30% affordable housing provision and would help in the Councils delivery of 5 year housing land supply. The impact upon infrastructure would be neutral as the education mitigation was achieved as part of the recent permission to vary the numbers of over 55's units. The provision of public open space and the proposed play area utilises the areas allocated for such uses as part of phase 1 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 26 conditions are imposed on the outline permission which address environmental concerns such as ecology, drainage and flood risk issues, trees, amenity, 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 point to Close lane was determined at appeal to be acceptable and the traffic impact as part of this development has already been accepted together with highway works on Close Lane via a S78 agreement pursuant to the Highways Act.

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 subject to conditions

PROPOSAL:

Reserved matters approval is sought for 26 dwellings (phase 2) a mixed residential scheme to provide 6 affordable bungalows and 20 family sized dwellings, 2 of which are affordable units.

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

SITE DESCRIPTION:

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area. The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

The first phase of a housing development comprising 74 units is currently being built by the Applicant, Stewart Milne Homes. Land to the immediate west of the site at Yew Tree Farm and has recently been granted outline permission at appeal. Reserved matters have been granted for 40 units (12 units of which are affordable).

This application concerns the 2 sections of the original site which are left for the over 55 units as previously required by 13/1305N and subsequently amended by the permission granted on appeal for 15/5654n.

RELEVANT HISTORY:

On the site itself –

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved on appeal 29th July 2014 Subject to S106. This scheme indicated 76 family sized dwellings and 56 units for the over 55's

14/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015

16/3310N – Variation of condition 14 (footpath link) on application 13/1305N – to be determined - Resolved to be approved Subject to Deed of Variation to S106 Agreement

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

15/5654n Variation of Condition 27 (over 55's) on application 13/1305N – Approved subject to conditions and Supplemental S106 Agreement 16 February 2017

On land immediately adjacent –

15/3651N – land at Yew Tree Farm, west of Close Lane – Outline application for the residential development and access, all other matters reserved – Appeal granted 8-Jun-2016

16/4729n - Reserved Matters Application (of 15/3651n) for the erection of 40 dwellings comprising of 2, 3, 4 and 5 bedroom homes, open space and associated works – Approved subject to conditions 2 March 2017

16/4792N - Outline planning application for residential development and access, all other matters reserved – currently at appeal

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

Borough of Crewe & Nantwich Local Plan 2011

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

NE.21 (Land Fill Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG 2 – Settlement Hierarchy
Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy IN 2 – Developer Contributions
Policy SC4 – Residential Mix
Policy SC5 – Affordable Homes
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE3 – Biodiversity and Geodiversity
Policy SE4 – The Landscape
Policy SE5 – Trees, Hedgerows and Woodland
Policy CO4 – Travel Plans and Travel Assessments

CONSULTATIONS:

Alsager Town Council - Requests bin provision

Haslington Parish Council - No comments received.

Strategic Housing Manager – No objection

Head of Strategic Infrastructure - No objection

Environmental Protection – No objection subject to conditions which have been included as part of the outline permission and acoustic insulation/mechanical ventilation for properties facing the M6

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

ANSA Greenspace – No objection

OTHER REPRESENTATIONS

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

- Loss of amenity /overlooking
- Impact upon infrastructure
- Drainage issues
- Site not suitable for the elderly
- Congestion
- Poor air quality
- Houses not required
- Highway safety
- The proposal will increase the volume of traffic on Close Lane/ Dunnocksfold Lane which are already congested at peak times
- Watercourse/ditch should be adequately fenced to prevent

APPRAISAL:

Principle of Development

The principle of residential development on this site has already been accepted following the approval of the outline application 13/1305C. More recently Condition 27 on 13/1305n has been amended by Inspector decision, under reference 15/5654n, to allow 6 no units within the site to be occupied by the over 55's, as opposed to the 56 no originally required.

The development of the larger site has already commenced and the reserved matters development for 74 dwellings approved under 15/5114C (phase 1) is well under way. This proposal comprises 26 units on the remaining area of the 13/1305N site to be developed.

The proposal contains 26 dwellings of which 30% are affordable units, 6 units are affordable bungalows and 2 affordable two storey dwellings.

Housing Mix

Policy SC4 of the submission version 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:

- 4 x1 bed bungalows (all affordable and for the over 55's),
- 2 x 2 bed bungalows (all affordable and for the over 55's),
- 5 x 2 bed semi detached (2 affordable),
- 7 x 3 bed detached,
- 3 x 4 bed detached
- 5 x 5 bed detached .

With the exception of the 6 no bungalows, there are 18 two storey detached dwellings and 2 two and a half storey semi detached.

The layout proposed is identical to the layout informally considered in the recent appeal on the site when the Applicant sought to obtain the variation of condition 27 on the original outline. The Inspector (when allowing the appeal to reduce the numbers of over 55's on site to 6) stated :

... 'In the light of the demographic trends Policy SC4 of the CELP seeks to ensure that new residential development provides a mix of tenures, types and sizes, and that to address the needs of an ageing population developments are capable of meeting and adapting to the long term needs of older residents. This is supported by the Council's Vulnerable and Older Persons Housing Strategy which indicates that the vast majority of older people wish to remain in their own home rather than utilising more specialised type of accommodation. As such, it indicates that there is a need to provide a significant amount of accessible homes, such as bungalows, in the borough....'

'The proposed modified condition would provide 6 bungalows which would contribute to an identified need for affordable accommodation for the over 55s in the area. It would also result in a scheme that would be able to be delivered. Accordingly, there would be no conflict with Policy SC4 of the CELP....'

In the light of these comments, which are a material consideration in the determination of this case, it is considered that the proposal can not be resisted and that the scheme complies with Policy SC4.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

Conditions in relation to the submission of an Environmental Management Plan, Piling Method Statement, Dust Suppression Statement, noise attenuation. These are previously imposed on the outline permission and need not be repeated .

Air Quality

Given the relatively small scale nature of the scheme, an Air Quality Assessment would not be required to accompany the application.

However, it is considered appropriate to secure the necessary infrastructure to allow home charging of electric vehicles given the use of Modern Ultra Low Emission Vehicle technology is expected to rise.

This could be secured by condition.

Highways

Access

Access into the site has previously been determined to be acceptable as part of 13/1305N. This proposal utilises the internal road layout that has already been approved.

Character and Appearance

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

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

In this case the proposed house types with the exception of the bungalows, are similar house types to those already developed by this house builder as part of phase 1 development of this approved housing site (14/5114C refers). Two of the units are 2.5 storey semi detached houses which are of similar scale and in keeping with the existing development.

The properties to the existing Phase 1 development adjoin this site. Features such as gabled roofs, dormers, porches and integral garages are considered to be appropriate in the context of existing surrounding properties.

The use of hard landscaping features such as block paving leading to private driveways and pathways leading to properties would help to clearly distinguish between the private and public spaces within the site as well as adding visual interest to the scheme.

The palette of materials will be an important consideration in this case. Bricks and concrete roof tiles of somewhat strident hues have been utilised on phase 1. These tones are not particularly in keeping with the semi rural location. However, subject to the use of complimentary and appropriate brick, render and roof tile hues, the appearance of the development will be satisfactory. This can be controlled by condition.

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

Trees/Hedgerows

The only tree identified for removal is a mature Silver Birch T4; the tree is largely dead removal is not contested.

Implementation of the development proposals can be facilitated without any direct or indirect impact on any high value important trees, this includes the service access roads, and private driveways. The woodland identified as W1 stands to the west of plots 16-18 & 20-23, the trees which form the eastern edge have been reduced in order to provide adequate clearance from the adjacent overhead power lines, which are to be diverted through the development. The historic pruning benefits the adjacent dwellings but the off site trees may require future maintenance. The relationship and social proximity of the trees located adjacent to plot 26 is not ideal but their value individually and collectively is not significant enough to warrant formal protection.

Landscape

The submitted Landscape Visual Impact Assessment identifies both the national and regional landscape character of the application site; this site is located within the Lower Farms and Woods Landscape Type 10, and further, in the Barthomley Character Area (LFW7).

This development is dominated by the housing environment previously granted, Accordingly, it is not considered that the proposal would result in any significant adverse effects in landscape terms.

Ecology

With respect to specific species, the Councils Ecologist advises as follows;

Water Vole

The original Phase One habitat survey identified one watercourse on site as offering potential habitat for water voles. A recent survey has been submitted which has shown no water voles to be present. The ecologist is satisfied in this regard.

Water courses

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

Flood Risk

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions requiring schemes for the disposal of foul and surface water and that the proposal shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment. The Flood Risk Officer has not commented on this particular application, however, no objection was raised to the previous application for the same site and similar development. An update will be provided in this regard.

Environmental Conclusion

The detailed layout and design of this residential development site is considered to be acceptable.

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

Economic Role

It is accepted that the construction of a housing development would bring the usual economic benefit to the closest facilities in Alsager for the duration of the construction of the site, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new residents in 26 units spending money in the area and using local services.

Social Role

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

Affordable Housing

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

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

This is a proposed development of 26 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings. 5 units should be provided as Affordable rent and 3 units as Intermediate tenure.

There are 249 applicants on the Cheshire Homechoice waiting list who have selected Alsager as their first choice for rehousing. They require 95 x 1 bedroom, 91 x 2 bedroom, 49 x 3 bedroom and 14 x 4 bedroom dwellings.

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

The proposed layout concentrates the affordable bungalows to the southern boundary of the southern development zone proposed. Concerns have been raised by Officers in previous applications on this site that the layout results in inadequate pepper-potting, when this site is looked at in conjunction with the wider Close Lane site approved under 14/5114C . There has been a material change in circumstances since the approval of 40 units (with 12 units of affordable housing) distributes more affordable housing in the wider site. This has satisfactorily addressed previous concerns. It is therefore concluded that the proposal, with the wider approved development site, has an adequate amount of pepper – potting of affordable units

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

It is considered that the POS and LEAP already provided on the site as part of the outline scheme will be sufficient to cater for the demand as a result of this proposal.

Compliance with Conditions on Outline Permission as varied by 15/5645N (Variation of the over 55's condition)

Conditions are imposed on the outline permission for the development of the site which require

Details of Bin Storage, Parking Provision and an updated Arboricultural Impact Assessment to be submitted as part of the reserved matters. These have been satisfactorily addressed as part of this application.

Planning Balance

The principle of development has already been established. 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 much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon education infrastructure has already been assessed at outline stage and the recent appeal that allowed the increased in family units/decrease in over 55's accommodation when the Unilateral Undertakings were accepted by both Planning Inspectors. 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

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

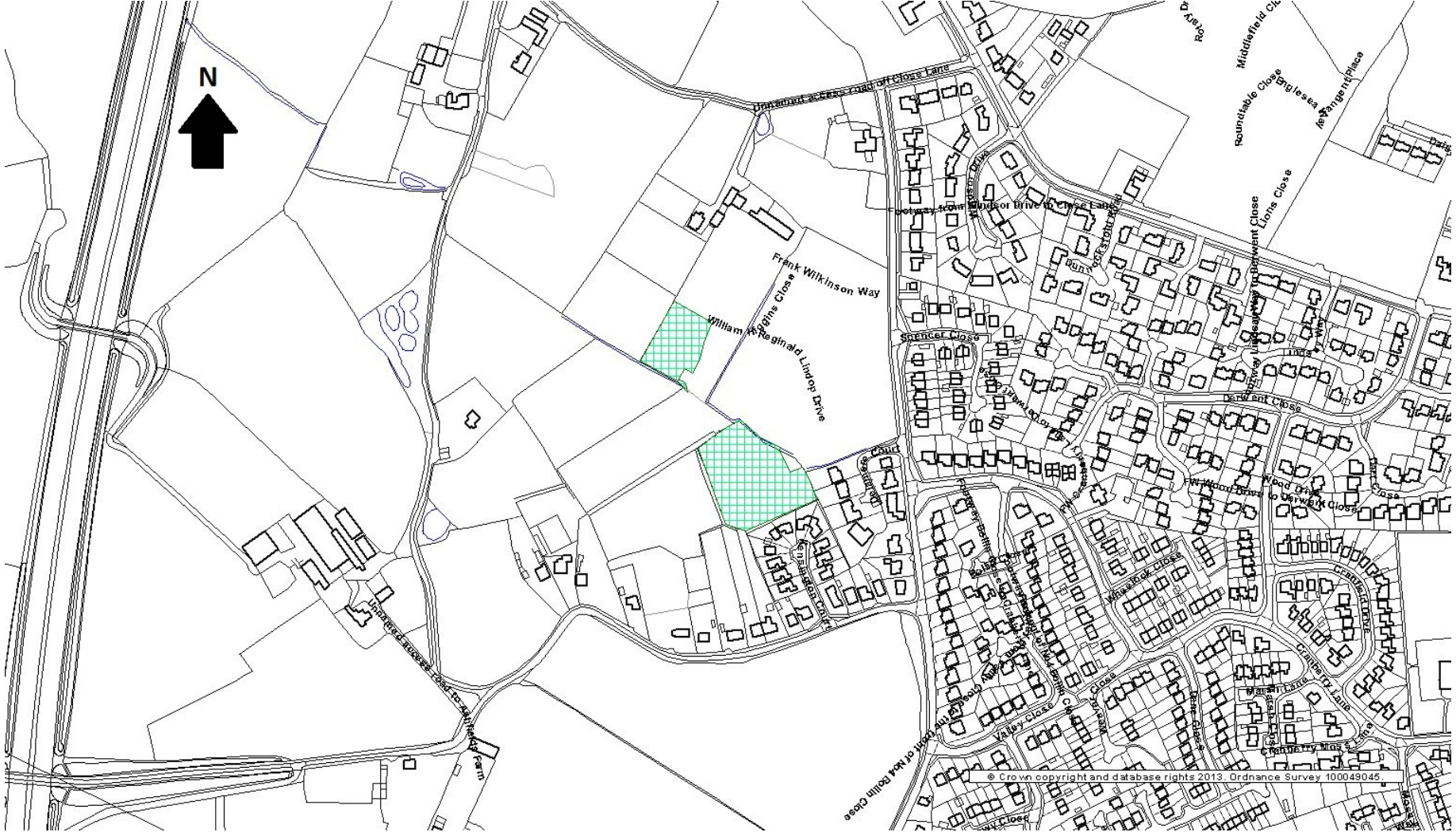
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATIONS

APPROVE subject to the following conditions:

1. Plans
2. Notwithstanding details forming part of application materials to be submitted and approved
3. Landscaping scheme submission
4. Landscaping scheme implementation
5. Submission of boundary treatments
6. Levels
7. Tree Protection
8. Breeding birds
10. No materials to be stored with 5m of ditch/ ditch to be fenced off during construction
- 11 Removal of permitted development rights – smaller plots
12. Boundary treatment to be as per plans
- 13 Removal of permitted development for boundary walls forward of building line
14. Noise insulation scheme for dwellings in accordance with recommendations in noise report
15. Overhead power line diversion scheme

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 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.



