

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 4th October, 2017</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

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

**1. Apologies for Absence**

To receive apologies for absence.

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

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

**3. Minutes of Previous Meeting (Pages 5 - 8)**

To approve the minutes of the meeting held on 6 September 2017.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information

[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

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

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

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

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

5. **16/5350N-Residential development (Use Class C3) consisting of 67 no. new affordable dwellings comprising 6 no. four bed houses, 21 no. three bed houses, 38 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure, Land West of, Broughton Road, Crewe for Mr Andrew Garnett, MCI Developments Limited and Wulvern Housing (Pages 9 - 30)**

To consider the above application.

6. **17/2710N-Redevelopment of school to provide 14 No.2 bed and 14 No. 1 bed apartments, including on site parking involving partial demolition and conversion of existing building and new build elements (amended description of development, Former Edleston Road Primary School, Edleston Road, Crewe for SCPC LTD (Pages 31 - 46)**

To consider the above application.

7. **16/5584N-Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people, 84, Edleston Road, Crewe for Ben Morris, Hopscotch Investments Ltd (Pages 47 - 54)**

To consider the above application.

8. **17/3331C-Construction of 2no.new dwellings, Rear of 108, London Road, Holmes Chapel for Mill Croft, c/o Agent (Pages 55 - 66)**

To consider the above application.

9. **17/3356C-Change of use to B2/B8 use and limited demolition and extension to premises for ancillary office use, Congleton Plastics, Varey Road, Congleton for Lee Mar Estates (Pages 67 - 76)**

To consider the above application.

10. **17/3231N-Brick building day room, New Start Park, Wettenhall Road, Reaseheath for Mr T Hamilton** (Pages 77 - 82)

To consider the above application.

11. **17/0205N-Erection of 4 sponsorship signs on the roundabout. One facing each entry point onto the roundabout. (excluding Tommy's Lane), Nantwich Road Roundabout, Crewe for Richard Bramhall, Ansa Environmental Services Ltd** (Pages 83 - 88)

To consider the above application.

12. **17/0947N-Erection of 5 sponsorship signs on the roundabout. One facing each entry point onto the roundabout, Roundabout: A530 / A51 (Nantwich Bypass) / Middlewich Rd (Alvaston roundabout), Nantwich for Richard Bramhall, Ansa Environmental Services Ltd** (Pages 89 - 94)

To consider the above application.

13. **17/0950N-Erection of 5 sponsorship signs on the roundabout, Land At, Roundabout A500 Cheerbrook, Willaston for Mr Richard Bramhall, Ansa Environmental Services Ltd** (Pages 95 - 100)

To consider the above application.

14. **Cheshire East Borough Council (Haslington - Winterley, Land to the North of Pool Lane) Tree Preservation Order 2017** (Pages 101 - 142)

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, 6th September, 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, P Butterill, W S Davies, S Edgar, A Kolker,  
J Rhodes, B Roberts and B Walmsley

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
Nicky Folan (Planning Lawyer)  
Andrew Goligher (Principal Development Control Officer - Highways)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors D Bebbington and J Clowes

**40 DECLARATIONS OF INTEREST/PRE DETERMINATION**

There were no declarations of interest.

**41 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 9 August 2017 be approved as a correct record and signed by the Chairman.

**42 16/3021N FORMER CAR PARK AT RADWAY GREEN ROAD, ALSAGER, CREWE, CW1 5UJ: CHANGE OF USE FROM CAR PARK (SUI GENERIS) TO A MIXED B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE AND DISTRIBUTION). TO BE USED FOR THE STORAGE OF CABINS AND MODULAR ACCOMMODATION AND USED AS A DEPOT TO WORK FROM FOR EMMA SANDS, AD MODULAR LTD**

Note: Ms D Madeley attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Approved plans
  2. Temporary permission for three years
  3. Hedgerow boundary with Radway Green Road retained at a minimum of 2 metres in height
  4. Modular buildings shall not be stacked on top of each other adjacent to the boundary with the site
  5. Modular buildings shall not be stacked in sets of more than 2
  6. Modular buildings shall not be stored within 2 metres of the boundary with the railway line
  7. Hours of operation restricted to 7.am to 5.00pm Monday to Friday, 9.00am to 1.00pm Saturdays with no working on Sundays and public holidays
  8. Landscaping – scheme to be submitted within 2 months of the date of the decision (the required tree sizes to be specified in consultation with the landscape officer)
  9. Implementation of the approved landscaping by 31<sup>st</sup> March 2018
  10. Personal permission for AD Modular Ltd
- (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.

**43 17/0944N LAND AT MIDDLEWICH ROAD WHITEHOUSE LANE  
ROUNABOUT, NANTWICH: ADVERTISEMENT CONSENT -  
ERECTION OF 4 SPONSORSHIP SIGNS ON THE ROUNABOUT:  
MIDDLEWICH RD / WHITEHOUSE LANE (SAINSBURY'S  
ROUNABOUT) FOR MR RICHARD BRAMHALL, ANSA  
ENVIRONMENTAL SERVICES LTD**

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

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:

1. the prior receipt of an amended plan to show a scheme with 2 signs only

2. the following conditions:

1-6 standard advertisement conditions

Signs to be non-illuminated

Posts to be painted black

In accordance with approved plan- signs to be 1m by 600mm

The meeting commenced at 10.00 am and concluded at 10.50 am

Councillor J Wray (Chairman)

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Application No: 16/5350N

Location: Land West Of, BROUGHTON ROAD, CREWE

Proposal: Residential development (Use Class C3) consisting of 67 no. new affordable dwellings comprising 6 no. four bed houses, 21 no. three bed houses, 38 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure.

Applicant: Mr Andrew Garnett, MCI Developments Limited and Wulvern Housing

Expiry Date: 09-Aug-2017

### **SUMMARY**

The site is within the Open Countryside where, under policy PG6 of the Adopted Local Plan Strategy, there is a presumption against new residential development. The proposed development although affordable has not been put forward as a Rural Exception Site and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material considerations in this case to outweigh the policy objection

The development would provide significant social benefits in terms of much needed affordable housing through the provision of a 100% affordable housing scheme. It would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses. Due to its landscape designation, it is not considered that the proposal will have a significant landscape impact.

Balanced against this are the adverse impacts of the development including the limited loss of open countryside and the lack of planning obligations for infrastructure which play a vital role in ensuring the social wellbeing of the community. However the contribution of affordable housing is also considered an important and overriding consideration, constituting a significant social benefit.

It is therefore considered that the benefits arising from proposed scheme of 67 Affordable Dwellings on this site weighs significantly in the planning balance, and would outweigh the disadvantages of the scheme, and justify a departure from the Development Plan.

### **SUMMARY RECOMMENDATION**

Approval subject to conditions

### **PROPOSAL**

The application seeks full planning permission for 67 affordable dwellings.

The scheme comprises a mix of 6 x four bed dwellings, 26 x three bed dwellings, 33 two bed dwellings and 2 x one bed maisonettes. As regards tenure mix 53 units will be made available for shared ownership and 14 units will be affordable rented units.

The layout has been subject to some design changes over the course of the application process, and the number of units has been reduced from 82 to 67. Access to the application site from Broughton Road will be via the adjoining residential development to the north, known as Phase 1 which is currently under construction. This development will constitute Phases 2 and 3 of this scheme. Phase 3 (18 units) which occupies the western part of the site is entirely located within the HS2 safeguarded zone which runs parallel to the West Coast Main Line.

### **SITE DESCRIPTION**

The application site is a parcel of land on the western side of Broughton Road on the northern edge of Crewe. Existing properties of Broughton Road adjoin the eastern boundary.

The northern site boundary adjoins a residential development of 81 affordable dwellings (phase 1) which is currently under construction and subject to planning approvals 15/5063N and 16/2263N.

Beyond the western boundary of the site is the railway line which runs north south. The site is pasture land with no agricultural activity taking place on it and it is not accessible to the public. The site is located within the Open Countryside as identified by the Development Plan and covers an area of 1.73ha.

### **RELEVANT HISTORY**

None

### **POLICY**

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

The following are considered relevant material considerations as indications of the Adopted Local Plan Core Strategy:

- PG2 – Settlement Hierarchy
- PG6 - Open Countryside
- PG7 – Spatial Distribution of Development
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SC6 - Rural Exceptions Housing for Local Needs
- 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 3 - Biodiversity and geodiversity

SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management  
CO1 - Sustainable Travel and Transport  
CO4 - Travel plans and transport assessments  
IN1 – Infrastructure  
IN2 – Developer Contributions

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9 (Protected Species)  
NE17 (Pollution control)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
RES.5 (Housing in the Open Countryside)  
TRAN.3 (Pedestrians)  
RT.3 (Provision of recreational open space and children’s play space in new housing developments)

## **Other Material Considerations**

National Planning Policy Framework (2012)  
National Planning Practice Guidance

## **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  
Cheshire East Design Guide

## **CONSULTATIONS**

**Environmental Health** – No objections subject to conditions regarding the implementation of the Noise Mitigation measures, charging for electric vehicles, travel information pack, dust control

and remediation of contamination. An Informative relating to hours of construction is recommended.

**Highways Officer** - No objection subject to condition requiring a Construction Management Plan and details of the proposed parking area located to the side of 129 Broughton Road.

**Education** - No objection subject to an education contribution of £164,809 towards Primary School and Special Educational Need (SEN) places

**United Utilities** – No objection. The revised drainage strategy showing a direct surface water outfall with the public combined sewer within Broughton Road is acceptable.

**Flood Risk** – No objections subject to conditions requiring approval of the detailed design, associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods and details of ground and finished floor levels

**HS2 Ltd** – No objection subject to a condition stating that development shall not commence on plots 50 – 67 (Phase 3) until HS2 Ltd has confirmed that the land subject to the formal Safeguarding Directions is no longer required for the delivery of the high speed railway in that location.

**Natural England** – No objection

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

**Crewe Town Council** – Object on the following grounds;

- Lack of amenity and play space for the two phases of development separately and in combination
- Cumulative impact of this site together with other approved schemes on traffic on Broughton Road which has high levels of on street parking

### **OTHER REPRESENTATIONS**

Representations from 52 properties received raising the following points:

- Loss of open countryside, green space and rural character
- Development should utilise brownfield land
- The density and scale of a development detrimental to local semi rural character,
- Poor design and out of keeping with existing homes which are older style properties
- Loss of outlook and rural feel to the area
- This area of Crewe is being over developed
- Too much social housing concentrated in such a small area
- A mixed development of social and privately owned homes should be provided
- Increased pressures on local schools, doctors, hospitals and community infrastructure.
- Lack of on site amenity space/ play areas
- Site access has inadequate visibility
- Increase in traffic will exacerbate highway safety problems along Broughton Road which is a busy, narrow lane with on street parking, also used as a rat run to Parkers Road
- Cumulative impact on highways from all other development planned in this area
- Exacerbate existing parking problems for residents along Broughton Road

- Inadequate parking for residents of development
- No capacity on local road network to accommodate increase in traffic and exacerbating traffic congestion
- Broughton Road in poor repair and subject to flooding
- Traffic survey data on Broughton Road inaccurate and fails to reflect existing traffic volumes
- No safe walking route to school
- Lack of footpath on the left hand side of Broughton Road towards Warmingham Road. The footpath on the right hand side is very narrow and dangerous for pedestrians due to extra traffic and parked cars.
- Loss of trees, hedgerows and wildlife habitat
- Light pollution
- Increased noise and disturbance
- Loss of light
- Overlooking and loss of privacy
- Proposed footpath connection sharing private right of way to Broughton Road will increase security risks for existing properties
- Adverse impact on development from close proximity of HS2 rail line
- Drainage, flooding problems and high water table
- Land required by the HS2 project is included within the development
- Noise and vibration during construction
- Damage to road surface and mud on Broughton Road from construction vehicles
- Detrimental to quality of life
- Reduction in property values
- Increase in crime and vandalism
- Area under siege as third application in a short space of time for development off Broughton Road.
- Existing development site (phase 1) poorly supervised with frequent health safety breaches

Objection received from Cllr Suzanne Brookfield;

*As ward member I welcome the provision of affordable housing in the area and note the reduced numbers being proposed here but the reasons are valid insofar as the safeguarding for HS2 Phase 2B. However I continue to have concerns about impact of this development and others within extremely close proximity on the infrastructure and existing residents*

*My primary concern at this time are the highways and parking conditions. Broughton Road is a very busy thoroughfare from Warmingham Road and Parkers Road - both of which are becoming increasingly busy due to housing development. Therefore speeding (which I accept is primarily a police issue - but note the Local Authority has the remit for safety) and levels of traffic remain a significant concern and provisions to address this need to be made.*

*There are a number of existing homes that do not have off-street parking but due to the nature of Broughton Road had sufficient on-street parking. This is now not the case and there is concern as to where these residents are to park their vehicles. I welcome there is now proposed off-street parking for dwellings 119-129 Broughton Road and would whilst accepting this is an improvement there is insufficient space for turning/manoeuvring.*

*The fact there is now no pedestrian access to Broughton Road is of concern and the Developers should be asked to look at the layout again - pedestrian and cycle access is important and a*

*balance is required here. Is it possible for the parking provision for existing dwellings to be implemented at the rear of their properties.*

*As such until such time consideration is given to the above I object to the proposed layout but stress I am grateful for the improvements from the original application and would urge consideration is given to suggestions made.'*

### **APPRAISAL**

#### **Principle of development**

The site lies within the Open Countryside. Policy PG6 of the Adopted Local Plan Strategy states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development is restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

Policy SC6 (Rural Exceptions Housing for Local Needs) of the CELPS only applies to developments which adjoin a Local Service Centre or Other Settlement and are for small schemes (10 dwellings or fewer). As a result the proposed development does not comply with this Policy.

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**

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

The Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, 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 were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

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”*

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

### **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.

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing**

The application proposes 67 affordable dwellings, to be provided by a registered provider. The Guinness Partnership (formerly Wulvern Housing) will fund the scheme with the aid of grant funding from the Homes and Communities Agency (HCA).

There is a pressing need for affordable housing of all tenures. This proposal will include 53 units which will be made available for shared ownership and 14 units will be affordable rented units

The 2013 SHMA sets out that there is a requirement for 217 affordable homes in Crewe per annum. Therefore this site will make a significant contribution to this requirement. The 2013 SHMA Update shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x one beds, 149 x three beds, 37 x four+ beds, 12 x one bed older persons units and 20 x two bed older persons units.

There are currently 1,653 applicants on Cheshire Homechoice applying for social rented housing who have selected Crewe as their first choice, these applicants require 535 x one beds, 663 x two beds, 381 x three beds, 70 x four+ beds and 4 x five beds.

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the table below taken from the Councils Annual Monitoring Report (AMR).

	10/11	11/12	12/13	13/14	14/15	15/16
Affordable housing	170	214	184	131	638	448

Given the rates of the completion a key Action of the AMR in, relation to planning for housing in Cheshire East is to;

- Make sure that affordable houses are being provided on appropriate sites

The proposal is strongly supported by the Councils Housing officers, and the split in one, two, three and four bedroom units is welcomed. Therefore the proposal makes a significant contribution to the community in its own right and therefore is socially very sustainable.

Development proposals for housing can traditionally contribute to social sustainable development through the provision of some community benefit; this is often brought about through contributions (financial or otherwise). A main community benefit is itself the provision of affordable housing. However, alongside this, for large developments, other benefits are required to make the development acceptable in planning terms, and to ensure that it does not have a detrimental impact on the community it is to serve.

## Education

Following consultation with children's services a financial contribution is required as the development of 65 (2 bed +) dwellings is expected to generate:

11 primary children (60 x 0.19) – 1 SEN  
 10 secondary children (60 x 0.15)  
 1 SEN children (60 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall for primary provision (11 Pupils) in the immediate locality and SEN (1 Pupil) provision as set out in the table below ;

<u>Development</u>	<b>land west of Broughton Road</b>				<b>Number of Dwellings</b>	65					
<u>Planning App Number</u>	<b>16/5350N</b>				<b>Primary Yield</b>	11					Less 1 SEN
<u>Date Prepared</u>	<b>24.11.2016</b>				<b>Secondary Yield</b>	10					
					<b>SEN Yield</b>	1					
	<b>PUPIL FORECASTS based on October 2015 School Census</b>										
<b>Primary Schools</b>	<b>PAN Sep 16</b>	<b>PAN Sep 17</b>	<b>NET CAP May-16</b>	<b>Any Known Changes</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Comments</b>	
Beechwood Primary School and Nursery	45	45	315	315	349	358	362	362	369		
Brierley	30	30	210	210	207	212	210	208	208		
Edleston Primary School	30	30	210	210	207	207	205	202	200		
Gainsborough Primary and Nursery School	60	60	420	420	415	415	409	406	405		
Hungerford Primary Academy	60	90	420	420	429	437	439	444	448	630	Expansion
Leighton Academy	60	60	420	480	484	495	504	517	534		
Mablins Lane Community Primary School	75	90	525	525	531	560	555	560	566	630	Expansion
<b>Monks Coppenhall Academy</b>	60	90	420	420	422	455	475	489	503	630	Expansion
St Michael's Community Academy	60	60	420	420	400	413	410	407	406		
Underwood West Primary School	60	60	432	432	445	456	464	475	486		
Wistaston Academy	60	60	420	420	404	417	416	414	417		
<b>Developments with S106 funded and pupil yield included in the forecast</b>				<b>181</b>							
<b>Developments pupil yield not included in the forecasts</b>									<b>52</b>		
<b>Pupil Yield expected from this development</b>									<b>11</b>		
<b>OVERALL TOTAL</b>	<b>600</b>	<b>675</b>	<b>4,212</b>	<b>4,453</b>	<b>4,293</b>	<b>4,425</b>	<b>4,449</b>	<b>4,484</b>	<b>4,605</b>		
<b>OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP</b>					<b>160</b>	<b>28</b>	<b>4</b>	<b>-31</b>	<b>-152</b>		

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

11 x £11,919 x 0.91 = £119,309.19 (primary)  
 1 x £50,000 x 0.91 = £45,500 (SEN)  
 Total education contribution: £164,809.19

### Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. There is a therefore a requirement for open space as part of the proposal. The layout indicates an area of open space within the site. This adjoins an approved area of open space which will serve the development of Phase 1, and is of a good size. Although comments from Ansa are awaited regarding the specific requirements for this scheme, it is proposed that a condition be imposed requiring details for the provision of a children play area.

### Viability

As part of the proposals a confidential viability assessment has been submitted. However a summary of the position as regards the provision of 100% affordable housing on this site can be viewed on the Councils website.

In the case of the proposal to develop a scheme of 100% affordable housing is a critical consideration in the context of the scheme's viability. The Viability Statement concludes that due to the nature of the scheme, being a 100% affordable housing scheme, it could not bear the costs of any financial planning obligations and could therefore not be fully policy compliant.

This position has been further exacerbated given the that the application originally comprised 82 units but as a consequence of the proximity of the HS2 scheme, has been reduced down to 67 units in total, and will need to be developed in two separate phases (i.e. Phases 2 and 3). Due to the current HS2 safeguarded zone statutory protection, Phase 3 cannot be developed until HS2 is willing to grant its consent. HS2 have advised this is unlikely to occur for at least the next 3-5 years and possibly longer.

However, a key planning obligation is for affordable housing, whereby 30% is expected from all developments. Therefore for this scheme to be providing 100% it is fully compliant with regard to this requirement. Therefore it is for this assessment to consider whether on balance the benefits outweigh the disadvantages of partial policy compliant scheme.

### Social Sustainability Conclusion

It is considered that, although the proposal will not make an education contribution, it will however make a very significant contribution to the provision of affordable housing to meet a significant need. On balance this contribution alone does provide significant community benefit, and it is unfortunate that the scheme is unable to provide a financial educational contribution however this has been robustly tested through a viability appraisal which shows that this contribution cannot be afforded by the scheme. It is not considered that the education can be a showstopper, as an affordable housing scheme such as this, developed by a registered provider will be under significant financial pressure, as demonstrated by the viability reports. Although it is finely balanced, this proposal will be sustainable socially by providing much needed affordable 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 the local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Agricultural Land**

Policy SE2 of the Local Plan Strategy sets out that development should safeguard natural resources including high quality agricultural land (grades 1, 2, and 3a), whilst recognising that some reduction of agricultural land is inevitable if new development is to proceed.

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

In this case, the agricultural land is designated as “Urban” on the Council’s constraints maps, which on the Magic Agricultural Land Classification comes below Grade 5 and Non Agricultural. It is therefore considered that the proposal does not involve the development of the best and most versatile agricultural land.

### **HS2**

Phase 3 of the development is located within the HS2 safeguarding area and this application has been the subject of extensive negotiations with HS2 Ltd. In this case HS2 have now raised no objection to the development subject to the imposition of a condition.

