

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 7th March, 2018  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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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 3 - 8)

To approve the minutes of the meeting held on 7 February 2018.

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. **18/0016N Land East Of Lime Tree Avenue, Crewe: Proposed temporary permission (up to 18 months) for an alternative site compound for the Sydney Road Bridge replacement scheme, consisting of: 6 no. temporary cabins, wc block, parking area, service road, laydown area, top soil storage area and associated facilities, and temporary diversion of a Public Right of Way for Mr Chris Hindle, Cheshire East Council (Pages 9 - 26)**

To consider the above planning application.

6. **18/0445N Sydney Road Bridge And Land Adjoining The Highway On Sydney Road, Crewe: Variation of conditions 3, 4, 7, 15, 16 and 17 on application 17/1980N for Chris Hindle, Cheshire East Council (Pages 27 - 36)**

To consider the above planning application.

7. **17/5776N Land to North of Little Heath Barns, Audlem: Erection of Retirement Living housing (category II type accommodation), communal facilities, landscaping and car parking (re-submission following non-determination of application 17/0339N) for McCarthy & Stone Retirement Lifestyles (Pages 37 - 58)**

To consider the above planning application.

8. **17/5249M 11, Manor Park South, Knutsford WA16 8AD: Proposed first floor extension via revised roof pitch for Ms Olivia Hunter (Pages 59 - 64)**

To consider the above planning application.

9. **Cheshire East Borough Council (Congleton - 59 Park Lane) Tree Preservation Order 2017 (Pages 65 - 92)**

To consider the above Tree Preservation Order.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 7th February, 2018 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

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

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor D Flude

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
Andrew Goligher (Principal Development Control Officer - Highways)  
Peter Hooley (Planning and Enforcement Manager)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

There were no apologies for absence.

**80 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received correspondence with regard to application numbers 17/5016N and 17/5170C.

With regard to application number 17/5170C, Councillor B Walmsley declared that she knew one of the speakers who had registered to address the Committee with respect to this application, but that she had kept an open mind.

With regard to application number 17/5016N, Councillor B Roberts declared that as a Crewe Councillor he had attended a number of consultation meetings regarding re-development, including in this area, but that he had kept an open mind.

Councillor J Wray declared that he had made up his mind with regard to application number 17/5170C, which was in his Ward. He would vacate

the Chair in favour of the Vice-Chairman, exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

**81 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 10 January 2018 be approved as a correct record and signed by the Chairman.

**82 17/5016N LAND AT MILL STREET & LOCKITT STREET, CREWE:  
HYBRID PLANNING APPLICATION COMPRISING (1) FULL PLANNING  
APPLICATION FOR THE ERECTION OF TWO CLASS A1 RETAIL  
UNITS AND ONE CLASS A1/A3 UNIT WITH ASSOCIATED CAR  
PARKING AND SERVICING AREAS, ACCESS, LANDSCAPING AND  
ASSOCIATED WORKS, INCLUDING RELOCATION OF ELECTRICITY  
SUB-STATION, FOLLOWING DEMOLITION OF EXISTING BUILDINGS  
AND STRUCTURES; (2) OUTLINE PLANNING APPLICATION WITH  
ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR THE  
ERECTION OF UP TO 53 DWELLINGS WITH ASSOCIATED  
INFRASTRUCTURE FOR MR M FREEMAN, CLOWES  
DEVELOPMENTS (NORTH WEST) LIMITED**

Note: Councillor D Flude (Ward Councillor), Mr S Bratt (objector), Ms J Hawley and Mr C Parker (supporters) and Mr M Freeman and Ms G Wheatley (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
1. The proposed development by reason of design and siting away from the road frontage would be contrary to the existing pattern of development, would not reflect Crewe's railway heritage, would not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre. The proposal would therefore fail to provide a high quality or attractive environment and would be contrary to Policies SE1, LPS1, SD1, SD2, SE6 of the Cheshire East Local Plan, Saved Policies S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, Crewe Rail Gateway Adopted Development Brief and the NPPF.
  2. Insufficient information has been provided to inform an assessment of the highway impacts of the proposal. The submitted Transport Assessment does not assess the impact upon the local highway network including the junction of Mill Street/Nantwich Road which is

within the Infrastructure Delivery Plan. The proposal is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), CO4 (Travel Plans and Transport Assessments) of the Cheshire East Local Plan Strategy and the NPPF.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
    - The numbers, type, tenure and location on the site of the affordable housing provision
    - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
    - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
    - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
    - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  2. Provision of public open space contribution of 65m<sup>2</sup> per family dwelling or £3000 per family dwelling for off site provision for recreational facilities for young people and access improvements in Valley Park
  3. Contribution towards Primary and SEN education £143,117

**83 17/5999C 79, UNION STREET, SANDBACH, CHESHIRE CW11 4BG:  
RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM  
GARAGE SERVICES TO HAND CAR WASH AND VALETING FACILITY  
FOR MR ARTAN KERTOLLI**

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

84 **17/5170C LAND SOUTH OF DRAGONS LANE, MOSTON: VARIATION OF CONDITION 3 ON 12/0971C - THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 4 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/ DAYROOMS ANCILLARY TO THAT USE FOR MR MARTIN SMITH**

Note: Having made a declaration, Councillor J Wray vacated the Chair in favour of the Vice-Chairman.

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

Note: Parish Councillor A Holder (on behalf of Moston Parish Council) and Mr A Roscoe (objector) attended the meeting and addressed the Committee on this matter.

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

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That condition 3 be varied to extend the temporary permission but that the personal permission be retained, as follows:

The use hereby permitted shall be carried on only by the following: Martin and Martina Smith; James Dean and Scarlet Smith; Emmanuel Smith; and Violet and Charlene Smith, and their respective resident dependants, and shall be for a limited period expiring on 13<sup>th</sup> February 2021.

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

**85 PLANNING APPEALS**

The Committee considered a report regarding the outcome of Planning Appeals decided between 1 October 2017 and 31 December 2017.

RESOLVED – That the report be noted.

The meeting commenced at 10.00 am and concluded at 12.35 pm

Councillor J Wray (Chairman)

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Application No: 18/0016N

Location: LAND EAST OF LIME TREE AVENUE, CREWE

Proposal: Proposed temporary permission (up to 18 months) for an alternative site compound for the Sydney Road Bridge replacement scheme, consisting of: 6 no. temporary cabins, wc block, parking area, service road, laydown area, top soil storage area and associated facilities, and temporary diversion of a Public Right of Way

Applicant: Mr Chris Hindle, Cheshire East Council

Expiry Date: 08-Mar-2018

## **SUMMARY**

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

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

During the construction period and use of the compound for 18 months there would be some disruption to local residents in terms of noise, vibration, traffic diversions, diversion of the PROW, loss of the open space and through air quality but this would be controlled by condition and for a limited time only. Following the completion of the development there would be benefits in terms of improved traffic movement, improved pedestrian and cycle links and a slight reduction in predicted levels of NO<sub>2</sub>.

In terms of noise there will be an increase in noise levels at the closest sensitive receptors for a temporary period of 18 months.

The landscape assessment identifies that the landscape impacts will be adverse and most apparent for residential receptors and those using nearby footpath. In this case the Councils Landscape Architect has raised no objection to this application.

The loss of open space on this site would be temporary and would be mitigated through the provision of replacement play facilities at the Lime Tree Avenue (Greendale Gardens) play area.

The development would have a neutral impact in terms of trees (subject to mitigation planting), ecology and flood risk/drainage.

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

**RECOMMENDATION**  
**Approve with conditions**

## **PROPOSAL**

This is a full planning application for a temporary site compound for the construction of a replacement bridge on Sydney Road (approved as part of application 17/1980N).

The compound will be fenced with Heras fencing and the ground will be surfaced with a stone aggregate material. The site will include six single storey cabins situated at the southern end of the site and a laydown area will be located at the northern end of the site. A car-park for site workers would be sited within the centre of the site. The site would have two access points and would operate with 'in' and 'out' access points.

The development would result in the loss of one Lime Tree which would be replaced with 3 new trees to the rear of the site.

A temporary diversion will be put in place along the northern edge of the site for the Public Right of Way (Crewe FP26) which crosses the site.

The site compound would be for a temporary period of 18 months and would commence in April 2018 and throughout the construction of the replacement bridge. Once the replacement bridge is complete the site compound would be grass seeded and re-instated to its current use.

## **SITE DESCRIPTION**

The application site is an area of public open space which is located between Lime Tree Avenue and the Crewe-Manchester railway line. Lime Tree Avenue in this area is characterised by large Lime Tree's which are planted within the grass verge. There are also a number of trees within the site including two Lime Trees towards the boundary with the railway, one tree towards the centre of the site and a group of trees to the south of the site.

A PROW (Crewe FP26) runs along the boundary with the railway line.

The site is flat and is surrounded by residential properties which front Lime Tree Avenue and Greendale Gardens. To the south-west of the site is a pedestrian access which serves Sir William Stanier School.

## **RELEVANT HISTORY**

The application site has no planning history. However the following applications are relevant to this application;

18/0445N - Railway Bridge, Sydney Road, Crewe - Variation of conditions 3, 4, 7, 15, 16 and 17 on application 17/1980N – Application undetermined.

17/1980N – Railway Bridge, Sydney Road, Crewe - Demolition of the existing Sydney Road Bridge and provision of a new wider road bridge that will allow for two way traffic movement and removal of the traffic lights, and the creation of new pedestrian footpaths. The scheme also includes the creation of a temporary site compound, temporary site access, provision of a temporary pedestrian and cycle bridge during the construction period and other ancillary works – Approved 7<sup>th</sup> July 2017

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

## **POLICIES**

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

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 Woodland

SE6 – Green Infrastructure

SE12 – Pollution, Land Contamination and Land Instability

SE13 - Flood Risk and Water Management

SC1 – Leisure and Recreation

IN1 – Infrastructure

CO1 – Sustainable Travel and Transport

CO2 – Enabling Business Growth Through Transport Infrastructure

### **Crewe and Nantwich Borough Council Local Plan policy**

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.6 – Development on Potentially Contaminated Land

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.17 – Pollution Control

NE.20 – Flood Prevention

TRAN.3 – Pedestrians

TRAN.5 – Provision for Cyclists

RT.1 – Protection of Open Spaces with Recreational or Amenity Value

RT.9 – Footpaths and Bridleways

### **National Planning Policy**

The National Planning Policy Framework

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

National Planning Practice Guidance

Cheshire East Infrastructure Delivery Plan

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

**CEC Head of Strategic Infrastructure:** No objection.

**Network Rail:** No comments to make.

**CEC Public Rights of Way:** The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes a material consideration.

The developer has stated the intention to submit an application for the temporary closure of part of the Public Footpath with a temporary diversion route to enable the same trajectory to be achieved by pedestrians. Pre-commencement and post-completion condition surveys of the surface of the Public Right of Way shall be undertaken by the developer, with the developer restoring any degradation identified.

An informative is suggested.