Application No: 16/5279C

Location: Land East Of, MEADOW AVENUE, CONGLETON

Proposal: Erection of 16 Bungalows with ancillary facilities and associated infrastructure

Applicant: Mr Kevin Humphries, Humphries Builders Ltd.

Expiry Date: 31-May-2017

SUMMARY

The proposed development would be contrary to Policy PS8 & H6 and the development would result in a loss of open countryside. However Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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

The adverse impacts of the development would be the loss of open countryside and agricultural land.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

The existence of the extant planning approval is also a material consideration where the principle of residential development has been accepted.

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

RECOMMENDATION

APPROVE

REFFERAL

The application has been referred to Southern Planning Committee because it is a major development and a departure from the development plan as it is situated outside of the settlement zone line for Congleton.

PROPOSAL

The application seeks full planning consent for the erection of 16 Bungalows with ancillary facilities and associated infrastructure.

The dwellings would comprise X16 bungalows ranging from 1,2,3 bedrooms with x5 Affordable Dwellings on the site via plots 1, 2, 3, 4 and 16.

The development would have a mix of detached and semi-detached bungalows with brick walls and tiled roofs.

Access, both vehicular and pedestrian would be taken from a single point opposite to Nos.6 and 7 Meadow Avenue.

Trees are shown as being retained on the north, east and western boundaries.

SITE DESCRIPTION

The application site comprises an rectangular parcel of Greenfield land, 0.81 hectares in size, situated to the to the south of Waggs Road and East of Meadow Avenue, Congleton. The land is designated as being within the open countryside in the adopted local plan.

The sites slopes to the east and the south and the boundary treatment consists of mixed fencing/planting to the northern and eastern boundaries, large tree buffer to the western boundary and open to the southern boundary. No trees are located in the sites itself.

Public footpath runs to the west.

RELEVANT HISTORY

12/3536C – Outline Application with Access For Erection Of Up To 14 No. Dwelling houses With Ancillary Facilities and Associated Infrastructure – Refusal 14-Jan-2013 on the following grounds:

1. The development would create new residential development in the open countryside and is therefore not in compliance with Policy PS8 of the adopted Congleton Borough Local Plan First Review 2005.
2. The development would have an adverse impact on Badger habitat contrary to the requirements of Policies NR3 and NR5 of the adopted Congleton Borough Local Plan First Review 2005.

3. The development would have an adverse impact on highway safety contrary to the requirements of Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.

13/4781C – Outline application with access for erection of up to 14 no. dwelling houses with ancillary facilities and associated infrastructure – Approved 12-Sep-2014

17/2755C – Reserved Matters application for all matters other than access following outline approval 13/4781C - (Outline application with access for erection of up to 14 no. dwelling houses with ancillary facilities and associated infrastructure) – not yet determined

DIFFERENCE TO APPROVED SCHEME

The site benefits from extant planning approval 13/4781C for the erection of x14 two/two and a half storey dwellings.

The current proposal seeks to increase the number of dwellings to 16 but changing the house type to bungalows and a resultant re-orientation of properties on the plot.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Congleton Local Plan, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR17 Car parking

GR21 Flood Prevention

GR 22 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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- PG2 – Settlement Hierarchy
- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE3 – Biodiversity and Geodiversity
- SE5 – Trees, Hedgerows and Woodland
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE 3 - Biodiversity and Geodiversity
- SE 13 - Flood Risk and Water Management
- SE 6 – Green Infrastructure
- IN1 – Infrastructure
- IN2 – Developer Contributions

Supplementary Planning Documents and other relevant material:

- 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
- Provision of Private Open Space in New Residential Developments
- Public Open Space Provision for New Developments

CONSULTATIONS

CEC Highways: No objection subject to a Section 38 Agreement regarding the construction and future adoption of the internal road layout

CEC Flood Risk Manager: No objection subject to drainage conditions

CEC Environmental Health: No objection subject to conditions/informatives regarding piling, dust, travel pack, electric vehicle charging points, working hours and contaminated land

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

CEC Education: No objection subject to contribution of £54,378 for primary & secondary provision

CEC Housing: No objection subject to 5 affordable dwellings being provided

CEC Public Rights of Way (PROW): No objections subject to condition regarding management scheme of the PROW

NHS England: No comments received at the time of writing the report

United Utilities: No objection subject to condition that the development proceeds in accordance with the submitted Flood Risk Assessment

Archaeology – No objection subject to condition requiring a programme of archaeological work

IEWS OF THE PARISH COUNCIL

Congleton Town Council: No objection but offer the following comments:

- Outside settlement boundary
- Access over Stoney Lane would require the provision of steps for the footpath
- Details should be provided of the pumping station
- To avoid flooding in the Town Centre, surface water drainage should not be into Howty Brook
- The border fencing needs to ensure that the hedgerows are not deprived of light
- The Section 106 Agreement to provide funds for health and education and a bus service in the area
- The amount of affordable housing should be increased from 4 to 5 houses

REPRESENTATIONS

87 letters of objection have been received local households raising the following points:

- Loss of green field site
- Loss of agricultural land
- The houses are not needed. There are plenty of properties for sale in Congleton
- The land is not allocated for housing
- Will lead to further development around the site and Astbury will be swallowed by Congleton
- Creation of urban sprawl towards the A34
- Proposal is premature coming before the adoption of the local plan
- Not in accordance with the Congleton Town Plan
- Will open the flood gates for future development
- Will undermine the spatial vision for the area
- The applicant has not undertaken an assessment of the sustainability of the site
- Does not meet affordable housing requirements
- Congestion on Waggs Road and Fol Hollow
- Fol Hollow is not suitable for additional traffic
- Danger from traffic to children at the nearby school
- Danger from HGVs during development because of unsuitable roads
- Impact on footpaths

- No plans for extra hospitals, schools, nurseries and police
- No provision of community facilities or open space
- The application offers no infrastructure benefits
- Damage to the landscape character of Priestly Fields
- Adverse visual impact on the area
- Threat to the unique natural heritage of enormous value to Congleton
- Loss of a rare example of access to the centre of a town through wooded countryside
- Loss of privacy to the properties on Waggs Road
- Increase in noise levels
- Quality of life will be severely affected during construction
- Adverse impact on wildlife
- Inadequate drainage on Waggs Road
- Scale of the pumping station is unnecessary for a development of this size
- Development is out of character with the area
- Houses would not be in keeping with those in the locality
- Greater impact than the approved scheme
- The Council should have been better organised and had a functioning local plan
- Loss of a view across the land
- The land is not completely in the ownership of the developer
- The sewage system proposed would serve 300 dwellings meaning this is a 'Trojan Horse' for future development
- The 76 bus route has been cancelled

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Local Plan, where policy PS8 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

Housing Land Supply

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the

recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy, the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbrough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

"This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance

with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

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

This is a proposed development of 16 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings with the above 65/35 split.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

As the proposal is over 7 dwellings a form of public open space is required. As the development is considered to be smaller scale, it is considered reasonable to request a financial contribution in lieu of on site provision given the limited size of the site.

Comments from ANSA have not been received at the time of writing the report so details of the required contribution along with where this will be spend will be provided in the update report and could be secured by way of Section 106 Agreement.

This approach would also be consistent with the extend scheme where a contribution was sought for off-site provision.

Education

A development of 16 dwellings is forecast to generate 2 primary school children and 2 secondary school children.

The details of this forecast are contained within the table below:

Development	Thomas Street				Number of Dwellings		73				
Planning App Number	17/0155C				Primary Yield		14		Less 1 SEN		
Date Prepared	16.2.2017				Secondary Yield		11				
					SEN Yield		1				
	PUPIL FORECASTS based on October 2015 School Census										
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	2016	2017	2018	2019	2020	Comments	
Astbury St Mary's CofE Primary School	19	19	133	133	126	124	125	123	120		
Black Firs Primary School	45	45	280	315	295	323	343	345	345		
Buglawton Primary School	30	30	206	206	195	199	207	211	217		
Javen Primary School	30	30	210	210	174	205	207	210	218		
Lavannah Primary School	30	30	203	203	200	202	201	199	194		
Warfields Primary School	30	30	210	210	205	232	239	243	240		
Wossley CofE Primary School	60	60	420	420	410	407	405	402	408		
Saint Mary's Catholic Primary School	30	30	210	210	194	193	193	192	197		
The Quinta Primary School	50	50	330	330	337	335	336	339	333		
Developments with \$106 funded and pupil yield included in the forecasts				31							
Developments pupil yield not included in the forecasts									121		
Pupil Yield expected from this development									13		
OVERALL TOTAL	324	324	2,202	2,268	2,136	2,220	2,256	2,264	2,406		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					132	48	12	4	-138		
	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
Secondary Schools					2016	2017	2018	2019	2020	2021	2022
Congleton High School	200	200	900	900	949	1,028	1,069	1,079	1,102	1,100	1,108
Eaton Bank	180	180	900	900	549	587	640	648	666	657	670
Please Note: All figures quoted exclude any allowance for 6th Form Pupils											
Developments with \$106 funded and pupil yield included in the forecasts				12							
Developments pupil yield not included in the forecasts											143
Pupil Yield expected from this development											11
OVERALL TOTAL	380	380	1,800	1,812	1,498	1,615	1,709	1,727	1,768	1,757	1,932
OVERALL SURPLUS PLACES PROJECTIONS					314	197	103	85	44	55	-120

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

$$2 \times £11,919 \times 0.91 = £21,693.00 \text{ (primary)}$$

$$2 \times £17,959 \times 0.91 = £32,685.00 \text{ (secondary)}$$

Total education contribution: £54,378

As such there is a requirement for a contribution from this development towards secondary school and the sum of £54,378 will be secured as part of a S106 Agreement.

Health

Although no consultation response has been received from the NHS there is a medical centre in Congleton (Readesmoor Medical Centre) within 0.3 mile of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

Location of the site

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

- Shop selling food and grocery – Several in town centre 800m
- Post box – Junction of Waggs Road/Meadow Avenue
- Playground/amenity area – Several within 500m including Astbury Mere, Banky Fields and Marlfields School fields
- Post Office – Congleton Post Office within 1,000m
- Bank or cash point – Several along Bridge Street 800m
- Pharmacy – Swan Bank 800m
- Primary School – Marlfields 400m
- Medical Centre – West Street 800m
- Leisure Facilities – Tennis club 600m and Astbury Mere 400m
- Local Meeting Place – Trinity Methodist Church Hall 600m
- Child Care Facility – Marlfields 400m

There is also a bus stop located 800m away which is assessable by public footpath and the railway station is located 2,700m away. The site was also deemed to be locationally sustainable under extant planning permission 13/4781C.

It is considered in the light of this assessment that the proposed development would be within a sustainable location.

Nevertheless locational sustainability is not the determinative factor in its own right but does weigh again the proposal in the overall planning balance.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are properties to the North 84-74 Waggs Road and west 6-7 Meadow Avenue.

Plots 1-3 would be sited 21m away to the side facing elevation of No.6 Meadow Avenue. Plots 14-16 would be sited 22m away to the side facing elevation of No.7 Meadow Avenue. Plots 4 and 4 would be sited between 23.5m-29m away to the rear facing elevations of Nos.84-74 Waggs Road.

All of the distances comply with the required interface distances as recommended in the Private Open Space SPG therefore it is not considered that there would be any significant loss of privacy between main face elevations.

Whilst the plots to the north of the site, plots 4 & 5 would be closer to the shared boundaries to properties on Waggs Road within 1m of the boundary at the closest point) it is not considered that the single storey bungalow height would result in any harm through overbearing/oppressive impact/overshadowing to rear garden areas. Similarly any facing windows are limited to ground floor level where boundary treatment provides suitable screening to prevent overlooking of rear garden areas of properties on Waggs Road.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Public Rights of Way (PROW)

The Councils Public Rights of Way Team have been consulted regarding the application and have advised that if the application was approved it would affect Public Footpath Congleton No. 6, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

To mitigate against this impact they have suggested a condition requiring the applicant to provide a management of the PROW including design and surfacing, temporary closures and diversions. This will be added to the decision notice of any approval.

Highways

The site has an extant planning approval reference 13/4781C for 14 dwellings and the proposal is for 16 dwellings.

The current application is on the same site, would use the same access from Meadow Avenue and the net increase would be 2 units.

The Councils Highways Team have been consulted regarding the proposal and have advised that the net highway impact of 2 additional units over the existing permission would be negligible and the internal road layout is adequate.

As a result they have raised no objection subject to the informative that the applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.

As a result the proposal will not result in any significant harm to the existing highway network.

Landscape

The site has an extant planning approval reference 13/4781C where it was considered that the landscape could accommodate a proposal for 14 dwellings. The current proposal whilst would see an increase in 2 dwelling, would actually result in reduced bulk and massing as the current proposal seeks bungalows rather than 2 storey dwellings as previously approved.

The application site is identified as Open Countryside in the Congleton Borough Local Plan, there are no landscape designations on the application site and within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods 2 landscape, specifically Character Area 11, Brereton Heath Area. The site displays many of the characteristics of the Brereton Heath Character Area, the character of the site is influenced by the development of bungalows along the northern boundary, along Waggs Road. Dwellings to the west of Stony Lane (FP6) - the western boundary pathway, are largely screened by the existing boundary vegetation that runs alongside this sunken track along the western boundary of the application site.

The site has a network of existing hedgerows and trees and is agricultural in character. The site, local and wider topography provide an attractive setting especially to the south and east, where there are longer distance views towards the Peak Fringe. The site is strongly influenced by the existing boundary hedgerows and longer distance views, so that visually the site is very well connected to the wider agricultural landscape, rather than Congleton to the north.

The Topographical Survey, habitat Mitigation Measures and Tree Protection Plan (Drawing No: 095/16) indicates that existing hedgerows and hedgerow trees will be retained and that there will be a new planted buffer along the southern boundary, along with a new hedgerow. As a result the Councils Landscape Officer does not consider that the proposals would result in any significant landscape or visual impacts.

Trees

This is a full application for the erection of 16 bungalows with ancillary facilities and associated infrastructure on land off Meadow Avenue, Congleton. The site is bounded by hedgerows to the west and east and there are a number of trees on the periphery. The trees and hedgerows are important components of the local landscape.

The principle of development of the site with an access of Meadow Avenue has previously been established by 13/4781C.

The current application is supported by an Arboricultural Report dated 30 Sept 2016 by Tree Heritage (RefTHL-R16/109). The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

The tree survey covers 11 trees and two hedges. The grades afforded are: 7 Grade B trees, 1 Grade C, 1U and the hedges both A. A site plan (as existing) in the report identifies the constraints posed by the trees. The report recommends that once a proposed layout has been produced, an arboricultural impact assessment is prepared. A requirement for protection measures is also cited.

The Councils Arborist has been consulted on the proposal who was concerned that whilst the layout plan suggests that the existing healthy trees and most of the boundary hedgerows would be retained as part of the proposed layout, the full tree constraints have not been plotted on the plan and there is no arboricultural impact assessment. In particular concern was raised regarding the location of plots 1,2,3 & 14,15 to the trees on site and the possible shading of garden areas which may put the trees under future pressure for pruning or removal.