#### Economic sustainability conclusion

It is considered that the proposals represent sustainable development in terms of the economic sustainability of the scheme which will provide benefits to the local area through the construction process and the use by residents of local businesses.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Site Location**

Accessibility is a key factor of sustainability that can be measured. A 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 relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

With regard to environmental sustainability, it is considered that the proposals are sustainable the proposed development is on the edge of Crewe which is a main service centre with a variety of amenities and services and is within close proximity to public transport connection, there is a footpath along Broughton Road. The site location therefore performs well against the desired distances to local facilities which developments should aspire to achieve as set out within the toolkit of the checklist. The site is therefore considered to be locationally sustainable.

#### **Landscape Impact**

The site is located to the west of Broughton Road. Residential development is under construction to the north, a parcel of rough ground with the railway lies to the west, and residential development fronting Broughton Road to the east. Therefore to a substantial degree the site is contained from the wider rural landscape.

Whilst the site is designated as Open Countryside, the quality of the landscape is however strongly influenced by the surrounding development. There is a boundary hedgerows and a number of trees on and adjacent to the site. Although development would result in the loss of several existing trees and lengths of hedge, given the context of this site, the proposal will not have a significant landscape or visual impact.

#### **Impact on Trees**

An Arboricultural Impact Assessment (AIA) method statement submitted in support of the amended proposals.

The Tree Officer has raised concerns as regards the loss of an Oak tree (T10 Grade A) within Phase 2. However this tree is located some distance from nearby dwellings towards the centre of the site, thereby limiting its contribution to visual amenity. Given the need to maximise the number of units which can be accommodated within phase 2 due to impact of HS2 on the future delivery of Phase 3, area of public open space to retain this tree cannot be incorporated into this part of the site layout.

Although the loss of this tree is regrettable, and to some extent replacement planting elsewhere can compensate for its loss, improvements which have been secured to the layout of Phase 2 and Scheme Viability considerations outweigh its loss.

To address the reservations of the Tree Officer, as regards the impact on trees to be retained, within and adjacent to the site, conditions are recommended for the submission of an updated tree protection plan and updated Arboriculture Method Statement to fully take into account the amended layout.

### **Ecology**

The application site falls within Natural England's SSSI impact Risk Zone for developments of more than 50 units. Natural England has been consulted and raised no objection to the potential impact of the proposed development upon the Sandbach Flashes SSSI.

The development site has a number of ecological issues, and these have been assessed by the Council's Ecologist.

#### Badgers

Evidence of badger activity was recorded on site, but there is no evidence of a sett being present. The Council's Ecologist advises that the development is unlikely to have a significant adverse impact upon badgers. However, as the status of badgers on a site can change in a short timescale it is recommended that if planning consent is granted a condition should be attached which requires an updated badger survey to be undertaken and submitted prior to the commencement of development.

#### Hedgerows

A number of hedgerows are present on site. Native species hedgerows are a priority habitat and the submitted ecological appraisal advises that the hedgerows on site on site qualify as being Important under the Hedgerow Regulations historical criteria.

The proposed development will result in the loss of a section of hedgerow to facilitate the access into the site from the development to the north. A condition should be attached to secure the retention of existing hedgerows, except for those lost to the site access, and the enhancement of the retained hedgerows

Lesser Silver Diving Beetle (Hydrochara caraboides) and Mud Snail (Omphiscola glabra)

These two species were recorded at a number of ponds and ditches in the vicinity of the application site in 1999. An updated survey has now been undertaken. The submitted survey was completed at an appropriate time of year by an appropriately experienced ecologist, and no evidence of these species was recorded. Unfortunately the ditch was in the process of drying out at the time of the survey which limits the reliability of the results to an extent. Another rare invertebrate species was however recorded during the course of the survey.

The Council's Ecologist has advised that whilst on balance the presence of mud snail can be discounted, there remains the possibility that lesser silver diving beetle may potentially occur on the application site in other years if the ditch holds water at the right time of year.

To cover this eventuality, and to provide a replacement habitat for the rare invertebrate present on site, the applicant has submitted an updated Aquatic Invertebrate Survey which proposes that a replacement ditch be created at an off-site location adjacent to the eastern site boundary. The Council's Ecologist has confirmed that this mitigation is acceptable, and will be secured by way of a Grampian condition as it relates to a site on adjoining land not within the applicants ownership.

### Roosting Bats

An oak tree has been identified on site that has potential to support roosting bats. A further survey of this tree has not identified any conclusive of roosting bats and the Councils Ecologist has therefore advice that the removal of this tree is not likely to have an adverse impact upon roosting bats.

### Reptiles

Reptiles are known to occur in this broad locality of the application site and may occur on the application site on a transitory basis. In order to mitigate any potential impacts on reptiles, a condition should be imposed requiring the development to precede in strict accordance with the best practice methodologies as detailed in the submitted Great Crested Newt Impact Assessment.

### Nesting Birds

Standard conditions are recommended to safeguard nesting birds and to ensure some provision is made for nesting birds and roosting bats as part of the development.

### **Flood Risk**

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

The Councils Flood Risk Team and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the

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

### **Contaminated Land**

The Environment Agency and Environmental Health have been consulted with regard to contamination, the Contaminated Land team has risen no objections however the Phase I report recommends a Phase II ground investigation be undertaken in order to further investigate the potential contamination risks at the site.

The Phase II report has now been submitted and is currently under review by Environmental Health.

### **Air Quality**

Following consultation with Environmental Health it is clear that the cumulative impact of a number of developments in the area, (regardless of their individual scale) has the potential to significantly increase traffic emissions, and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

Crewe has three Air Quality Management Areas and unless managed, the cumulative impacts of developments in the town will make the situation worse. It is the view of the Environmental Health Officer that any increase in concentrations within an AQMA is significant as it is directly converse to local air quality objectives and the Air Quality Action Plan. The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable developments. Conditions in relation to air quality have been recommended.

### **Noise Impact**

The Council's Environmental Health Officer originally raised concerns that the noise report had not satisfactorily addressed the impact on the site from railway noise arising from the West Coast mainline railway and also as a result of High Speed 2 (HS2).

To address these concerns, the applicant submitted a Technical Memorandum which provided further details and clarification of aspects of the noise assessment which had been undertaken. The originally submitted noise report and the additional information has been reviewed by the Council's Environmental Health Team, and it has been confirmed that the concerns raised previously have been satisfactorily addressed and noise impact affecting the site can be satisfactorily mitigated.

This is subject to a planning condition requiring the implementation of a scheme of noise mitigation measures as set out in the Noise Report. These measures include up-rated glazing and ventilation requirements, and the use of mechanical systems for first floor bedroom windows facing the railway.

Environmental Health have also accepted that as the HS2 scheme is at very early stage in its design, its impact on this site will not be known for some time. Therefore it is neither reasonable or practical for measures beyond those proposed to be incorporated within this development to specifically address the potential impact of HS2.

### **Design**

The importance of securing high quality design is specified within the Framework. 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 local area comprise a variety of house types including modern semi-detached and detached housing, and Victorian terraced dwellings which back onto the site. The site is contained within the landscape, and other than the access points into the site and distant views from the Bradfield Road railway bridge to the south, it would not be prominent from public vantage points.

Following discussions with the Council’s Design Officer, the proposals have been amended during the application process and various improvements have been made to the layout to create a greater sense of place and a more sustainable environment for the future residents of the site.

The amendments have achieved a greater cohesiveness of the grouping of buildings particular around squares and focal points. The Buildings enclose spaces well, having been designed turn corners with active frontages. Additional detailing on house types has providing increased visual interest. The amended layout has included the removal of some car parking from frontages, and improvements in the road layout with a hierarchy of surfaces and road widths. The highways design has been agreed with the Highways Officer and is designed to an adoptable standard.

The amended layout ensures that scheme can be satisfactorily implemented as two distinct phases , given that Phase 3 lies within the HS2 Safeguarded Zone and its delivery will follow some time after Phase 2. Whilst Phase 2 of the scheme does not include a dedicated area of open recreational space an alternative approach has been adopted following the principles of the Cheshire Design Guide through the provision of squares set into the street layout . These are designed as shared surfaces which whilst provided vehicular access, can successfully be used by residents for purposes including public one space and informal play space.

An originally proposed pedestrian route utilising an existing access track to link the site to Broughton Road has been omitted. However this is currently a right of way serving the rear garden plots of the adjacent terraced houses, and passes in close proximity to ground floor living room windows in the end terraced house (No.129 Broughton Road). The proposed pedestrian route was long and would have inadequate natural surveillance, and whilst providing additional connectivity to Broughton Road, would have potential to adversely impact on the amenities of existing properties as well as creating conditions for crime and anti-social behaviour. In

any event the main site access to Broughton Road lies just to the north of the proposed pedestrian route, and consequently it would offer little advantage in reducing walking and cycling distances to local facilities. Amended plans have proposed that this area be used as private parking for the residents of the adjacent terraced houses. However, it is considered that a condition should be imposed requiring further details of the layout of this area, and ensure that parking arrangements are safe and practical.

The proposals are of an overall density (38 dwellings per hectare) which would not adversely affect the landscape and townscape of the surrounding area. The development is of a character and design which represents a logical extension to the adjoining development to the north, which is known as Phase 1.

It is considered that the amended scheme is of an acceptable design/layout has been achieved it is considered that the proposed development accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy .

### **Neighbour Amenity**

Whilst the concerns of local residents are understood, care has been taken to ensure the layout of the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties due to the juxtaposition of the proposed dwellings and provision of adequate separation distances. In particular, the scheme satisfactory meets the Interface distances which are required to be provided between facing principle living rooms windows of proposed and existing dwellings (21m)

The proposed dwellings within the site will have an area of private amenity space, and will not create conflict by overlooking, loss of light, or loss of privacy within the scheme. Therefore, it is considered that the proposed development accords with policy BE1 of the Crewe and Nantwich Local Plan.

### **Highways**

There have been objections raised by neighbouring properties in relation to highway issues and the impact on the surrounding road network. A Transport Assessment, and subsequently submitted addendum, has been assessed by the Highways Officer.

### Transport Impact

In terms of Network Capacity, assessments have been carried out which include forecast flows from this development and the first phase, and from application 13/5085N which was granted on appeal for development of 124 units on the eastern side of Broughton Road.

The existing 2-way vehicle flow on Broughton Rd is approximately 200 vehicles in either of the peak hours. This proposal and its first phase are forecast to generate approximately 70 two-way vehicle trips during the peak hour, and application 13/5085N roughly 60 vehicles in the peak hour.

The Highway Officer has determined that when taking into account existing flows, those of committed development and of this proposal, the two-way peak hour flows will be approximately 350 vehicles or 6 vehicles per minute.

It is recognised that Broughton Road is a single carriageway road with unrestricted on-street parking. However, National guidelines set out in DMRB for such a carriageway, indicate a link capacity of 900 vehicles per hour which is roughly double the total forecast flows. The Highway Officer has therefore concluded that Broughton Road is considered capable of accommodating the forecast traffic flows.

The junctions of Broughton Road with Bradfield Road and Parkers Road have also been assessed and shows no significant queuing beyond these junctions capacities. During site visits the Highway Officer observed that existing junctions' queue lengths were small, and in the region of only a few vehicles at most.

### Sustainable access

Broughton Road has footways on both sides of the road which provides pedestrian access to the wider Crewe area and to bus stops which are within a short walking distance from the site. This proposal will provide footways within the site which connect to the initial phase of development which itself connects onto Broughton Road.

### Safe and suitable access

The proposal is an extension of the initial phase of development, where access onto Broughton Road has already been agreed, having taken into consideration speed surveys and visibility splays.

The internal layout has been designed to adoptable standards. The off-road parking provision for 1 bed and 3+ bed units accords with CEC requirements. The provision for 2 bed units (38 units in total) is below standard, at 1 space per unit.

Car ownership data indicates that the number of cars owned per affordable dwelling is below that of market housing. The data for the local area indicates that the development would result in a small level of on-street parking and will not impact on the operation of the network or raise any safety concerns. Public transport is also available within a short walk from the site and the principle of 1 space for 2 bed units was accepted on phase 1.

Parking has been proposed for a number of the existing properties that front onto Broughton Road with the intention of removing off-road parking for 6 vehicles. While the principle of this is accepted, the details of this are yet to be agreed as it is currently unclear if 6 vehicles can be safely accommodated here. A condition is therefore recommended for details of its layout to be submitted.

The Highway Officer has also recommended that a condition is required for the submission and approval of a Constriction Management Plan which details contractor and construction vehicle parking locations, materials loading/unloading locations, and wheel wash facilities.

### Summary

The additional development does not have a material traffic impact that warrants an objection to the application. The internal layout as amended is in improvement on the previous submission and whilst there are areas that can be improved, technically the design meets standards and is not a reason for refusal.

### **Representations**

Objections to the proposal have been received from neighbouring properties and the wider are to the proposed development on various grounds which have been considered and are addressed in the main body of the report.

### **PLANNING BALANCE**

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

The National Planning Policy Framework includes a presumption in favour of sustainable development. Paragraph 12 of the Framework states that *'the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place'*

The site is within the Open Countryside, where new development for housing is restricted to agricultural, forestry, limited infilling and affordable housing through Rural Exception Sites. The proposed development although affordable has not been put forward as a Rural Exception Site and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside.

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

The proposed development is for a 100% affordable housing scheme, which is needed within Cheshire East. The development cannot afford financial contributions, however the provision of affordable housing itself is a significant social benefit to the scheme. On balance, although it is regrettable that the scheme cannot contribute to a full package of community benefits, it is considered that the benefits of the scheme weigh significantly in the planning balance and outweigh the disadvantages of the scheme.

The benefits in this case are:

- The development would provide significant benefits in terms of much needed affordable housing provision
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

- The design of the proposed development has been improved to adopt some key urban design principles.
- The proposal will not have an adverse landscape impact.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and have no adverse impact of the local highway network.

The adverse impacts of the development would be:

- A limited loss of open countryside (given the location of the site between the settlement boundary and a consented development)
- The impact upon education infrastructure as this cannot be mitigated through the provision of an education contribution as demonstrated by the viability assessment

The scheme is therefore recommended for approval.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

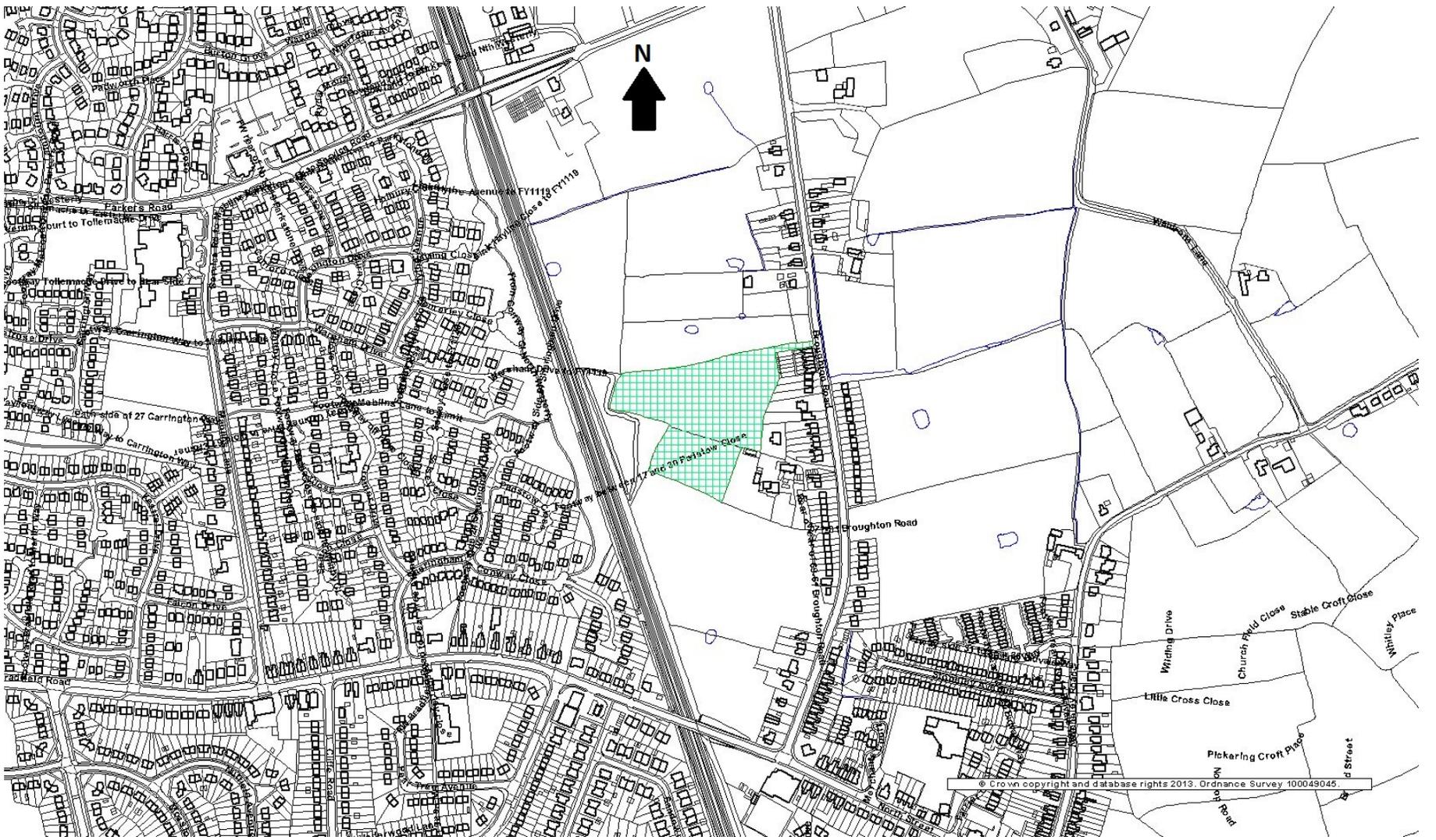
- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans,**
- 3. Materials**
- 4. Surfacing materials**
- 5. Delivery of affordable housing**
- 6. Grampian condition to secure mitigation for lesser silver diving beetle**
- 7. Nesting bird survey to be submitted**
- 8. Provision of features for breeding birds**
- 9. Development undertaken in accordance with Reptile method statement**
- 10. Submission of landscape scheme, including details of hedgerow retention**
- 11. Implementation of landscaping**
- 12. Provision of children's play area**
- 13. Details of surface water drainage scheme**
- 14. Contamination - Phase II investigation to be submitted**
- 15. Contamination - Importation of soil**
- 16. Remediation of unexpected contamination**
- 17. Arboricultural method statement and tree protection measures**
- 18. Boundary treatment**
- 19. Details of parking layout on land adjacent 129 Broughton Road**
- 20. Dust Management**
- 21. Noise mitigation scheme**
- 22. Details of construction management plan**
- 23. Electric vehicle charging points to be provided for dwellings**
- 24. Residents Travel Information Pack to be submitted**

**25. Cycle storage details**

**26. Bin Storage details**

**27. No development of phase 3 (plots 50-67) until confirmation that Safeguarded Area is not required for the purpose of the HS2 rail project**

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



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Application No: 17/2710N

Location: Former Edleston Road Primary School, Edleston Road, Crewe, CW2 7HB

Proposal: Redevelopment of school to provide 14 No.2 bed and 14 No. 1 bed apartments, including on site parking involving partial demolition and conversion of existing building and new build elements (amended description of development).

Applicant: SCPC LTD

Expiry Date: 05-Oct-2017

## **SUMMARY**

The proposed development seeks to utilise a previously developed site within the Principal Town of Crewe and therefore benefits from a presumption in favour of development under CELP policy which is further supported by para 14 of the NPPF which aims to deliver sustainable development.

The site is within an existing settlement where there is existing infrastructure and amenities and employment opportunities. A viability assessment has been submitted which has been independently assessed which concurs with the applicants appraisal which puts forward that the proposal can not deliver any affordable housing or other contributions on viability grounds.

The scheme would also bring a locally listed building of importance to the history of this part of Crewe back into use, thereby safeguarding its future. Whilst there are elements of demolition of parts of the building, significantly more of the building is retained than the previous application on this site.

The development would satisfactorily address issues of drainage, highways, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

There will be an adverse impact upon education capacity given that the viability issues associated with the development do not allow for the provision of any mitigation to education and no affordable housing can be secured whilst maintaining the schemes viability.

This is unfortunate and diminishes the contribution the scheme makes to social sustainability; however, this has been independently verified by the Council's own consultant and is therefore a material consideration in this case. However, the contribution this scheme makes to safeguarding the future use of the locally listed building and the provision of residential

accommodation in an accessible and sustainable location is considered to tip the balance in favour of the proposal in social sustainability terms.

Subject to conditions the proposal is considered to be acceptable in terms of its impact upon the locally listed building, the character and appearance of the area, highway safety, amenity, flood risk, drainage, landscape and ecology.