**CEC Environmental Health:** Suggest that the skips are relocated closer to the railway due to noise concerns. Condition suggested in relation to external lighting and an informative suggested relating to construction hours.

**CEC Public Open Space:** This development would result in the loss of an existing area of Public Open Space for a period of 18 months. To mitigate this loss it is suggested that improvements are made to replace the Council owned play area at Greendale Gardens (remove and replace the 2 bay swings along with surfacing.

Following the completion of the works the land should be reinstated to an acceptable standard.

## **VIEWS OF THE TOWN COUNCIL**

**Crewe Town Council:** The Town Council would like to bring to the attention of the Southern Planning Committee the comments made by residents and the letter submitted by Cheshire East ward Councillor Suzanne Brookfield.

## **OTHER REPRESENTATIONS**

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

- There has been a request from some residents that a meeting is held for them to meet and pose questions to the contractors and it is requested that this is facilitated by Cheshire East and the contractors.
- As a resident I walk my dog regularly in this area – using the public footpath that connects Sydney Road. Please confirm this will still be available for use for pedestrians.
- Details of the working hours need to be set to ensure that residents in the nearby houses are not unnecessarily disturbed and it is requested that these restrictions are adhered to by the contractors. Within the ward recently there have seen two cases where this has not been the case to the detriment of residents enjoyment of their homes.
- Lime Tree Avenue and Queen Street is already a busy thoroughfare and suffers both from congestion (at Queen Street/Spring Gardens end) and speeding (all the way through the Avenue) as evidenced by the siting of a regular police vehicle. What measures are being put in place to mitigate this? Will the Police van still be able to be present at time?

- The area suffers greatly from congestion towards Queen Street/Henry Street and again at Wheatley Road junction and this will increase greatly when the bridge is closed. Adding the contractor traffic to this will possibly make the area untenable and dangerous. What are the proposals to mitigate these very serious issues?
- There are two busy schools in the area – the increased traffic issues will be a concern.
- 13 spaces have been allocated for parking. Is this for contractors use? There are concerns that this is inadequate and due to the residential area and conditions should be put in place to prohibit contractors from parking on residential streets.
- As with other development sites the surrounding area has either suffered with increased mud on roads and footpaths (in inclement weather) or dust (in good weather). It is requested that the Contractors are obliged to clean/clear/sweep the streets affected daily.
- The condition of Lime Tree Avenue, Wheatley Road, Queen Street is at present poor and this will be exacerbated by the increased contractor traffic. There are concerns from a safety point of view.
- Please can residents have assurances about the air pollution in the area. I would request a condition is imposed on all contractor vehicles that engines are prohibited from “running” when the vehicles are stationary.

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

- Noise pollution caused by HGV's and workmen
- Windows will have to be kept shut due to excessive noise
- Dust creation
- Increased vehicles will affect access to and from the driveways of nearby dwellings
- The removal of the Lime tree is not acceptable. The tree should be retained
- Damage to other trees along Lime Tree Avenue
- Why is the original compound location no longer available?
- Since the letter to households the time period for the compound from 13 months to 18 months
- The layout of the compound has changed since the Council first advised residents of the compound
- The original application stated zero parking spaces needed and yet now it appears that 13 spaces are needed. Why the change?
- As the applicant now requires 13 parking spaces, can this be taken as an admission that they expect a significant rise in traffic flow along Lime Tree Avenue and that they deem it unsafe to park on the road?
- There is no information in relation to the hours to be worked and the hours of use of the compound
- There is no information in relation to the type of vehicles which will use the compound. This could have a detrimental impact upon road safety and that of children attending Sir William Stanier School
- There is nothing within the application about the noise mitigation measures and this will impact upon residents who work from home
- What measures will be taken to keep the road clean from dust, mud and debris
- The use of HGVs on Wheatley Road will exacerbate the problems with the potholes and poor quality of this road
- What measures will be put in place to stop contractors parking on Lime Tree Avenue
- Discrepancies over the number of properties consulted on this application
- Currently two PCV vehicles park on Lime Tree Avenue, adjacent to the proposed compound, to collect school children and take them to their schools. This will clash with the 8.00am opening of the site and also lead to road safety issues for the children who have to cross the road at this point. Many of the children live in Greendale Gardens. Have the bus companies been contacted? Have the parents whose children will be affected been contacted? Have the schools involved been contacted?
- Why are skips needed at the compound on Lime Tree Avenue when it is an inappropriate distance from the site

- Local drivers will not use the diversion route. This will lead to increased traffic along Lime Tree Avenue and the associated pollution and reduction in road safety
- Loss of hard standing for the police camera van will take away the deterrent for motorists to speed and lead to a reduction in road safety
- The compound is opposite to the well used entrance to Sir William Stanier School and this is a safety issue
- The proposal to reseed the site is inadequate as the site is waterlogged and heavy rain will cause the seeds to rot or be washed away
- The use of lighting will lead to light pollution
- The proposed 8 per hour movements of HGVs to and from to the compound via Wheatley Road and Lime Tree Avenue. This is a narrow stretch of road exacerbated by the resident's parking their vehicles on both sides of the roads. Also, there is a blind bend in the area of the junction of Plane Tree Avenue and the electricity sub-station adjacent to the compound. The additional traffic caused by the compound, particularly HGVs, will severely affect the road safety in this area
- There will be intolerable additional traffic using Wheatley Road throughout the day and particularly at peak times. This junction with Sydney Road and Lime Tree Avenue is already a cause of traffic delays and this proposal will make it much worse
- Health concerns caused to residents with asthma
- The use of diesel trucks and generators will add to the pollution issues in the area
- The footpath which crosses the site is well used by local school children/dog walkers
- Inconvenience to local home owners
- No traffic calming measures are proposed along Lime Tree Avenue
- Impact upon local wildlife and disturbance of rabbits on the site

### **OFFICER APPRAISAL**

#### **Principal of Development**

The proposed compound will serve the construction of a replacement railway bridge at Sydney Road. The approved scheme included a temporary compound on an area of land to the south of a Scottish Power electricity substation off Sydney Road. Following further discussions since the determination of application 17/1980N it has been established that Scottish Power require the land for several months of the replacement bridge construction works in order to carry out their own maintenance works on the adjacent substation. As a result an alternative temporary site compound for the Sydney Road Bridge construction had to be sought. Cheshire East has considered several sites and decided upon this plot of land which is subject to this planning application.

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

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

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

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

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

And that Local authorities should work with transport providers to;

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

The Cheshire East Local Plan Strategy identifies that the Sydney Road Bridge is an important infrastructure requirement and the allocations LPS7 (Sydney Road, Crewe), LPS5 (Leighton, Crewe) and LPS11 (Broughton Road, Crewe) all seek to secure S106 contributions towards the Sydney Road Bridge or the Sydney Road Corridor.

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

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

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

### **Commencement of Development**

This compound will be needed in Phase 1 of the proposed works and this will commence in February/March 2018. This phase relates to the enabling works for the project and in summary this would consist of the following;

- Advanced de-vegetation works before the bird nesting season start (March 2018)
- Set up site compound Lime Tree Avenue (subject to planning permission – 18/0016N)
- Undertake piling for north west abutment
- Excavate and install ducting for Scottish Power
- Scottish Power install new 132Kv Cable and commission
- Move Overhead Line Equipment to temporary location and remove southern gantry
- Install modular units for new abutment
- Infill span
- Partially demobilise main site compound and make secure

A Scottish Power 132kV cable, which currently runs parallel to the railway from the electricity substation, through the Sydney Road bridge span to the Scottish Power pylon north of the has been damaged and jointed several times in the past. Due to the location and condition of this cable it is necessary to replace it with a modern cable in a new, secure duct route to allow for the new wider Sydney Road bridge.

To carry out these works, an outage of the cable is required, which is restricted to Spring/Summer and needs to be planned well in advance. Scottish Power have confirmed that the outage is scheduled to start May 2018 and finish in August 2018 to coincide with their transformer upgrade works. The Sydney

Road project has already had to be re-planned once due to the movement of this outage from 2017 to 2018.

In addition, a 'disruptive possession' (closures of the railway which lead to diversion or termination of planned passenger and freight services) has had to be negotiated with train and freight operators by Network Rail on behalf of Cheshire East Council for May 2018. This possession is to allow for modification to the Overhead Line Equipment and the removal of a gantry. In addition, this possession will be utilised to allow some piling works to take place. Similar to the Scottish Power outage, this possession has to be booked in advance and the train timetable has been amended to include for it.

The requirement for an outage and the associated disruptive possession of the railway means that these works need to be undertaken at specific times, which, due to the complexity involved, take months of negotiation with stakeholders to agree and would significantly delay the construction programme if they are missed.

### **Amenity**

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

#### Noise and vibration

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

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

In this case a Noise Assessment and mitigation of the noise and vibration has been carried out in accordance with the methodology with BS5228 (British Standard: Code of Practice for Noise and Vibration Control on Construction and Open Sites).

Construction of the proposed scheme would take place in three phases. The topsoil strip/removal of the tree and preparation of the hardstanding at the compound would occur in Phase One, the operation of the compound would occur between phases one and three while the decommissioning of the compound would occur towards the end of the third phase of construction.

The establishment and decommissioning of the proposed compound would take place between 0700-18:00 Monday to Friday and the use of the compound during the construction phase would take during weekday and weekend periods and would occur during daytime and some evening/night-time periods.

The submitted noise assessment includes a list of plant and equipment which is anticipated to use the compound together with the operating times. The noise report identifies the predicted noise levels resulting from the proposed compound at eight sensitive receptors in the vicinity of the site (properties on Lime Tree Avenue, Greendale Gardens and Rochester Crescent).

During the topsoil stripping and removal of trees stage the noise level is predicted to be in excess of the existing daytime ambient noise levels. This activity is likely to be during a short duration but the noise levels are high and there is a potential for significant effects.

For the laying/preparation of hardstanding stage the noise level is predicted to be in excess of the existing daytime ambient noise levels. This activity is likely to be during a short duration (2-3 weeks which would take place in the weekday daytime period) but the noise levels are high and there is a potential for significant effects.

In terms of the activities at the site compound during the construction phase the noise report considers activity from the use of heavy vehicles and noise from a diesel generator. The assessment considers two positions for the generator the first being between the canteen and the W/C'S and the second position is to the north-west corner of the site approximately 12m from 243 Lime Tree Avenue. Noise levels are predicted to be as high as 64dB  $L_{Aeq,T}$  for the facades of 158 and 168 Lime Tree Avenue for power generator position 1 and 65 dB  $L_{Aeq,T}$  for the façade of 178 Lime Tree Avenue for generator position 2. Based on the predicted noise levels the construction noise levels would be in excess of the existing night time ambient at several of the receiver points. Given the duration of construction works this development has the potential to result in significant adverse effects during night time activities.