Therefore further detail was requested to adequately assess the impact of development on existing trees. Revised plans have since been received which have resulted in plots 1,2,3 & 14,15 being moved 1.5m further to the east, further reports were also received. This has been considered by the Arborist who advises that the amended layout is an improvement on the existing situation and if permission is to be granted conditions should be attached requiring an updated tree protection scheme and an arboricultural method statement, tree retention and Services/Drainage.

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 site has an extant planning approval for the erection of x14 two storey/two and a half storey properties arranged in a cul-de-sac style. The proposed layout plan shows 16 bungalow properties arranged in a similar cul-de-sac style.

The locality consists of mixed character and dwelling types, both bungalows and two-storey dwellings. Therefore it is considered that bungalow properties could be accommodated without causing significant harm to the scale and form of development.

Property footprints and garden areas would be comparable to others locally which would ensure that the proposal assimilates into the existing environment.

Whilst the proposal would see an increase of 2 units when compared to the extant scheme, the proposal would result in less scale and massing given the proposed bungalows.

Finally the simple design and materials of brick walls and tiled roofs would match the design and material pallet of the local area.

On this basis, it is considered that an appropriate design has been submitted, which will sit comfortably alongside the mix of existing development within the area. The proposal is therefore considered to be in compliance with Policy GR2 of the adopted local plan.

Ecology

- Bat activity and trees with bat roost potential

A bat activity survey has been undertaken. This survey was undertaken late in the survey season however considering the size and location of the site the Councils Ecologist is satisfied that enough information is available to assess the potential impacts of the proposed development upon foraging and commuting bats. The level of bat activity recorded on the site was relatively low and was of the order expected for this type of site. The Councils Ecologist advises that the proposed development, subject to the condition requiring lighting specification, would be unlikely to significantly affect foraging and commuting bats.

A number of trees on site were identified as having moderate potential to support roosting bats. The amended proposals now show the retention of the Ash tree that was previously proposed for removal. The Councils Ecologist therefore advises that the proposed development is not reasonable likely to affect roosting bats.

- Great Crested Newts

The Councils Ecologist advises that the proposed development is unlikely to have a significant impact upon great crested newts.

- Breeding Birds

If planning consent is granted the Councils Ecologist has suggested conditions to safeguard nesting birds.

- Polecat, Hedgehog and Brown Hare

Brown Hare, Polecat and Hedgehog are all Biodiversity Action Plan priority species and a material consideration for planning. These species are known to occur within 1km of the proposed development. Whilst there is no evidence to suggest that these species are present on the application site there is a reasonable likelihood that the site may be used at least occasionally by these species. The level of impact on these three species is however unlikely to be significant. However the Councils Ecologist has recommended a condition requiring the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed.

- Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition the hedgerows on the eastern and western boundaries of the site have been identified as being 'Important' under the hedgerow regulations.

The proposed development will result in the loss of a section of Important hedgerow to facilitate the site access. The submitted habitat mitigation measures plan includes proposals for the planting of an additional hedgerow on the southern boundary of the application site to compensate for this loss. This can be secured by condition.

- Badgers

The submitted report states that there are no badger setts on site. There is however evidence of badgers crossing and foraging on the application site.

The Councils Ecologist advises that the proposed development may result in the loss of foraging habitat for badgers and reduce their ability to move across the site. The submitted badger survey report recommends that additional fruit trees are provided as a means for providing an alternative seasonable source of food for badgers. This measure is supported and should be secured by means of a condition in the event that planning permission is granted.

The Councils Ecologist advises that whilst the usage of the site by badgers may be reduced as a result of the proposed development this is unlikely to have a significant adverse impact upon the status of the local badger population. However as badger activity can change over time a condition has been suggested for an updated badger survey.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment concludes that residential development would be considered sustainable in terms of flood risk.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to condition that the development should be undertaken in accordance with the Flood Risk Assessment. The Councils Flood Risk team have also raised no objection subject to drainage conditions.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

Agricultural Land Quality

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, no Agricultural Land Use and Land Classification Report has been submitted. However a report was submitted for the extant scheme which found the site was not graded in the 1 to 5 category, excellent to very poor and as such was not classed as being the 'best and most versatile agricultural land' defined in the NPPF. Given that the site remains relatively unchanged since this approval it is considered reasonable to conclude the same.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering housing.

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

CIL Regulations

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

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

As explained within the main report, POS and play equipment is a requirement of the Councils Open Space SPG. It is necessary to secure these works and a scheme of management for the open space and play equipment. This contribution is directly related to the development and is fair and reasonable.

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

The proposal would result in a requirement for the provision of 5 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The proposed development would be contrary to Policy PS8 & H6 and the development would result in a loss of open countryside. However Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

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

The adverse impacts of the development would be the loss of open countryside and agricultural land.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

The existence of the extant planning approval is also a material consideration where the principle of residential development has been accepted.

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

RECOMMENDATION:

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS, 106 AGREEMENT AND THE FOLLOWING HEADS OF TERMS

Conditions

- 1. Time limit**
- 2. Plans**
- 3. Materials**
- 4. Removal of permitted development rights**
- 5. Levels**
- 6. Foul and surface water drainage strategy**

7. Piling
8. Electric vehicle charging
9. Dust
10. Travel information pack
11. Contaminated land
12. Carried out in accordance with the submitted Flood Risk Assessment
13. Drainage strategy/design
14. Management scheme of the PROW
15. Programme of archaeological work
16. Landscaping scheme
17. Updated trees protection scheme
18. Updated arboricultural method statement
19. Tree retention
20. Services/drainage

Informative

1. Section 38 Agreement

Heads of terms

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

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Secondary Education Contribution of £54,378

3. Open Space and Children's Play (amount to be confirmed in the update report)

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

Application No: 17/1454C

Location: Land south of Elm Tree Lane, Elworth, Sandbach

Proposal: Development of five detached dwellings (outline application including the matters of access and layout only) and increased area for use by Cricket Club

Applicant: P E Richardson, Elworth Estates

Expiry Date: 22-Jun-2017

SUMMARY

The application site lies within the countryside and outside of the Policy Boundary as defined by the Sandbach Neighbourhood Development Plan (2016), and within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by SNP Policy PC3 and the Congleton Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

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

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates

a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market dwellings in a relatively sustainable location, along with the minor economic benefits created predominantly during the construction phase of the scheme and end use of the development.

Balanced against these benefits, must be the adverse impacts, which in this case would be the loss of Open Countryside, the landscape impact of the development and the design issues of the development. There is also insufficient information provided with the application to determine the full impact that the development would have on trees; hedgerows; biodiversity; best and most versatile agricultural land; and, the potential noise impact of adjoining land uses on future occupants of the development. The development would also cause harm to the plan led system by virtue of the proposal's non compliance with policies with in the made Sandbach NP.

In this instance, is considered that the dis-benefits of the scheme, significantly outweigh the benefits.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it proposal a major planning application due to the site area exceeding 1ha.

PROPOSAL

This application seeks outline planning permission for the construction of five detached dwellings with the matter of access and layout only sought for approval, all other matters are reserved. The application seeks to establish whether residential development would be acceptable on this parcel of land as a matter of principle.

A site plan has been provided showing the proposed layout for the site. The layout shows the provision of 5 detached dwellings with double garages (three detached and two integral). The scheme shows private amenity spaces and off street parking to serve each of the dwellings. Access would be provided off Elm Tree Lane, with the dwellings served by a shared access road.

The indicative plan also shows the provision of a village green and a paddock. The scheme shows the removal of a stretch of the existing hedgerow adjacent to Elm Tree Lane.

The proposal also seeks to transfer a strip of land along the southwestern boundary of the site to the Elworth Cricket Club, which lies to the southwest. This would represent a change of use of land.

SITE DESCRIPTION

The site relates to an agricultural field which measures 1.15ha in area, the site lies within the Open Countryside as defined by the Congleton Borough Local Plan and the adopted Sandbach Neighbourhood Plan. The site is adjoined to the north and west by properties on Elm Tree Lane, a railway to the east and Elworth Cricket Club to the southwest. The site perimeters are defined by hedgerows and trees. Sandbach Footpath 35 runs adjacent to the eastern and northern boundaries of the site.

RELEVANT SITE HISTORY

None

LOCAL & NATIONAL POLICY

Sandbach Neighbourhood Plan (2016)

PC2	Landscape Character
PC3	Policy Boundary for Sandbach
PC4	Biodiversity and Geodiversity
PC5	Footpaths and Cycleways
H1	Housing Growth
H2	Design & Layout
H3	Housing Mix & Type
H5	Preferred Locations
IFT1	Sustainable Transport, Safety and Accessibility
IFT2	Parking
CW2	Sport and Leisure Facilities
CC1	Adapting to Climate Change

Congleton Borough Replacement Local Plan 2011

The relevant Saved Policies are;

PS3	Settlement Hierarchy
PS8	Open Countryside
GR1	Design
GR2	Design
GR4	Landscaping
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, Servicing and Parking Provision

NR1	Trees and Woodlands
NR3	Habitats
NR4	Non-statutory Sites
H6	Residential Development in the Open Countryside and the Green Belt
RC1	Recreation and Community Facilities – General
RC4	Countryside Recreational Facilities

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy MP1	Presumption in Favour of Sustainable Development
Policy PG1	Overall Development Strategy
Policy PG5	Open Countryside
Policy PG6	Spatial Distribution of Development
Policy SD1	Sustainable Development in Cheshire East
Policy SD2	Sustainable Development Principles
Policy IN1	Infrastructure
Policy SC1	Leisure and Recreation
Policy SC2	Indoor and Outdoor Sports Facilities
Policy SC4	Residential Mix
Policy SE1	Design
Policy SE2	Efficient Use of Land
Policy SE3	Biodiversity and Geodiversity
Policy SE4	The Landscape
Policy SE5	Trees, Hedgerows and Woodland
Policy SE9	Energy Efficient Development
Policy SE12	Pollution, Land Contamination and Land Instability

Cheshire east Design Guide

National Policy

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

- 7 – Achieving Sustainable Development
- 14 - Presumption in favour of sustainable development
- 17 – Core planning principles
- 32 – Promoting sustainable transport
- 47-50 - Wide choice of quality homes
- 55 - Isolated dwellings in the countryside
- 56-68 - Requiring good design
- 69-78 - Promoting healthy communities
- 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

CONSULTATIONS (EXTERNAL TO PLANNING)

Environmental Protection – Insufficient information to determine whether there would be loss of amenity caused by noise from the Cricket Club and the adjacent railway line.

Recommend conditions relating to a Construction Environmental Management Plan; Electric Vehicle Infrastructure; and, Contaminated Land.

United Utilities – No objection subject to drainage conditions

CEC Highways - The site would have 2 vehicle access points off Elm Tree Lane which is a private road and currently provides access to around 12 residential properties. Elm Tree Lane is accessed from London Rd.

The site accesses and the access onto London Rd have sufficient visibility and off-road parking provision would accord with CEC standards. The northern end of Elm Tree Lane, for an approximate length of 80m, would be widened to 5.5m as shown on plan '6753-SK2', which would provide more width for passing cars of the existing and the proposed residents.

There would be sufficient turning area for refuse vehicles.

No objection is raised.

Network Rail – No objection subject to drainage condition and informatics relating to Network Rail assets.

Sandbach Town Council - No comments received.

REPRESENTATIONS

8 letters of objection received from nearby residents. The salient points being:

- Greater strain on infrastructure
- Loss of hedgerow/habitat
- Conflict between pedestrians (using footpath) and vehicles
- Urban sprawl on edge of settlement
- Loss of agricultural land
- Pond filled and land may be unsuitable for housing
- Elm Tree Lane is not suitable for more traffic, road could not be widened
- Character will be eroded
- Pollution, noise, traffic and loss of trees
- Cricket club boundary does not need extending
- Overdevelopment of village
- Brownfield sites should be built upon, not Greenfield sites
- Lane is unsuitable for construction vehicles
- Will occupants pay for maintenance of road
- Village green a roundabout rather than an area of play
- Unsafe access
- Development does not protect the countryside contrary to SNP
- Sandbach and Elworth does not require additional housing
- Housing provision already been exceeded
- Water main under site
- Level of housing is not of strategic significance and makes no contribution for affordable housing
- Paddock land of a size for two new houses which could not be resisted

One letter of support:

- Boundary does need extending
- Trees and hedge will be replaced

APPRAISAL

The key issues are:

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

Principle of Development

The application site is located within the Countryside as defined by the Sandbach Neighbourhood Development Plan, and also the Congleton Borough Local Plan Proposals Map. Policy PC3 of the Sandbach Neighbourhood Plan states that new development will be supported in principle where the site lies within the policy boundary (Sandbach), however, outside of the boundary, which is where the application site lies, only a limited number of developments will be permitted. The construction of new market dwellings, as proposed, is not listed as an appropriate form of development outside of the Policy Boundary. Policy H5 sets out the preferred locations for development and states that housing development will be supported within the Policy Boundary. Policy H1 relates to housing growth and states that housing growth to meet the housing requirement of the Cheshire East Local Plan will be delivered through existing commitments, sites identified in the Cheshire East Local Plan (Strategy and Allocations Documents) and windfalls.

Policy PS8 (Open Countryside) of the Congleton Borough Local Plan states that development will only be permitted if it falls within one of a number of categories. Policy H6 outlines the forms of residential development which may be acceptable within the Open Countryside. The application proposals does not satisfy any of the exception criteria for appropriate development within this Open Countryside location.

Policy PG5 of the emerging Cheshire East Local Plan also identifies those forms of development which may be acceptable in the Open Countryside, as an exception. The development would not satisfy the list of criteria set out in the emerging Development Plan.

The proposed development does also not fall within any of the categories listed within the adopted Neighbourhood Plan, saved Policies of the Development Plan, and emerging Development Plan Policies and as such is an unacceptable form of development as a matter of principle. There is therefore a presumption against the proposal.

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

Housing Land Supply

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the

recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy the plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbournough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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

Environmental role

Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

A locational sustainability assessment has not been provided by the applicant for this scheme. However, the LPA has carried out its own assessment base on the proximity of the site to the facilities:

Bus Stop – 370m (Standard 500m)
Public Right of Way – 0m (500m)
Railway Station – 700m (2000m)
Amenity Open Space – 500m (500m)
Childrens Playground – 550m (500m)
Outdoor Sports - 330m (1km)
Public Park and Village Green – 0m (1km)
Convenience Store – 1.2km (500m)
Supermarket – 2.5km (1km)
Post Box – 330m (500m)
Post Office - 3km (1km)
Bank/Cash Machine – 1.2km (1km)
Pharmacy – 700m (1km)
Primary School – 1km (1km)
Secondary School – 2.1km (2km)
Medical Centre – 2.5km (1km)
Leisure Facilities - 2.1km (1km)
Meeting Place/Community Centre – 600m (1km)
Public House – 450m (1km)
Child Care Facility – 1.3km (1km)

Footnote 46 of the emerging Local Plan, access to a “range” of facilities is considered to be within the recommended distance of a bus stop, a multi functional open space; a convenience store; and four or more other services or amenities. While the site is beyond the recommended distance from

a convenience store, it is evident from the above assessment that the site is accessible to a range of services and facilities and should be considered to be locationally sustainable.