Overall, the scheme represents a socially, environmentally and economically sustainable form of development and the planning balance weighs in favour of supporting the development in accordance with the development plan

### **RECOMMENDATION:**

DELEGATE to the Head of Planning and Regulation in consultation with the Chairman of Southern Planning Committee, pending the completion of the formal consultation of the corrected description of development and subject to conditions

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

The site located on the western side of Edleston Road within the Crewe Settlement Zone Line.

The application site consists of the former Edleston Road Primary School and its associated grounds and car parking. The site is located within the urban area of Crewe and is approximately 700m south of the town centre. The site is bound to the north by Derrington Avenue, to the east by Edleston Road and to the south by Stalbridge Road. To the west the site is bounded by the existing residential properties located along Derrington Avenue and Stalbridge Road. The site is roughly rectangular in shape and extends to an area of 0.48 hectares.

The former school building was constructed in 1875 (following the 1870 Education Act) and was constructed in red brick with stone detailing, feature windows and lights with repeating dormer windows. The original building was subsequently extended, in a similar style, and has a minor recent extension.

The building sits comfortably within the central part of the site, surrounded by areas of hard surfacing. There is also a robust and attractive brick wall with varied copings around the boundary of the site. The historic significance and architectural quality of the building is recognised by its inclusion on the Local List.

The prevailing scale and grain of the area is 2-3 storey, but predominantly 2-storey within the immediate context of the site. A short terrace of 3 storey properties is located opposite the site on Edleston Road. The surrounding area is predominantly residential in nature however there are some existing commercial and community facilities in close proximity to the application site located along Edleston Road and Stalbridge Road.

### **DETAILS OF PROPOSAL**

Although this application is submitted in outline form, only landscaping is reserved for future assessment. Accordingly, this application seeks a determination about the acceptability of the proposal in terms of the principal of development as well as its appearance, scale, access and layout.

The plans submitted propose the partial demolition of two small sections of the school building on the Derrington Avenue/Stalbridge Road frontage with the majority of the school building being retained and the refurbishment of the remainder of the building and new build construction of infill extensions to the middle and rear portions of the building for the overall creation of 28 units. This comprises 14 x one bed units and 14 x two bed units. The proposed would contain 4 levels of living accommodation within the shell of this imposed Victorian School building with a small 5th floor element in the roof space of the central rebuilt portion. A viability appraisal has been submitted in support of the application. 22 surface level car parking spaces accessed via Stalbridge Road are proposed. Communal bin and bike store facilities are provided and a small area for clothes drying to the southern side of the building. Landscaping is mainly contained to the Derrington road frontage.

### RELEVANT HISTORY

- P08/1208** - Vehicular Access (Retrospective) – Approved with conditions 12<sup>th</sup> December 2008
- P08/0828** - Vehicular Access – Approved 18<sup>th</sup> August 2008
- P97/0606** - Extension to form classrooms, storage and ancillary accommodation. (County consultation) – Approved 25<sup>th</sup> September 1997
- 13/0013N** - Conversion of building to 10 residential flats – approved 17<sup>th</sup> April 2013
- 15/2996N** - Demolition of Former Edleston Road County Primary School. Demolition determination -Prior Approval Required - 24 July 2105
- 16/0762n** - Demolition of existing buildings and the development of a mix of 46 no. one and two bedroom flats – Refused 26 October 2016
- 16/5468N** - Demolition of existing building and the erection of 40 No. apartments and ancillary works. – Withdrawn
- 16/5267N** - Prior Notification of proposed demolition - Declared Invalid

An Article 4 Direction came into force on the site removing permitted development rights for any demolition on 14 November 2016.

### POLICIES

#### Cheshire East Local Plan Strategy 2010-2030 July 2017

- LPS1 Strategic Location Central Crewe
- PG2 Settlement Hierarchy
- PG6 Spatial Distribution of Development
- SC4 Residential Mix
- CO1 Sustainable Travel and Transport
- CO2 Parking Standards
- CO4 Travel Plans and Transport Assessments
- SC5 Affordable Homes
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles

SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 the Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 Green Infrastructure  
SE7 Heritage Assets  
SE 8 Renewable and Low Carbon Energy  
SE 9 Energy Efficient Development  
SE 13 Flood Risk and Water Management  
EG3 Existing Employment Sites  
IN1 Infrastructure  
IN2 Developer Contributions

**Local Plan Policy – Crewe & Nantwich Local Plan (Saved Policies)**

CF.3 - Retention of Community Facilities  
BE.1 - Amenity  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
RES.2 - Unallocated Housing Sites  
NE.5 - Nature Conservation and Habitats

**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

**Other Material Considerations**

National Planning Policy Framework (NPPF)

**CONSULTATIONS (External to Planning)**

**Strategic Highways Manager** – No objections subject to the parking as submitted being provided on site and the adequate provision of cycle parking

**Environmental Health** – No objections, subject to conditions relating to hours of construction, hours of piling, the prior submission of a piling method statement, the prior submission of any proposed external lighting, the installation of noise mitigation in accordance with the submitted noise assessment, the provision of adequate bin storage and a contaminated land informative.

**United Utilities** – No objections, subject to conditions in relation to drainage and surface water connections

**Flood Risk Manager:** No objections, subject to conditions in relation to drainage

**Strategic Housing Manager:** No objection on the basis that the viability appraisal submitted has adequately demonstrated that the scheme can not provide affordable housing.

**(Children's Services) Education:** Objection without a secured contribution of £32,539 for primary education  $3 \times £11,919 \times 0.91 = £32,539$ .

## IEWS OF THE PARISH/TOWN COUNCIL

**Crewe Town Council:** Offer the following comments

- 1) The design of this scheme is an improvement on previous proposals, and welcomes the retention of large parts of the original building and its design features. However, it would like to see the new central block made less obtrusive through more careful choice of external materials.
- 2) The Parking provision proposed is inadequate. The Cheshire East Parking Standards set out in the Local Plan Strategy would require the provision of 42 parking spaces (14 spaces for 14 1-bed units and 28 spaces for 14 2- bed units). The Town Council is aware that other applications for apartments have been approved on the basis of 1 space per unit (in this case 28 spaces). The 22 spaces proposed do not even meet this reduced standard. Edleston Road is subject to parking restrictions. There is already pressure on on-street spaces on Stalbridge Road or Derrington Avenue at certain times and parking overspilling from the proposed development will impact on the existing residents. Parking on public car parks such as Oak Street is not a reasonable alternative, and it is unlikely that residents would use it. A number of the proposed spaces directly abut the living accommodation which is likely to cause disturbance to residents and compromise their amenity. The Town Council therefore objects to this application as it stands on the grounds of insufficient on-site parking and inappropriate layout.
- 3) Bin storage, outdoor amenities (seating and recreation) and cycle parking. The Town Council would like conditions applied to any approval requiring details of bin storage, cycle storage, and outdoor amenities to be submitted and approved to ensure adequate provision.
- 4) Disabled access and means of escape. It is important that means of escape, and access for disabled persons is given full consideration at the Building Regulations stage. It is noted that there is no provision for disabled access to the upper storeys.

## OTHER REPRESENTATIONS

Five objections have been received raising the following issues:

- Loss of privacy
- Insufficient parking provision
- Parking congestion
- Insufficient outdoor amenity space
- The design of the replacement elements is bland and not in keeping with the character of the school building/locally listed building

- Loss of privacy for opposite neighbours on Edleston Rd and Derrington Ave
- Damage to other property during building process/vibration
- Developer should prove that all avenues have been looked at for saving the whole building
- Bin storage for such a high number of units will spill onto the streets
- Impact upon education/health infrastructure
- The partial demolition is highly destructive

### **OFFICER APPRAISAL**

#### **Principal of Development**

LPS1 of the CELPS refers to maximising opportunities for regeneration in central Crewe through the delivery, amongst other things, of new homes at approx. 40 per hectare (including apartments and family homes). This proposal satisfies the relevant policy test in LPS1.

Saved Policy CF.3 of the Local Plan refers to the retention of community facilities. It advises that proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted unless a suitable alternative provision is made.

Given that permission has been granted for the use of the site for residential purposes, as a material consideration this policy test has been satisfied

Policy PG2 of the CELPS refers to the Settlement Hierarchy where significant development is to be located in the Principal Towns to support their regeneration and where development can maximise existing infrastructure and resources. Policy SD2 of the CELPS refers to Sustainable development Principles and requires developments to contribute positively to character and identity and create/re-inforce local distinctiveness with regards to amenity, design, materials, highway safety, drainage and infrastructure, access to transport and services.

The existing school is a locally listed building and a non designated heritage asset. Policy SE 7 of the CELPS seeks to retain and re-use Non Designated Heritage Assets where possible. Where harm to that Asset is outweighed by the benefits, then appropriate mitigation is sought to ensure there is no net loss of heritage value. High quality, not pastiche design is sought.

The NPPF has within its core principles is that planning should conserve heritage assets in a manner appropriate to their significance.

#### **Housing Land Supply**

With the adoption of the Local Plan the Council now takes the position that it can demonstrate a 5 year supply of housing land. The NPPF requires that the housing land supply position be updated annually. If at some future point a five year supply cannot be demonstrated, then in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing will not be considered up to date. In those circumstances the second limb of the favourable presumption would then apply for decision takers

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 28

no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Town Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will provide 28 residential flats to housing land supply, which will deliver direct and indirect economic benefits to Crewe including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The additional residents would also add economic activity within Crewe by working and shopping locally. This demonstrates that the proposal is an economically sustainable form of development

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing**

This is a proposed development of 28 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. The SHMA 2013 shows the majority of the demand in Crewe is for 50 x one bedroom, 149 x three bedroom, 37 x four bedroom dwellings and an oversupply of 51 x two bedroom dwellings, plus 12 x one bedrooms and 20 x two bedroom for Older Persons. The majority of the demand on Cheshire Homechoice is for 1, 2 and 3 bedroom dwellings therefore 1 and 2 bedroom units on this site would be acceptable. 9 units should be provided as Affordable rent and 5 units as Intermediate tenure.

No Affordable Housing provided on the basis that it would make this development unviable.

The Viability report submitted by the Applicant has been peer reviewed by the Council and the revue undertaken also considered the development if any affordable housing or other S106 requirements were imposed then the development would be unviable. It therefore follows, in the light of the advice contained within the NPPF and the IPS, that this scheme cannot sustain any contribution in terms of affordable housing.

The Strategic Housing Manager has confirmed that in the light of the viability evidence that there is no objection to the proposal on the grounds of the lack of provision of affordable housing.

#### **Education**

The education impact is another element of the social sustainability of the scheme to be assessed within the overall planning balance.

The development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

0 SEN children (14 x 0.51 x 0.023%)

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

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

3 x £11,919 x 0.91 = £32,539 (primary)

Total education contribution: £32,539

Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census					Comments
					2016	2017	2018	2019	2020	
Beechwood Primary School and Nursery	45	45	315	340	349	358	362	362	369	
Brierley	30	30	210	210	207	212	210	208	208	
Edleston Primary School	30	30	210	210	207	207	205	202	200	
Mablins Lane Community Primary School	75	90	525	630	531	560	555	560	566	
Monks Coppenhall Academy	60	90	420	420	422	455	475	489	503	
Pebble Brook Primary School	45	45	315	315	279	292	297	296	304	
St Mary's Catholic Primary School	90	90	630	630	601	582	559	537	534	
St Michael's Community Academy	60	60	420	420	400	413	410	407	406	
Underwood West Primary School	60	60	432	432	445	456	464	475	486	
Wistaston Academy	60	60	420	420	404	417	416	414	417	
Wistston Church Lane Academy	60	60	420	420	418	417	413	410	407	
Shavington Primary School	30	30	210	210	247	310	344	368	392	
The Berkeley Academy	60	60	420	420	400	405	405	403	400	
Haslington Primary School	45	45	315	315	260	263	267	262	259	
<b>Developments with S106 funded and pupil yield included in the forecasts</b>				133						
<b>Developments pupil yield not included in the forecasts</b>									91	
<b>Pupil Yield expected from this development</b>									3	
<b>OVERALL TOTAL</b>	750	795	5,262	5,525	5,170	5,347	5,382	5,393	5,545	
<b>OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP</b>					355	178	143	132	-20	

## Viability

As part of this application a viability report has been submitted by the applicant. The Report states that this scheme can afford no financial contributions, in this case, to primary education, and can not provide any affordable housing. The viability report has been independently assessed by consultants appointed by the Council.

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

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

The Council's appointed consultants have advised that they consider the scheme as now submitted is more realistic than the scheme previously refused. They concur with the findings of the Applicant's Viability Appraisal and agree that any financial contribution to education and

any affordable housing can not be sustained in the context of this redevelopment/partial re-build scheme.

It is important to note that unless the financial contributions to education and the provision of affordable housing are foregone, this scheme is not viable and this locally listed school building is likely to remain undeveloped and any benefits from developing it will not be realised, which includes safeguarding its future. Further, there is already an extant permission on the site in outline form which granted approval for the conversion of the building into 10 residential units without the requirement for any education contributions.

In this case, given the unviable nature of the development, the education contribution and the affordable housing requirement as requested cannot be secured.

Accordingly, whilst the provision of market dwellings contributes to social sustainability, that contribution is diminished by the fact that no social housing will be provided or contribution to primary education is provided. This will need to be assessed within the overall planning balance.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Amenity of existing and future residents**

Environmental Health have advised that they have no objections subject to the implementation of a number of conditions. These include hours of piling, the prior submission of a piling method statement, the prior submission of details of any external lighting proposed, EV charging, residents travel pack and the inclusion of contaminated land phasing conditions.

The amount of amenity space proposed is also an important consideration of a scheme such as this. The standard amount of space required for dwellings within the Crewe and Nantwich Area is 50 square metres as detailed by the Borough of Crewe and Nantwich Development on Backland and Gardens SPD. However, for flats / apartments, no such figure is quoted, however a communal space should be provided. Paragraph 3.36 of the SPD advises that *'In the case of developments which are made up of flats, where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal open space; these should be located so they can be used by all the residents equally.'*

The proposed development includes amenity space to the Derrington Avenue frontage and a small strip/ clothes drying area to the rear of the block on the Stalbridge Street elevation, to the southern elevation. The availability of outside amenity space is limited by the car parking requirements and the footprint of the existing School building. The majority of greenspace is located to the Derrington Avenue frontage, which is on the northern elevation of the site. The amount of daylight and sunlight to this elevation will be constrained by the height and scale of the existing building and the tight knit nature of the surrounding area, particularly in the winter months, however, it is considered that a screened/planted area to the Derrington Avenue frontage for future residents to sit out in relative privacy could be created.

This, in conjunction with the fact that the site lies within a 5 minute walk to the park in Westminster Street, will ensure that the future occupiers of the site will have access to adequate levels of amenity space within walking distance of this site

For housing proposals, saved Policy BE1 requires consideration to be given to the occupiers of both neighbouring properties and the future occupants of the site with regards to privacy, loss of light, visual intrusion and pollution.

The scale of this development is in many ways dictated by the scale of the existing Victorian school building. Much of the footprint of the School is retained. New build elements are contained within a central section of the building and the end of the portion to Derrington Avenue. This proposal keeps site coverage to existing coverage, which is a significant improvement on the previous application. Due to the scale of the existing Victorian building the conversion works comprises 3 and 4 floor internal levels of floorspace are created and there is a 5th floor of accommodation within the new build central section.

Privacy separation distances, although not fully adhered to, are significantly improved from the previous application. Interface distances from the converted part of the building to principal room windows at 136 Edleston Road are 19.8m, which is below the normal 21.5m and will contain a number of flats to 3 floors of accommodation internally created in this portion of the building.

The interface to 10 Derrington Avenue is 22m. The new build part of the proposal does not directly overlook any windows to neighbouring property.

The SPD for Garden and Backland Development does not explicitly refer to developments such as this; however, it is a well established principle nationally that 21m relates to privacy distances for 2-storey development where it is opposite other 2-storey development. This building is a 3-storey block with a 4<sup>th</sup> floor set back from the frontages.

Further, Policy BE1 requires proposals not to prejudice the amenity of future or existing residents by virtue of overshadowing, overlooking, visual intrusion, noise disturbance, and odour or in any other way.

The conversion of the exiting school building fails to meet the interface standard for a limited section of the building. However, it is acknowledged that this fact has previously been accepted when outline permission was granted for the conversion of the school to 10 flats. In this context, and given the inner urban nature of this site and the close knit scale of the street pattern, it is considered that the current non conformity with the Interface standard could not be sustained as a reason to refuse this application, and further, the benefits of this proposal in terms of retaining significant and important elements of the school building are very important material considerations to which significant weight can be attached in the planning balance.

### **Heritage and design considerations**

Policy SE1 of the CELPS advises that the proposal should make a positive contribution to their surroundings in terms of; sense of place, design quality, sustainable architecture, liveability/workability and safety.

Policy SE7 of the CELPS advises that Buildings of Local Interest will be protected from inappropriate development. The building is also a non-designated asset. The NPPF sets out at para 135 that “The effect of an application on the significance of non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset”

The presumption should be that heritage assets should be retained and re-used wherever practicable and proposals that cannot demonstrate that the harm is outweighed by the benefits, should not be approved; where loss or harm is then outweighed by benefits of the development appropriate mitigation or compensation should be provided.

As a non-designated heritage asset the benefits of the development should be weighed against the level of harm to the heritage asset in the planning balance.

In this case, circa 75% of the building is retained. The level of harm to the asset will not be as significant as the previous scheme. Whilst 25% of the building will be lost, this is to the central and rear portions on the secondary streets and the Edleston Road frontage remains retained. This is a significant improvement on the previous scheme. A Structural Report has adequately demonstrated that the proposed demolition can be undertaken without harm to those parts of the building to be retained. A detailed scheme can be secured by condition.

In broader urban design terms, the scheme is no longer substantially larger in both footprint and in terms of overall scale and mass than the vast majority of buildings in the area. In respect to its immediate neighbours, which are generally 2-storey, this proposal will respect the general scale of the existing building.

The existing hardstanding area to Stalbridge Road will be used as car parking.

The design of the infill extensions are flat roofed and will comprise brick facings. Large window openings of a design and scale of the existing school building are proposed. The Council's Urban Designer considers the palette of materials and window details need to be carefully chosen and the treatment of floor platforms where they cut across the existing glazing within the conversion elements of the proposal will need to be assessed. It would be inappropriate to introduce extensive areas of obscure glazing (Spandrel Plates) to the existing windows and the extensions. This can be controlled by condition

Para 135 of the NPPF advocates a balanced judgement having regard to the scale of impact and significance of the building. This proposal does not result in substantial harm to the building and its setting and the significance of the building is formally recognised by its inclusion on the Local List. The detailed design of the rebuilt extensions is not seeking to replicate or pastiche the existing building. They are well defined, contemporary elements that are in scale with the site and its former use. Brick facings are proposed.

In terms of the external environment of the scheme, boundary walls and railings are retained. It has to be acknowledged that the external spaces associated with the development will either be largely shaded or adjacent to a busy road, since that is the essential nature of this site and its context.

This scheme is now in keeping with the scale and grain of the local townscape by virtue of the scaling back of the development proposals, the retention of the majority of the existing building.

There remains to be considered how the floor plates within the existing building will terminate inside the building and the effect that such termination will have upon the existing and proposed windows. Appropriate materials and window details for the extensions can be achieved by condition.

In the light of these issues, it is considered that the proposed development complies with Policies SE1 and SE7 and the advice within the NPPF concerning non designated heritage assets and achieving good quality design.

Subject to conditions it is considered that this scheme will be environmentally sustainable in terms of the impact upon the locally listed building and the character and appearance of the area and that the amenity of existing and future residents can be safeguarded.

### **Landscaping**

The detail is retained for future assessment. This will require a future application for reserved matters. However, the layout plans indicate the distribution of greenspace around the site, which is appropriate to the context.

### **Highway Safety and Parking**

The applicant has addressed this objection by the introduction of a basement car park. The proposed development will use the existing access onto Stalbridge Road to a surface level car park containing 22 car parking spaces. Cycle storage is also provided.

Car ownership data for the local area has been used to advise the applicant of an adequate level of off-road parking provision. The proposal now reflects local car ownership levels for apartments, and CEC's visitor parking requirements for apartments. This would negate the need for additional on-street parking. Additional cycle parking would be provided in line with CEC's standards.

The Strategic Highways Manager considers that the proposal is within a sustainable location and will not result in a severe impact on the road network capacity. The Strategic Highways Manager raises no objection on the basis that 22 car parking spaces and adequate cycle parking is provided.

As a result, it is considered that the proposed development adheres with Policy CO2 of the CELPS.

### **Protected Species**

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development.

### **Other Matters**

The Article 4 Direction in force on the site requires planning for any demolition on site, no matter how limited. In this case the original description of development made no reference to demolition and is incorrect in law.