The submitted noise report identifies the following noise mitigation measures that may be adopted to reduce the impact associated with the establishment, operation and decommissioning of the compound. These measures are as follows;

- Appropriate selection of plant and equipment, construction methods and programming
- Plant will be maintained and operated appropriately in accordance with the manufacturer recommendations. All vehicles, plant and equipment will be switched off when not in use
- Use of appropriate noise abatement hoardings and screen where appropriate. Given the proximity of 243 Lime Tree Avenue there will be consideration given to the installation of a temporary noise barrier in the order of 3m in height along this boundary
- Careful selection of routes and programming for the transport of construction materials
- Vehicle and machines used for the purposes of the works should be fitted with exhaust silencers
- The positioning of plant and machinery (including the generator) will be given careful consideration
- Mufflers used on pneumatic tools
- Where necessary the use of sound reducing enclosures
- Establish agreement with LA on appropriate controls for undertaking noisy works
- Programming works so that the requirement for working outside normal working hours is minimised
- Minimise the potential for higher vibration from the vibratory roller
- The use of low-vibratory or non-vibratory compaction techniques
- Endeavour to undertake construction works between the hours of 07:00-18:00 Monday-Friday; 07:00-13:00 on Saturdays and no working on Sundays or Bank Holidays.

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

There are also predicted impacts from ground borne vibration and the submitted report states that for the closest residential property (243 Lime Tree Avenue) it is likely that vibration levels will be intolerable for any more than a very brief exposure when operating using a normal setting. When altering to a low-vibration setting the resulting vibrations would be perceptible in a residential

environment and are likely to cause complaints. However the submitted report could be tolerated if prior warning and explanation is provided to affected residents.

In terms of property damage the predicted vibration levels would be below the threshold which damage is likely to occur using both the normal and low vibration operating levels.

In this case it should be noted that the noise and vibration impacts listed above would be similar to the significant impacts with respect to noise and vibration at a number of sensitive properties which were identified as part of application 17/1980N. It is considered therefore that for the duration of the scheme significant controls and mitigation will be required to minimise the disruption to residents.

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

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

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

- Compliance with the Construction Environment Management Plan submitted as part of application 18/0567D
- A scheme to facilitate a residents liaison group with local residents and Members (suggested as an informative as per application 17/1980N)
- At all times signage shall be displayed with contact numbers for reporting issues and problems associated with the construction works.

### Air Quality

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

When assessing the impact of a development on Local Air Quality, regard is given to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

As part of this application the applicant has submitted a detailed assessment of the likely impact on air quality in the area has been submitted.

The earthworks activities likely to take place within the temporary site compound boundary include the removal of topsoil strip and laying of a crushed stone base. There will also be the installation of several Porta-cabin units and storage containers. Stockpiling of materials on site is un-known at this stage. It is expected that there will be movement of vehicles between the Sydney Road Bridge and the temporary site compound, which may result in some transfer of dirt / stones onto the local highway and this will be considered as part of trackout effects.

The report recommends mitigation measures for the inclusion within the CEMP. The submitted report states that it is not anticipated that there will be any residual impacts associated with the proposed site

compound assuming that the mitigation measures are included within the CEMP. This view is accepted by the Councils Environmental Health Officer.

### Light Pollution

The proposal includes the provision of two lighting columns to serve the compound. In order to protect residential amenity a condition will be imposed to require that lighting details are submitted for approval prior to their installation.

### **Highway Implications**

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

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

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

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

This application for a temporary compound is proposed as part of the Sydney Road bridge replacement scheme, the compound is to be used by the contractors building the scheme. The application is for a temporary permission for 18 months, it has an 'in' and 'out' access to the compound to provide office facilities, contractor parking and storage areas. Clearly, a facility for staff is required close to bridge given the scale of the project and also to provide a facility that avoids parking on the public highway. As this is a temporary permission there are no objections raised by the Councils Strategic Highways Manager.

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

### **Landscape**

The application site covers an area of approximately 0.24 hectares and is a grassed open area located to the south of the Sydney Road Bridge on a small parcel of land located between Lime Tree Avenue and the West Coast main Line. Footpath 26 Crewe follows a route along the eastern boundary of the site.

As part of the submission a Non-Statutory Environmental Report has been submitted, this includes a table of the Assessment of Effects. This identifies the impacts during construction and at completion for a number of receptors, including the townscape character, Footpath 26 Crewe and residential properties nearby. The report assesses that during the construction phase there will be a slight adverse effect on the Town character, a very large adverse effect on Footpath 26 Crewe and large adverse effects for a number of properties located along Lime Tree Avenue and Greendale Gardens and lower levels of effects for other nearby properties. The report indicates that these effects will reduce to neutral at the time of opening.

The submitted assessment is accepted and there are no objections raised by the Councils Landscape Architect.

### **Trees**

The Application is supported by an Arboricultural Impact Assessment (AIA) which provides an assessment of the potential impact of the development on existing trees, anticipated tree losses and protection measures required for those trees identified for retention.

This submitted application shows that one tree would be required for removal as part of this application; a Grade B Lime Tree towards the centre of the site. In this cases of the tree is accepted given the wider benefits of delivering the Sydney Road Bridge scheme. To mitigate this loss three replacement trees would be planted.

### **Ecology**

If planning consent is granted a condition could be imposed to safeguard nesting birds.

The letter of objection which makes reference to the impact upon wild rabbits is noted. However rabbits are not a protected species.

### **Public Open Space**

The proposed development is identified as Public Open Space and is covered by Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) of the Crewe and Nantwich Local Plan.

If approved this development would result in the temporary loss of Public Open Space for a period of 18 months. In this case Policy RT.1 requires only allows the loss of open space in a number of exceptions.

In this case the loss would not be permanent and the use of the open space would return once the compound has been removed after 18 months. It could also be argued that the land in question is ancillary to the main area of public open space which is located to the opposite side of Lime Tree Avenue.

Policy RT.1 does allow for open space to be lost where it is replaced by open space of equivalent or greater quality in a suitable location prior to the commencement of development.

In this case there is an existing play area opposite the proposed compound known as Lime Tree Avenue (Greendale Gardens) and the swings on this site do not comply with BSEN1176. In order to mitigate for the temporary loss of the open space it is suggested that a condition is imposed to require the developer to remove and replace the 2 bay swing (4 swings in total – 2 cradle swings and 2 flat swings) along with any surfacing to BSEN1176 AND 1177 standards. Due to the timing implications as explained within the 'commencement of development' section of this report it is not possible to secure these details prior to the commencement of development and the scheme will be secured within 1 month of the works commencing and implemented within three months.

A pre-commencement survey of the site has been requested from the applicant and a pre-completion survey will be controlled through the imposition of a planning condition.

### **Flood Risk/Drainage**

The site is located within Flood Zone 1. In this case this temporary compound would be finished with stone aggregate material and would retain its permeable finish, as a result the proposal would not have any significant flood risk/drainage.

### **Impact upon the Public Right of Way (PROW)**

As noted above PROW (Crewe FP26) runs along the boundary with the railway line and extends from Sydney Road to the north and along the eastern boundary of this parcel of open space.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75). NPPF continues to state (para. 35) that *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes *“a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account*

*whenever such applications are considered” (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).*

The developer has stated that the intention is to submit an application for the temporary closure of part of the Public Footpath with a temporary diversion route to enable the same trajectory to be achieved by pedestrians. The diversion application shall include provision for proposals for the temporary closure of the Public Right of Way, along with alternative route provision of adequate width and the strimming of that route to keep it free from vegetation. Pre-commencement and post-completion condition surveys of the surface of the Public Right of Way shall be undertaken by the developer, with the developer restoring any degradation identified.

### **Economic Benefits**

The background section to the CELPS states that;

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

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

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

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

As a result it is considered that there would be significant economic benefits arising from the replacement bridge which would be served by this temporary compound.

### **CONCLUSIONS**

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

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

During the construction period and use of the compound for 18 months there would be some disruption to local residents in terms of noise, vibration, traffic diversions, diversion of the PROW, loss of the open space and through air quality but this would be controlled by condition and for a limited time only. Following the completion of the development there would be benefits in terms of improved traffic movement, improved pedestrian and cycle links and a slight reduction in predicted levels of NO<sub>2</sub>.

In terms of noise there will be an increase in noise levels at the closest sensitive receptors for a temporary period of 18 months.

The landscape assessment identifies that the landscape impacts will be adverse and most apparent for residential receptors and those using nearby footpath. In this case the Councils Landscape Architect has raised no objection to this application.

The loss of open space on this site would be temporary and would be mitigated through the provision of replacement play facilities at the Lime Tree Avenue (Greendale Gardens) play area.

The development would have a neutral impact in terms of trees (subject to mitigation planting), ecology and flood risk/drainage.

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

### **RECOMMENDATIONS**

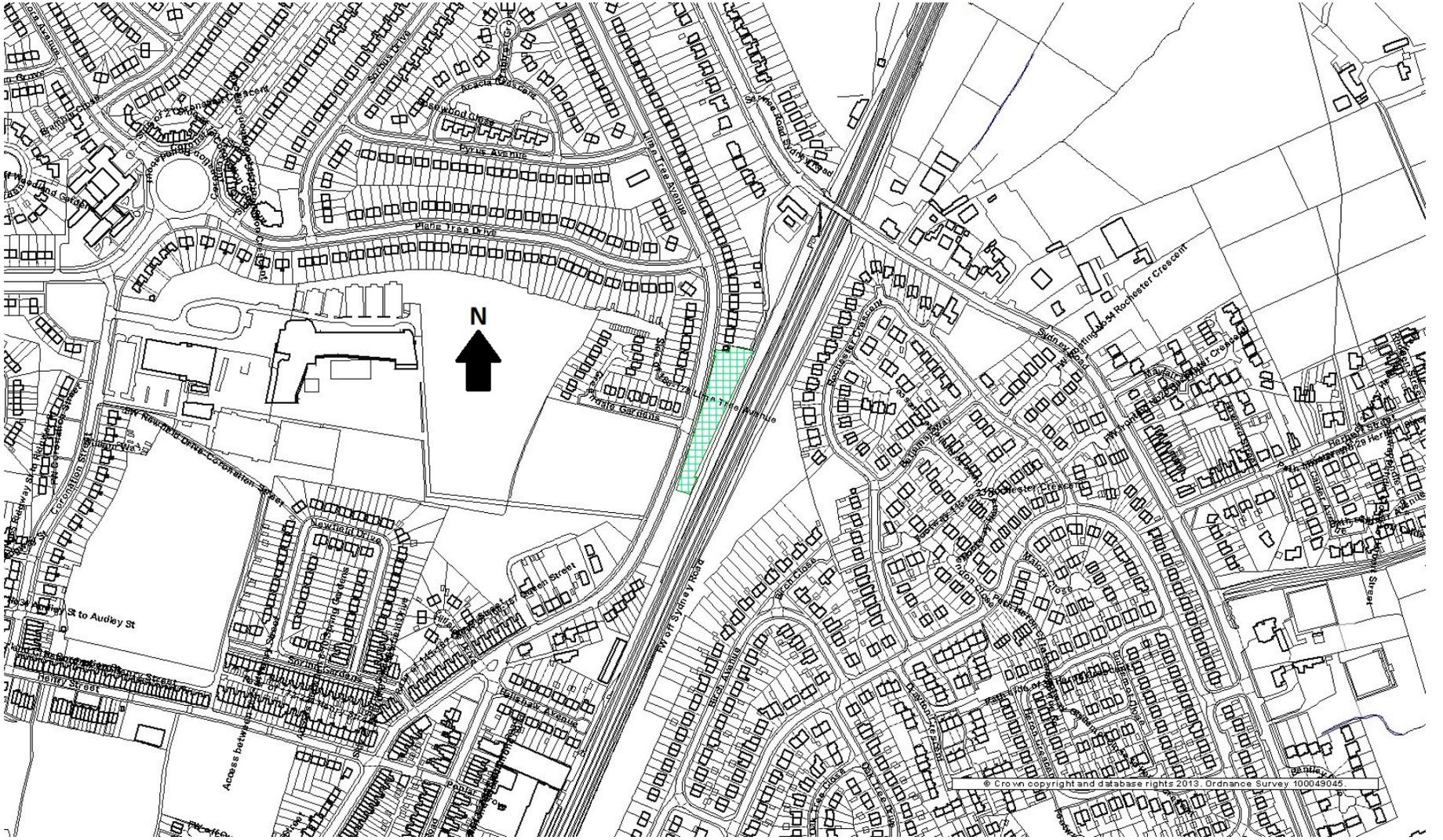
**Approve subject to the following conditions;**