Therefore, in light of recent permissions, and particularly given the modest scale of the proposed development, it is considered that the proposal is sustainably located with reasonable access to services and facilities.

Open Countryside Impact

The application site represents an area field which is undeveloped in its totality. The site is adjoined by ribbon development along Elm Tree Lane, a railway line and Elworth Cricket Club. The application proposals, would ultimately change the character of the site, and would undermine the open countryside protection policies which seek to protect the countryside from this form of development for its own sake. As outlined above this is a matter of principle and this weighs substantially against the proposed development

Landscape Impact

The application site lies within the Open Countryside and has a semi-rural character given its current agricultural use, open appearance and established landscape features. The application site is not covered by any landscape designation, notwithstanding this the site is visible from London Road, Elm Tree Road and the public footpath immediately adjacent to the site. The proposals would completely alter the character of the area which would be detrimental to the character and appearance of the area.

Impact on Landscape Features

Trees

There are significant established trees along the boundary of the site with Elworth Cricket Club, and also off site along the railway boundary. The application proposals have not been supported by any arboricultural information. The trees along the Elworth Cricket Club boundary appear to be scheduled for removal as part of the development. The application submission has not been supported by any arboricultural information and therefore the LPA has insufficient information to assess the existing tree cover or the impact of the development on trees.

Hedgerows

The site boundaries are defined by established and mature hedgerows of some length along the roadside and Elworth Cricket Club boundaries. The layout shows the roadside boundary completely removed while the hedgerow with the cricket club also appears to be scheduled for removal.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The LPA therefore has insufficient information to determine the impact of the development on existing hedgerows.

Impact on Biodiversity

The scheme would result in the loss of features which could be considered to be priority habitats or may have the potential to support protected species. Aerial photography and OS data also indicate the presence of a pond within the site, although it is understood that this may no longer be present. Notwithstanding this, no ecological information has been submitted to support the proposed development. The Councils Ecologist has confirmed that an extended Phase 1 Habitat

Survey is requested, to include assessment of the current state of the pond, and the hedgerows and trees which will be lost under the proposed plans. There is therefore insufficient information for the Local Planning Authority to adequately assess the impact that the proposed development would have on protected species and their habitats.

Loss of Agricultural Land

The application site is a field measuring approximately 1.15ha. The site has historically been farmed, while some recent activity also appeared to be evident. Comments from neighbours also suggest an agricultural use of the site. Emerging Policy SE2 relates to the efficient use of land and identifies that development should safeguard natural resources including high quality agricultural land. No information has been submitted to demonstrate that the proposed development would not result in the loss of best and most versatile land.

Design

The application is in outline however layout is sought for approval. The scheme proposes the introduction of 5 detached dwellings on the site, along with new access road, driveways, garages, and landscaped areas. The scheme includes the retention of some land as a paddock, and the creation of an area of open amenity land at the head of Elm Tree Lane.

The proposed dwellings, by reason of their size, the extent of their respective curtilages, along with the layout of the scheme would be at odds with the pattern of development in this rural location. The scheme therefore fails to contribute positively to the surrounding area, and as such would fail to be sympathetic to the surrounding built and natural environment. While matters of scale and appearance are reserved, it is considered that the layout of the scheme as submitted provides sufficient concern for the LPA to raise issue relating to the design of the scheme and its compatibility with the surrounding area.

Policy H3 of the Neighbourhood Plan seeks to secure a mix of housing types. The application proposals only seek to provide large detached dwellings and therefore would not provide the mix of housing which local planning policy seeks to achieve.

Highways Matters

The application is in outline with the means of access sought for approval at this stage. The application proposals show that the development would be accessed via the creation of two points of access of Elm Tree Lane. Elm Tree Lane is an unadopted road which provides access to approximately 12 dwelling dwellings.

The Strategic Infrastructure Manager is satisfied that the site accesses on to Elm Tree Lane, and the access onto London Road have sufficient visibility and off-road parking provision which would accord with CEC standards. The northern end of Elm Tree Lane, for an approximate length of 80m, would be widened to 5.5m which would provide more width for passing cars of the existing and the proposed residents. There would be sufficient turning area within the site for refuse vehicles. Consequently the Strategic Infrastructure Manager has raised no object to the proposed scheme.

Environmental Conclusion

The proposal would result in the development of a greenfield site within the open countryside and is unacceptable as a matter of principle. It is considered that the proposed development would have a detrimental impact on the character and appearance of the area, and local landscape. The scale, siting, and layout of the scheme, along with the lack of mix of housing would also cause

harm. There is insufficient information provided for the LPA to be satisfied that the impact on landscape features and biodiversity is acceptable, while there is also insufficient information relation to the loss of best and most versatile agricultural land.

While it is considered that the site is locationally sustainable this in no way outweighs the identified environmental harm.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’.

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Elworth/Sandbach, and the surrounding villages, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

Social Role

The proposed development would provide five open market dwellings which in itself, would be a social benefit. However, as acknowledged above, the mix of housing would not provide wider social benefits. The improvements to Elworth Cricket Club would also be a social benefit by improving the facilities offered by that entity.

Amenity

While full detailed design has not been provided it is considered that the proposed development would be sited a satisfactory distance from nearby residential properties not to give rise to any detrimental amenity impact through loss of daylight/sunlight, loss of privacy, overlooking or overshadowing. It is acknowledged that there would be a significant change of outlook from existing properties towards the site; however this is more of a design issue than an amenity issue. The comings and goings generated from the site would not be so significant as to cause harm to amenity through noise and disturbance.

It is considered that a scheme can be provided on the application site which would provide an appropriate level of private amenity space for the requirements of future occupants of the development.

The application site is located adjacent to a railway line and also a cricket club. Environmental Protection have concluded that there is insufficient information provided with the application to assess the proposed impact that these adjoining noise generative uses would have on the amenity of future occupants of the development. Given the proximity of the site to a railway and the likely noise that this could generate, and its proximity to dwellings and gardens it is considered that this should be considered at this stage rather than being secured by condition as it may be that satisfactory noise levels could not be achieved internally and/or externally, plus the visual impact of any mitigation which may be required (i.e. acoustic fencing) should be considered in this open countryside location.

Other Matters

Given the scale of the proposed development in terms of house numbers, there is no requirement for the proposed development to provide any affordable housing, education or open space contributions.

Planning Balance

The application site lies within the countryside and outside of the Policy Boundary as defined by the Sandbach Neighbourhood Development Plan (2016), and within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by SNP Policy PC3 and the Congleton Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating

the three aspects of sustainable development described by the framework (economic, social and environmental).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market dwellings in a relatively sustainable location, along with the minor economic benefits created predominantly during the construction phase of the scheme and end use of the development.

Balanced against these benefits, must be the adverse impacts, which in this case would be the loss of Open Countryside, the landscape impact of the development and the design issues of the development. There is also insufficient information provided with the application to determine the full impact that the development would have on trees; hedgerows; biodiversity; best and most versatile agricultural land; and, the potential noise impact of adjoining land uses on future occupants of the development. The development would also cause harm to the plan led system by virtue of the proposal's non compliance with policies within the made Sandbach NP.

In this instance, is considered that the dis-benefits of the scheme, significantly outweigh the benefits.

Accordingly it is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposal involves the development of a parcel of countryside outside of the Policy Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016 and**

involves development within the Open Countryside as set out in the Congleton Borough Local Plan First Review 2005. The proposal erodes the rural character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Policy PC3 of the Sandbach Neighbourhood Plan Policy, Policies PS8 and H6 of the Congleton Borough Local Plan First Review 2005, emerging Policy PG5 of the emerging Cheshire East Local Plan and guidance contained within the National Planning Policy Framework.

2. In the opinion of the Local Planning Authority, the proposed development would significantly alter the character and appearance of the area. The scale, siting, layout and mix of the proposed development would fail to respect the pattern of development in the area resulting in a development which would fail to integrate satisfactorily into the built and natural environment. The proposed development would be contrary to Policies H2 of the Sandbach Neighbourhood Plan, Policies GR1 and GR2 of the Congleton Borough Local Plan, emerging Policies SD1, SD2, SC4, SE1 and SE2 of the emerging Cheshire East Local Plan, and guidance contained within the National Planning Policy Framework.

3. The application site contains established hedgerows which are sited along the site boundaries which are scheduled for removal. Insufficient information has been provided to determine whether this is an "Important" Hedgerow (for the purposes of the Habitat Regulations 1997). The proposed development would therefore be contrary to Policies NR3, GR1 and GR5 of the Congleton Borough Local Plan, emerging Cheshire East Local Plan Policies MP1, SD1, SD2, and SE5, and guidance contained within the National Planning Policy Framework.

4. There are existing mature trees which are sited on and off the application site which would or could be affected by the proposed development. Insufficient information has been provided to enable the Local Planning Authority to adequately assess the existing tree cover and the impact that the proposed development would have on trees. The proposal would therefore be contrary to Policies NR1, GR1 and GR5 of the Congleton Borough Local Plan, emerging Cheshire East Local Plan Policies MP1, SD1, SD2, and SE5, and guidance contained within the National Planning Policy Framework.

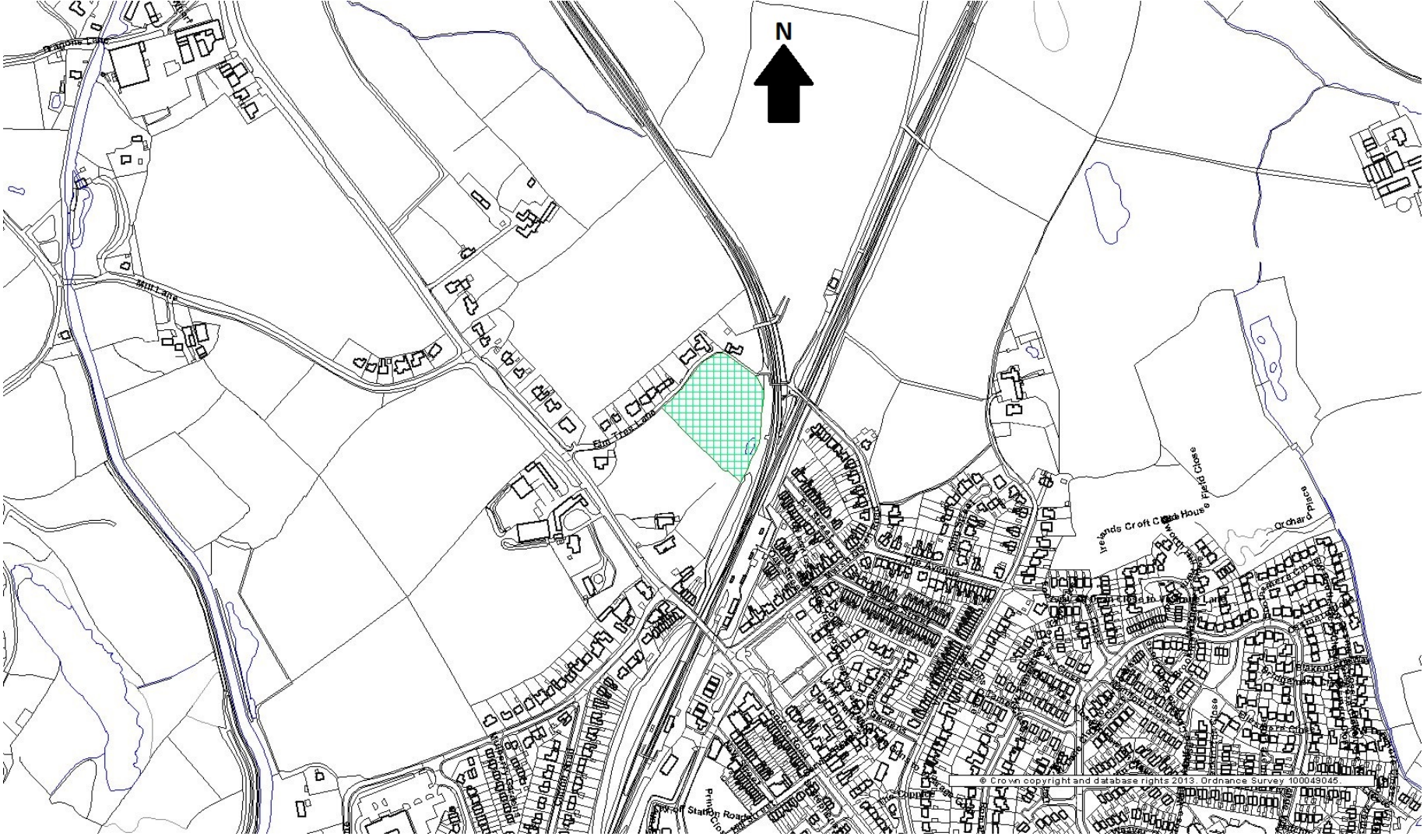
5. Insufficient information has been provided to determine whether the proposed development would result in the loss of Best and Most Versatile agricultural land. The loss of such land would be contrary to emerging Policy SE2 of the Cheshire East Local Plan, and guidance contained within the National Planning Policy Framework.

6. The application site is located adjacent to noise generative uses including a cricket ground and railway line. Insufficient information has been provided to determine whether future occupants of the development would benefit from an acceptable level of amenity, internally and externally, having regard to these adjacent uses. It is also necessary to consider any mitigation (if required) and the impact that these may have on character of the open countryside. The proposed development would therefore be contrary to Policy GR6 of the Congleton Borough Local Plan, and guidance contained within the National Planning Policy Framework.

7. The application proposals include the loss of hedgerow and trees, while aerial photography and OS data indicate the presence of a pond on the site, the current status of

which is unclear. The application has not been supported by a Phase I Habitat Survey and therefore there is insufficient information for the Local Planning Authority to determine the impact that the proposed development would have on protected species and/or their habitats. The development is therefore contrary to Policy PC4 of the Sandbach Neighbourhood Plan, Policy NR3 and NR4 of the Congleton Borough Local Plan, Policies SD1 and SE3 of the Cheshire East Local Plan, and guidance contained within the National Planning Policy Framework.

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



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Application No: 17/1504C

Location: Wheatsheaf Hotel, 1, HIGHTOWN, SANDBACH, CHESHIRE, CW11 1AG

Proposal: Construction of inverted dormer and infill glazing to the existing coaching under-croft of the The Wheatsheaf P.H. New vehicular access off Old Mill Road to rear of building and adjacent land following closing up of existing access. Alterations to existing boundary walls and fences. Creation of new outdoor seating area and terrace in rear courtyard

Applicant: Mr Andrew Pear

Expiry Date: 07-Jul-2017

Summary

The site is within the Settlement Zone Line and Town Centre Boundary of Sandbach where there is a presumption in favour of development.

From an economic sustainability perspective, the scheme will bring economic benefits to Sandbach town centre.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities and highway safety. It would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties.

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

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

RECOMMENDATION:

Approve subject to Conditions

CALL IN

The application has been called in to Committee by Cllr Barry Moran on the following grounds:

This application raises a number of planning matters that need careful consideration which will be subject to scrutiny by members of the public and Sandbach councillors.