Accordingly further consultation has been undertaken via press and site notices and individual neighbour notification. This does not alter the design of the scheme which has already been the subject of consultation; however, it is necessary to delegate the decision to the Head of Planning and Regulation to allow that consultation period to expire on 18 October 2017.

### **PLANNING BALANCE**

Given the inner urban location of the site there is a presumption in favour of residential development provided the amenity of the area for future or existing residents is not compromised and the non-designated heritage asset/locally listed building is adequately safeguarded.

Given the lack of viability of the proposed development, the requirements for affordable housing and education mitigation need to be set aside. This has been independently verified and is an important material consideration in terms of the NPPF. In these circumstances, these social sustainability issues are not added to the planning balance and are a cost of this development to the community, however, this needs to be balanced against the benefits of the retention of the majority of this important locally listed building and its appropriate re-use for residential purposes in a socially and environmentally respectful manner.

The development would provide positive planning benefits in the form of 28 market dwellings in a sustainable location. The time limited economic benefits created predominantly during the construction phase of the scheme and the contribution made by new residents of 28 flats in the local economy by virtue of their proximity to work and shopping opportunity in the town centre are accepted.

Whilst the non provision of affordable housing and education contributions is regrettable, in this instance, it is considered that, subject to the conditions suggested, the benefits to the area outweigh the disbenefits in the planning balance and this scheme can be positively supported.

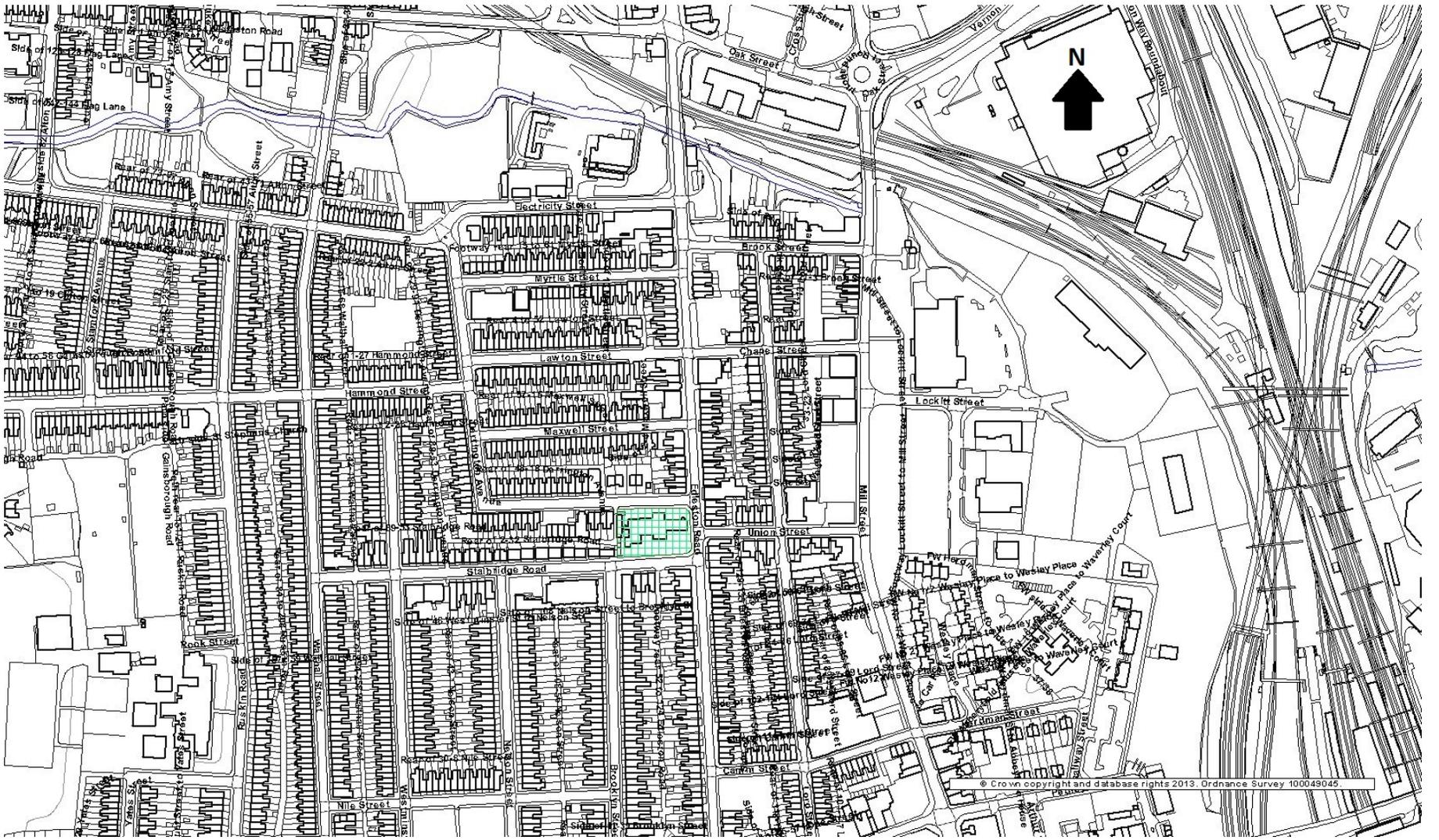
### **RECOMMENDATION**

**Delegate to the Head of Planning and Regulation in consultation with the Chairman of Southern Planning Committee, pending the completion of the formal consultation of the corrected description of development and subject to the following conditions -**

- 1 Standard Outline**
- 2 Time limit for reserved matters**
- 3 Reserved matters**
- 4 Plans**
- 5 Method statements for demolition/ conversion works/propping up of original building/ compliance with methodology**
- 6 Materials for extensions**
- 7 Drainage design for the whole site**

- 8 Details of extension windows to be submitted and approved, including the design of internal floor plates for extensions and existing building/ existing windows in school building to be retained**
- 9 Car parking to remain unallocated**
- 10 Cycle parking (secure and covered) for a minimum of 28 cycles**
- 11 Construction and Environmental Management Plan**
- 12 Contaminated land risk assessment**
- 13 Contaminated land - soil analysis**
- 14 Unforeseen contamination**
- 15 Boundary treatments to be approved**
- 16 Scheme to be submitted for outdoor private amenity area for residents**
- 17 Scheme for outdoor clothes drying**
- 18 Birds and bats nesting survey in demolition during nesting season**
- 19 Scheme for swifts nest**
- 20 Scheme for Two fast (7kV) EVPs with cabling provided for another two units**
- 21 Residents travel packs**
- 22 Management scheme for open space**
- 23 Notwithstanding submitted plans detailed design of enclosed bin/bike store to be submitted/implemented**

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



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Application No: 16/5584N

Location: 84, EDLESTON ROAD, CREWE, CW2 7HD

Proposal: Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people

Applicant: ben morris, Hopscotch Investments Ltd

Expiry Date: 06-Sep-2017

**SUMMARY:**

The site is within the Crewe Settlement Boundary, as defined by the Adopted Replacement Local Plan 2011, where there is a presumption in favour of sustainable development.

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

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the proposal would create additional residential accommodation in a sustainable location within close proximity to the Town Centre.

**RECOMMENDATION:**

**Approve subject to conditions**

**REASON FOR CALL IN**

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

- *Inadequacy of proposed parking provision with resulting impact on surrounding area, where on-street parking on side streets leads already to congestion.*
- *Concerns about the provision within the application for adequate waste storage and collection, with likely resulting impact on surrounding area which is already a fly tipping hot spot in Crewe.*
- *Concerns about room sizes and the amenity of any future residents of the proposed HMO, owing to very poor standard of plans, which appear to be indicative only and six years old to boot.*
- *Proposed government reforms to HMO licensing which will be intended to tighten up requirements, and are currently subject to consultation.*

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

### **PROPOSAL**

Full planning permission is sought for a change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people.

The only external alterations proposed is the addition of two dormer windows to the rear elevation.

### **SITE DESCRIPTION**

The property is a mid terraced two-storey unit. The dwelling also has an annexe to the rear which is used for accommodation. The annexe is situated within the same domestic curtilage as the main dwelling and currently houses 6 people. The proposal only seeks to alter this through the addition of a loft conversion where an additional bedroom will be provided for an additional person.

The locality consists of mixed residential and commercial uses with residential to both sides and rear.

### **RELEVANT HISTORY**

11/4054N - Rear Extension to Form a Flat / Apartment- Approved with conditions- 15<sup>th</sup> March 2012.

11/0839N - Rear Extension to Form Two Flats- Refused - 25<sup>th</sup> July 2011.

### **NATIONAL & LOCAL POLICY**

#### **Local Plan:**

Cheshire East Local Plan 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

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
RES.9 – Houses in Multiple Occupation

Supplementary Planning Guidance/Documents:  
SPD – Development on Backland and Gardens

### **National Policy:**

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

### **CONSULTATIONS:**

**Crewe Town Council:** Despite the submission of revised plans, there is still insufficient information to assess the impact of the proposal. In the absence of a block plan it is not possible to judge the impact of the 2 storey extension on neighbouring properties. There is no scale on the plans so it is not possible to assess the dimensions of the rooms. A cross section of the loft bedroom would be required to assess the useable floorspace. The Town Council is surprised that these drawings have been accepted for consideration and requests that room sizes and the impact on neighbouring properties are properly evaluated before any decision is made. No approval should be given without evidence of adequate bin storage. In any event the Town Council wishes to object to this application because of the lack of off-street parking provision for 7 bedrooms. Parking restrictions apply on Edleston Road and there is pressure on on-street parking in the area as the number of HMOs increase.

**Highways:** No objection Edleston Rd has TROs to prevent on-street parking, car ownership data indicates demand will be low and sited in close proximity car parks in the town centre

**Housing:** No objections to using the attic space, as the amenities will be adequate for the proposed numbers.

**Environmental Health:** No objections subject to a waste provision condition, and noise generative works informative.

### **REPRESENTATIONS:**

One general comment has been received at the time of the report which states that:

Amendments to The Housing Act 2004 regulations, coming into force in 2017 (exact date is not known at this time), will require HMO type properties with 5 or more persons in occupation to require a licence provided by the Local Authority to operate as an HMO. As such, all licensable HMO properties will need to comply with licensing criteria and legislation associated with such.

### **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, where there is the presumption in favour of sustainable development.

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

**Local Plan Policy (RES.9) Houses in Multiple Occupation:**

The development is located within the Crewe and Nantwich Settlement boundary which is considered to be a sustainable location. The proposal seeks to alter the existing site, from housing 6 people (including the rear annexe), to housing 7 people (as a result of proposed loft conversion). The proposal therefore seeks to accommodate an additional one person to the 6 individuals already living in existence at the property. There are no double occupancies within the property.

**RES. 9 (Houses in multiple occupation) states that:**

**PROPOSALS FOR THE SUB-DIVISION OF BUILDINGS TO PROVIDE SELF- CONTAINED RESIDENTIAL UNITS WILL BE PERMITTED, PROVIDED THAT:**

**THE BUILDING TO BE CONVERTED IS LARGE ENOUGH TO PROVIDE SATISFACTORY LIVING ACCOMMODATION FOR FUTURE RESIDENTS WITHOUT THE NEED TO CONSTRUCT EXTENSIONS WHICH WOULD CONFLICT WITH POLICIES BE.1 AND BE. 2;** The only proposed change to the dwelling is the loft conversion with the additional of x2 dormer windows. No other external changes are proposed.

**THE PROPOSAL WOULD NOT RESULT IN AN ADVERSE CHANGE TO THE EXTERNAL APPEARANCE OF THE BUILDING WHICH WOULD BE UNACCEPTABLE IN TERMS OF DESIGN OR MATERIALS USED;** Aside from the two dormer windows, there are no other external alterations to the dwelling nor the annexe proposed, in which both are already in situ.

**THE DEVELOPMENT DOES NOT DETRACT SIGNIFICANTLY FROM THE AMENITIES OF NEIGHBOURING RESIDENTS, THROUGH NOISE TRANSMISSION OR OVERLOOKING, (IN ACCORDANCE WITH POLICY BE.1); AND**

**PROVISION IS MADE WITHIN THE SITE FOR ADEQUATE AND PROPERLY LOCATED CAR PARKING AND SAFE ACCESS (IN ACCORDANCE WITH POLICIES TRAN.9 AND BE.3). WHERE SUFFICIENT OFF-STREET PARKING PROVISION IS NOT POSSIBLE DUE TO THE CONSTRAINTS OF THE SITE, KERBSIDE FACILITIES MAY BE ACCEPTABLE PROVIDED THAT THEIR USE DOES NOT CREATE OR WORSEN DANGEROUS HIGHWAY CONDITIONS, OR SIGNIFICANTLY DETRACT FROM THE AMENITY OF LOCAL RESIDENTS.** The development is not considered to add any detrimental issues amenity in addition to the development already in situ by means of noise transmission or overlooking. Whilst rear dormer windows are proposed there is a significant separation to rear facing properties which would prevent harm through overlooking. Additionally, there are two car parking spaces at the site with what is considered a safe access off two adjoining roads which can be viewed on the car parking access plan. Given the location of the dwelling close to the town centre with access to various public transport networks, Highways have considered this level of parking to be acceptable for the proposal.

**Crewe Town Centre**

The proposal site is situated outside of the Town Centre Boundary as per the Crewe and Nantwich Replacement Local Plan 2011 with no loss to any function of the town centre proposed.

### Highways

Edleston Road is the main road and there are TROs to prevent on-street parking, and therefore prevent the blocking of traffic using this through route.

Car ownership data indicates that for a development of this size around a few cars will be owned by occupants. There are a number of car parks within a short walking distance from the proposal and the net impact of this proposal over the existing residential use will be minimal.

No objection is raised by the Councils Head of Strategic Infrastructure.

The site has 2 car parking spaces in existence which are not currently utilised. There is also provision for the keeping on 7 bikes on site proposed. It is therefore considered that there would not be any issues relating to the Highway.

### Design

The only alteration proposed is the addition of x2 dormer windows to facilitate the loft conversion. These would be set to the rear and contained in the roof space therefore it is not considered that there would not be any issue in relation to design.

### Amenity

Residential properties are sited to both sides and rear therefore the proposed use is a complimentary use. The property is currently used for accommodating 6 people and the loft conversion to house a potential 7<sup>th</sup> is not considered to cause any further issues of detrimental amenity.

The rear dormer will be sited 33m to rear facing windows and 22m to rear garden area of the property to the rear which is well in excess of recommended interface distance in the SPD . There would be potential for some limited overlooking of the properties to the sides however this would not be direct and an element of overlooking of rear garden areas is inevitable in high density areas.

Council SPD does not stipulate a set size of garden area/amenity space for flats/apartments other than some space should be provided. The property does seek to provide some limited private amenity space to the rear and the location of the site also gives easy access to indoor and outdoor recreation facilities with the nearest park being located 500m away from the site (Westminster Street Park). Therefore it is considered that future occupants will be able to enjoy amenity space either on site or in the parks locally.

There is space available for cycle, refuse and domestic storage, communal kitchen and clothes drying. It is therefore considered that the proposed change of use is acceptable in terms of the impact to the surrounding residential properties and would provide suitable living conditions for future occupants.

### **Bin storage/waste collection**

Bin storage would exist at the rear of the main dwelling and wheeled out via the passageway on bin collection day. This is in existence already at the property and it is not considered that the provision for an additional person would detrimentally alter this.

### **Housing standards**

The Housing Standards and Adaptions Team have been consulted and have confirmed that they have no objections to the proposal. The proposed size of the loft room can be seen below.

Floor level	Room size
Proposed loft room	48 sq.metres

### **ECONOMIC SUSTAINABILITY**

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

### **SOCIAL SUSTAINABILITY**

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

### **Conclusion**

The site is within the Crewe and Nantwich Settlement Boundary where there is a presumption in favour of sustainable development.

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

### **RECOMMENDATION**

**Approve subject to the following conditions:**

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

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



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Application No: 17/3331C

Location: REAR OF 108, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 7BD

Proposal: Construction of 2no.new dwellings

Applicant: Mill Croft, c/o Agent

Expiry Date: 06-Oct-2017

### **SUMMARY**

The proposed development seeks to utilise a brownfield site within the settlement zone line for Holmes Chapel where there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and adheres with other relevant development plan policies.

The proposal is of an acceptable design that would not create any significant concerns in relation to amenity, highway safety, trees, flooding or drainage and Jodrell Bank subject to conditions where deemed necessary.

The application is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to conditions**

### **REASON FOR REFERRAL**

The application has been 'called in' to Southern Planning Committee by Cllr Gilbert for the following reasons;

*'The proposal is contrary to policies HO1 (A), TT1(D), TT1(E), CE4(C), CE5(A) and CE7 of the Holmes Chapel Neighbourhood Plan. This call-in is at the request of the Parish Council which regards this as an important test of the recently adopted Neighbourhood Plan.'*

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

The application site comprises of a car park and garden area to the rear of No.108 London Road located on the western side of London Road, Holmes Chapel within the Holmes Chapel Settlement Zone Line as defined by the adopted Congleton Borough Local Plan First Review.

The application site falls within the Jodrell Bank Radio Telescope consultation zone line.

### **DETAILS OF PROPOSAL**

Full planning permission is sought erect two dwellings each would have two bedrooms..

Revised plans were received during the application process in order to address Officer design and highway concerns.

### **RELEVANT HISTORY**

**29699/3** - Erection of Detached Garage And Gardening Tool Store, Garaging Of 2 Company Cars – Approved 10<sup>th</sup> February 1998

**28766/3** – Change of use to residential status – Approved 18<sup>th</sup> February 1997

**28765/3** - A New Dwelling to Rear Of Former Chapel – Refused 11<sup>th</sup> March 1997

**16282/3** - Extensions to Typewriter Sales/Maintenance business Forming Workshop, Office, Reception Etc – Approved 23<sup>rd</sup> October 1984

**2883/3** – Alterations and extension – Approved 4<sup>th</sup> March 1976

**0704/3** - Change of Use to Repair And Maintenance Of Office Machines – Approved 20<sup>th</sup> November 1974

**0249/3** – Change of use to be used as a base for an outside catering business – Approved 30<sup>th</sup> September 1974

### **POLICIES**

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

#### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG7 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, 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, SE8 – Renewable and Low Carbon Energy, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, SE14 – Jodrell Bank, CO1 - Sustainable Travel and Transport, CO4 - Travel plans and transport assessments and EG3 - Exiting and Allocated Employment Sites.

*Congleton Borough Local Plan First Review 2005;*

PS5 – Villages in the Open Countryside and Inset in the Green Belt, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR6 – Amenity, GR9 - Accessibility, Servicing and Parking Provision, GR16 – Footpath, Bridleway and Cycleway Network and GR20 - Public Services

*Holmes Chapel Neighbourhood Plan;*

H01 (Housing Type and Mix), H02 (Low Energy Design Principles for Homes), H03 (Sustainable Development of Housing and Infrastructure), H04 (Size, Scale and Density of New Developments), H05 (Early Consultations), H06 (Affordable Homes), CW1 (Outdoor Play and Recreational Areas), CW2 (Holmes Chapel Comprehensive School and 6th Form Collage), CW3 (Primary Schools), CW4 (Child Care Facilities), CW5 (Health Centre Facilities), CE1 (Footpaths and Cycleways), CE2 (Connectivity Links around the Village), CE3 (Open Spaces), CE4 (Trees), CE5 (Character and Design), CE7 (Water Management on New Developments), ES1 (Maintain the Commercial Heart of the Village Centre), ES2 (Encourage Greater Employment Opportunities), TT1 (Promoting Sustainable Transport), TT2 (Congestion and Highway Safety), TT3 (Parking)

### **National Policy**

National Planning Policy Framework (NPPF)

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

**Jodrell Bank Observatory (JBO)** – No comments received at time of report

**Head of Strategic Infrastructure (HSI)** – No objections

**Flood Risk Manager** – No objections, subject to a condition that a suitable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority

**United Utilities** – No objections

**Environmental Protection** – No objections, subject to a number of conditions including; that all habitable room windows should comprise of glass of 10mm and laminated 6,4mm with a 12mm air gap or designed as a minimum to achieve noise reduction criteria of 34dB Rtra; the provision of acoustic trickle vents/wall ventilators; the provision of a single Mode 2 compliant Electric vehicle charging point for the two properties; the prior submission/approval of a phase 1 contaminated land report; the prior submission/approval of a soil verification report and a condition that works should stop if any contamination is identified. Informatives regarding hours of construction and contaminated land are also proposed.