- 1. Standard time 3 years**
- 2. Development to proceed in accordance with the approved plans**
- 3. Within one month of the approved development commencing a scheme to remove and replace the 2 bay swing (4 swings in total – 2 cradle 2 flat) at the Council owned play area at Greendale Gardens shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall include replacement swings (4 swings in total) and surfacing to BSEN 1176 & 1177 standards. The approved scheme shall be implemented in accordance with the approved details within 3 months of works commencing unless otherwise agreed in writing with the Local Planning Authority.**
- 4. Within one month of the commencement of the development submission of a scheme of landscaping of replacement tree planting to be submitted**
- 5. Implementation of the scheme of replacement tree planting**
- 6. Nesting birds – timing of works**
- 7. Compliance with the Construction Environment Management Plan submitted as part of application 18/0567D**
- 8. At all times of construction there shall be a prominently displayed contact telephone numbers for the reporting of issues and problems**
- 9. Prior to the instillation of external lighting details are to be submitted for approval**
- 10. Pre-completion surveys of the PROW/POS shall be submitted to the LPA and approved in writing.**

**Informatives;**

1. **Liaison committee to be set up with local residents and Members**
2. **Standard Construction Hours informative**
3. **PROW Informative**
4. **Diversion of the PROW Informative**
5. **Prior notification of local residents/ward members where noise generative activities will take place during standard construction hours**

**In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice**



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Application No: 18/0445N

Location: Sydney Road Bridge And Land Adjoining The Highway On, SYDNEY ROAD, CREWE

Proposal: Variation of conditions 3, 4, 7, 15, 16 and 17 on application 17/1980N

Applicant: Chris Hindle, Cheshire East Council

Expiry Date: 27-Apr-2018

### **SUMMARY**

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

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

The variation of conditions 3, 4, 7, 15, 16 and 17 on application 17/1980N is required due to the phasing of the development and the works require agreement of Scottish Power and Network Rail. In this case the variation of the planning conditions would not raise any significant issues and is considered to be acceptable.

### **RECOMMENDATION**

**Subject to no additional material planning issues being raised during the consultation period which expires on 28<sup>th</sup> February 2018 approve subject to the following conditions.**

### **PROPOSAL**

Planning application 17/1980N gave approval for a new Sydney Road Bridge. The development would be a single span structure and would measure 22.8m in length and 14.6m in width. The bridge would accommodate a 7.3m carriageway to allow two lane traffic with a 3m wide footway/cycleway set back 0.5m from the southern lane and a 2m footway located to the northern side of the bridge. The bridge would have parapets of 0.9m in width and 1.85m in height with a red engineering brick cladding to the internal face of the bridge. To accommodate the new structure the existing central bridge pier would be

demolished. The new bridge will maintain the existing main span headroom of 4.9m between the bridge and the railway tracks.

This application is to amend certain conditions associated with the planning permission for the replacement scheme, and to add a phasing dimension to the permission, which reflects the separate construction contracts. In effect, this application is to create two phases of construction to allow certain preliminary works to take place in February/March 2018 before the main construction works commence in October 2018. This application seeks to vary conditions 3, 4, 7, 15, 16 and 17 on application 17/1980N as set out below;

3. Prior to the commencement of the *Phase 2 (Main Works)* development a revised plan to show the footpath alignment adjacent to SP Manweb's land and apparatus shall be submitted to the Local Planning Authority for approval in writing. The development shall be completed in accordance with the approved details.

4. Prior to the commencement of *Phase 2 (Main Works)* development a revised plan to show the siting of the compound adjacent to SP Manweb's land and apparatus together with details of the timing of any operations within the compound shall be submitted to the Local Planning Authority for approval in writing. The development shall be complete in accordance with the approved details.

7. Prior to the commencement of the *Phase 2 (Main Works)* development, a scheme for the landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of replacement tree and hedgerow planting, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

15. Prior to the commencement of the *Phase 2 (Main Works)* development a drainage strategy/design in accordance with the appropriate method of surface water drainage (chosen dependent on the ground testing on site) shall be submitted to the Local Planning Authority for approval in writing. The approved shall be implemented as part of the approved development.

16. Prior to the commencement of the *Phase 2 (Main Works)* development a scheme to improve cycleway and footpath provision within the vicinity of the site shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented within 3 months of the new bridge first being brought into use.

~~17. Prior to the commencement of development a PROW scheme of management and a timetable for implementation shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall include proposals for the temporary closure of the PROW along with alternative route provision. The approved scheme shall be implemented in accordance with the approved timetable. The part of the PROW scheme of management relating to the temporary footbridge over the footway, and specifically with regard to its details (elevations and cross sections), shall be submitted to and approved by the Local Planning Authority prior to the Phase 2 (Main Works) commencing. The approved scheme shall be implemented in accordance with the timetable, that should also be included for approval.~~

### **SITE DESCRIPTION**

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

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

### **RELEVANT HISTORY**

18/0567D - Discharge of conditions 5, 6, 9, 11, 14, 17, 19 on application 17/1980N – Application undetermined

17/1980N – Railway Bridge, Sydney Road, Crewe - Demolition of the existing Sydney Road Bridge and provision of a new wider road bridge that will allow for two way traffic movement and removal of the traffic lights, and the creation of new pedestrian footpaths. The scheme also includes the creation of a temporary site compound, temporary site access, provision of a temporary pedestrian and cycle bridge during the construction period and other ancillary works – Approved 7<sup>th</sup> July 2017

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

The following application does not relate to this site but is relevant to this application;

18/0016N – Land east of lime Tree Avenue, Crewe - Proposed temporary permission (up to 18 months) for an alternative site compound for the Sydney Road Bridge replacement scheme, consisting of: 6 no. temporary cabins, wc block, parking area, service road, laydown area, top soil storage area and associated facilities, and temporary diversion of a Public Right of Way – Application undetermined.

### **POLICIES**

#### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

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 Woodland

SE6 – Green Infrastructure

SE12 – Pollution, Land Contamination and Land Instability

SE13 - Flood Risk and Water Management

SC1 – Leisure and Recreation

IN1 – Infrastructure

CO1 – Sustainable Travel and Transport

CO2 – Enabling Business Growth through Transport Infrastructure

**Crewe and Nantwich Borough Council Local Plan policy**

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.6 – Development on Potentially Contaminated Land

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.17 – Pollution Control

NE.20 – Flood Prevention

TRAN.3 – Pedestrians

TRAN.5 – Provision for Cyclists

RT.1 – Protection of Open Spaces with Recreational or Amenity Value

RT.9 – Footpaths and Bridleways

**National Planning Policy**

The National Planning Policy Framework

**Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

National Planning Practice Guidance

Cheshire East Infrastructure Delivery Plan

**CONSULTATIONS (External to Planning)**

**CEC Head of Strategic Infrastructure:** No objection.

**Network Rail:** No objection.

**United Utilities:** No comments received.

**Scottish Power:** No comments received.

**CEC Public Rights of Way:** No comments received.

**CEC Environmental Health:** No objection.

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

**Natural England:** No comment.

**Cheshire Brine Subsidence Board:** No comment.

## IEWS OF THE TOWN COUNCIL

**Crewe Town Council:** No comments received.

## OTHER REPRESENTATIONS

One letter of representation received raising the following concerns;

- It is difficult to see from the current plans due to the scale if any of the land associated with 118 Sydney Road would be required as part of the proposal.
- There are concerns that the proposed works will affect the day to day running of the business. Can you provide information to show how the entrance to 118 Sydney Road will be operational at all times.
- The landscape mitigation plan submitted as part of this application appears to show some changes to the vegetation within the boundary line with 118 Sydney Road. It is not clear what this will involve.

## OFFICER APPRAISAL

### Principal of Development

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

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

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

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

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

And that Local authorities should work with transport providers to;

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

The Cheshire East Local Plan Strategy identifies that the Sydney Road Bridge is an important infrastructure requirement and the allocations LPS7 (Sydney Road, Crewe), LPS5 (Leighton, Crewe) and LPS11 (Broughton Road, Crewe) all seek to secure S106 contributions towards the Sydney Road Bridge or the Sydney Road Corridor.

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

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

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

The principle of the replacement bridge has previously been accepted. This application seeks to amend conditions 3, 4, 7, 15, 16 and 17 to allow for a two-phase construction period in order to allow certain initial enabling type works to commence ahead of the main bridge construction works. The timing of the initial works is dependent on the fixed timetabling of an outage of a Scottish Power electricity cable and the temporary closure and diversion of the West Coast Main Line railway. These are both due to take place between April 2018 (but will need site preparation works starting February/March 2018) and August 2018, ahead of the main construction works for Sydney Road Bridge starting in October 2018.