Key matters include:

1. The new vehicle access off the by-pass, in respect of traffic generation and safety – being so close to the Glasshouse roundabout, and potentially creating a ‘rat-run’ through to Hope Street, via the new car park, with inherent visibility issues and possible hazards for pedestrians requiring assessment.
2. The overall Conservation Area impact, with the potential to further erode some of the character of these sensitive residential areas – Hope Street and The Gardens – as a consequence of the proposed development. Potentially, this development could change the existing ‘look and feel’ of the area.
3. The potential to adversely impact on The Gardens area, which is currently an area of town centre contrast, with a landscape character.

These matters should be tested for harm against appropriate policies in the NPPF, Local Plan[s] and Neighbourhood Plan, along with the current Sandbach Conservation Area Character Appraisal. A report to the Southern Planning Committee provides a public forum for debate in front of the decision makers.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the Wheatsheaf Hotel, a large public house building in Hightown in Sandbach Town Centre, together with a separately owned parcel of land to the immediate rear, which has vehicular access off a private lane known as The Gardens.

The Wheatsheaf is not a listed or locally listed building. The site is partly within the Sandbach Town Centre Conservation Area. The site is bounded (clockwise from north) by NatWest bank, The Gardens (a private lane), a private dwelling, Old Mill Road, The Glasshouse restaurant, and Hightown.

The pub is served by a parking area to the rear of the main building, accessed through a coaching arch. The separate parcel of land is occupied by garages and informal surface car parking, understood to be leased by local businesses. This area is currently accessed via The Gardens.

The site is within the Sandbach Town Centre Boundary as designated in the adopted Congleton Borough Local Plan First Review (2005).

DETAILS OF PROPOSAL

The application is for full planning permission to undertake various alterations to the pub property and the adjoining parcel of land, as follows:

- Glaze and brick-up the front and rear portals of the coaching arch to form a new area of internal floorspace in the archway, which will adjoin the existing bar area to form a ‘cocktail lounge’ by re-opening a boarded up window.

- Formation of a new access off Old Mill Road, to provide access to the rear of the Wheatsheaf and gated access to the adjacent land.
- Creation of five car parking spaces for pub staff on the adjacent land
- Closing up of the existing access to the adjacent land using landscaping, retaining pedestrian access
- Replacement of an existing window set into the rear elevation of the main part of the building with a new inverted dormer window.
- Creation of an outdoor dining area and paved terrace in the enclosed yard area to the immediate rear of the building.

The application as originally submitted included retention of the existing access to the land off The Gardens. The application was later amended to permanently close up the existing access. The application showed car parking spaces formally marked out on the adjacent land, and comments were received expressing concern about the effect of this apparent formalisation of the existing situation. Further details were provided on the formalisation of this parking (surface materials, marking out). It has since been clarified that the owner of this land intends to make no changes to the use or condition of this area. The scope of the proposal relating to this area is therefore only to create the new access, close up the existing access, and form the car parking spaces for staff of the Wheatsheaf.

RELEVANT HISTORY

The Wheatsheaf Hotel
None relevant

Land off The Gardens
23990/3 - distribution, storage and administration of specialised motor cars, their components and accessories including associated work on such cars. Approved with conditions, 21/1/1992

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
- 18-22 - Building a strong, competitive economy
- 23 - Ensuring the vitality of town centres
- 56-68 - Requiring good design
- 126-141 - Conserving and enhancing the historic environment

Local Plan Policy

- GR1- New Development
- GR2 – Design
- GR4 – Landscaping

GR5 – Landscaping
GR6 – Amenity and Health
GR9 - Accessibility, Servicing and Provision of Parking
GR18 – Traffic Generation
NR1 - Trees and Woodlands
BH8-9 - Conservation Areas
E3 - Employment Development In Towns
S3 - Shopping and Commercial Development Within Town Centres

Cheshire East Local Plan Strategy Proposed Changes (Final Version) July 2016

MP1 - Presumption in favour of sustainable development
PG2 - Settlement Hierarchy
SD1 - Sustainable Development in Cheshire East,
SD2 - Sustainable Development Principles,
EG1 - Economic Prosperity
EG5 - Promoting a Town Centre First Approach to Retail and Commerce
SC1 – Leisure and Recreation
SE1 – Design
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE7 – The Historic Environment

Cheshire East Design Guide

Sandbach Neighbourhood Plan

HC1 Historic Environment
HC2 Protection and Enhancement of the Town Centre

CONSULTATIONS (External to Planning)

Sandbach Town Council

Object on the grounds of:

No listed building consent application (The application site does not contain any listed buildings).

Effect on residential privacy of inverted dormer (The impact on amenity on nearby dwellings is considered to be acceptable, given the distance between the inverted dormer and the nearest houses, and screening provided by mature trees.)

Loss of parking spaces used by residents on Hope Street and The Gardens;

Impact of car park on wildlife. (No changes are now proposed to the existing car parking).

Highways – *The proposed access is an improvement over the existing situation and will provide adequate visibility; no objection subject to informative requiring an S184 licence for the new vehicle crossing and creation of turning pocket on Old Mill Road.*

Environmental Health

Noise – *hours of noise generative construction and demolition should be restricted*

Lighting – *details of any lighting should be submitted and approved before installation*

Dust – an alternative surface treatment for the car park should be proposed and approved, as crushed limestone can be very dusty if not compacted and applied properly (This issue is resolved as the formalisation of the car parking has been removed from the proposal).

OTHER REPRESENTATIONS

Seventeen public comments were received, comprising seven objections, four notes of support, and six general observations.

Objections and Observations related to:

- Highways and pedestrian safety of the new access on Old Mill Road
- Previous removal of TPO tree
- Pedestrian and highways safety
- Congestion and residential amenity along The Gardens lane as a result of vehicles driving between Old Mill Road and Hope Street
- Adverse impact upon the Conservation Area
- Inverted dormer causing loss of privacy and noise to dwellings at rear of site
- Wheatsheaf does not have right of easement down The Gardens
- Certificate of Ownership is incorrect
- Sufficiency of turning space for delivery vehicles at rear of Wheatsheaf
- Effect of formalisation of car parking off The Gardens on ecology and drainage

Supporting representations:

- Improved access to the site off The Gardens, which provides parking for local businesses and residents;
- Blocking up of the existing access from The Gardens is supported.

OFFICER APPRAISAL

Principal of Development

The site is located within the Settlement Zone Line and Town Centre Boundary of Sandbach, where there is a presumption in favour of development and of commercial development. The main part of the site is an existing public house/restaurant and the proposed development would allow for the existing business operation to expand.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

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

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

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

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

ENVIRONMENTAL ROLE

Design – Alterations to the Wheatsheaf

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 main design issue is the potential effect on the character and appearance of the Conservation Area and its setting. The Wheatsheaf itself is a landmark building, noted in the Conservation Area Appraisal as making a positive contribution to the special interest of the Conservation Area.

The Building Conservation Officer raised some concerns with the initial proposals, which have been overcome by amendments to the design, subject to conditions. In particular it was noted that the former coaching arch will still be ‘read’ within the infill glazing, that the reduction in traffic along The Gardens and the landscaping of the boundary will protect the quiet character of this area of the Conservation Area, that alterations to existing boundaries will be acceptable, subject to condition, and overall that the proposals are acceptable subject to further landscaping details and walls/gates details and details of proposed materials.

Highways Implications

Parking and vehicle turning

The Strategic Highways Manager has advised that the layout plan showing vehicle moving details would be acceptable for light delivery vehicles. The proposal would retain six customer car parking spaces in the rear yard of the Wheatsheaf and create five staff spaces on the adjacent land. This level of provision is considered to be appropriate to the A3/A4 use, given the town centre location of the site. No objection is raised to this parking provision.

New access – safety and congestion

The Strategic Highways Manager has advised that the proposed new access will be acceptable in terms of highways safety, noting that the new access will be an improvement over the existing access to the Wheatsheaf. In terms of congestion arising from the new access point on Old Mill Road, Highways noted that the expected increase in vehicle movements were not likely to be significant, but suggested that it may be of benefit to form a turning pocket to accommodate vehicles driving north-west up Old Mill Road turning right into the site. This can be controlled by condition.

Ecology

The proposed development would not result in any harm to protected species or natural habitat.

Trees

Although the records show TPO trees adjacent to Old Mill Road in the vicinity of the proposed vehicular access, there is no evidence of the specimens which may have been removed at the time of road construction. No other forestry issues.

Landscape

The proposals now indicate closing up of an existing access to a car park off The Gardens, extension of a length of earth mound with a hedge above fronting The Gardens and the provision of a pedestrian gate. The existing hedge provides a level of screening when the site is viewed from lane. Nevertheless, it is unmanaged and the bank is unsupported. The car park with its light coloured surface does not sit comfortably next to the Conservation Area. In the event of approval, design details and a planting specification for the hedge and bank and details of the surfacing materials should be required by condition.

Environmental Role Conclusion

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

ECONOMIC ROLE

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

the existing business use of the site and allow for an increase in business operations which would potentially provide additional employment opportunities.

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

SOCIAL ROLE

Amenity

The proposed development is not considered to raise any issues in terms of residential amenity. An inverted dormer with balcony such as that proposed may raise concerns of overlooking and loss of privacy where residential dwellings are in close proximity, but it is considered that, due to the distance of approx. 40m from the proposed dormer to the nearest residential dwellings in line of sight, the impact will be acceptable. Comments raised concern about noise impact arising from the creation of an outdoor seating/dining area, however, as this area will be mostly enclosed by the form of the existing building, and taking into account the distance to the nearest dwellings, it is not considered that there will be a detrimental impact upon the amenity of neighbours by virtue of increased noise and disturbance..

It is also considered that closing up the existing access to the land off The Gardens would achieve amenity benefits for residents along the lane, by diverting vehicle movements.

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

PLANNING BALANCE

The site is within the Settlement Zone Line and the Town Centre Boundary of Sandbach, where there is a presumption in favour of development, and where proposals for commercial development will be permitted where they accord with the other policies of the local plan.

From an economic sustainability perspective, the scheme will assist in the development of an existing business, bringing economic benefits to Sandbach town centre.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, highway safety, and traffic generation terms. The proposed alterations would be of an acceptable design that would have an acceptable impact on residential amenity, the character of the existing development, and the character of the Conservation Area.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would safeguard the amenity of the neighbours and would safeguard the character and appearance of this part of the Conservation Area.

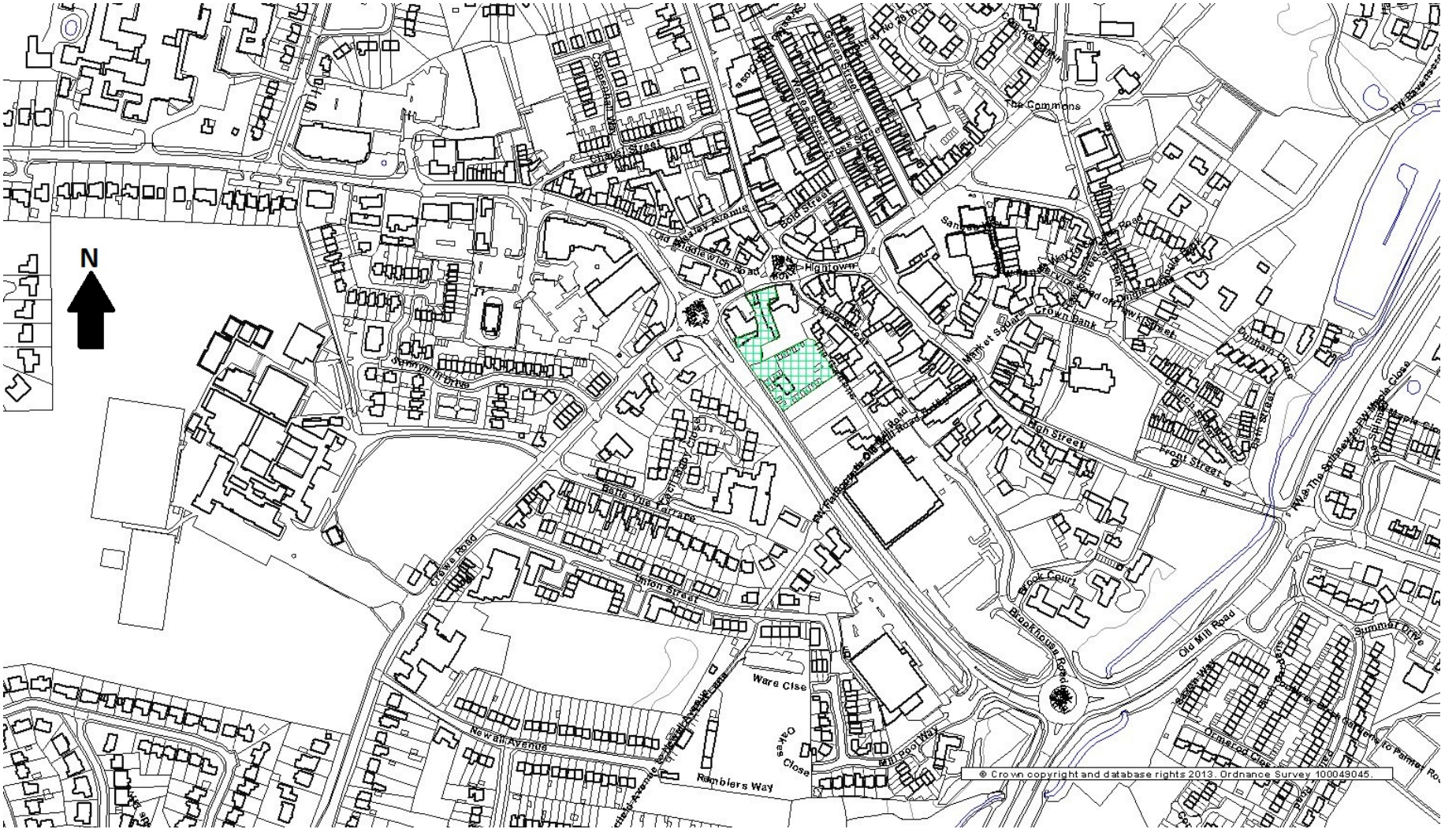
Therefore there is a presumption in favour of the development and accordingly it is recommended for approval, subject to conditions.

RECOMMENDATIONS

APPROVE subject to the following conditions:

1. **Standard time 3 years**
2. **Approved Plans**
3. **Submission and approval of details of materials**
4. **Submission and approval of lighting details (EP)**
5. **Submission and approval of details of boundary treatments and gates**
6. **Landscaping details including boundary treatment and surfacing materials to be submitted and approved**
7. **Implementation of landscaping**

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



Application No: 17/2062C

Location: LAWTON MERE NURSERIES, CHERRY LANE, RODE HEATH, ST7 3QX

Proposal: Demolition of existing glasshouses and construction of new residential development for up to three dwellings

Applicant: Mr & Mrs Gary and Lorraine Barratt

Expiry Date: 06-Jul-2017

SUMMARY

The principle of the development is considered to be acceptable in Green Belt terms as it would involve the re-development of a previously developed site with no greater impact on openness or conflict with the purpose of including land in the Green belt which accords with paragraph 89 of the NPPF. The proposal would not result in the loss of existing employment as the existing office use would remain and the main storage area is sited on another site which would also be retained.