**Holmes Chapel Parish Council** – Object to the proposal as it is advised that the scheme would be contrary to various Neighbourhood Plan policies including;

- H01 – Housing type and mix – No evidence that the housing is needed over and above the 613 approvals
- TT1 – Promoting sustainable transport – Concerns in relation to sufficient space for car movements and whether the parking spaces are of sufficient size. Concerned that the access is not in an acceptable location
- CE4 – Trees – Lack of tree survey

- CE5 – Character and Design – missing bin storage details, tandem development not supported
- CE7 - Water Management on New Developments – Details not specified

### **OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants. In response, at the time of writing this report, 2 letters of representation were received. The main concerns raised in these letters were;

- Design – Density/over-development of site, not in keeping with linear development
- Highway safety – unsafe access, pedestrian safety, position of bin storage
- Amenity – Loss of privacy (particularly the roof lights), visual intrusion, noise pollution
- Impact upon trees including TPO trees

### **OFFICER APPRAISAL**

#### **Principle of development**

The application site falls within the Holmes Chapel settlement zone line as defined by the Congleton Borough Local Plan First Review 2005.

Policy PS5 of the Congleton Plan states that within such locations, development of land which is not otherwise allocated for a particular use will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the plan.

Within the recently adopted CELPS, Policy PG2 defines Holmes Chapel as a Local Service Centre (LSC). Within such locations, small scale development to meet the needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

Policy H01 of the Holmes Chapel NP has the objective to provide additional development beyond the total planning applications already approved as at July 2016 (613 dwellings) and meet the requirements of the CELPS, changing demographic and quantified demand for different types of housing. The relevant aspects of Policy H01 goes on to state that;

- A. Further small scale housing development beyond the existing approvals of 613 homes will be supported to meet the needs and priorities established in the plan (Neighbourhood Plan), and to meet any target number of homes for Holmes Chapel through stage 2 of the Local Plan.
- B. Housing development will be expected to deliver a range of housing from smaller starter units of one to two bedrooms to larger, three or more bedroom properties
- D. Proposals which specifically include housing, such as bungalows or other terraced homes, suitable for individual living by older people to meet the needs to the growing aging population, will be supported.

In response, all three of the relevant 'principle' policies for housing within the Cheshire East Council development plan apply to the application proposals. All three indicate that the principle of housing on the application site would be acceptable if certain stipulations are adhered too.

The Congleton Local Plan supports the proposals subject to design considerations and adherence with other policies of the plan. These are considered in the below assessment.

The CELPS supports the proposals if they are deemed to be 'small scale', which they are considered to be in this instance, and where they support relevant needs and priorities.

Within the neighbourhood plan, the 'needs' referred to within section A (above) are for; bungalows or smaller terraced homes, suitable for individual living by older people to meet the needs of the growing ageing population (Policy HO1 (D)). The type of housing required appears to be further explained within the justification text of this policy. Within this text, it states that there is a need for smaller homes for younger residents and particularly for older people who want to downsize.

The proposed development is for 1 pair of two-storey semi-detached units (each with two bedrooms). It could be considered that these dwellings would indeed cater for either younger residents or older residents looking to downsize, adhering with the needs highlighted in the justification text of Policy HO1.

For the above reasons, subject to the adherence of the development with all other relevant aspects of the development plan, the proposals are deemed to be acceptable in principle.

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

### **Other Matters**

#### Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The proposal seeks the erection of a pair of semi-detached, two-storey properties on land to the rear of No.108 London Road, Holmes Chapel.

The dwellings would front Holmes Chapel Road, approximately 39 metres away from the associated roadside footpath, behind No.108 London Road which is a two-storey converted chapel now used as office accommodation.

The dwellings would be inset from the proposed southern, side edge of the site by approximately 2.5 metres, by between 12.6 metres and 7.1 metres from the rear boundary and 2.5 metres from the side, northern boundary. The site would be accessed via the existing access arrangements utilised by No.108 London Road.

The layout has been amended on the advice of the Officer to include a small front garden and place the parking along the sides of both dwellings. As there is existing built form to all sides of the application site, with no definitive pattern of development in addition to the above reasons, it is considered that the layout of the proposed scheme would be acceptable.

With regards to form, a pair of semi-detached, two-storey dwellings are proposed. Surrounding the application site there are a mixture of either two-storey semi-detached dwellings (London Road) or two-storey detached units. As such, the provision of a further pair of semi-detached units would not appear incongruous.

In relation to scale, the proposed units combined would measure approximately 10.7 metres in width and 9.6 metres in depth and would have a maximum height of approximately 7.8 metres. It is considered that these scales are commensurable with the closest existing semi-detached properties on London Road and immediate surrounding development.

The dwellings would have rectangular footprints and would have a cottage appearance by reason of the first-floor being accommodated within the roof space. To achieve this, a half-dormer is proposed on the front of each unit. The front elevations would also comprise of front doors with lean-to canopies above. The positioning of the fenestration would ensure that the dwellings will have a symmetrical appearance. No side openings are proposed. On the rear, a central half-dormer is proposed and a central set of patio doors. Two roof lights are proposed within the dual-pitched roof on each property to the rear.

The openings would comprise of arched stone lintels. It is advised within the submitted Design and Access Statement that the proposals will be constructed in Cheshire brick with a tiled roof and timber windows and doors.

It is considered that the design would be acceptable, subject to a condition seeking the prior approval of facing and roofing materials to ensure the proposal adheres with Policy SE1 of the CELPS, CE5 of the neighbourhood plan and the Cheshire East Design Guide.

### Access / Highway safety

The application proposes to utilise an existing private access onto London Road, currently exclusively used by No.108 London Road.

The application has been reviewed by the Council's Head of Strategic Infrastructure (HSI), who has subsequently advised that following the receipt of further information, he has no concerns with regards to the access arrangements, the off-street parking provision and the refuse collection arrangements.

The development would therefore adhere to Policy TT1 of the Holmes Chapel NP and Policy GR9 of the Congleton Local Plan and Policy SD1 of the CELPS.

### Trees

There are TPO protected trees on land to the south of the site (outside the site boundary) and trees in neighbouring gardens to the north and west.

The application is supported by a Preliminary Tree report dated 14/9/16, but no arboricultural impact assessment or method statement.

The Council's Tree Officer has advised that the proposals should not have any direct impacts on trees subject to a tree protection conditions and would therefore adhere with Policy SE5 of the CELPS and Policy CE4 of the Holmes Chapel NP.

### Flooding and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

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

United Utilities have reviewed the submission and raise no objections to the proposal on drainage grounds, subject to informatives.

The application is therefore considered to adhere with policies; CE7 of the HP Neighbourhood Plan, GR20 of the Congleton Local Plan and Policy SE13 of the CELPS.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring dwellings to the application properties would be the occupiers of the applicants unit, No.108 London Road to the east, an office building, No.106 London Road to the north-east, No.5 Ironbridge Drive to the north-west and No.109 Portree Drive to the south.

The principal elevations of the properties would be approximately 14.6 metres from the rear elevation of the office building. Although this would be short of the recommended minimum standards, these standards apply to residential properties on commercial units. This is because commercial units such as the No.108 London Road are not occupied all day and all night and are used differently to residential properties. It is considered that this office building would be far enough away from the proposed development to ensure no significant concerns with regards to loss of privacy, light and visual intrusion would be created.

No.106 London Road would be offset to the north-east of the proposed dwellings and as such, would not be directly impacted by the above considerations. Although, the proposed elongated garden of this neighbouring unit would extend parallel to the north of the site, no openings are proposed within this gable elevation eliminating any overlooking concerns onto this neighbour's private amenity space.

No.5 Ironbridge Drive is located off-set to the north-west. Again, due to this offset, no concerns are created with regards to loss of privacy, light and visual intrusion for this neighbouring dwelling itself. It is considered that although the proposed properties would face out onto the rear portion of this neighbour's garden, they are sufficiently pulled back within their plots so not to create any

unreasonable loss of privacy to this neighbour's garden. Although concerns have been raised in relation to the proposed roof lights, these would be above 'head height' and as such, create no issues.

No.109 Portree Drive would be over 21 metres away from the side elevation of the closest of the proposed dwellings and no openings are proposed within the relevant side elevation. As such, it is not considered that the occupiers of this neighbouring property would be detrimentally impacted by the proposal in terms of loss of privacy, light of visual intrusion.

With regard to the amenities of the future occupiers of the proposed units themselves, sufficient private amenity space would be afforded so the occupiers of each could carry out normal functions such as drying washing, sitting out etc. Furthermore, there would be no conflict of the built form of the proposed dwellings upon each other.

The Council's Environmental Protection Officer initially reviewed the application and advised that he has no objections, subject to a number of conditions including; that all habitable room windows should comprise of glass of 10mm and laminated 6,4mm with a 12mm air gap or designed as a minimum to achieve noise reduction criteria of 34dB Rtra; the provision of acoustic trickle vents/wall ventilators; the provision of a single Mode 2 compliant Electric vehicle charging point for the two properties; the prior submission/approval of a phase 1 contaminated land report; the prior submission/approval of a soil verification report and a condition that works should stop if any contamination is identified. Informatives regarding hours of construction and contaminated land are also proposed.

Subject to these conditions, it is considered that the development would adhere to Policy GR6 of the Local Plan.

### Jodrell Bank

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan (PS10 and para 2.69) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment. Policy SE14 of the recently adopted CELPS also broadly reflects these requirements.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

Jodrell Bank recognise that there is significant development across the region surrounding the telescopes and have carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself. This analysis uses data provided by Cheshire East and the Ordnance Survey and uses the officially recognized propagation model provided by the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz' (ITU-P.452).

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment.

The University of Manchester (who operate Jodrell Bank), have not provided comments on the application at the time of report.

However, the application site lies within the settlement boundary for Holmes Chapel and is surrounded on all sides by residential development. Furthermore, it is not within a direction or proximity which is particularly sensitive to the telescope's efficiency. For a combination of these reasons, it is not considered that it would be reasonable to pursue resisting the development on Jodrell Bank grounds in this instance. However, should the application be approved, a condition requiring the prior submission/approval of electromagnetic screening measures be imposed to minimize any such impact.

### **CONCLUSION**

The proposed development seeks to utilise a brownfield site within the settlement zone line for Holmes Chapel where there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and adheres with other relevant development plan policies.

The proposal is of an acceptable design that would not create any significant concerns in relation to amenity, highway safety, trees, flooding or drainage and Jodrell Bank subject to conditions where deemed necessary.

The application is therefore recommended for approval.

### **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Time**
- 2. Plans**
- 3. Materials - Prior submission/approval of details**
- 4. Prior submission/approval of acoustic glazing details**
- 5. Prior submission/approval of trickle vent/wall ventilation details**
- 6. Prior submission/approval of electric vehicle charging infrastructure**
- 7. Prior submission/approval of a Phase 1 contaminated land report**
- 8. Prior submission/approval of a soil verification report**
- 9. Works should stop if contamination is identified**
- 10. Prior submission/approval of surface water drainage scheme**
- 11. Prior submission/approval of levels**

- 12. Prior submission/approval of tree protection measures**
- 13. Prior submission/approval – landscaping**
- 14. Landscaping – Implementation**
- 15. Prior submission/approval of boundary treatment**
- 16. Prior submission/approval of electromagnetic screening measures**

**Informatives:**

- 1. NPPF**
- 2. Hours of construction**
- 3. Contaminated land**

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



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Application No: 17/3356C

Location: Congleton Plastics, VAREY ROAD, CONGLETON, CW12 1HD

Proposal: Change of use to B2/B8 use and limited demolition and extension to premises for ancillary office use

Applicant: Lee Mar Estates

Expiry Date: 06-Oct-2017

**SUMMARY:**

**The proposed B2/B8 use would utilise an existing, vacant employment site within the Eaton Bank Industrial estate within the Congleton Settlement Zone Line.**

**The scheme would bring economic benefits to the area by using a currently vacant site that offers none.**

**The proposal is compatible with the surrounding development and the design, scale and form of the associated extension would be functional without appearing incongruous.**

**Subject to conditions, the impact on neighbouring residential amenity, ecology, trees or flooding and drainage would not be significant. Satisfactory access and parking provision can be provided**

**The application is therefore recommended for approval.**

**RECOMMENDATION:**

**APPROVE subject to conditions**

**DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a large industrial site located on the western side of Varey Road within the Eaton Bank Industrial Estate, Congleton within the Congleton Settlement Zone Line.

The site comprises a single building of several blocks which total 6,520sqm internal floor space with areas of external hardstanding for parking and loading. The premises are currently vacant, formerly housing Congleton Plastics.

The application site also lies within the radius of an Air Quality Management Area.

### **DETAILS OF PROPOSAL**

Planning permission is sought for the change of use of this industrial site to B2/B8 use and also seeks to add a small extension of 70sqm to the front of the existing building in order to provide ancillary office space.

A section of acoustic fencing to the rear of the site (at the foot of the wooded hill to the west) is also proposed as noise mitigation.

The permission is sought in order to allow for the relocation of a significant existing Cheshire East based employer, a wall paper manufacturer, who requires more appropriate alternative premises.

### **RELEVANT HISTORY**

**23786/3** - proposed erection of 5 storage silos for plastic granules – Approved 12<sup>th</sup> November 1991

**22010/3** - proposed office and ancillaries – Approved 27<sup>th</sup> March 1990

**19160/3** - offices and production building – Approved 8<sup>th</sup> December 1987

**18879/3** - alterations to car park previously approved – Approved 4<sup>th</sup> August 1987

**17925/3** - warehouse for storage of manufactured products, associated service yard and additional car parking – Approved 9<sup>th</sup> September 1986

**17548/3** - Proposed Enclosing Existing Yard Area To Form Additional Production Area – Approved 11<sup>th</sup> August 1986

**14998/3** - lean to building to house pumps, electric switchgear etc – Approve 1<sup>st</sup> June 1983

**14587/3** - industrial units – Approved 7<sup>th</sup> December 1982

**14301/3** - warehouse, parking area and access road – Approved 24<sup>th</sup> August 1982

**8504/3** - add production and warehousing and office accommodation – Approved 6<sup>th</sup> February 1979

**8412/3** - Building To Accommodate Heat Extract Units- Approved 16<sup>th</sup> January 1979

**0945/3** - steel framed portal building for warehouse –Approved 20<sup>th</sup> November 1974

### **POLICIES**

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

#### **Development Plan**

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

MP1 – Presumption in Favour of Sustainable Development, PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, PG7 – Spatial Distribution of Development, EG1 – Economic Prosperity, EG3 – Existing and Allocated Employment Sites, EG5 – Promoting a Town Centre First Approach to Retail and Commerce, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 – The Landscape, SE5 – Trees, Hedgerows and Woodlands, SE6 – Green Infrastructure, SE7 – The Historic Environment, SE8 – Renewable and Low Carbon Energy, SE9 - Energy Efficient Development, SE11 – Sustainable Management of Waste, SE12 - Pollution, Land Contamination and Land Instability, SE13 – Flood Risk and Water Management, CO1 – Sustainable Transport and Travel, CO4 – Travel Plans and Transport Assessments, IN1 – Infrastructure IN2 – Developer Contributions

##### *Congleton Borough Local Plan First Review 2005*

PS4 – Towns, GR6 – Amenity and Health, GR9 – Accessibility, Servicing and Parking Provision, GR13 – Public Transport Measures, GR14 – Cycling Measures, GR15 – Pedestrian Measures, GR16 – Footpath, Bridleway and Cycleway Networks, GR17 – Car Parking, GR18 – Traffic Generation, GR20 – Public Utilities, NR2 – Wildlife and Nature Conservation (Statutory sites), NR3 – Wildlife and Nature Conservation (Habitats), NR4 - Wildlife and Nature Conservation (Non-statutory sites)

#### **National Policy**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. The relevant paragraphs include;

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

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

**Head of Strategic Infrastructure (HSI)** - No objections

**Environmental Protection** – No objections, subject to a number of conditions including; Implementation of noise mitigation measures within acoustic report, the inclusion of an hours of delivery restriction, the prior submission/approval of a dust mitigation scheme and the prior submission/approval of a travel plan for future staff. Informatives in relation to hours of construction and contaminated land are also sought.

**Flood Risk Manager** – No objections, subject to the drainage of the new extension being drained into the existing surface water drainage system.

**Congleton Town Council** – No objections

### **OTHER REPRESENTATIONS:**

Consultation letters, a site notice and an advert in the local newspaper were taken out to advertise the application.

In response, at the time of writing this report, 6 letters of objection/concern had been received. The main issues raised include;

- Amenity – noise pollution, air pollution
- Design – safety of proposed cladding material
- Highway safety – congestion, access for emergency vehicles
- Impact upon trees

### **OFFICER APPRAISAL**

#### **Principle of development**

The site is located within an existing employment area within the Congleton Settlement Zone Line as defined by Saved policy PS4 of the Congleton Borough Local Plan.

Congleton is identified as a Key Service Centre within the CELPS (Policy PG2). Within such locations, development of scale, location and nature that recognises the distinctiveness of the town will be supported.

Policy SD1 of the CELPS advises that in Key Service Centres, investment and growth will be prioritised and that the re-use of existing buildings should be encouraged.

Policy EG1 of the CELPS states that proposals for employment development (specifically B1, B2 and B8 uses) will be supported in principle in Key Service Centres. This policy goes on to state that on non-allocated employment sites, proposals will be supported where they are in the right location and support the strategy, role and function of the town.

Policy EG3 of the CELPS relates to existing and allocated employment sites. This policy states that such sites will be protected for employment uses unless certain criteria are satisfied. As the proposal would result in the site remaining in employment use, although

a different employment use than at present, the proposal is considered to adhere with this policy.

As the proposal relates to the re-use of an existing, vacant employment site with an alternative employment use, a use supported in this location by the CELPS, subject to its adherence with all other relevant policies, it is considered that the proposal would be deemed to be acceptable in principle.

### **Design**

Policy SE1 of the CELPS advises that the proposal should make a positive contribution of their surroundings in terms of; sense of place, design quality, sustainable architecture, liveability/workability and safety.

The application seeks the change of use of the wider site and a limited amount of new development. The new development would comprise of a small extension of 70sqm to the front of the existing building (fronting Varey Road) in order to provide ancillary office space.

The extension would be single-storey to reflect the existing facility and measure 6.5 metres in depth, 11.6 metres in width and would comprise of a flat roof, 3.67 metres in height at its maximum point. It is advised within the submission that the extension would be finished in dark grey cladding.

Whilst the design or finish is not ideal in design terms, it must be acknowledged that the character of the street is one of industrial premises with differing designed frontages. The buildings are utilitarian in form and are designed for functionality rather than form.

The proposed acoustic fence to the rear (west) of the site would be well screened from public vantage points and raises no particular design concerns.

It is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy SE1 of the CELPS.

### **Amenity and Health**

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

The area is predominately industrial in character being positioned within the Eaton Bank Industrial Estate. The closest existing neighbouring dwellings are located over 100 metres from the proposed extension. As such, no concerns are raised with the proposal in relation to loss of privacy, light or visual intrusion.

The closest existing neighbouring dwellings to the wider site which would be utilised for the re-located business would be the occupiers of the properties on Wiltshire Drive which would be approximately 57 metres away, albeit at a significantly higher level.

The Council's Environmental Protection Unit have advised that they have no objections in consideration of matters of air or land pollution, subject to a number of conditions including; the prior submission/approval of a dust mitigation method statement and the prior submission/approval of a Travel Plan.

Matters of noise pollution were of particular concern to residents and the Environmental Protection Officer. In order to address this concern, an acoustic report has been prepared proposing mitigation in the form of an acoustic fence (at the rear of the site). Furthermore, the applicant has agreed to an hours of delivery restriction to ensure any night-time noise is kept to a minimum. These conditions address the Council's Environmental Protection Officer's concerns, subject to their implementation.

As such, subject to the above, it is not considered that the proposal would create any significant amenity concerns and would adhere to Policy GR6 of the Congleton Local Plan.

### **Highways**

The existing access arrangements to the site shall remain unchanged.

At present there are 11 car parking spaces fronting the building and this will be reduced to 4 to allow the building of the office accommodation. Although there is a reduction in parking, the Council's Head of Strategic Infrastructure (HSI) has advised that there are other parking areas on the site that provide adequate parking. Therefore, the Council's HSI has advised that the proposals raise no highway concerns and no objections are raised.

### **Flooding & drainage**

The Council's Flood Risk Manager has reviewed the proposals and advised that he has no objections, subject to the drainage from the proposed new extension being drained into the existing surface water drainage system.

### **Nature Conservation**

The Council's Nature Conservation Officer has reviewed the proposals and advised that should planning permission be approved, a condition to protect breeding birds be imposed.

With regards to the proposed acoustic fence, the Council's Nature Conservation Officer has advised that because the proposed location of the acoustic fence borders an area of Deciduous Woodland (a national inventory priority habitat), he would need to be satisfied that this would be constructed inside the service yard on the existing hard-

standing and not within the woodland itself. As such subject to a condition seeking the prior approval of a more detailed plan to reflect this, no nature conservation objections are raised.