### **Phasing**

#### Phase 1: February/March 2018

This phase relates to the enabling works for the project and in summary this would consist of the following;

- Advanced de-vegetation works before the bird nesting season start (March 2018)
- Set up site compound Lime Tree Avenue (subject to planning permission – 18/0016N)
- Undertake piling for north west abutment
- Excavate and install ducting for Scottish Power
- Scottish Power install new 132Kv Cable and commission
- Move Overhead Line Equipment to temporary location and remove southern gantry
- Install modular units for new abutment
- Infill span
- Partially demobilise main site compound and make secure

#### Phase 2 October 2018 – June 2019

The phase 2 works are the main works to the bridge and highway and are referred to as the 'Main Works'. In summary these works consist of the following;

- Remobilise site compound Lime Tree Avenue (subject to planning permission)
- Carry out de-vegetation works
- Set up secondary compound in Scottish Power land
- Install temporary service bridge
- Close road
- Commence service diversion from the bridge deck
- Piling for south east abutment (Nursery side)
- Demolish bridge
- Install new bridge deck beams and parapets
- Move Overhead Line Equipment to permanent location
- Pour bridge deck
- Install approach units

- Reinstate services from temporary bridge to new bridge deck
- Install carriageway and footway constructions
- Install drainage, fencing, bollards and lighting
- Install highway surfacing and traffic signals
- Reopen the road
- Remove temporary service bridge

### **Reason for the Proposed Phasing**

A Scottish Power 132kV cable, which currently runs parallel to the railway from the electricity substation, through the bridge span to the Scottish Power pylon north of the has been damaged and jointed several times in the past. Due to the location and condition of this cable it is necessary to replace it with a modern cable in a new, secure duct route to allow for the new, wider Sydney Road bridge.

To carry out these works, an outage of the cable is required, which is restricted to Spring/Summer and needs to be planned well in advance. Scottish Power confirm that the outage is scheduled to start May 2018 and finish in August 2018 to coincide with their transformer upgrade works. The Sydney Road project has already had to be re-planned once due to the movement of this outage from 2017 to 2018.

In addition, a 'disruptive possession' (closures of the railway which lead to diversion or termination of planned passenger and freight services) has had to be negotiated with train and freight operators by Network Rail on behalf of Cheshire East Council for May 2018. This possession is to allow for modification to the Overhead Line Equipment and the removal of a gantry. In addition, this possession will be utilised to allow some piling works to take place. Similar to the Scottish Power outage, this possession has to be booked in advance and the train timetable has been amended to include for it.

The requirement for an outage and the associated disruptive possession of the railway means that these works need to be undertaken at specific times, which, due to the complexity involved, take months of negotiation with stakeholders to agree and would significantly delay the construction programme if they are missed. For the purposes of this application, these works are referred to as Phase 1 works. The remaining works which will deliver the main bridge are referred to as Phase 2 works.

### **Implications of this application**

In this case it should be noted that the phase 1 works would not include any new landscaping other than de-vegetation works (Condition 7), there is no requirement to use the Scottish Power compound in Phase 1 (Condition 4), no works will be undertaken to modify the approaches to the highway on the Scottish Power land (Condition 3), no drainage will be installed (Condition 15) and no improvements will be made to the highway or cycleway as part of these works (condition 16).

The wording for Condition 17 needs to be varied, as it has elements relating to both Phase 1 works and Phase 2 works, and the applicant does not have the information regarding the temporary railway footbridge which is part of the Phase 2 works. In terms of the Condition 17 Phase 1 works an application to discharge various pre-commencement planning conditions (ref: 18/0567D) includes a partial discharge for Planning Condition 17.

As a result there are no implications in terms of the variation of conditions 3, 4, 7, 15, 16 and 17 on application 17/1980N.

### **Application 17/0567D**

In this case it should be noted that application 17/0567D seeks approval for details required by conditions 5, 6, 9, 11, 14, 17 and 19 attached to application 17/1980N. At the time of writing this report the application had not been determined should this application be determined by the date of the committee meeting the suggested conditions would need to be updated to reflect this decision.

### **Other issues**

The letter of representation raises issues in relation to the impact of the replacement bridge. However these issues were determined as part of the determination of application 17/1980N and this application seeks to vary the conditions imposed only.

### **CONCLUSIONS**

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

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

The variation of conditions 3, 4, 7, 15, 16 and 17 on application 17/1980N is required due to the phasing of the development and the works require agreement of Scottish Power and Network Rail. In this case the variation of the planning conditions would not raise any significant issues and is considered to be acceptable.

### **RECOMMENDATIONS**

**Subject to no additional material planning issues being raised during the consultation period which expires on 28<sup>th</sup> February 2018 approve subject to the following conditions;**

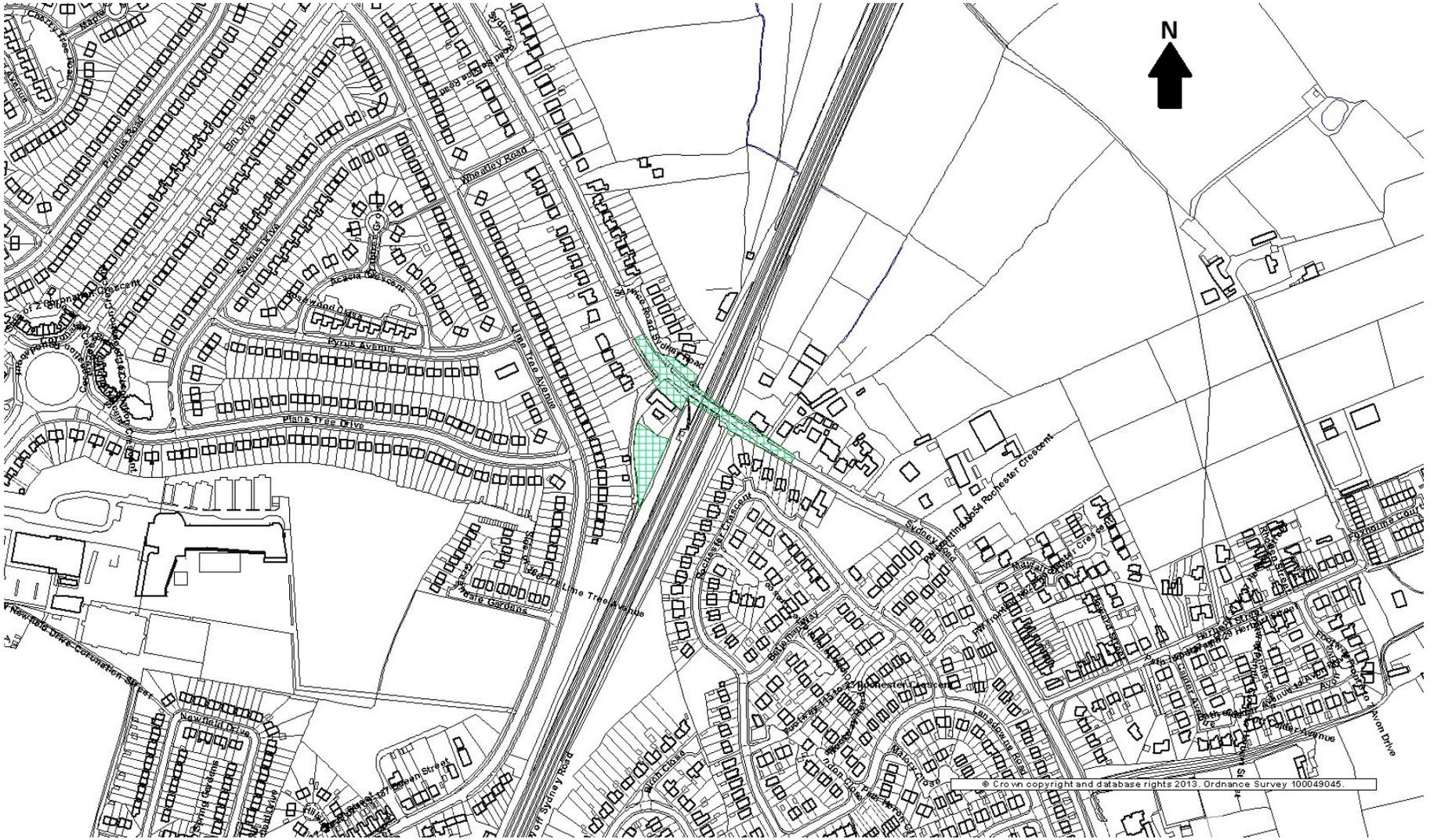
- 1. Standard time 3 years**
- 2. Development to proceed in accordance with the approved plans**
- 3. Prior to the commencement of Phase 2 submission of an amended plan to realign the footpath and to avoid Scottish Power infrastructure**
- 4. Prior to the commencement of Phase 2 details of the siting of the compound and its timing to be submitted and agreed**
- 5. Prior to the commencement of development a Tree Protection Scheme is to be submitted and approved**
- 6. Prior to the commencement of development an Arboricultural Method Statement is to be submitted and approved**

7. Prior to the commencement of Phase 2 submission of a scheme of landscaping including replacement tree and hedgerow planting to be submitted
8. Implementation of the scheme of landscaping including the replacement tree and hedgerow planting
9. Reptile Mitigation Method Statement to be submitted and approved
10. Nesting birds – timing of works
11. Prior to the commencement of development a Construction Environment Management Plan is to be submitted and approved
12. Where possible noise generative activities shall take place during standard construction hours
13. At all times of construction there shall be a prominently displayed contact telephone numbers for the reporting of issues and problems
14. Dust Control Measures to be submitted and approved
15. Prior to the commencement of Phase 2 a drainage Strategy and design to be submitted and approved
16. Prior to the commencement of Phase 2 a scheme to improve cycleway and footpath provision within the vicinity of the site shall be submitted and approved
17. The part of the PROW scheme of management relating to the temporary footbridge over the footway, and specifically with regard to its details (elevations and cross sections), shall be submitted to and approved by the Local Planning Authority prior to the Phase 2 (Main Works) commencing. The approved scheme shall be implemented in accordance with the timetable, that should also be included for approval.
18. The line of the PROW shall be marked out prior to the commencement of development
19. Pre-commencement and pre-completion surveys of the PROW shall be submitted to the LPA and approved in writing.

**Informatives;**

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

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



Application No: 17/5776N

Location: Land to North of Little Heath Barns, AUDLEM

Proposal: Erection of Retirement Living housing (category II type accommodation), communal facilities, landscaping and car parking (re-submission following non-determination of application 17/0339N)

Applicant: McCarthy & Stone Retirement Lifestyles L

Expiry Date: 04-Apr-2018

## SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

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, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

In this instance the proposed development would be technically contrary to Policies PG6 of the Adopted Cheshire East Local Plan and saved policy RES.5 of the Crewe and Nantwich Local Plan given that the development would result in a loss of open countryside. However material considerations exist as the principle of residential development of the site has already been established by approval of 13/2224N.

The benefits of the proposal would be the provision housing for the elderly to meet a national shortfall and economic benefits through the usual economic benefits during construction and through the spending of future occupiers.

The scheme will provide up to £305,000 towards identified planning obligations, as set out in this report. Whilst there is a shortfall of what is required to fully meet the contributions in lieu of on-site affordable housing, the applicant has agreed to provide the amount requested by the Council following an independent viability appraisal.

As a result it is considered that it has been demonstrated that the proposal complies with the exception noted in Policy CS5 which requires any shortfall in the required contribution to be fully evidenced by a viability report which has been independently assessed.