The proposal would have a neutral impact in terms of trees, ecology, design, flood risk and amenity.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR DEFERRAL

The application has been called in to Southern Planning Committee by Cllr Rhoda Bailey on the following grounds:

“The previous, recent application was dealt with by the planning committee. Residents have asked that this identical application be called in, also, on the grounds of consistency and the disputed nature of the status of the site as employment land. The issue remains as to whether the glass houses should still be treated as an employment site.”

PROPOSAL

The application proposes the demolition of existing glasshouse buildings and the construction of 3 new dwellings.

The application is in outline form with access, siting and scale included with matters of landscaping and appearance reserved.

The application is a resubmission of a previously refused scheme which was refused given the loss of existing employment. The proposal now seeks to overcome this refusal reason by providing an additional statement regarding the existing employment.

SITE DESCRIPTION

The application relates to an existing employment site. It is situated on the northern side of Cherry Lane, which is within the South Cheshire Green Belt. To the south east of the site is the Grade II Listed Lawton Mere Cottage.

RELEVANT HISTORY

09/0028/FUL – Proposed new building to provide office accommodation and garage / stores at ground level and garden stores at first floor level above offices – Approved 14th May 2009

15/1583C – Change of use of existing glasshouse to storage and distribution – Approved June 2015.

15/5280C – Demolition of an existing glasshouse building and the construction of six new dwellings – Refused 5th February 2016 for the following reasons:

- The applicant contested that they has implemented the approved storage and distribution use however the Council did not agree with this therefore the proposal was considered inappropriate development in the Green Belt

16/5473C – Demolition of existing glasshouses and construction of new residential development for up to three dwellings – Refused at committee 2nd March 2017 for the following reason:

- The Local Planning Authority considers that insufficient information has been provided to satisfactorily demonstrate that the loss of the employment uses on this site. As a result the development would not promote a strong rural economy and it has not been demonstrated that there would be no detrimental impact upon the supply of employment land or premises in the Borough. The proposed development would be contrary to Policy EG3 (Existing and Allocated Employment Sites) of the Cheshire East Local Plan Strategy and Policies E6 (Employment Development in the Green Belt) and E10 (Re-use or Redevelopment of Existing Employment Sites) of the Borough of Congleton Local Plan 2005

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14, 79-92 and 47.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Green Belt.

The relevant Saved Policies are;

PS7 Green Belt
GR1 General Requirements
GR2 Design
GR6 Amenity
GR9 Access and Parking
H6 Residential development in the countryside
E.6 Employment Development in Green Belt
E.10 Re-use or Redevelopment of Existing Employment Sites
BH4 Listed Buildings
GR4 Landscaping
GR21 Flood Prevention
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation – Statutory Sites
H1 Provision of New Housing Development

Cheshire East Local Plan Strategy – Submission Version (CELP)

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG3 – Green Belt
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
SC4 - Residential Mix
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability

SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport

Neighbourhood Plan

The Church Lawton neighbourhood Plan is at Regulation 7 stage.

CONSULTATIONS:

Cheshire Brine Subsidence Board: Request a condition relating to brine subsidence on the site.

Environmental Protection: Request conditions/informatives relating to piling, electric vehicle charging, land contamination.

Highways: No objection

United Utilities: No objection

Church Lawton Parish Council: Object on the grounds of no assessment as to the life span on the existing glasshouse, disturbance to existing properties during construction, pedestrian safety and impact on toad crossing (full comments available on the website).

REPRESENTATIONS:

At the time of report writing, 2 representations and a petition with 30 signatures have been received. These can be viewed in full on the Council's website. They express the following concerns:

- Inappropriate in the Green belt
- Glasshouse never intended for storage purposes
- Impact to wildlife
- Impact to sewers/drainage
- Disturbance to neighbouring properties
- No mains gas
- No street lighting/highway safety
- Previous glasshouse use was successful and provided employment
- Unsustainable location
- Disturbance to future occupiers from existing office use
- Not brownfield land
- Highways safety
- Impact on existing cattery
- Houses should be moved from site boundary
- Village is at capacity
- Loss of privacy
- Contamination
- Impact on Listed Building
- Properties should be bungalow not 2 storey
- Should be returned to horticultural use

APPRAISAL

Principle of Development/Green Belt

The site is designated as being within the South Cheshire Green Belt where Policy PS7 of the Local Plan states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;
- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

The NPPF in paragraph 89 allows for *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The NPPF defines previously developed land as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*

The supporting information submitted with the application considers that the approval for *“change of use of existing glasshouse to storage and distribution associated with the existing plant hire business.”* (15/1583C), means that the land is now classified as ‘previously developed’ as defined in the NPPF. The statement also advises the applicant has been using a large proportion of the site for storage and distribution since approval in June 2015 and have been using the entirety of the site as such since February 2016. Receipts/invoices have also been provided for the items stored.

During the officer site visit a number of items were noted as being stored inside the main glasshouse suggesting that the site is no longer in use for horticultural purposes and that the storage and distribution use has been implemented. Therefore the site is now considered to constitute previously developed land as per the NPPF.

As a result the proposal is considered redevelopment of a previously developed site which can an appropriate form of new development in the Green Belt provided that it does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

Greater impact on openness

The proposal would involve removing all existing structures on site (except the office building to the north-eastern boundary), including the main large glass house and replacing this with 3 dwellings. The supporting statement advises that the proposal would see a reduction in footprint on the site by 1379m² and a reduction in volume by 4353m³ (see break down below). The height of the existing glass house has not been provided however having viewed the building on site it would appear between 3/4m high with the proposed plans stipulating that the bungalows would be no more than 4.4m high.

BUILDING	AREA / INDICATIVE AREA (m ²)	VOLUME / INDICATIVE VOLUME (m ³)
Total Existing Glasshouses	1843	5818
Proposed Dwelling 1	184	581
Proposed Dwelling 2	140	442
Proposed Dwelling 3	140	442
Total Proposed	464	1465
Difference	-1379	-4353

As a result it is clear that the proposal would result in a significant reduction in the footprint and volume that current exists on site which is would in fact result in an increase in the openness of the Green Belt.

The proposal would involve the re-development of a brownfield site with an overall reduction in built form, would be viewed in context of existing residential development to the east and the visual impact would be limited given the maximum height at single storey level (4.4m). As a result the proposal is not considered to result in unrestricted sprawl and would safeguard the countryside from encroachment. It is far enough away from neighbouring towns to prevent merging and would not affect any special character of historic towns. Finally it would assist in the recycling of other urban land.

Fall back position

The applicant had highlighted in the supporting statement that the site could be further developed by the erection of additional buildings thus intensifying the commercial use of the site.

The fall back position is a material planning consideration which must be attributed some weight in the decision making process although it is for the decision maker to decide how much weight to attach to it.

Employment land

The previous application was refused as insufficient information had been provided to satisfactorily demonstrate that the loss of the employment uses on this site and it has not been demonstrated that there would be no detrimental impact upon the supply of employment land or premises in the Borough.

The current application has been supported by a statement which seeks to address the issue concerning loss of employment land. This advises that the company Alsager Plant Hire and Groundworks, have been located on the application site at since 2009 when they set up a small office facility located to the north west corner of the site. Following a successful application to change the use of the site to storage, the company started using the entirety of the site for storage and distribution purposes associated with the business from February 2016.

For several years, the bulk of Alsager Plant Hire's work has been in Stoke-on-Trent, Staffordshire and the West Midlands and their yard at Stoke-on-Trent had always been ideally placed to service these sites.

However, since 2013, they have been carrying out work for a client on sites across North Cheshire, and the use of Cherry Lane as a storage facility seemed a logical way of reducing their carbon footprint and which would save both time and money. This was further boosted when the company secured a project for 22 new homes in nearby Kidsgrove. However, all the North Cheshire contracts are now complete and the Kidsgrove project is nearing an end.

The company have a yard with an operator's licence on Fenton Industrial Estate where all heavy plant, HGVs and larger materials are stored which has remained as their operating centre as required by VOSA since the company's use of the Cherry Lane site for storage. Maintenance is also carried out by a third party at their Fenton site, making it unfeasible and unnecessary to bring plant to the Cherry Lane site.

The current use of the Cherry Lane site is to store small construction consumables including plastic drainage collars, band seals, demarcation tape, visqueen etc. in accordance with planning permission 15/1583C for change of use of the site from existing glasshouses to B8 use for storage and distribution associated with the existing plant hire business. Approximately seven small vans currently call into the site and office at various times as part of the work operations of Alsager Plant Hire. No larger materials are stored on site as bulk deliveries are sent directly to the company's various other work sites across the north west.

Although the office is still in use and functions successfully for administration purposes for the company, the glasshouses have since proved unsuitable for storage as they become too hot during summer which leads to distortion of plastic fittings, they are insecure and despite CCTV on site, members of the public are gaining access to the glasshouses and materials are going missing. Due to their age and condition, they do not provide a safe storage solution, and are nearing the end of their safe working life.

The existing office at the site has 3 full time staff, whose job roles are not related to the storage element of the site. The storage facility at the site has no employees. The office is proposed to remain as the operating base of Alsager Plant Hire as is shown on the current planning application drawings. Therefore site as a whole will continue to employ 3 office staff and there will be no change in employment numbers at the site.

As a result it would appear that whilst the storage element of the site will be redeveloped, the office will remain in operation on site. As noted above, the storage element of the site itself does not generate any employment and the proposals are not for employment development.

Policy E6 deals with proposals for employment development in the Green Belt, however the current proposal is not for employment development and is not therefore considered relevant in this instance.

Policy E10 permits change of use/redevelopment of employment sites provided it can be demonstrated the site is no longer suitable or that there would be substantial benefit to outweigh the loss of the employment use.

Policy EG3 is similar in so far as it seeks to protect employment use unless it is considered no longer viable or is deemed to be causing environmental problems.

In this instance it has been demonstrated that there would be no loss of employment as a result of the proposal which in turn would make it difficult to argue that the proposal would impact on employment levels within the borough. In terms of the benefits, the proposal would see the main storage element of the business removed leaving just the light weight office use which would result in an overall reduction in the number of vehicular movements and associated disturbance.

As a result the proposal has overcome the previous refusal and satisfies the requirements of Policies E10 and EG3

Principle summary

As a result the proposal is considered redevelopment of a previously developed site which is an appropriate form of new development in the Green Belt and does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. The proposal would not result in any loss of employment.

Housing Land Supply

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy, the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbournough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

"This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy"

This conclusion was reached before the Inspector's Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL ROLE

Locational Sustainability

The application has not been accompanied with a Sustainability Statement that sets out the distances of the site to local services and facilities. However one was provided for the change of use application which is considered relevant as it relates to the same site. This is as follows:

Services & Facilities	Description	Distance from Application Site (Km/meters)
Public Transport	Bus Stop	0.50km / 500m
	Public Right of Way	0.20km / 200m
	Railway Station	1.60km / 1600m
Services & Amenities	Convenience Store	0.45km / 450m

	Supermarket	1.30km / 1300m
	Post Box	0.45km / 450m
	Post Office	0.45km / 450m
	Primary School	0.75km / 750m

	Secondary School	1.70km / 1700m
	Medical Centre	1.50km / 1500m
	Local Meeting Place – Village Hall	0.60km / 600m
	Public House	0.50km / 500m
	Child Care Facility – Pre-School	0.75km / 750m

It is clear from the above that the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan.

There is a bus stop located 500m to the west of the site, however this cannot be reached by pavement and would rely on users having to walk along a section of road with no footpath. There is however a bus stop assessable by footpath located to the south-east which is located 1050m away.

Owing to its position on the edge of Rode Heath, there are some amenities that are not within the ideal standards set within the toolkit. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the existing residential properties on Lawton Heath Road from the application site. However the services located within Church Lawton and Alsager can be assessed via a short bus journey as can the majority of the services and amenities which are located within Nantwich and are also accessible to the proposed development via a short bus or train journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape

There is an established hedgerow fronting Cherry Lane to the south, a line of Leylandii trees forming a hedge to the north, and existing development to the east. The western boundary is separated from agricultural land to the west by a post and rail fence.

Whilst a proposed site plan has been provided, the full landscape impacts would only become apparent at reserved matters stage. No landscape character or visual impact assessment has been provided.

As existing, the site and the glass houses are not prominent in the landscape. There are limited views into the site from Cherry Lane and the site is relatively well contained by the hedges to the north and south. Partial views of the site can be obtained from a public footpath to the east although there is some intervening vegetation and development. The northern line of Leylandii has limited lower cover allowing views out to the agricultural land beyond between the trunks. The

open western boundary would leave any development exposed unless landscape treatment was provided. Whilst the design and access statements states that all existing trees and hedges on the site boundaries are to be retained, any impacts on the roadside hedge to achieve visibility splays could result in increased visibility in to the site from Cherry Lane. Development of any greater height/scale than existing could become intrusive in the landscape

It is considered that, should planning permission be granted, a reserved matters submission would need to be supported by comprehensive landscape and boundary treatment schemes.

Trees and Hedgerows

The site is well screened by existing trees and hedgerows and whilst the proposal is submitted in outline form an indicative layout has been submitted with the application. This shows a development of 3 bungalows within the site. The indicative layout shows that the boundary hedges and trees would be retained, meaning that the extensive, existing screening of the site would be maintained.

It is considered that, should planning permission be granted, a condition should be imposed relating to tree/hedgerow retention and protection.

Highways

The application has been assessed by the Councils Highways Engineer who has raised no objections to the proposal as he considers 3 residential units would not generate more than a few vehicle trips during the peak hour and when the vehicle trips of the existing use are removed the net impact would be negligible and the access would not be intensified.

The access is approximately 4.5m wide which is enough to allow for 2-way movement. The layout is indicative but shows that 2-way vehicle movement would be possible and there would be enough room for a refuse vehicle to enter and exit the site in a forward gear.

Therefore the proposal is not considered to pose any concerns from a highway safety perspective.

Ecology

The application was accompanied by a Great Crested Newt Scoping Survey. This survey has been assessed by the Council's Ecologist, who has concluded that there would be no adverse impact on Great Crested Newts from the development.

He has however suggested a condition requiring a nesting birds survey prior to demolition between 1st March and 31st August in any year.

As a result any impact to ecology can be suitably mitigated.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction with no loss of staff at the existing premise.

SOCIAL SUSTAINABILITY

Affordable Housing

The size of development does not require any affordable housing contribution.

Heritage

There is a Grade II Listed building adjacent to the site.

A Heritage Assessment had been submitted which has been assessed by the Councils Conservation Officer who is satisfied that the proposal given the limitation on the heights at 4.4m high, would not significantly affect the setting of the Listed Building.

Amenity

Whilst the submitted layout plan is indicative only, it does demonstrate that 3 dwellings could be accommodated within the site and they would meet the minimum separation distances and be able to provide adequate private amenity space.