### **Trees**

Although the proposed extension would not create any forestry concerns due to its large distance away from any existing trees, the proposed acoustic fence would be at the foot of, and be within close proximity to woodland.

The Council's Forestry Officer has reviewed the proposals and advised that assuming the fencing will be supported on individual posts secured into the ground by concreted spot holes; providing the holes are either excavated by hand or arguer any direct damage should be limited. It would appear an amount of lateral pruning to establish the fence line will also be required, the extent of which is also difficult to determine from the detail submitted.

As such, should the application be approved, the Council's Forestry Officer has recommended a condition that no development shall take place until details of an Engineer designed construction method statement for the implementation of the acoustic fencing within the Root Protection Areas of the adjacent tree cover has been submitted to the Local Planning Authority. Furthermore, a condition seeking the prior approval of any tree pruning and felling should be submitted.

Subject to these conditions, it is considered that the proposal would not create any significant tree concerns.

## **CONCLUSIONS**

The proposed B2/B8 use would utilise an existing, vacant employment site within the Eaton Bank Industrial estate within the Congleton Settlement Zone Line. The scheme would bring economic benefits to the area by using a currently vacant site that offers none.

The proposal is compatible with the surrounding development and the design, scale and form of the associated extension would be functional without appearing incongruous. Subject to conditions, the impact on neighbouring residential amenity, ecology, trees or flooding and drainage would not be significant. Satisfactory access and parking provision can be provided

The application is considered to constitute a sustainable form of development and is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

### **1. Standard (3 years)**

2. Plans
3. Materials as per application
4. Approved extension shall be drained into the existing surface water drainage system.
5. Deliveries to and from the site shall be restricted to Monday to Friday 07.00 hours to 20.00 hours' – with no deliveries on Saturdays and Sundays
6. Implementation of noise mitigation scheme
7. Prior submission/approval of a dust management plan
8. Prior submission/approval of staff travel plan
9. Prior submission/approval of a scaled plan of the proposed acoustic fence detailing that it would constructed within the confines of the existing site on existing hardstanding
10. Prior submission/approval of a construction method statement of the proposed acoustic fence
11. Prior submission/approval of a tree pruning/felling specification

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



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Application No: 17/3231N  
Location: New Start Park, WETTENHALL ROAD, REASEHEATH, CW5 6EL  
Proposal: Brick building day room  
Applicant: Mr T Hamilton  
Expiry Date: 24-Aug-2017

**SUMMARY**

It is considered that the use of the site has already in principle been accepted, albeit on a temporary basis. Therefore subject to conditions which restrict the use and permanence of the building in line with the permanence of the site use the principle of development is acceptable.

The proposal will not have a detrimental impact on neighbouring amenity or the character and appearance of the open countryside. There will be no additional impact on highway safety and therefore the proposal is considered to be acceptable.

**SUMMARY RECOMMENDATION**

Temporary approval subject to conditions

**PROPOSAL**

Planning permission is sought for a brick building to use as a day room for the site. The building will be sited within the existing caravan site. The building will have a maximum height of 4m, a width of 5.5m and a length of 9m. The building will be used as a kitchen and utility building, bathroom, children's play area and a storage area.

**SITE DESCRIPTION**

The application site is a roughly rectangular shaped parcel of land set back from the frontage of Wettenhall Road and located within the open countryside. The site has temporary permission until 3<sup>rd</sup> June 2019.

**RELEVANT HISTORY**

15/4060N - Removal of Condition 1 on Application 09/4331N to make permission permanent – Approve subject to condition 3<sup>rd</sup> June 2016 (temp 3 years)

12/3020N - Removal of Condition 1 of 09/4331N - Change of Use as a Residential Caravan Site for 8 Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstandings and Provision of Foul Drainage. Refused 06<sup>th</sup> December 2012.

10/2810N - Change of Use of Land to Use as a Residential Caravan Site for Eight Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Layout of Hardstandings and Provision of Foul Drainage. Refused 06<sup>th</sup> December 2012.

09/4331N – Change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans, including improvement of access, construction of access road, laying of hardstanding, installation of services (water and electric) and provision of foul drainage. Refused 15<sup>th</sup> June 2010. Appeal allowed 21<sup>st</sup> January 2011.

### **NATIONAL & LOCAL POLICY**

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

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

PG6 - Open Countryside

SE1 – Design

SE4 - Landscape

SC7 - Gypsies and Travellers and Travelling Showpeople

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

The relevant Saved Policies are:

BE.1 – Amenity

BE.3 – Access and Car Parking

BE.4 - Drainage

#### **Other relevant documents**

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)

Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

#### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community.

## **CONSULTATIONS**

**Worleston Parish Council** – Worleston and District Parish Council wish to strongly object to this application. This is still an illegal encampment and to grant an application for a permanent structure would suggest that the parish accepts permanency in the future which it does not. It is also in open countryside. It also implies that the applicants expect to achieve permanent status in 2019. We reject this implication and will be campaigning against this. If this day room has to be granted then it should be in a temporary building to match the other wooden buildings on the site.

The PC would go further though and contest that so close to what they assume will be an application for permanency there should be a moratorium on any additional development in any structure. We would ask that this application is rejected.

## **REPRESENTATIONS**

8 letters of representation received objecting to the proposal, including the Ward Councillor, Michael Jones. Concerns raised include:-

- Permanent structures should not be built on a temporary site
- Impact on the open countryside
- Contrary to Peter Brett report
- Contrary to Policy SC7 of the CELPS
- Contrary to RES 13 of Crewe and Nantwich LP
- Lack of justifications submitted to support the application
- If approved it should be for a temporary timeframe and of a temporary nature

## **OFFICER ASSESSMENT**

### **Principle of Development**

The principle use of the site being used as a Gypsy and Traveller site, albeit on a temporary basis, has been considered to be acceptable by the original permission, and subsequent renewal permission which has been granted until the 3<sup>rd</sup> June 2019. It is therefore considered that the principle of the use on the site has permission. It is not unacceptable for a Gypsy and Traveller sites to include a day room/utility building.

The proposed day room would allow the children on the site to play safely within the building, and the applicant states that due to the family's poor health, medical professionals are required to visit the site regularly, amongst other professional visitors. Currently there are no buildings on the site, other than the caravans which could be used for these purposes. The building would also accommodate a bathroom, and kitchen area and an inside area for the children on the site to play. It is considered that subject to the permanency and use of the building being control by conditions the general principle of the building is acceptable.

Therefore the main issues of the application are the impact on the open countryside, amenity and highway safety and any other relevant planning policies.

### **Character and appearance**

Policy SC7 states that proposals for gypsy and travellers sites should include the impact on the character and appearance of the surrounding area. The proposed amenity building will be of a size which is similar to double garage and constructed in brick and will have a tiled roof. It is considered that this will not appear unduly prominent within the open countryside position. It is therefore considered that the proposed building is acceptable and will not have an adverse impact on the character and appearance of the rural area.

### **Amenity**

The proposed building will be sited within the Gypsy site, with no immediately adjacent neighbours which will be adversely affected by the proposed building. The building will afford the occupiers of the site a better quality of life, whilst temporarily living on the site. It is therefore considered that the proposal is acceptable and will not have a detrimental impact on neighbouring amenity over and above the existing situation.

### **Highways**

The Inspector who approved the site was satisfied that access and parking arrangements would be adequate and additional traffic generated by the proposed use would have a negligible impact on highway safety. It is not considered that the proposed building would affect the parking or access of the site.

### **CONCLUSION**

It is considered that the use of the site has already in principle been accepted, albeit on a temporary basis. Therefore subject to conditions which restrict the use and permanence of the building in line with the permanence of the site use the principle of development is considered to be acceptable.

The proposal will not have a detrimental impact on neighbouring amenity or the character and appearance of the open countryside. There will be no additional impact on highway safety and therefore the proposal is considered to be acceptable.

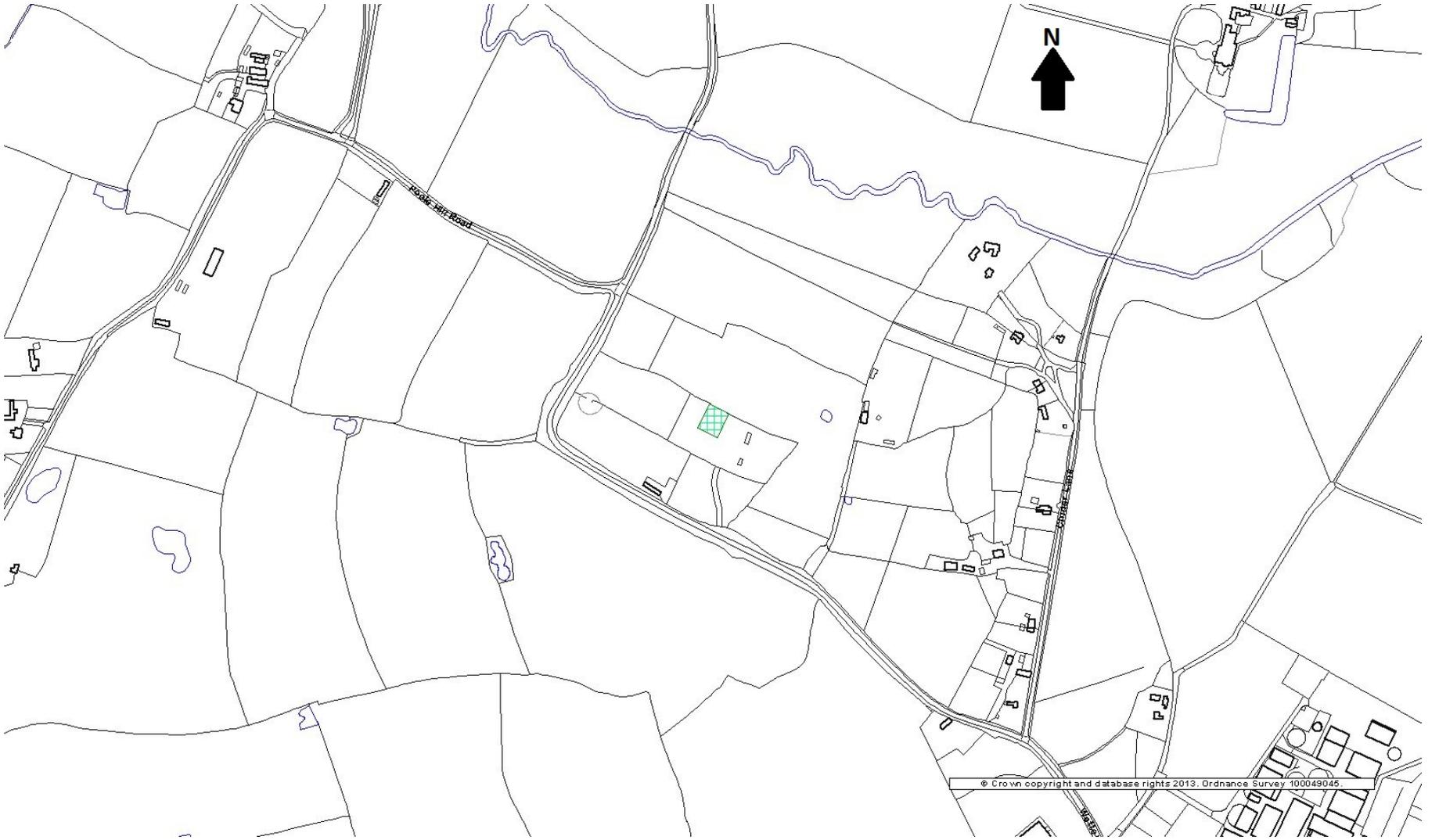
### **RECOMMENDATION**

It is recommended that the application be granted for a temporary period, subject to the following conditions.

- 1) Temporary period in line with 15/4060N**
- 2) No over night use**
- 3) Amount of pitches**
- 4) When use ceases the building shall be removed within 6 month**
- 5) Materials to be approved**
- 6) Approved plans**

**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.



Application No: 17/0205N

Location: NANTWICH ROAD ROUNDABOUT, CREWE

Proposal: Erection of 4 sponsorship signs on the roundabout. One facing each entry point onto the roundabout. (excluding Tommy's Lane)

Applicant: Richard Bramhall, Ansa Environmental Services Ltd

Expiry Date: 30-Sep-2017

**SUMMARY**

The proposal consists of the display of sponsorship signs.

The proposal would be acceptable in terms of amenity and public safety.

As such the application is recommended for approval.

**RECOMMENDATION**

**APPROVE subject to conditions**

**PROPOSAL**

The proposal is for advertisement consent to display non-illuminated sponsorship signs on the roundabout. The specific details of the proposals are as follows:

4 signs are proposed which will measure 0.6 metres in height, 1.5 metres in width and will be positioned on wooden posts 1 metre from the ground. Total height from the ground 1.6m including sign and post.

**SITE DESCRIPTION**

The proposal site is the roundabout located between A534/A532/Weston Road, adjacent to Crewe train station and Crewe fire station/B&Q.

**RELEVANT HISTORY**

None.

**NATIONAL & LOCAL POLICY**

## **Cheshire East Local Plan**

CS37 South Cheshire Growth Village  
MP1: Presumption in Favour of Sustainable Development  
SE1: Design  
SD2: Sustainable Development Principles.  
SE4: Landscape  
SE7: Historic environment  
PG5 Open countryside

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

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

BE1 Amenity  
BE3 Access and parking  
BE19 (Advertisements and Signs)  
BE20: Advance directional signs

## **National Planning Policy**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance- section 18b

## **Other material considerations**

Circular 03/2007 Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Extract from PPG section 18b:

Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

## **CONSULTATIONS**

**Highways-** No objection subject to condition that they are not externally illuminated

## **VIEWS OF THE TOWN/PARISH COUNCIL**

No comments received at time of report.

## **REPRESENTATIONS**

None

## **APPLICANT'S SUPPORTING INFORMATION:**

The proposal is to deliver a trial, for Cheshire East Council, of advertising sponsorship on 20 roundabouts across Cheshire East.

The application is for a five year period. The trial will initially be for 1 year with a review towards the end of the year as to whether the council wishes to continue the sponsorship scheme.

Advertisers will be approved by Cheshire East council prior to allowing them to sponsor a roundabout to ensure that only appropriate messages will be allowed onto a roundabout.

Cheshire East Highways will deliver the safety audit both prior to and after installation to ensure signs are placed at the right point and height on the roundabout.

The signs will be at a height to conform to National Regulations. This is to ensure that road users can see under or over the sign at roundabouts whilst at the same time ensuring that grass / foliage can be maintained.

Highways have confirmed that we do not need 1m clearance at all sites, but we may at some and this will be decided during the highways safety audit. The important thing about the signs is that road users should have an unobstructed view over or under them wherever they are sited and the highways safety audit will deliver this.

## **APPRAISAL**

The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

Para 67 of The Framework relates to advertisements and states that:

'Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

This indicates that the main issues are amenity and public safety

### **Amenity**

The site is situated in Crewe and Nantwich Settlement Boundary, within Crewe Town Centre. The signs would all be within the existing substantial roundabout and would be non-illuminated. The signs would also be viewed against existing planting.

Given the commercial context and the size of the roundabout, it is considered that there would be no adverse impact on visual amenity.

### **Highway safety**

The Strategic Highways Manager raises no objections to the proposal. The proposed size and location of the signage on the roundabout is acceptable, they do not interfere with visibility.

### **CONCLUSIONS**

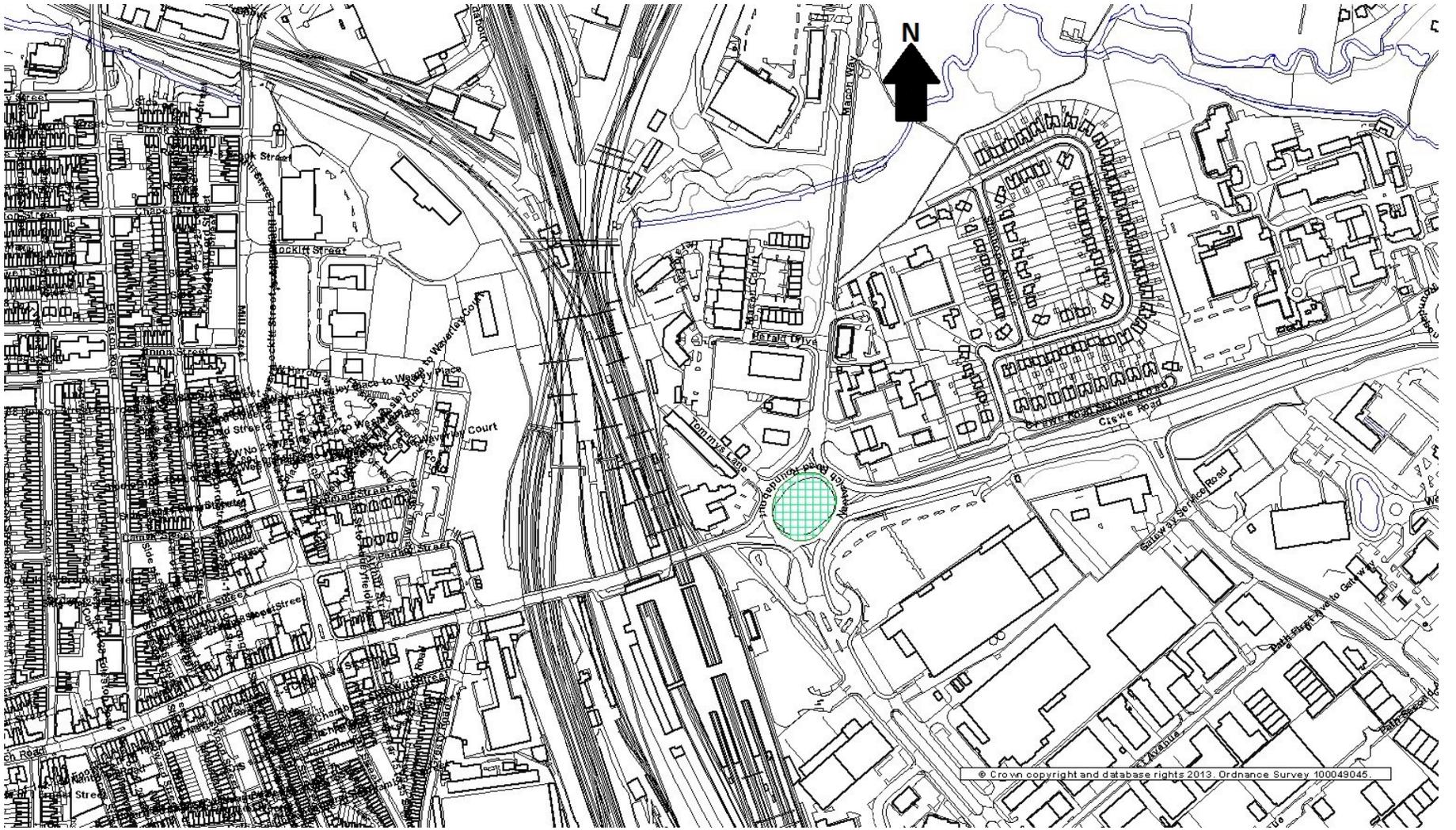
The proposed advertisements are considered to be acceptable and would not have any detrimental impact on the visual amenity of the area. The proposals would not result in any demonstrable harm to the amenity of adjoining properties. The application proposals are therefore considered to be a sustainable form of development.

### **RECOMMENDATION:**

#### **Approve subject to following conditions**

- 1.1-6 standard advertisement conditions
- 2.Signs to be non-illuminated
- 3.Posts to be painted black
- 4.In accordance with approved plan

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



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Application No: 17/0947N

Location: Roundabout: A530 / A51 (Nantwich Bypass) / Middlewich Rd (Alvaston roundabout), Nantwich

Proposal: Erection of 5 sponsorship signs on the roundabout. One facing each entry point onto the roundabout.

Applicant: Richard Bramhall, Ansa Environmental Services Ltd

Expiry Date: 04-Oct-2017

**SUMMARY**

The proposal consists of the display of sponsorship signs.

The proposal would be acceptable in terms of amenity and public safety.

As such the application is recommended for approval.

**RECOMMENDATION**

**APPROVE subject to conditions**

**PROPOSAL**

The proposal is for advertisement consent to display non-illuminated sponsorship signs on the roundabout. The specific details of the proposals are as follows:

5 signs are proposed which will measure 0.6 metres in height, 1.5 metres in width and will be positioned on wooden posts 1 metre from the ground. Total height from the ground including post and sign is 1.6m high.

**SITE DESCRIPTION**

The proposal site is the roundabout located between the A530 / A51 (Nantwich Bypass) / Middlewich Rd (Alvaston roundabout).

**RELEVANT HISTORY**

None.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan**

CS37 South Cheshire Growth Village

MP1: Presumption in Favour of Sustainable Development

SE1: Design

SD2: Sustainable Development Principles.