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

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

### **RECOMMENDATION**

**APPROVE subject to conditions and the completion of a s106 legal agreement**

### **REFERRAL**

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

### **PROPOSAL**

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

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

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

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

### **SITE DESCRIPTION**

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

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

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

### **RELEVANT HISTORY**

17/0339N – Erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking – **Minded to refuse (currently subject to non determination appeal to take place 21<sup>st</sup> – 22<sup>nd</sup> March 2018)**

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

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

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

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

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

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

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

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

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

### **IMPACT ON THE APPROVED SCHEME**

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

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

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

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

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

### **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

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

The Cheshire East Local Plan Strategy was formally adopted on 27th 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.

NE.5 (Nature Conservation and Habitats)

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

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

RES.5 (Housing in the Open Countryside)

## **Audlem Neighbourhood Plan (ANP)**

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

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

## **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**

**CEC Highways:** No objection

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

**CEC Environmental Health:** No objection subject to conditions/informatives regarding construction environmental management plan, electric vehicle charging points, working hours and contaminated land

**CEC Housing:** Objection as the proposal would require x8 affordable units and no financial contribution has been offered

**CEC ANSA:** No comment received however comments from the earlier application raised no objection subject to provision of green gym facilities

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

**NHS England:** Contribution of £17,352 required to fund an extension to existing medical centre in Audlem

**United Utilities:** No objection subject to the development being carried out to the principles set out in the submitted Foul & Surface Water Drainage Design Drawing NW-2215-SE-03-004, Rev A - Dated 19.01.2017 which was prepared by SWF Consultants

## **VIEWS OF AUDLEM PARISH COUNCIL**

Objection on the following grounds (full comments available on the planning file):

### Affordable housing policies in the Local Plan

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

### Sustainability/location

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

### Contrary to policies in the ANP

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

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

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

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

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

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

Contrary Policy D11 Residential parking as not enough parking is provided

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

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

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

### **REPRESENTATIONS**

12 letters of objection received regarding the following:

- Insufficient parking for residents and visitors
- Contrary to the ANP and Local Plan
- No affordable housing
- No guarantee any commuted sum would be spent to provide housing in Audlem
- Poor design/not in-keeping with the village/visually dominant
- Too far from the village/not sustainable/not taking into account older people would take longer to reach local services
- Pavements inadequate/no safe pedestrian route to the village
- Impact on existing infrastructure such as medical centre
- Traffic generation has been understated
- No need for this type of accommodation
- Loss of privacy, noise, light pollution
- Open space inappropriately sited

### **APPRAISAL**

#### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 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. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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

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

In this instance a material consideration exists as the principle of residential development of the site has already been established as part of approved application 13/2224N which gained consent for the erection of 120 dwellings.

It is important to note that the same proposal is currently due to be determined by appeal under application ref. 17/0339N. The point of contention in the current appeal is set out below following the resolution of Southern Planning Committee:

*Whilst the application has been supported by a viability report, the findings conflict significantly with the independent report carried out on the Councils behalf which concludes that the scheme could provide a higher contribution towards affordable housing than that being proposed. As a result it has not been justified as part of the application process why the proposal is unable to provide the required contribution towards affordable housing. The proposal is therefore Contrary to Policies SC5, SD1 & SD2.*

Since that decision the Council has commissioned an updated position on viability in support of the forthcoming appeal. The updated position has confirmed that, predominantly due to increasing costs of development, there is now less money in the scheme available to meet planning obligations and for the development to remain viable. As a result, the applicant is now proposing to provide contributions that meet with the Council's independent viability appraisal. This sum equates to £305,000. As such, it is now considered that the change in circumstances have overcome the previous reason for refusal. This is the new position that the Council's officers will be obliged to present at the forthcoming appeal hearing.

With a robust viability position that has been met by the applicant's submission, and with all other policy and site planning considerations unchanged, planning permission should now be granted.

### **Audlem Neighbourhood Plan**

Audlem Parish Council has submitted a comprehensive objection to the proposals. These points are addressed in bold text below.

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

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

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

Contrary Policy H6 Affordable Housing advises that proposal for net gain of 3 dwellings should provide minimum of 30% affordable housing unless a financial viability assessment or other material

considerations demonstrate justification for a different percentage. Policy H7 Tenancy Mix also requires the affordable housing mix to be based on 35% intermediate housing. **The proposal now meets the Council's independently assessed viability appraisal.**

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

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

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

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

Contrary Policy CW3 Infrastructure Support requires proposals for more than 6 houses to include an infrastructure evaluation to quantify the likely impact on the community infrastructure and if impacts are identified the proposal shall make improvements are offer a financial contribution towards such improvements. **The proposal would not require any contribution towards education given the market the proposal is aimed at. Contributions relating to affordable housing, medical provision and open space are required and can be secured by Section 106 agreement.**

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

### **Housing Land Supply**

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was 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”

The Inspector’s conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme’s conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the ‘tilted balance’ set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a ‘precautionary approach’ and assumed a worst case position in similarly engaging the ‘tilted balance’ under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council’s position that there is a five year supply of deliverable housing land.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

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

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

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

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

In this instance no affordable units are to be provided on site. The Council's Interim Planning Statement: Affordable Housing and Policy CS5 requires affordable housing to be provided on-site, however there may be circumstances where on-site provision would not be practicable or desirable. In this instance, the applicant is seeking to justify that the scheme is unable to deliver either on site provision or the full financial contribution.

To provide the required 8 units in full compliance with Policy CS5 a contribution of £665,900 would be required. However both viability reports of the applicant and the Council have established that the scheme would never be able to deliver this contribution.

Before discussing the viability conclusions for the current application it is worth noting the viability conclusions of the previous scheme that is currently under appeal for non determination

Application 17/0339N (recommended for refusal and is subject of a non determination appeal)

A viability appraisal was submitted in support of the above application which concluded that the development would not be able to provide the required contribution and would result in a deficit of - £218,664. The Council had this independently assessed which concluded that the scheme could in fact could provide a contribution of plus £586,727.

In response to the findings of the independent report, the applicant submitted a further viability report which altered the initial land values and concluded that the scheme could deliver a contribution of £61,485. This updated report was also independently assessed which concluded that the scheme could deliver a contribution of £556,699.

As a result the applicant subsequently revised their offer to providing £250,000 towards off-site affordable housing & 9k towards open space. This would have equated to delivering circa 4 units (2 x affordable rent and 2 x intermediate - 1 beds).

However whilst it was accepted that the scheme could not deliver the full contribution of £665,900, the independent viability report highlighted a significant shortfall between what contribution the applicant claims could be provided and that which the Council considered could be provided. Therefore it was concluded that the shortfall in the required contribution towards affordable housing had not been adequately justified and the application was recommended for refusal.

Actions since the last application

As a result of the previous refusal there was a significant difference between what the applicant had offered (£259,000) and what the Council considered was available (£556,699).

Since this decision discussions have been on-going between the Council, their independent consultants and the applicant. These discussions have been to focus on the issues of disagreement which were mainly the land value and construction costs.

These discussions have resulted in both parties reviewing their prospective stances in light of new/updated evidence and brought a need for updated appraisals to reflect these changes. Given the length of time passed since the initial decision, construction costs have also increased which further emphasised a need for both parties to provide updated calculations (this process would also prove useful information for pending appeal for non determination as this would help to form the statement of common ground to focus issues at the appeal).

The Department for Communities and Local Government (DCLG) have also released a consultation document titled "tackling unfair practices in the leasehold market". This would mean that ground rents on new long leases for both houses and flats would be set to zero. This is relevant to the current appeal as part of the applicant's ability to provide the required contributions relies on finance from the grounds rents.

### Revised viability

Taking into account the revised costings the Council's independent assessment advises that the proposal could provide a financial contribution of £305,000 based on including profit from ground rents in the calculations. If ground rent was removed the figure would be £162,000.

The applicant has indicated that they do not agree with how the £305,000 figure has been derived and their own viability appraisal allows for less than £90,000 towards planning obligations. However they have advised that in the interest of commercial expediency, are prepared to offer the £305,000 on the condition that the figure is reduced proportionately if new legislation is introduced that restricts their ability to charge ground rents.

The Council accept that the ground rent issue would impact on the level of profit available to the applicant to meet the required contributions and therefore the contributions should be reduced to £162,000 in the event the legislation is introduced prior to occupation of the first unit.

### Conclusion

In order to fully meet the financial contribution based on a scheme to provide x8 affordable units, a contribution of £665,900 would be required. However both parties acknowledge that the scheme would never be able to deliver this contribution.

Both parties have amended their calculations following the changes in circumstances and to reflect the additional evidence provided by both parties. The offer put forward is now consistent with that as recommended/evidenced in the Council's independent viability assessment.

As a result it is considered that it has been demonstrated that the proposal complies with the exception noted in Policy CS5 which requires any shortfall in the required contribution to be fully evidenced by a viability report which has been independently assessed. It is considered that the overall benefits of delivering the development outweigh the shortfall in planning obligations and that the shortfall has been robustly justified in terms of viability.

### **Public Open Space**

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

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

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

New housing developments with more than 20 dwellings (except sheltered housing) require 15sqm of shared recreational open space and 2 or more bed an addition 20sqm play space. Whilst the proposal seeks retirement homes and are aimed at older people, it is providing 2 bedroomed properties which require play space. This may not be "play space" as we think of swings, slide etc, however this could be a green gym, there are many items on the market for older people to keep active. Initially as part of the previous application a contribution of 9k was requested towards green gym equipment to be provided on the wider site to the north. However as the applicant does not own this land, it would not be possible to secured this by 106 therefore the requirement has changed to provide the green gym on site for use by residents of the apartments which should be controlled by a management company

The above contribution can secured by section 106 agreement.

### **Education**

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

### **Health**

The South Cheshire Commissioning Group (SCCG) have devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £17,352 towards an extension to the existing medical centre in Audlem.

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £17,352 is CIL compliant. This is because the NHS plan is at an advanced stage. The comments from the SCCG also provides calculations of how the requested contribution was

derived and a specific scheme has been noted as to where the money will be spend which is to extend the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106.

### **Location of the site**

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

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

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

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

### **Need for older persons housing**

The Government's formally adopted National Planning Practice Guidance (NPPG) states under Housing and Economic Development Needs Assessments paragraph 21:  
'Housing for older people, advises as follows:

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

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

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

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

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

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

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

### **Contaminated Land**

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

### **Public Rights of Way (PROW)**

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

### **Highways**

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

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

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

### **Landscape**

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

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

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

### **Trees**

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

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

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

### **Design**

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

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

The area is characterised by a mixture of modern properties to the south of the site and more traditional property types to the east and further south to the village, all predominantly 2 storey in character and

finished in red brick/render. The site has received planning permission for the erection of 120 houses, the design of which has also been deemed acceptable. The current proposal seeks to remove 11 of the approved dwellings and replace with a 25 unit apartment block but remaining 2 storey in height and finished in red brick.