In order protect the amenity of neighbouring properties, should permission be granted, a condition relating to piling operations should be imposed.

Therefore it is not considered that the proposal would cause significant harm to living conditions of the neighbouring properties.

Response to Observations

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report including the impact on the green belt, amenity and privacy. The matter of disturbance to the neighbouring cattery is not something that could form a reason for refusal of the application. These issues have all been weighed in the planning balance.

Conclusion – The Planning Balance

The principle of the development is considered to be acceptable in Green Belt terms as it would involve the re-development of a previously developed site with no greater impact on openness or conflict with the purpose of including land in the Green belt which accords with paragraph 89 of the NPPF.

The proposal would not result in the loss of existing employment as the existing office use would remain and the main storage area is sited on another site which would also be retained.

The proposal would have a neutral impact in terms of trees, ecology, design, flood risk and amenity.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

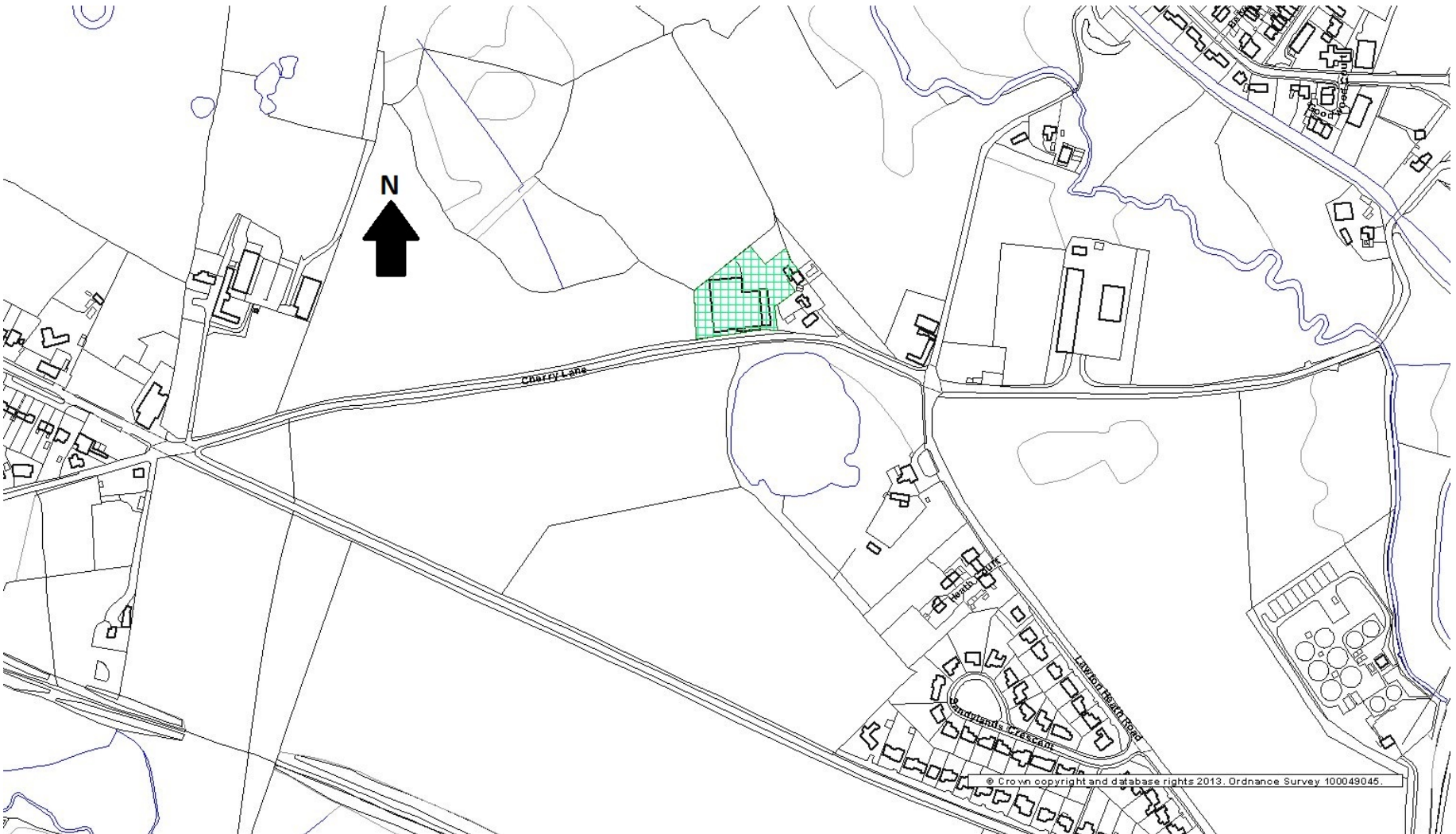
The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to conditions.

- 1) Standard outline 1**
- 2) Standard outline 2**
- 3) Standard outline 3**
- 4) Approved Plans**
- 5) Reserved matters application to include dust control measures**
- 6) Reserved matters application to include Electric Vehicle Charging Points**
- 7) Submission / Approval of Information regarding Contaminated Land**
- 8) Reserved matters application to include risk assessment for brine subsidence on the site**
- 9) Reserved Matters application to include details of the existing and proposed land levels. No levels should be raised on site that may result in the flooding offsite**
- 10) No development should commence on site until such time as detailed proposals foul and surface water drainage have been submitted to and agreed in writing**
- 11) Nesting bird survey measures to be submitted and approved**
- 12) The reserved matters application shall include a landscaping plan and boundary treatment plan for the site including a scheme to secure the retention and protection of the roadside hedge**
- 13) Reserved matters application to include tree protection measures/hedgerow retention**

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



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Cheshire East Council**Southern Planning Committee****Date of meeting: 5th July 2017****Report of Emma Hood, Arboricultural Officer, Environmental Planning****Title: Cheshire East Borough Council (Brereton – Land to the south west of Newcastle Road South) Tree Preservation Order 2017****PURPOSE OF THE REPORT:**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 13th March 2017 at land to the south west of Newcastle Road South; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

SUMMARY RECOMMENDATION:

The Head of Planning (Regeneration) recommend that the Southern Area Planning Committee confirm the Tree Preservation Order at land to the south west of Newcastle Road South with no modifications.

WARD AFFECTED

Brereton Rural

POLICIES

Congleton Borough Adopted Local Plan – PS8 and PG5 Open Countryside, Cheshire East Draft Local Plan – SE5 - Trees, hedgerows and woodland, and Brereton Neighbourhood Plan – Policy 6.4 Protect the Rural Environment. ENV02 Open landscape views and ENV04 Biodiversity and Geodiversity are relevant to the making of the Order.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

RISK MANAGEMENT

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value.

CIRCUMSTANCES

The circumstances are that planning application 16/6168C was submitted in December 2016 seeking planning permission for a new residential development of 6 dwellings to facilitate accessible living, comprising 4 detached and 2 semi detached properties.

The application was supported by an Arboricultural Report which identified trees within the site and categorised them in terms of their condition and contribution to the amenity of the area.

The proposed development site comprised of .57 hectares of equestrian grazing located to the south west side of Newcastle Road South (A50) and located within open countryside.

The trees identified for formal protection are clearly visible and prominent on the skyline from Newcastle Road South (A50) and can be seen from Brereton footpaths 19 and 16. Trees afforded protection represent a tree lined boundary as recorded on the 1875 ordnance survey map for the Parish of Brereton demonstrating their historical importance and significance to the landscape character of the area.

In considering the application concern was raised that the proposed development had presented an indirect threat to trees identified to be retained in respect of social proximity and associated post development concerns.

An amenity evaluation of all the trees on the site was carried out in accordance with Government guidance. The assessment confirmed that the trees contributed to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 13th March 2017.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner/occupiers of the land and their Agents on 13th March 2017. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Brereton Parish Council and the Ward Member.

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received.

OBJECTIONS/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order from the owner of the field adjacent to Willow Cottage and the applicant for the planning permission. The objector objects to the Order and its implementation for the following reasons:

- Extensive works have been taken to improve what was a neglected site; 'the ponds cleaned such that they are now teeming with wildlife, established a dedicated newt area and replanted hedgerows, the trees have been carefully nurtured back to a healthy state and bird boxes have been added to attract birds.'
- The action to make a TPO has been taken hastily based on a planning application that was submitted (and subsequently withdrawn) and without any site meeting or in-depth discussion regarding the field and the trees therein
- Being presented with a TPO is completely unfair. The trees are not at threat of being cut down as you suggest on your tick box form and no offer of help has been offered to ensure the good work we have done will continue
- Your motivation for the TPO is driven from a place (as stated on your own check sheet) that the trees are under threat of development and at risk of being taken down. This is not correct – the trees were always on the plan and never under threat. Plus, as a result of the planning application being withdrawn your reasons for protecting the 3 trees are therefore not valid.
- Your second reason for protecting the trees is stating that they are on an old tithe map for Brereton. I would be happy to accept the TPO if the map materialised (Provided 24th April 2017) and every tree on that map was placed under the same order. Not randomly picking on three of my trees.
- As mentioned on the telephone I now feel victimised by the Local Authority due to the manner in which they have dealt with the planning application and your order has added to this feeling of being penalised rather than supported for what we are trying to achieve on the site.

APPRAISAL AND CONSIDERATION OF THE NOTIFICATION

Objection by the owner of the field adjacent to Willow Cottage

- The process followed in the making of the TPO accords with Government Guidance and there is not a requirement to take into account the history or restoration of a site prior to making a Tree Preservation Order.
- The submission of a planning application in an area of open countryside where impacts on trees have been identified is one which would trigger an

assessment for considering formal protection. The withdrawal of a planning application may be done for a number of reasons but would not necessarily remove the risk to trees as the site may be subject to further amended applications. Protection of the trees at this time will ensure that due consideration is given to them in any subsequent applications and revised layout plans.

- Prior discussion of the intention to serve a TPO on the owner of land identified for development is not considered appropriate for obvious reasons.
- Trees do not have to be at risk of being cut down to be deemed at threat from development, the change of use of land in close proximity to development presents a situation where trees are likely to come under threat from requests to prune or even remove in the longer term where day light or seasonal nuisance becomes a factor.
- The trees are located on the 1875 Ordnance Survey map and a link to the Cheshire Records web site was provided to the objector on 24th April. The identification of the historical importance of the trees serves only to demonstrate that they have been part of the landscape character of the area for a substantial period of time.

The trees identified for formal protection are located within the site edged red of the area proposed for development and it has been demonstrated by the Council's Amenity Evaluation Checklist that the trees contribute significantly to the amenity of the area

- The decision to afford long term protection of trees is made following a transparent and considered process that accords with Guidance, the objection being to preserve the long term amenity of important trees.
- Further contact was made by e-mail and telephone to the objector to offer to meet on site to discuss her objections but no reply has ever been received.

RECOMMENDATION

That the Cheshire East Borough Council (Brereton – Land to the south west of Newcastle Road South) Tree Preservation Order 2017 is confirmed without modification.

Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(BRERETON – LAND TO THE SOUTH WEST OF NEWCASTLE ROAD SOUTH)
TREE PRESERVATION ORDER 2017)

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (BRERETON – LAND TO THE SOUTH WEST OF NEWCASTLE ROAD SOUTH) TREE PRESERVATION ORDER 2017**

1. Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 13th day of March 2017

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

DEBORAH NICKSON

Signed on behalf of the Cheshire East Borough Council

Deborah C. Nickson

Authorised by the Council to sign in that behalf



CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by _____ on the _____ day of _____

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on _____ day of _____

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the _____ day of _____ by a variation order under reference number _____ a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the _____ day of _____

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Standing in a field boundary approximately 60 metres to the south west of Newcastle Road South Grid Ref: 377,999 – 363,217

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees

(within a broken black line on the map)

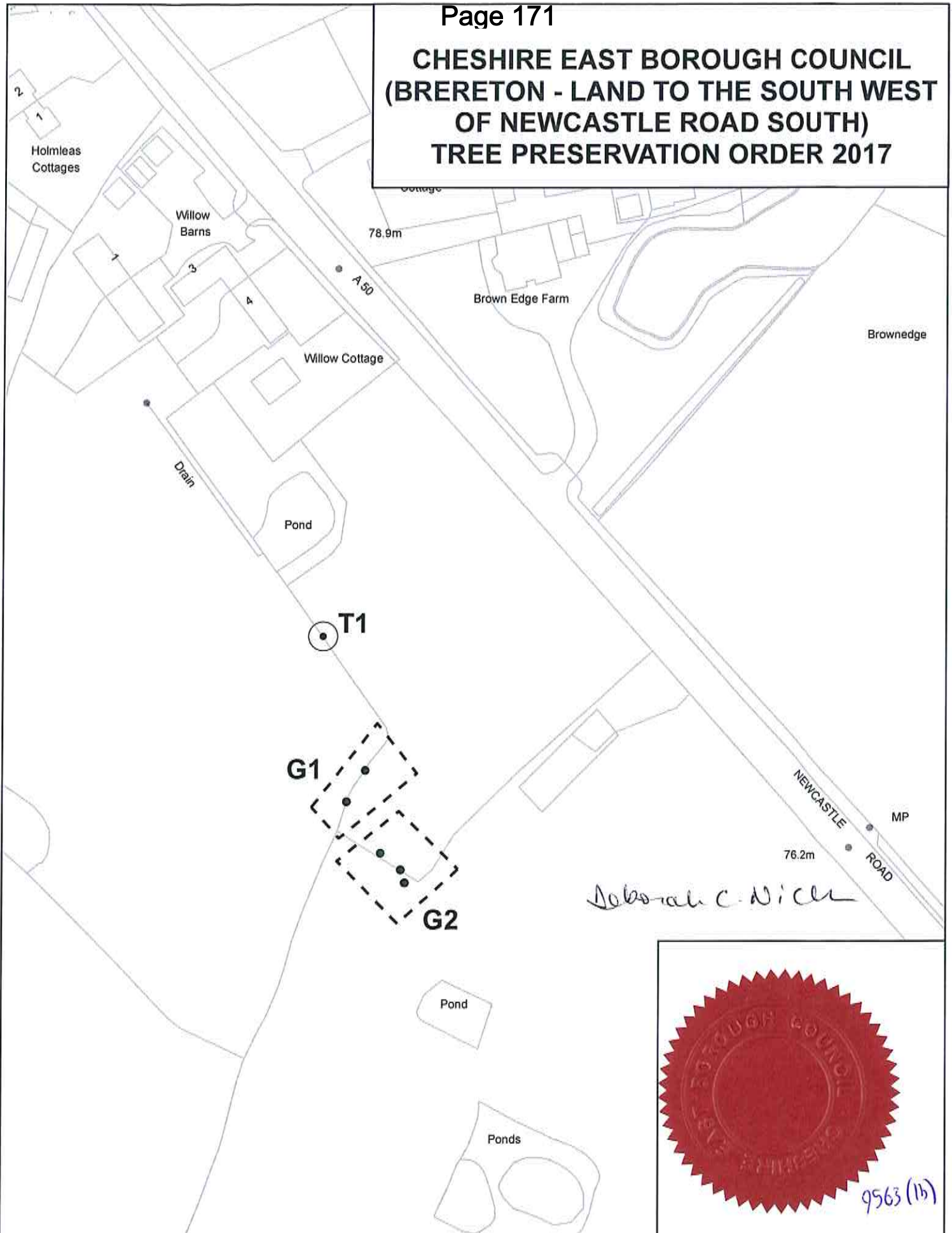
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
G1	2 Oak	Standing in a field boundary approximately 80 metres to the south west of Newcastle Road South Grid Ref: 378,008 – 363,178
G2	3 Oak	Standing in a field boundary approximately 90 metres to the south west of Newcastle Road South Grid Ref: 378,021 – 363,156