SE4: Landscape

SE7: Historic environment

PG6 Open countryside

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

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

BE1 Amenity

BE3 Access and parking

NE.4 Green Gap

BE19 (Advertisements and Signs)

BE20: Advance directional signs

### **National Planning Policy**

National Planning Policy Framework (NPPF)

Planning Practice Guidance- section 18b

### **Other material considerations**

Circular 03/2007 Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Extract from PPG section 18b:

Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

## **CONSULTATIONS**

**Highways:** No objection subject to condition that the signs are not internally illuminated

**Conservation Officer:** No objection

## **VIEWS OF THE TOWN/PARISH COUNCIL**

**Nantwich Town Council:** The proposal will lead to increased visual clutter due to the multiplicity of signs and a distraction for motorists with the potential for harm to highway safety. The Town Council objects on the grounds of demonstrable harm to the appearance of the street scene and demonstrable harm to highway safety.

### **REPRESENTATIONS**

None

### **APPLICANT'S SUPPORTING INFORMATION:**

The proposal is to deliver a trial, for Cheshire East Council, of advertising sponsorship on 20 roundabouts across Cheshire East.

The application is for a five year period. The trial will initially be for 1 year with a review towards the end of the year as to whether the council wishes to continue the sponsorship scheme.

Advertisers will be approved by Cheshire East council prior to allowing them to sponsor a roundabout to ensure that only appropriate messages will be allowed onto a roundabout.

Cheshire East Highways will deliver the safety audit both prior to and after installation to ensure signs are placed at the right point and height on the roundabout.

The signs will be at a height to conform to National Regulations. This is to ensure that road users can see under or over the sign at roundabouts whilst at the same time ensuring that grass / foliage can be maintained.

Highways have confirmed that we do not need 1m clearance at all sites, but we may at some and this will be decided during the highways safety audit. The important thing about the signs is that road users should have an unobstructed view over or under them wherever they are sited and the highways safety audit will deliver this.

### **APPRAISAL**

The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

Para 67 of The Framework relates to advertisements and states that:

‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

This indicates that the main issues are amenity and public safety

### **Amenity**

The site is situated in Crewe and Nantwich Settlement Boundary, within Crewe Town Centre. The signs would all be within the existing substantial roundabout and would be non-illuminated. They would also be viewed against the existing planting on the roundabout.

Given the commercial context and the size of the roundabout, it is considered that there would be no adverse impact on visual amenity.

### **Highway safety**

The Strategic Highways Manager raises no objections to the proposal. The proposed size and location of the signage on the roundabout is acceptable, they do not interfere with visibility.

### **CONCLUSIONS**

The proposed advertisements are considered to be acceptable and would not have any detrimental impact on the visual amenity of the area. The proposals would not result in any demonstrable harm to the amenity of adjoining properties. The application proposals are therefore considered to be a sustainable form of development.

### **RECOMMENDATION:**

#### **Approve subject to following conditions**

- 1.1-6 standard advertisement conditions
- 2.Signs to be non-illuminated
- 3.Posts to be painted black
- 4.In accordance with approved plan

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



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Application No: 17/0950N  
Location: Land At, ROUNDABOUT A500 CHEERBROOK, WILLASTON  
Proposal: Erection of 5 sponsorship signs on the roundabout  
Applicant: Mr Richard Bramhall, Ansa Environmental Services Ltd  
Expiry Date: 04-Oct-2017

**SUMMARY**

The proposal consists of the display of sponsorship signs.

The proposal would be acceptable in terms of amenity and public safety.

As such the application is recommended for approval.

**RECOMMENDATION**

**APPROVE subject to conditions**

**PROPOSAL**

The proposal is for advertisement consent to display non-illuminated sponsorship signs on the roundabout. The specific details of the proposals are as follows:

5 signs are proposed which will measure 0.6 metres in height, 1.5 metres in width and will be positioned on wooden posts 1 metre from the ground. Total height from ground 1.6m high including sign and pole.

**SITE DESCRIPTION**

The proposal site is the roundabout located at the A500 Cheerbrook/ Willaston.

**RELEVANT HISTORY**

None.

**NATIONAL & LOCAL POLICY**

**Cheshire East Local Plan**

CS37 South Cheshire Growth Village  
MP1: Presumption in Favour of Sustainable Development  
SE1: Design  
SD2: Sustainable Development Principles.  
SE4: Landscape  
SE7: Historic environment  
PG6 Open countryside

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

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

BE1 Amenity  
BE3 Access and parking  
NE.4 Green Gap  
BE19 (Advertisements and Signs)  
BE20: Advance directional signs

#### **National Planning Policy**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance- section 18b

#### **Other material considerations**

Circular 03/2007 Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Extract from PPG section 18b:

Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

#### **CONSULTATIONS**

**Highways** – No objection subject to condition that the signs are not internally illuminated

**Conservation Officer** – No objections.

#### **VIEWS OF THE TOWN/PARISH COUNCIL**

No comments received at time of report.

#### **REPRESENTATIONS**

### **Nantwich Civic Society:**

On behalf of Nantwich Civic Society, as chair, I wish to say that the safety of road users should be paramount. Too much signage is distracting to drivers at busy roundabouts. Whilst they are used by many local authorities, it does not mean that they are safe. We appreciate the funding strictures that CEC is going through but it must not mean a lowering of safety and amenity standards.

The height of the proposed signs -c.1 metre high, is too great.; too prominent and will block drivers' views of the roundabout and approaching traffic.

moreover, the Civic Society, Nantwich Local Area Partnership and latterly The Nantwich Partnership have all campaigned to improve the gateways into Nantwich through neater signage and landscaping. These additional signs will harm the visual appearance of the area and cause highway dangers.

### **APPLICANT'S SUPPORTING INFORMATION:**

The proposal is to deliver a trial, for Cheshire East Council, of advertising sponsorship on 20 roundabouts across Cheshire East.

The application is for a five year period. The trial will initially be for 1 year with a review towards the end of the year as to whether the council wishes to continue the sponsorship scheme.

Advertisers will be approved by Cheshire East council prior to allowing them to sponsor a roundabout to ensure that only appropriate messages will be allowed onto a roundabout.

Cheshire East Highways will deliver the safety audit both prior to and after installation to ensure signs are placed at the right point and height on the roundabout.

The signs will be at a height to conform to National Regulations. This is to ensure that road users can see under or over the sign at roundabouts whilst at the same time ensuring that grass / foliage can be maintained.

Highways have confirmed that we do not need 1m clearance at all sites, but we may at some and this will be decided during the highways safety audit. The important thing about the signs is that road users should have an unobstructed view over or under them wherever they are sited and the highways safety audit will deliver this.

### **APPRAISAL**

The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

Para 67 of The Framework relates to advertisements and states that:

‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an

appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

This indicates that the main issues are amenity and public safety

### **Amenity**

The site is situated in Crewe and Nantwich Settlement Boundary, within Crewe Town Centre. The signs would all be within the existing substantial roundabout and would be non-illuminated.

Given the commercial context and the size of the roundabout, it is considered that there would be no adverse impact on visual amenity. They would also be viewed against existing planting on the roundabout.

### **Highway safety**

The Strategic Highways Manager raises no objections to the proposal. The proposed size and location of the signage on the roundabout is acceptable, they do not interfere with visibility.

### **CONCLUSIONS**

The proposed advertisements are considered to be acceptable and would not have any detrimental impact on the visual amenity of the area. The proposals would not result in any demonstrable harm to the amenity of adjoining properties. The application proposals are therefore considered to be a sustainable form of development.

### **RECOMMENDATION:**

#### **Approve subject to following conditions**

- 1.1-6 standard advertisement conditions
- 2.Signs to be non-illuminated
- 3.Posts to be painted black
- 4.In accordance with approved plan

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



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**Cheshire East Council****Southern Planning Committee****Date of meeting: 4<sup>th</sup> October 2017****Report of Emma Hood, Arboricultural Officer, Environmental Planning****Title: Cheshire East Borough Council (Haslington – Winterley, Land to the north of Pool Lane) 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 22<sup>nd</sup> May 2017 at land to the north of Pool Lane, Winterley; 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 north of Pool Lane, winterley with no modifications.

**WARD AFFECTED**

Haslington

**POLICIES**

Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland

**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 appeal APP/R0660/W/16/3161426 in relation to application 16/1728N had been allowed and granted outline planning permission for up to 33 dwellings on land to the north of Pool Lane. Reserved matters application 16/5101C was received early in 2017 which prompted requests for an assessment to consider formal protection to trees on the site. The site was found to adjoin a plot of land also granted outline consent for development at appeal APP/R0660/16/3163461 in relation to application 16/3387N for up to 29 dwellings on land to the south of Hassall Road. Land to the west of the above sites, located adjacent to, and accessed from Crewe Road is currently under construction and was approved as part of application 13/4632N. All three sites and one adjoining field were considered in the assessment.

The applications were supported by Arboricultural Reports 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 comprises of mixed agricultural land on adjoining fields on a predominantly flat area of land located between Wheelock Heath and Winterley and is bounded by Pool Lane to the south, Crewe Road to the west and Hassall Rd to the north east.

The trees identified for formal protection are visible from roads abutting the site, with filtered views through existing properties on Pool Lane, Hassall Road and Crewe Road. The location of sites already afforded consent for development in proximity to one remaining agricultural field has led to local residents raising concerns regarding the possible loss of existing mature trees and the Order has been extended to afford long term protection to these trees. Many of the trees covered by the Order represent remnants of tree lined boundaries as recorded on the 1875 Ordnance Survey map for the Parish of Winterley demonstrating their historical importance and significance to the landscape character of the area.

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 22<sup>nd</sup> May 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 objections 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 22<sup>nd</sup> May 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**

Comments were received from local Ward members supporting the service of the Order

## OBJECTIONS/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order from TEP (The Environment Partnership) under instruction from Gareth Salthouse of Emery Planning on behalf of HIMOR Group Ltd. The objection relates to the protection of specific trees in the Order on land which HIMOR Group Ltd has an interest located to the eastern most section of the Order area.

The objection comprises of an eleven paged report and objects to the protection of specific trees; T6, T7, T8, T9, T10, T11, T12 and group G6 within the Order for the following reasons (taken from the concluding statement of report):

- *The management of all trees can be secured through the planning process and the Order therefore has no effect and is not expedient.*
- *All trees covered by the Order are shown as being retained within the context of the proposed development. There is therefore no threat to the trees. There is therefore no justification for the making of an Order and it is not expedient.*
- *All other trees within the objection site are under responsible management and there are no reasonable grounds for inferring a threat to their continued presence and condition. The Order is therefore unnecessary and is not expedient.*
- *The order has limited practical effect in the context of a pending application and is therefore not expedient. The making of an Order prejudices and obfuscates the planning process by introducing a material consideration after outline consent has been granted but before Reserved Matters have been discharged and therefore does not follow the Government's guidance which is that such Orders should be made in connection with the grant of development consent where necessary in addition to planning conditions.*
- *In consideration of these points, an objection is made to the Order and a respectful request that it be revoked or modified to exclude those trees listed in paragraph 3.2.*

## APPRAISAL AND CONSIDERATION OF THE OBJECTION

Objection by TEP (The Environment Partnership) under instruction from Gareth Salthouse of Emery Planning on behalf of HIMOR Group Ltd.

A Legal view was sought to clarify the validity of the objection as set out in the report submitted by Emery Planning. The opinion provided was of the view that the case for lack of expediency could be dismissed.

Conditions attached to outline consent do not become live until the permission is implemented and as reserved matters have not yet been granted and the site is not within a conservation area, the TPO secures the protection of the trees and removes the risk of felling or pruning works prior to implementation of any permission.

The illustrative layout may also be subject to changes at the reserved matters stage and it is not uncommon for a less desirable relationship between trees and proposed development to be presented for consideration, therefore the formal protection of the trees adds weight to their importance and relevance to maintaining the landscape character of the area.

With regard to the matter of expediency; the change of use of land in close proximity to development can present a situation where trees can come under threat, or at risk from requests to prune or even remove in the longer term where daylight or seasonal nuisance becomes a factor. Advice from Government is that; *'it may be expedient to make a TPO if the authority believes that there is a risk of the trees being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be imminent'*. *The Law of Trees, Forests and Hedgerows Second Edition s22.2.8 p573* by Charles Mynors further clarifies Government advice stating that ; *'it is also perfectly appropriate to impose an order where a development proposal, if implemented, might lead to future pressures from the occupiers of the finished buildings to remove trees'*.

The majority of the protected trees which are the subject of the objection are located within the gardens and on the boundary of properties along Pool Lane. These trees will serve to afford screening of the existing properties from any development in the long term, and while the risk of them being removed may be low, trees do not have to be at risk of being cut down to be deemed at threat from development. As *Mynors The Law of Trees, Forests and Hedgerows Second Edition* states at s22.2.8 p574 *' it is also perfectly appropriate to impose an order where a development proposal, if implemented, might lead to future pressures from the occupiers of the finished buildings to remove trees'*.

A TPO is not a barrier to development and will not prevent development from taking place, in this instance the Order will serve to ensure protection of trees which have already been identified to be retained at Outline, therefore it does not prejudice or obfuscate the planning process and only serves to ensure the long term protection of trees around which the nature of the existing landscape is proposed to change.

The service of the Order follows the granting of the outline consent and the parameters indicated may be subject to change and amendment, so with this in mind it is not unreasonable for the Local Authority to ensure the long term protection of trees in the form of a TPO whereas advice from Government is that; *'if outline permission has been granted, possibly on appeal, without an order having being considered, the matter should be addressed promptly, as problems may occur if the making of the order is left until the details have been submitted...and that where an application is submitted with a detailed layout plan - an application for full planning permission or for the approval of reserved matters, or an outline application but accompanied by an illustrative layout, it should be possible to consider precisely which trees should be retained. (Mynors The Law of Tree, Forests and Hedgerows Second Edition s21.8.7 p552-553.* In addition, Guidance also states that; (planning) *conditions should not be used to provide permanent protection; that is more effectively achieved using tree preservation orders (Mynors The Law of Trees, Forests and Hedgerows Second Edition s21.9.5 p557).*

## **RECOMMENDATION**

That the Cheshire East Borough Council (Haslington – Winterley, land to the north of Pool Lane) Tree Preservation Order 2017 is confirmed without modification.

Town and Country Planning Act 1990

CHESHIRE EAST BOROUGH COUNCIL  
(HASLINGTON – WINTERLEY, LAND TO THE NORTH OF POOL LANE)  
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 (HASLINGTON – WINTERLEY, LAND TO THE NORTH OF POOL LANE) 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 22nd day of May 2017

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

.....

Signed on behalf of the Cheshire East Borough Council

.....

Authorised by the Council to sign in that behalf



9698(2a)



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 approximately 30 metres to the east of 326 Crewe Road Grid Ref: 374,801 – 357,321
T2	Oak	Standing approximately 65 metres to the north of Pool Lane Grid Ref: 374,882 – 357,264
T3	Oak	Standing approximately 130 metres to the north of Pool Lane Grid Ref: 374,948 – 357,325
T4	Sycamore	Standing approximately 130 metres to the east of Crewe Road Grid Ref: 374,910 – 357,411
T5	Oak	Standing in the garden of No. 29 and approximately 15 metres to the north of Pool Lane Grid Ref: 374,985 – 357,203
T6	Oak	Standing in a field boundary approximately 30 metres to the north west of 67 Pool Lane Grid Ref: 375,148 – 357,310
T7	Silver birch	Standing in the garden of 57 Pool Lane Grid Ref: 375,124 – 357,280
T8	Oak	Standing to the north of the rear garden boundary of 49 Pool Lane Grid Ref: 375,085 – 357,276
T9	Silver birch	Standing to the north of the rear garden boundary of 39 Pool Lane Grid Ref: 375,069 – 357,274
T10	Oak	Standing in a field boundary to the north of the rear garden boundaries of 33 & 37 Pool Lane Grid Ref: 375,054 – 357,266
T11	Oak	Standing approximately 50 metres to the north of 33 Pool Lane Grid Ref: 375,041 – 357,254
T12	Weeping willow	Standing approximately 80 metres to the south west of the Baptist Chapel on Hassall Road Grid Ref: 375,069 – 357,408

**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>
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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 approximately 95 metres to the north of Pool Lane Grid Ref: 374,890 – 357,294
G2	2 Oak	Standing in a field boundary hedgerow running west to east approximately 90 metres to the north of Pool Lane Grid Ref: 374,927 – 357,290
G3	2 Oak	Standing approximately 85 metres to the north of Pool Lane Grid Ref: 374,983 – 357,279
G4	2 Oak	Standing in a field boundary hedgerow approximately 150 metres to the east of 334 Crewe Road Grid Ref: 374,941 – 357,400
G5	1 Oak and 1 Sycamore	Standing approximately 80 metres to the south of 36 Hassall Road, Winterley Grid Ref: 374,972 – 357,388
G6	2 Hybrid Black Poplar	Standing in the garden of 29 Pool Lane Grid Ref: 375,011 – 357,259

**Woodlands**

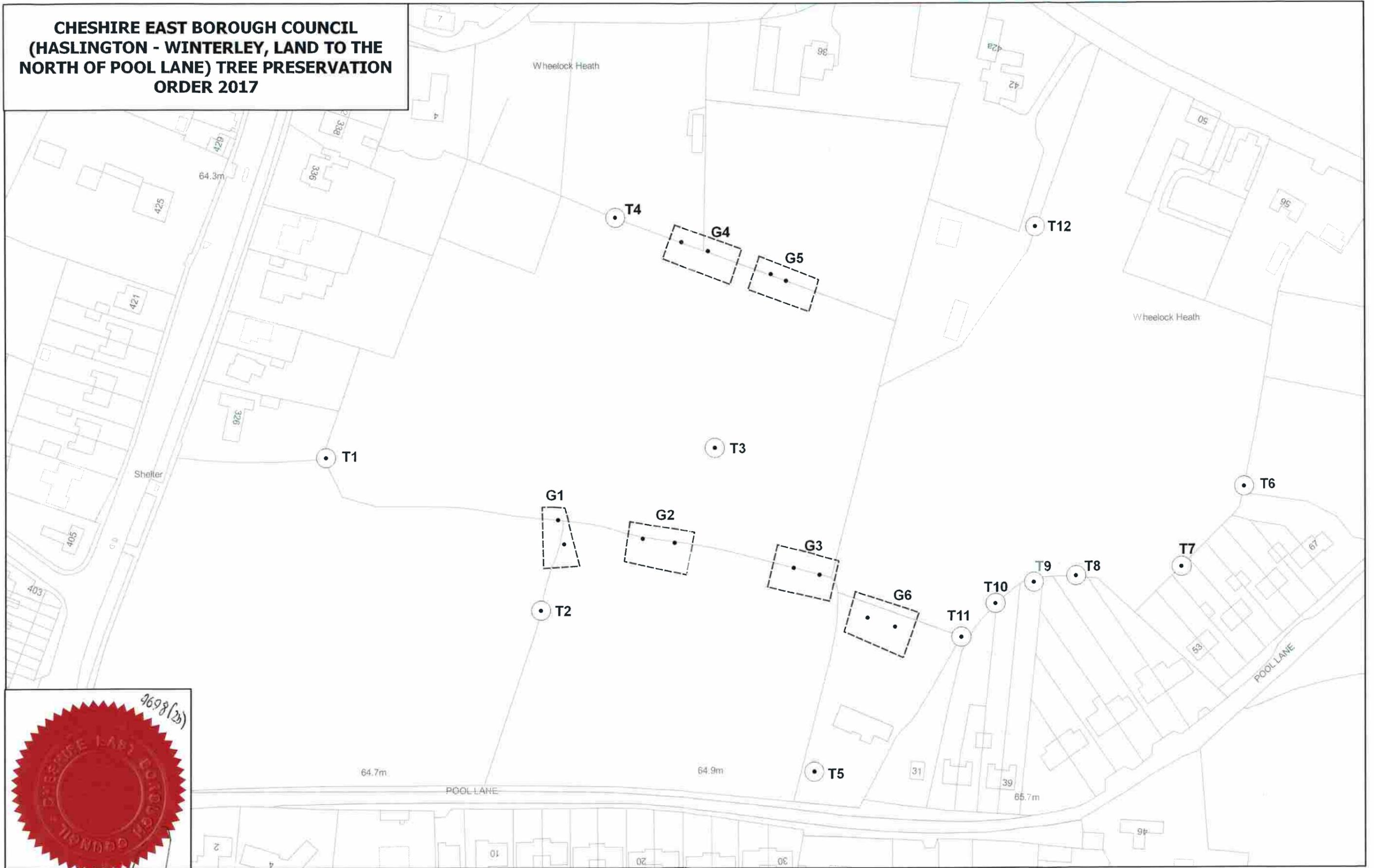
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