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

The proposal has been subject to various discussions with the Councils Urban Design Officer at both pre-application stage and during the application itself. These discussions have resulted in the build line of the proposal being amended so that it respects the build line of the development approved to the north to ensure a natural transition with this development and to prevent the building being overly prominent. Whilst it would be sited forward of the build line to Little Heath Barns a visual gap would remain between the properties to soften this impact. The height has also been amended to include a stepped design from both the north and south to ensure a continuation of ridge heights, whilst this increases to the middle section this is less prominent given the stepped approach. The Urban Design officer has suggested some minor changes to fenestration details and exact finish materials which can be secured by planning condition.

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

### **Ecology**

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

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

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

### **Flood Risk**

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

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

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

### **ECONOMIC SUSTAINABILITY**

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

### **CIL Regulations**

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

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

The proposal would result in a requirement for the provision of 8 affordable units. However after the submission and assessment of a viability report and further negotiation, the applicant has committed to provide £305,000 towards off-site affordable housing if ground rents are included or £162,000 if ground rents are not included. This would help to deliver circa 4 units in the local area (2 x affordable rent and 2 x intermediate - 1 beds). This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in a requirement for the provision of a green gym for use by residents of the apartments which should be controlled by a management company. This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in increased demand for medical care usage in Audlem village. Evidence has been put forward by the SCCG that a contribution of £17,352 is required to fund an extension to existing medical centre in Audlem. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived has been provided and this is linked to the proposed extension Audlem medical practice. This is considered to be necessary and fair and reasonable in relation to the development.

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

### **Other**

It is considered that all issues raised by representations have been addressed in the report.

### **PLANNING BALANCE**

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

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, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

In this instance the proposed development would be technically contrary to Policies PG6 of the Adopted Cheshire East Local Plan and saved policy RES.5 of the Crewe and Nantwich Local Plan given that the development would result in a loss of open countryside. However material considerations exists as the principle of residential development of the site has already been established by approval of 13/2224N.

The main adverse impact of the proposal is the failure to provide full contributions in lieu of on-site provision of affordable housing. However it is accepted by the Council that that the scheme would never be able to deliver the required £665,900 contribution. The Council have procured an independent viability assessment which considers that the scheme could provide a contribution of £305,000. The applicant has indicated that they do not agree with how the £305,000 figure has been derived however they have advised that in the interest of commercial expediency, are prepared to offer the £305,000 on the condition

- £162,000 towards **all planning obligations** to be paid prior to the first occupation of any of the apartments
- An additional £143,000 towards off-site affordable housing will be payable of the appropriate legislation to restrict ground rents being charged has not been enforced prior to the occupation of any of the apartments

It is considered that the health contributions should be met first (£17,352) and the remainder of the contributions (£287,648) allocated to affordable housing. Based on the estimated requirement this represents about a 13% affordable housing contribution.

As a result it is considered that it has been demonstrated that the proposal complies with the exception noted in Policy CS5 which requires any shortfall in the required contribution to be fully evidenced by a viability report which has been independently assessed. It is considered that the previous reason for refusal has now been overcome.

The benefits of the proposal would be the provision housing for the elderly to meet a national shortfall and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

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

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

### **RECOMMENDATION:**

**APPROVE SUBJECT TO THE FOLLOWING HEADS OF TERMS SECURED AS PART OF ANY S106 AGREEMENT:**

- 1. A contribution towards affordable housing in the following manner**
  - £144,648 towards all planning obligations to be paid prior to the first occupation of any of the apartments**
  - An additional £143,000 towards off-site affordable housing will be payable of the appropriate legislation to restrict ground rents being charged has not been enforced prior to the occupation of any of the apartments**
- 2. Provision of a green gym for use by residents of the apartments to be controlled by a management company**
- 3. A contribution of £17,352 to fund an extension to Audlem medical centre**

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



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Application No: 17/5249M  
Location: 11, MANOR PARK SOUTH, KNUTSFORD, WA16 8AD  
Proposal: Proposed first floor extension via revised roof pitch  
Applicant: Ms Olivia Hunter  
Expiry Date: 16-Mar-2018

**SUMMARY**

The application site consists of a detached 1.5 storey bungalow set within a predominantly residential area of Knutsford. The dwelling is constructed of facing brick with a dual-pitched tiled roof with the gabled ends facing to the front and rear. The dwelling fronts onto Manor Park South to the south and is bound by residential curtilages to the east and west. There is a private access running to the rear of the site serving bungalows opposite. The dwelling has an existing single storey side extension (approved under application 10/2026M) and a full height rear extension built without planning permission, but would appear to have become lawful through the passage of time.

The proposal is to create additional living accommodation at first floor level by raising the eaves height of the entire dwelling by 2.35m and creating a much shallower roof pitch. The application also proposes a single storey front extension identical to that approved under previous approval ref. 10/2026M but was never built, and a first floor side extension above an existing single storey side extension.

The application is considered to represent an inappropriate form of development that would appear alien and incongruent in what is a uniform street scene. The additional eaves height and overall massing is considered to have a detrimental impact on neighbour amenity and would appear overbearing when viewed from adjacent property.

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

This application is being considered by the Southern Planning Committee as the application has been submitted by a ward Councillor.

## **SITE DESCRIPTION AND CONTEXT**

The application site consists of a detached 1.5 storey bungalow set within a predominantly residential area of Knutsford. The dwelling is constructed of facing brick with a dual-pitched tiled roof with the gabled ends facing to the front and rear. The dwelling fronts onto Manor Park South to the south, is bound by residential curtilages to the east and west, and backs onto a private access to the rear with bungalows opposite. The dwelling has an existing single storey side extension and full height rear extension.

## **DETAILS OF PROPOSAL**

The application proposes a first floor extension by raising the eaves height and revising the roof pitch.

## **RELEVANT PLANNING HISTORY**

10/2026M Single storey front and side extension, rear conservatory, roof light. Approved 21/07/2010. (The applicant has confirmed the side extension has been completed.)

## **POLICIES**

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

MP 1 (Presumption in favour of sustainable development)  
SD 1 (Sustainable development in Cheshire East)  
SD 2 (Sustainable development principles)  
SE 1 (Design)  
SE 2 (Efficient use of land)  
SE 12 (Pollution, land contamination and land instability)

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

### **Macclesfield Borough Local Plan - saved policies (MBLP)**

DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC43 (Side extensions to houses)

### **Other Material Considerations**

National Planning Policy Framework (2012)  
National Planning Practice Guidance  
Knutsford Neighbourhood Plan – Pre Regulation 14 Draft Plan – Only limited weight can be attached

## **CONSULTATIONS**

**Knutsford Town Council** – Object on the grounds that the large increase in size is out of keeping with the neighbouring properties and detrimental to the otherwise regular pattern of the street scene.

## **REPRESENTATIONS**

Two letters of objection have been received which can be summarised as follows;

- The property is one of four similar properties and the proposal is totally out of proportion and out of character to the surrounding properties.
- The development would take sunlight from neighbour's property even more so than the previous extension built.
- The development would be overdevelopment of the plot. Why buy a dormer bungalow when you want a large house.

## **OFFICER APPRAISAL**

### **Principle of development**

The application site sits in a predominantly residential area of Knutsford and proposes an extension to an existing dwelling. The application is therefore considered acceptable in principle.

### **Design**

The street scene along this stretch of Manor Park South is very uniform with very similar dwellings at either side of the application site; the proposal would therefore be viewed within this visual context. The application proposes to create additional living accommodation at first floor by raising the eaves height approximately 2.35m and revising the roof pitch to create a much shallower roof slope. A first floor extension is also proposed above the existing single storey side extension that will have an eaves height to match the main house.

It is noted that the properties within this group retain much of their original as-built appearance. Saved policy DC2 of the MBLP and policies SE 1, SE 2 and SD 2 of the CELP seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

The proposal is considered to be in stark contrast with the existing street scene. Whilst the existing building is not considered to be of any particular architectural merit, the proposal would create a building that is considered to be incongruent within its surroundings. The increase in ridge height would create a shallower roof gradient whilst also increasing the dominance of the building over its neighbouring dwellings. Manor Park South is relatively flat

and open with little street furniture and low level front boundary treatments meaning the proposal would be unduly prominent when viewed from vantage points along Manor Park South.

Whilst no objections are raised to the use of materials to match the existing dwelling, the overall design and scale of the proposal is considered to have a negative impact upon the street scene and visual amenity of the area. The application is therefore not considered to accord with policies SE 1 or SD 2 of the CELP, or saved policy DC2 of the MBLP.

### **Highways**

The application proposed to create an additional two bedrooms to the property taking the total up to four bedrooms. The site is considered to retain sufficient parking for two vehicles in accordance with Appendix C: Parking Standards of the CELP. No alterations to the access are proposed, and as such the application is not considered to raise any highways concerns.

### **Impact on residential amenity**

The new full height roof will extend approx. 6.3m beyond the rear elevation of the neighbouring dwelling at 9 Manor Park South. It is considered that having a 4.8m high blank wall adjacent to the boundary would be overbearing to the occupants of this property and as such would have a negative impact on neighbouring amenity. The proposal would therefore be contrary to policies DC3 and DC38 of the MBLP.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development is considered to represent an inappropriate form of development that would appear alien and incongruent in what is a uniform street scene. The additional eaves height and overall massing is considered to have a detrimental impact on neighbour amenity and would appear overbearing when viewed from adjacent property. The objections and comments from neighbours and the Town Council have been noted. For the reasons set out above the application is therefore recommended for refusal.