Woodlands

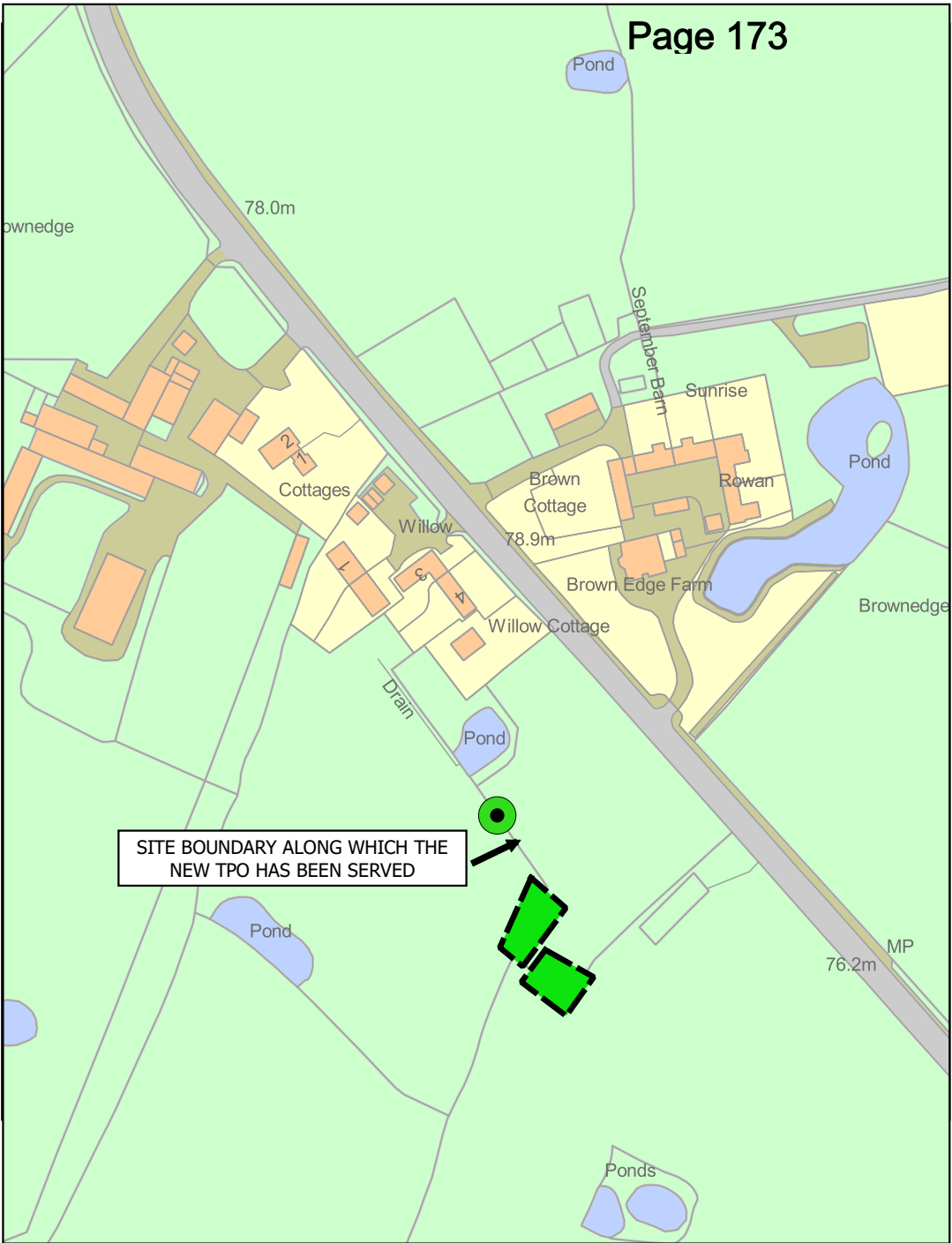
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**CHESHIRE EAST BOROUGH COUNCIL
(BRERETON - LAND TO THE SOUTH WEST
OF NEWCASTLE ROAD SOUTH)
TREE PRESERVATION ORDER 2017**



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Amenity Evaluation Checklist

Completed by:

Date form completed:



Form status:

Completed ▾

Reference

54-263

Attachments



Click here to attach a file



AEC - LANDSCAPE APPRAISAL 54-263.pdf

Address

Willow Cottage, Newcastle Road

Town

Brereton

Postcode

CW11 1SB

Ward:

Brereton Rural ▾

1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the site/land?

No ▾

Is the site within a conservation area?

No ▾

Is the conservation area designated partly because of the importance of trees?

N/A ▾

Is the site adjacent to a Conservation Area?

No ▾

Are there any Listed Buildings on or adjacent to the site?

No ▾

Local Plan land-use designation

Congleton Borough Council - Open Countryside/Jodrell Bank
Radio telescope Consultation Zone

Are there currently and designated nature conservation interests on or adjacent to the site?

No

Relevant site planning history (incl. current applications)

16/6168C

STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments on or adjacent to the site?





No ▾

Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?

No ▾

Does the Forestry Commission currently have an interest in the land?

No ▾

Grant scheme	<input type="checkbox"/>
Forestry Dedication Covenant	<input type="checkbox"/>
Extant Felling Licence	<input type="checkbox"/>
Are any of the trees situated on Crown Land?	No ▼
Are any of the trees situated on NHS land?	No ▼
Is the land owned by this Local Authority	No ▼
Is the land owned by another Local Authority	No ▼
2. MOTIVATION	
Development Control	<input checked="" type="checkbox"/>
• Application Ref	16/6168C
• Committee deadline	<input type="text"/> 
• Development Control Office comments	Nick Hulland - application Withdrawn 16/2/17
Conservation Area Notification	<input type="checkbox"/>
Application ref	<input type="text"/>
Date of registration	<input type="text"/> 
Expiry date	<input type="text"/> 
Emergency action (immediate threat to the trees)	<input type="checkbox"/>
Strategic inspection	<input type="checkbox"/>
Change to Local Plan land-use	<input checked="" type="checkbox"/>
Change in TPO legislation	<input type="checkbox"/>
Sale of Council owned land	<input type="checkbox"/>
Reviewing existing TPO	<input type="checkbox"/>
Hedgerow Regulations 1997	<input type="checkbox"/>
3. SOURCE	
Source	Tree officer ▼
4. LANDSCAPE APPRAISAL	
Site visit date	01/03/2017 
Inspecting Officer	Emma Hood
Site description	The site comprises of a rectangular shaped field likely used for equestrian grazing located to the south west side of Newcastle Road (A50). A pond is located to the north west corner of the site and the site boundaries to the west and south are defined by established trees

Description of surrounding landscape character	A rural setting located to the south west side of Newcastle Road (A50). Willow Cottage is located to the north with agricultural land and grazing abutting the southern and western boundaries with the A50 running along the north eastern hedge lined field boundary of the site.
Statement of where the trees are visible from	The trees are visible from the A50 Newcastle Road, Brereton footpaths 19 and 16 and close by residential properties <div> <div> <div></div> <div>annotate map</div> </div> </div>
Photograph the trees, the site and surroundings	<div> <div> <div></div> <div>Click here to insert a picture</div> </div> <div> <div></div> <div>annotate map</div> </div> </div>
Landscape function	<div> <input type="checkbox"/> Landmark trees <input checked="" type="checkbox"/> Skyline <input type="checkbox"/> Road frontage (trunk) <input type="checkbox"/> Road frontage (principal) <input type="checkbox"/> Road frontage (classified) <input type="checkbox"/> Road frontage (unclassified) <input checked="" type="checkbox"/> Backdrop <input checked="" type="checkbox"/> Glimpses between properties or through gateways <input checked="" type="checkbox"/> Filtered views <input type="checkbox"/> Screening/buffering </div>
Visual prominence	<div> <input checked="" type="checkbox"/> Conurbation <input checked="" type="checkbox"/> Neighbourhood, estate, locale <input checked="" type="checkbox"/> Site and immediate surroundings <input type="checkbox"/> Value restricted site </div>
Species suitability for the site	Particularly suitable ▼
Condition	Good ▼
Past work consistent with prudent arboricultural management?	Yes ▼
Are past works likely to have compromised long term retention?	No ▼
Will past work necessitate any particular future management requirements?	NA
Tree size (at maturity)	Large (more than 15m) ▼
Presence of other trees	Medium percentage tree cover ▼
Define visual area/reference points	
BENEFITS	
Are the benefits current?	Yes ▼
Assessment of future benefits (future growth potential; continuity/sustainability of tree cover;	The trees represent both current and future growth potential and can be managed appropriately in their present condition

development)

Assessment of importance as a wildlife habitat

Possible nesting sites for bats and birds

Additional factors

- ☐ Exceptional landscape value
- ☐ Conservation area (within or adjacent)
- ☐ Contribution to the setting of a Listed Building
- ☐ Part of deliberate composition (avenue/focal point)
- ☐ Screening/buffering (visual/noise)
- ☐ Botanical interest/rarity
- ☒ Historical associations

5. EXEMPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or dangerous

No

Are there any statutory obligations which might apply?
(consider: Highways Act 1980, Electricity Act 1989, Civil Aviation Act 1982)

No

Is there any obvious evidence that the trees are currently causing any actionable nuisance?

No

Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?

No

Is there any Forestry Commission interest in the land?

No

6. EXEMPTIONS (MODEL ORDER):

Are there any extant planning approvals on the site which might compromise retention of the trees?

No

Are there any lapsed planning approvals which might have compromised the trees?

No

Are any of the trees obviously cultivated for commercial fruit production?

No

Are any of the trees situated on or adjacent to a statutory undertaker's operational land?

No

Are any of the trees situated on or adjacent to land in which the Environment Agency has an interest?

No

7. COMPENSATION:

Do any of trees currently show any obvious signs of causing damage?

☐

If Yes provide details

Based on the trees in their current locations,

☐

is the risk of future damage reasonably foreseeable?

If yes provide details

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

If yes provide details

8. HEDGEROW TREES:

Individual standard trees within a hedge

An old hedge which has become a line of trees of reasonable height

Are the "trees" subject to hedgerow management?

Assessment of past hedgerow management

Assessment of future management requirements

9. MANAGEMENT:

Are the trees currently under good arboricultural or silvicultural management

Is an order justified?

Justification (if required)

To ensure the long term retention and management of trees in accordance with best practice that are likely remnants of a tree line field boundary as identified on 1875 Tithe map for the area

10. DESIGNATIONS:

a. Individual

Do the trees merit protection as individual specimens in their own right?

b. Group

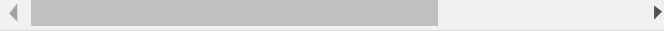
Does the overall impact and quality of the trees merit a group designation?

Would the trees reasonably be managed in the future as a group?

c. Area

Area

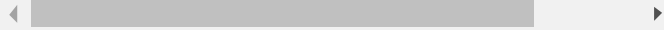
- ☐ Does the 'area' comprise scattered individual trees?
- ☐ Is the area classification warranted as an emergency measure?
- ☐ Is the area designation intended as a temporary measure?
- ☐ Do all trees/species merit inclusion?



d. Woodland

Woodland

- ☐ Does the 'woodland' form an area greater than 0.1 hectare?
- ☐ Would normal silvicultural management principles reasonably be expected to be applied?
- ☐ Does the 'woodland' currently contain regeneration and a significant number of trees?
- ☐ Does the 'woodland' form part of a garden?



11. MAP INFORMATION:

Identify the parcel of land on which the trees are situated.
(Outline in **red** on the attached location plan)

☐

Identify all parcels of land which have a common boundary with the parcel concerned
(Outline in **green** on the attached plan)

☐

Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime
(Cross hatch on the plan)

☐

12. LAND OWNERSHIP:

Land ownership details (if known)

Please see list of person served with Order

Land Registry search required?

☒

13. SUPPLEMENTARY INFORMATION:

Has a detailed on-site inspection been carried out?

No ▼

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection?

Yes ▼

Provide details of trees to be excluded

Two ash trees located on the southern boundary of the site identified in the arboricultural survey supporting the application as Cat U trees with a remaining life expectancy of less than 10 years

Additional publicity required?

☐

Relevant Local Plan policies




	<p>Brereton Neighbourhood Plan - Policy 6.4 Protect the Rural Environment. ENV02 Open landscape Views and ENV04 Biodiversity and Geodiversity</p> <p>Congleton Borough Adopted Local Plan - PS8 and PG5 Open Countryside</p> <p>Cheshire East Local Plan - SD1 Sustainable development in Cheshire East and SD2 Sustainable development principles and SE5 Trees, hedgerows and woodland</p>
Statement of reasons for promoting this Order	<p>In the interests of maintaining the area in which the trees stand, in that they are considered to be a long term amenity feature</p> <p>Since amenities are enjoyed by the public at large and without the protection the Order affords, there is a risk of the amenity being destroyed</p> <p>The trees have been assessed in accordance with the Councils Amenity Evaluation Chescklist and it is considered expedient in the interests of amenity to make provision for the trees long term retention</p> <p>To enable the Local Planning Authority to fulfill its statutory duty under Section 197 of the Town and Country Planning Act</p> <p>The trees are of historic interest in that they are likely remnents of a former tree lined field boundary recorded on the Tithe Map for the Parish of Brereton</p>
14. SUMMARY:	
Would loss of the trees have a significant impact on the local environment?	<div>Yes ▼</div>
Will a reasonable degree of public benefit accrue?	<div>Yes ▼</div>
Is an Order in the interests of amenity?	<div>Yes ▼</div>
Is an Order expedient in the circumstances?	<div>Yes ▼</div>

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AEC – LANDSCAPE APPRAISAL

PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS

REFERENCE:	54-263
SITE NAME:	Willow Cottage, Newcastle Road South, Brereton
DATE OF VISIT:	28/2/2017
COMPLETED BY:	Emma Hood

PICTURE DESCRIPTION	PICTURE
Looking south west towards Access driveway to Willow Cottage and trees on the site from A50	
Looking west towards trees on the site from A50	
Trees to southern most corner of the site from the A50	

Looking north west towards trees
on the site from A50



Looking west along southern
boundary of the site



Looking north west towards trees
on the site from A50



Looking north west towards trees
on the site from A50



Looking west from footpath 19
towards trees



Looking north west from access
driveway to Arclid Farm



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