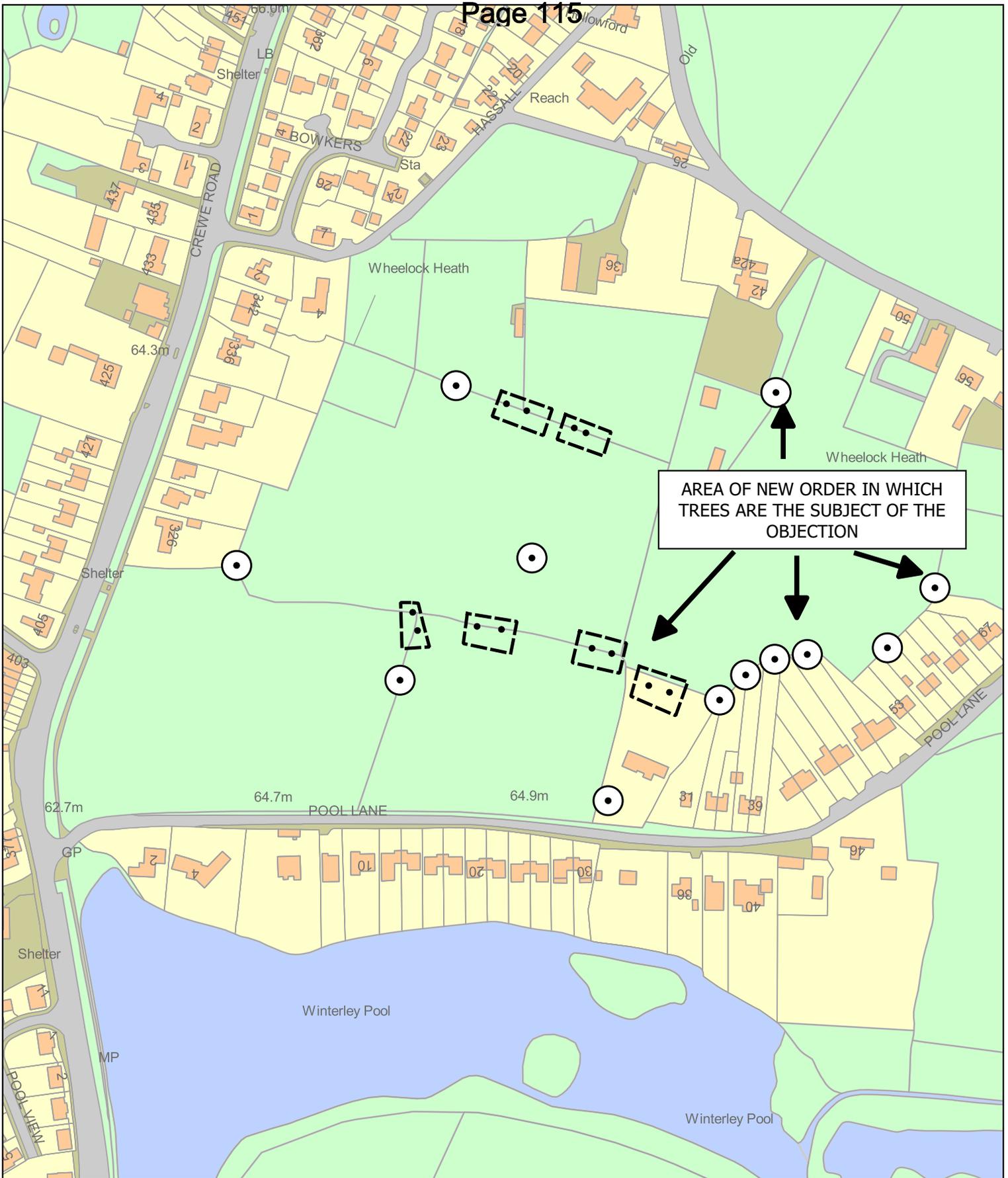
None



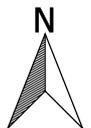
**CHESHIRE EAST BOROUGH COUNCIL  
(HASLINGTON - WINTERLEY, LAND TO THE  
NORTH OF POOL LANE) TREE PRESERVATION  
ORDER 2017**



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### Location of new TPO in relation to Crewe Road, Haslington



1:2,500 at A4

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**AEC – LANDSCAPE APPRAISAL**

**PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS**

<b>REFERENCE:</b>	91-270
<b>SITE NAME:</b>	Pool lane, Winterley
<b>DATE OF VISIT:</b>	2 <sup>nd</sup> May 2017
<b>COMPLETED BY:</b>	Emma Hood

PICTURE DESCRIPTION	PICTURE
Looking north from Pool Lane	
Looking north from gateway adjacent to No. 29 Pool Lane along boundary showing overhang of Oak in private property in to site.	
View of Oak in private garden looking north west from Pool Lane	

Tree T5 of the Order looking east from within the site boundary adjacent to Pool Lane



Looking north from the gate on Pool Lane towards T3, G2 and G3 of the Order



Looking north west from the gate on Pool Lane towards T2, G1 and G2 of the Order



Looking north east from the junction of Newtons lane with Crewe Road towards T1 and G1 of the Order



Looking east from Crewe Road towards T2 of the Order



Looking east from Crewe Road through the main access road to the new development towards T2 of the Order



Looking east from Crewe Road with filtered views of tree T3



Looking east from Crewe Road with filtered views of trees T4, G4 and G5



Looking east towards groups G3 of the Order from within the site boundary



Looking north west towards tree T3 of the Order from the north eastern corner of the site boundary



Looking north east towards tree T3, T4, G4 and G5 of the Order from the north eastern corner of the site boundary to the rear of 326 Crewe Road



Groups T4, G4 and G5



Tree T6 and T7 of the Order looking south from the graveyard of the Methodist Chapel



Filtered views of T7 looking north west between properties on Pool Lane



Views of group G6 looking north from the field gateway on Pool Lane



Tree 12 looking west from the Baptist Church



Group G6 and trees T8, T9, T10 and T11 looking south from the grave yard of the Baptist Church





# Amenity Evaluation Checklist

Completed by:

Date form completed:

Form status:

Reference

Attachments [AEC - LANDSCAPE APPRAISAL\\_ Pool lane\\_Winterley.pdf](#)

Address

Town

Postcode

Ward:

## 1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the site/land?

Is the site within a conservation area?

Is the conservation area designated partly because of the importance of trees?

Is the site adjacent to a Conservation Area?

Are there any Listed Buildings on or adjacent to the site?

Local Plan land-use designation  
Crewe & Nantwich Borough Council Local Plan - Open Countryside Outside Settlement Boundaries - NE2, Agricultural Land Quality NE12

Are there currently and designated nature conservation interests on or adjacent to the site?  
Winterley Pool Grade C SBI to the south of the site

Relevant site planning history (incl. current applications)  
13/4632N - Outline approved for 45 dwellings - 16/1487N reserved matters approved July 2016 for 45 dwellings - under construction  
16/3387N - Outline application for 29 dwellings (land to south of Hassall Rd) refused at committee and allowed at appeal 20/03/2017  
16/1728N - Refused at committee, allowed at appeal - 16/5101C - Current application

## STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments on or adjacent to the site?	<input type="text" value="No"/>
Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?	<input type="text" value="No"/>
Does the Forestry Commission currently have an interest in the land?	<input type="text" value="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?	<input type="text" value="No"/>
Are any of the trees situated on NHS land?	<input type="text" value="No"/>
Is the land owned by this Local Authority	<input type="text" value="No"/>
Is the land owned by another Local Authority	<input type="text" value="No"/>
<b>2. MOTIVATION</b>	
Development Control	<input checked="" type="checkbox"/>
• Application Ref	<input type="text" value="16/5101C"/>
• Committee deadline	<input type="text" value="31/05/2017"/>
• Development Control Office comments	
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"/>
<b>3. SOURCE</b>	
Source	<input type="text" value="Tree officer"/>
<b>4. LANDSCAPE APPRAISAL</b>	
Site visit date	<input type="text" value="02/05/2017"/>
Inspecting Officer	<input type="text" value="Emma Hood"/>

Site description	<p>The area assessed comprises of mixed use agricultural land (arable/grazing) on three separate but adjoining sites, with one adjoining field not identified for development also considered in the assessment. The western most corner of the site is already under construction. The site is predominantly level with the south eastern most field sloping slightly north to south towards Pool Lane. The site is bordered by mature established hedgerows with several landmark mature oak trees located within them, with one oak central to the northern most field. The eastern area of the site is bordered by residential properties to the south, the rear boundaries of these containing trees which are remnants of the former field boundaries.</p>
Description of surrounding landscape character	<p>The site is located in open countryside in an area of land between Wheelock Heath and Winterley. The site is bounded by Crewe Road to the west, with Pool Lane to the south from which residential properties overlook the assessment area to the western end of the lane, with properties to the east of Pool Lane backing directly on to the assessed area. Residential properties and Wheelock Heath Baptist Church overlook the site from the north east. Equestrian grazing abutts the site to the north with further residential properties backing on to the site to the north west on Crewe Road</p>
Statement of where the trees are visible from	<p>The trees are visible from Pool Lane, Crewe Road, Hassall Road, with filtered views between properties in many locations and clear views from the grave yard and the car park to the Baptist Church. The trees will be visible from houses and roads within the development under construction.</p>
Photograph the trees, the site and surroundings	<p>annotate map</p> <p> No picture inserted</p> <p>annotate map</p>
Landscape function	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Landmark trees</li> <li><input checked="" type="checkbox"/> Skyline</li> <li><input checked="" type="checkbox"/> Backdrop</li> <li><input checked="" type="checkbox"/> Glimpses between properties or through gateways</li> <li><input checked="" type="checkbox"/> Filtered views</li> <li><input checked="" type="checkbox"/> Screening/buffering</li> </ul>
Visual prominence	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Conurbation</li> <li><input checked="" type="checkbox"/> Neighbourhood, estate, locale</li> <li><input checked="" type="checkbox"/> Site and immediate surroundings</li> </ul>

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?	
Tree size (at maturity)	Large (more than 15m)
Presence of other trees	Low percentage tree cover
Define visual area/reference points	
<b>BENEFITS</b>	
Are the benefits current?	Yes
Assessment of future benefits (future growth potential; continuity/sustainability of tree cover; development)	The trees represent both current and future growth potential and can be managed appropriately in their present condition
Assessment of importance as a wildlife habitat	Several trees on the site have been identified in associated arboricultural surveys as having the potential to support roosting bats and all trees provide possible nesting sites for birds
Additional factors	<input checked="" type="checkbox"/> Screening/buffering (visual/noise) <input checked="" type="checkbox"/> Historical associations
<b>5. EXEMPTIONS (TCPA 1990)</b>	
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	No

reasonably foreseeable?

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?

N/A

If yes provide details

**8. HEDGEROW TREES:**

Individual standard trees within a hedge

Yes

An old hedge which has become a line of trees of reasonable height

No

Are the "trees" subject to hedgerow management?

No

Assessment of past hedgerow management

Mechanical flail to hedgerows bordering agricultural fields

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 recommendations, some of which have been identified as remnants of a tree lined field boundary on the 1875 Ordnance Survey maps 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

**d. Woodland**

Woodland

**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 persons served

Land Registry search required?

**13. SUPPLEMENTARY INFORMATION:**

Has a detailed on-site inspection been carried out?

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection

Provide details of trees to be excluded  
Trees exhibiting signs of die back, structural defects or in an obvious state of decline were excluded from the Order. Ornamental boundary trees of lower amenity value or those that were categorised as Grade C or below in the associated arboricultural assessments were also excluded in particular where access was restricted to undertake a closer inspection of trees

Additional publicity required?

Relevant Local Plan policies  
Cheshire East Local Plan:  
SE5 Trees, Hedgerows and woodlands

Statement of reasons for promoting this Order

In the interests of maintaining the area in which the trees stand, in that they are considered to be a long term amenity feature

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

The trees have been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient in the interests of amenity to make provision for the trees long term retention

To enable the Local Planning Authority to fulfill its statutory duty under Section 197 of the Town and Country Planning Act

The trees are of historic interest in that they are remnants of a former tree lined field boundary recorded on the 1875 Ordnance Survey Map for Haslington

**14. SUMMARY:**

Would loss of the trees have a significant impact on the local environment?	<input type="text" value="Yes"/>
Will a reasonable degree of public benefit accrue?	<input type="text" value="Yes"/>
Is an Order in the interests of amenity?	<input type="text" value="Yes"/>
Is an Order expedient in the circumstances?	<input type="text" value="Yes"/>



THE  
ENVIRONMENT  
PARTNERSHIP



## LAND SOUTH OF HASSALL ROAD

## WINTERLEY

# OBJECTION TO CHESHIRE EAST BOROUGH COUNCIL (HASLINGTON - WINTERLEY, LAND TO THE NORTH OF POOL LANE) TREE PRESERVATION ORDER 2017

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## 1.0 Instruction

- 1.1 I am instructed by Mr Gareth Salthouse of Emery Planning, 2-4 South Park Court Hobson Street, Macclesfield, SK11 8BS to make an objection to the making of the above Tree Preservation Order in respect of land in which his client Mr Peter Ainscough of HIMOR Group Ltd has an interest. In accordance with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, this document specifies the trees about which objection is made and the grounds of objection; being a lack of expediency.



## 2.0 Formal Objection

- 2.1 Cheshire East Borough Council (hereafter “The Council”) made Tree Preservation Order *Haslington - Winterley Land to the North of Pool Lane, Tree Preservation Order 2017* (hereafter “The Order”) on 22nd May 2016. Trees included in Schedule 1 of the Order are on land in which HIMOR Group Ltd has an interest.
- 2.2 In accordance with Regulation 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 (“The Regulations”), this document is an objection by Footprint Land and Development Ltd to the making of the Order.
- 2.3 The grounds of objection are a lack of expedience. The grounds are detailed in the following section.
- 2.4 The objection is made in relation to some but not all of the trees included in Schedule 1 of the Order. These are identified in the following section.

## 3.0 Grounds of Objection

### Trees to which this objection relates

- 3.1 The Order as made covers land that can be broadly described by the four agricultural fields it has historically comprised. Residential development of the two fields to the south (adjacent to Pool Lane) is progressing with the westernmost of the two under construction and the easternmost of the two having outline planning permission. A central field does not have planning permission.
- 3.2 This objection relates to a fourth field in the north east of the Order area and immediately to the east of the central field (hereafter "the objection site"). This objection is made in respect of trees within this parcel of land: in particular, trees T6, T7, T8, T9, T10, T11 and T12 and group G6 (references as per the Order).

### Context

- 3.3 An outline planning application for residential development of the objection site was allowed at appeal (APP/R0660/W/16/3163461). An arboricultural assessment was undertaken and submitted as part of the original application (15/2844N).
- 3.4 The assessment concluded that all trees which would be protected by this Order can be retained within the context of development. The illustrative layout demonstrated this outcome.
- 3.5 Table 1 provides a comparison and cross references between the tree references used in The Order and those in the Arboricultural Assessment (TEP.5067.001).

Table 1 Comparison between TPO and Arboricultural Assessment

Order Reference number	AIA tree survey reference (TEP.5067.001)	Species (common name)	BS 5837: 2012 quality category	Application 15/2844N proposals
T6	T1	Oak	A	Prune failed limbs in canopy
T7	T2	Silver birch	A	Retain
T8	T4	Oak	B	Retain
T9	G4 (one tree)	Silver birch	B	Retain
T10	T5	Oak	A	Retain
T11	G5 (one tree)	Oak	B	Retain
T12	T8	Weeping willow	A	Retain
G6	G6	Hybrid poplar	B	Retain

### Site history

- 3.6 Trees within the objection site are under responsible management. There is no threat to their continued presence and wellbeing that could reasonably be inferred from the current agricultural land use.
- 3.7 There is no history of irresponsible tree management on the objection site. It has been under stable ownership and management, which has allowed the existing trees of quality and amenity to develop.

### Expedience

- 3.8 The Town and Country Planning Act 1990, Chapter 1, Section 198 states, '*If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.*' The principal prerequisite for the making a Tree Preservation Order is not solely the amenity of the trees, which is not disputed, but that doing so must be expedient.

- 3.9 The Government's planning practise guidance comments on the interpretation of 'expedience' as follows, '*It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area... ..In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order.*' In other words, expedience relates to an identified or perceived need for control where there would otherwise be none in respect of amenity assets. To be expedient, an order must be effective (i.e. it must make a practical difference) and it must be justifiable (i.e. it must respond to a real or perceived threat of tree works occurring).
- 3.10 BS 5837:2012 provides specific recommendations and guidance on the relationship between trees, design, demolition and construction processes. Fundamentally, it requires an accurate presentation of the number and quality of trees affected by development. This forms the baseline against which effects should be assessed. In my experience, this guidance is universally applied by local planning authorities across England as the standard for the survey, valuation, impact assessment and protection of trees in relation to development. It reflects current best practice, scientific understanding of tree function and biology and new technologies that may allow successful integration of trees and new structures. BS 5837:2012 is cited by the Planning Portal, and local and national planning policy. No other recognised standards or published methods for the production of tree survey reports suitable to support a planning application made in the UK exist.
- 3.11 At paragraph 5.2.3, BS 5837 states that '*The following factors should also be taken into account during the design process: a) the presence of tree preservation orders, conservation areas or other regulatory protection*'.
- 3.12 The quality of trees covered by the Order is not disputed. The arboricultural assessment found that trees meet the criteria in BS 5837 for moderate or high quality. Any future submission to discharge reserved matters on the objection site would be required to comply with the recommendations of BS 5837 in terms of provision of information and can make no attempt to disguise the effect of the proposed development on trees. Any proposed tree works (including removal) would be weighed in the planning balance and considered as part of that application on its merits. In considering an application, the LPA has an opportunity for both the consideration of tree retention and the securing of mitigation in respect of approved tree removal. The making of an Order is therefore not expedient in respect of any current planning consent, application or any perceived threat to trees arising by future applications which may or may not arise.

- 3.13 At Annex B, BS 5837 states that '*Under the UK planning system, local authorities have a statutory duty to consider the protection and planting of trees when granting planning permission for proposed development. The potential effect of development on trees, whether statutorily protected (e.g. by a tree preservation order or by their inclusion within a conservation area) or not, is a material consideration that is taken into account in dealing with planning applications.*' All trees are a material consideration in the planning process and the creation of a TPO does nothing to add to increase the protection of trees until after the development is complete or the application has been refused. Prior to this, an applicant is prevented from removing trees either by virtue of the granted consent and conditions, or by the prospect of necessitating a material amendment to the submitted application which would increase the liability to failure and cause delay and cost. This would not be in the interests of the landowner or developer and it is therefore not reasonable to make an Order on the grounds that this could occur. The Order achieves no protection that is not already afforded by the planning process and is therefore not expedient.
- 3.14 The duty of the LPA to make provision for the protection of trees is established in The Town and Country Planning Act 1990, Chapter 1, Section 197; '*It shall be the duty of the local planning authority— (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.*' This establishes that planning conditions are the primary mechanism by which the preservation of trees should be secured in the context of a planning permission.
- 3.15 Section 197 establishes that Tree Preservation Orders should be made only where necessary and in connection with the grant of such permissions (i.e. they should not be made during the planning process but after consent is granted to control tree works outside of the development context). The Order does not meet either of these requirements; no detailed consent has been granted in respect of any trees and it is not necessary to make an order in respect of trees which the applicant has already committed to protecting or the management of which is already under consideration.
- 3.16 If the Council is intent on making an Order in response to an anticipated future Reserved Matters submissions on the objection site, it would be common sense to make it at the time of Reserved Matters approvals. It may thereafter be considered expedient in the interests of amenity to make a Tree Preservation Order in respect of remaining trees to secure their long-term protection. It is therefore suggested that the appropriate time to create an order would be following the determination of reserved matters, at which point such an order could be duly considered in compliance with the law, guidance and regulations. The current Order cannot and presents an obfuscation to the planning process. It also has little or no effect in terms of increasing or securing tree preservation at the present time.

## Concluding statement

- 3.17 The management of all trees can be secured through the planning process and the Order therefore has no effect and is not expedient.
- 3.18 All trees covered by the Order are shown as being retained within the context of the proposed development. There is therefore no threat to the trees. There is therefore no justification for the making of an Order and it is not expedient.
- 3.19 All other trees within the objection site are under responsible management and there is no reasonable grounds for inferring a threat to their continued presence and condition. The Order is therefore unnecessary and is not expedient.
- 3.20 The order has limited practical effect in the context of a pending application and is therefore not expedient. The making of an Order prejudices and obfuscates the planning process by introducing a material consideration after outline consent has been granted but before Reserved Matters have been discharged and therefore does not follow the Government's guidance which is that such Orders should be made in connection with the grant of development consent where necessary in addition to planning conditions.
- 3.21 In consideration of these points, an objection is made to the Order and a respectful request that it be revoked or modified to exclude those trees listed in paragraph 3.2.



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