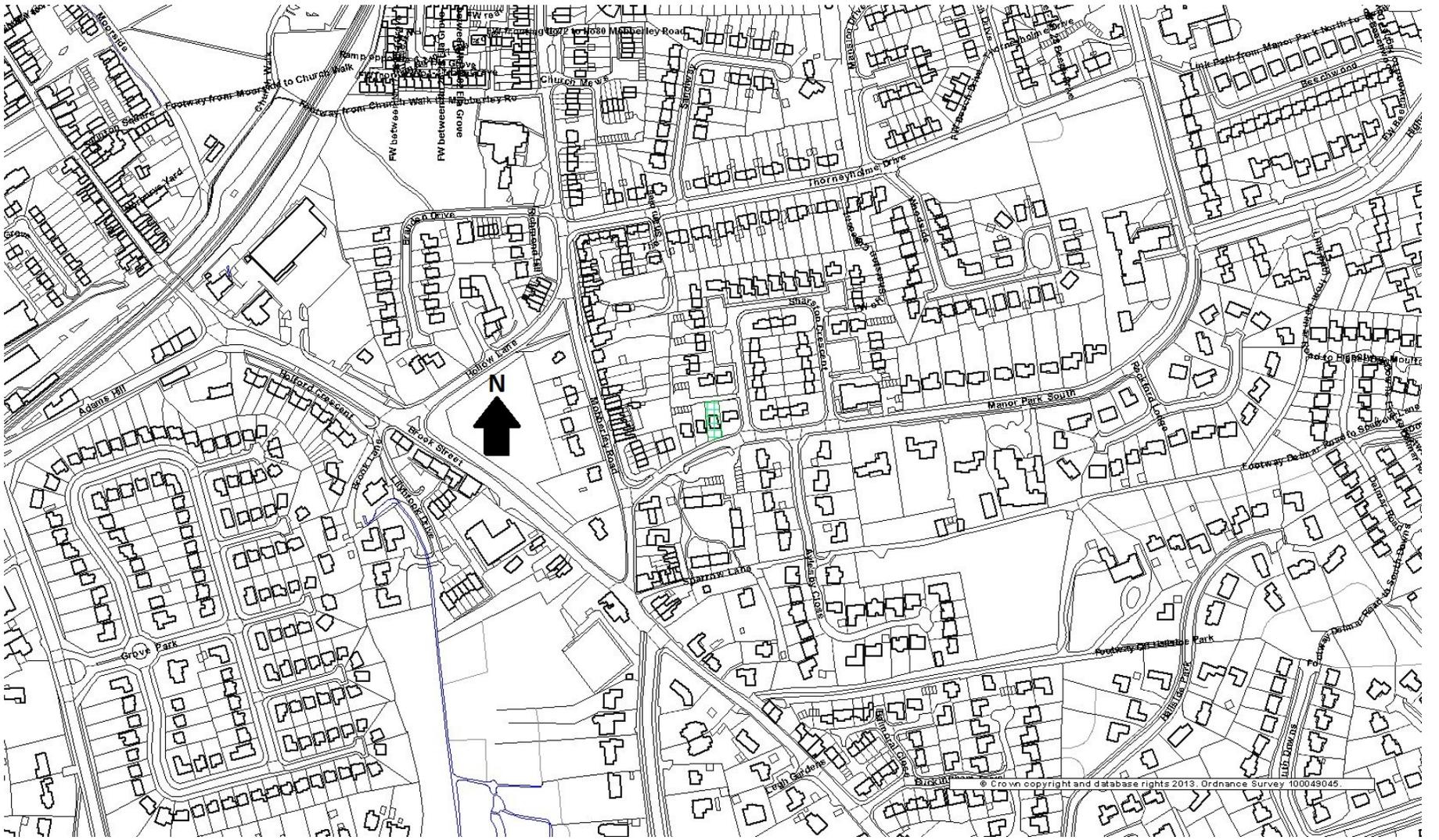
### **RECOMMENDATION**

#### **REFUSE for the following reasons:**

- 1. The proposal would create an incongruous and alien feature within the existing street scene that would dominate surrounding dwellings. The proposal is considered to have a negative impact on the visual amenity of the area by increasing the overall scale and massing of the existing dwelling to an extent that would be disproportionate to neighbouring properties. The application would therefore be contrary to policies SE 1 and SD 2 of the Cheshire East Local Plan Strategy.**
- 2. The proposed extension, by virtue of its size, design and position relative to neighbouring property and adjoining boundaries, would be unduly dominant and overbearing causing an unacceptable loss of amenity to the occupiers of**

neighbouring property. The approval of the development would therefore be contrary to policies DC3 and DC38 of the Macclesfield Borough Local Plan.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in 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.



**Cheshire East Council**

**Southern Planning Committee**

**Date of meeting: 7<sup>th</sup> March 2018**

**Report of Emma Hood, Arboricultural Officer, Environmental Planning**

**Title: Cheshire East Borough Council (Congleton – 59 Park 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 16<sup>th</sup> November 2017 at 59 Park Lane, Congleton; 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 (Regulation) recommends that the Southern Area Planning Committee confirm the Tree Preservation Order at 59 Park Lane, Congleton with no modifications.

**WARD AFFECTED**

Congleton East

**POLICIES**

Not applicable

**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 an 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 a Section 211 notice was received (17/4843T) from the tree owner to dismantle one large Sycamore located in the rear garden of 59 Park Lane which is sited within the Park Lane (Congleton) Conservation Area.

The tree is located within the garden of a property which features on the 1845 Tithe of the Congleton area and provides a continuation of existing green coverage along the northern boundary of the Conservation Area. Existing TPO coverage is present within the garden of the subject property and also adjacent to the western boundary. The cited reasons for the notice to remove the tree were;  
*'Over powering the garden. Dominating other trees and flower beds'*.

An assessment of the tree on 15<sup>th</sup> November found the tree to exhibit good vitality and form for a tree of its size and age with no obvious visible defects. The tree is visible from Edinburgh Road and Hillesden Rise with filtered views from footpaths and residential dwellings in the area.

An amenity evaluation of all the trees was carried out in accordance with Government guidance. The assessment confirmed that the tree contributed to the visual amenity and landscape character of the area and that it was considered expedient to make an Order to protect the tree as without a Tree Preservation Order the tree would be removed as indicated in the Section 211 notification.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 16<sup>th</sup> November 2017.

## **CONSULTATIONS**

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner and the adjoining properties on 16<sup>th</sup> November 2017. Copies of the Order were also sent to Congleton Town Council and the Ward Members.

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

No comments have been received.

## **OBJECTIONS/REPRESENTATIONS**

The Council has received one objection to the Tree Preservation Order from Mr Tomkinson of 64 Edinburgh Road whose garden adjoins the rear boundary of 59 Park Lane and the boundary along which the recently protected tree is situated.

The objection comprises of a letter which details the grounds for the objection to the Order:

*My wife and I would like it known that we object to the TPO on the grounds that the above tree causes us untold misery every year. I have lived at my present address for the past 35 years and enjoyed gardening and don't object to trees in general but large Sycamore trees are totally unsuitable for a hedgerow, indeed we once had a lovely boundary hedge but due to the growth of this tree it is destroying the hedge. We have several other Sycamore trees growing in adjacent gardens due to this tree shedding Sycamore seeds and also there is a large Sycamore in the garden of 68 Edinburgh Road, so I don't see your Officers point that it adds to the amenity of the area. I couldn't think of a worse tree to add to the amenity. We have now lost the use of the top half of my garden due to this tree, where I used to grow fruit and vegetables and also had a greenhouse. As the tree has grown none of this is any longer possible. Indeed I have had to get rid of my greenhouse.*

*In the amenity evaluation checklist it states that the tree in question is visible from the Parklands. This I find very difficult to believe as it would be obscured by the large Poplar trees and large Sycamore in the garden of 68 Edinburgh Road.*

*Also dispute the fact that birds or bats nest or roost in the tree. For bats to roost the tree would have to have some hollows or defects from fallen branches, this is not the case.*

*I disagree with the Officers comments in section 9 Management.*

*I disagree with comments in Section 13 Supplementary Information that the removal of the tree in my opinion isn't adding to the historic character of the area and cannot even be seen from Park Lane, I know for a fact the tree grew from a seedling inside a greenhouse belonging to the previous tenants of 59 Park Lane.*

*Please listen to my objections and give me and my neighbour at 62 Edinburgh Road our once lovely gardens back.*

## **APPRAISAL AND CONSIDERATION OF THE OBJECTION**

### Objection Mr & Mrs Tomkinson, 64 Edinburgh Road, Congleton

The submission of the Section 211 notice on 29<sup>th</sup> September 2017 (tree work application 17/4843T) triggered an assessment of the nature of the proposed works at 59 Park Lane. The Officer allocated the application had expressed concerns over the notification to remove the Sycamore and requested that an Amenity Evaluation Assessment be carried out to determine whether a Tree Preservation Order was appropriate. Government Guidance states that a local authority can deal with a section 211 notice in one of three ways. It may:

- make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
- decide not to make an Order and inform the person who gave notice that the work can go ahead; or
- decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.

Guidance states that the authority's main consideration should be the amenity value of the tree. In addition, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

With reference to the objector's comments in relation to the amenity of the tree, Government Guidance states that; Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Guidance also recommends taking into account the following criteria:

Visibility - The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact - Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including: size and form, future potential as an amenity, rarity, cultural or historic value, contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.

The tree in question was noted to be a mature Sycamore of good form with no structural defects and which was visible from adjacent roads and properties; Hillesden Rise but most notably from Edinburgh Road. The observation that the extent of the visibility of the tree from The Parklands is questionable is understandable with only filtered views of the crown of the tree as you look west from the top of Congleton footpath 75 which connects the Parklands with Edinburgh Road.

The amenity evaluation assessment found that due to the size, age and quality of the tree, its presence along the boundary of the Conservation Area and the fact that a degree of public visibility could be demonstrated, that in light of the notification to fell that there would be an impact on the amenity of the northern boundary of the Conservation Area if the tree were not protected.

While Sycamore is a non-native species tree and is regarded as a nuisance by the objector, Sycamore is widely used in parks and gardens as an amenity tree and while acknowledging the comments made by Mr Tomkinson, the shedding of leaves/seed is considered to be a seasonal nuisance and is not generally deemed sufficient justification for the removal of a healthy protected tree. The comments in relation to the impact of the tree on the garden space of the objectors are noted, however an evergreen hedgerow appears to define the rear garden boundary between 64 Edinburgh Rd and 59 Park Lane and is estimated to be at a height of between 6 and 7 metres and it is unlikely that the Sycamore is the sole cause of the alleged detrimental impact on the useable garden space.

A reduction in the height of this hedgerow would undoubtedly improve light levels to the garden, and while the Sycamore is presently afforded protection by the TPO it is considered there are alternative solutions such as a crown volume reduction which would enable the retention of the tree while addressing the concerns of the objector and maintaining the green coverage along the conservation area boundary.

Any mature tree provides an above ground opportunity for roosting birds, and while the presence of a bat roost was not noted, a tree of this size which forms part of a linear group of fragmented boundary trees and vegetation may still be used for foraging.

In response to the Objectors disagreement with Section 9 – Management, of the Amenity Evaluation Checklist, the tree was found to be under good arboricultural management, and a TPO was considered justified. The tree is situated approximately 30 metres to the south of 64 Edinburgh Road and approximately 45 metres from the rear of 59 Park Lane, and these distances are such that the tree could not be determined to present a poor social relationship with either dwelling which would exclude it from consideration for formal protection.

In response to the Objectors disagreement with Section 13 of the Amenity Evaluation Checklist and the reason stated for promoting the Order; 'to maintain the landscape setting and historic character of the Park Lane (Congleton) Conservation Area; The tree forms part of a linear group of established tree cover which defines the northern boundary of the Park Lane Conservation Area. The tree is considered to contribute to the sylvan setting and landscape character of 59 Park Lane and the Conservation Area as viewed from Edinburgh Road and surrounding properties.

### **RECOMMENDATION**

That the Cheshire East Borough Council (Congleton – 59 Park Lane) Tree Preservation Order 2017 is confirmed without modification.

**Town and Country Planning Act 1990**  
**CHESHIRE EAST BOROUGH COUNCIL**  
**(CONGLETON – 59 PARK 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 (CONGLETON – 59 PARK 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 16<sup>th</sup> day of November

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

was affixed to this Order in the presence of—

.....Patricia Dyer.....



10051  
(1)



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

REVOCAION 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	Sycamore	Standing towards the northern boundary of 59 Park Lane Grid Ref: 386,961– 362,648

**Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Groups of trees**

(within a broken black line on the map)

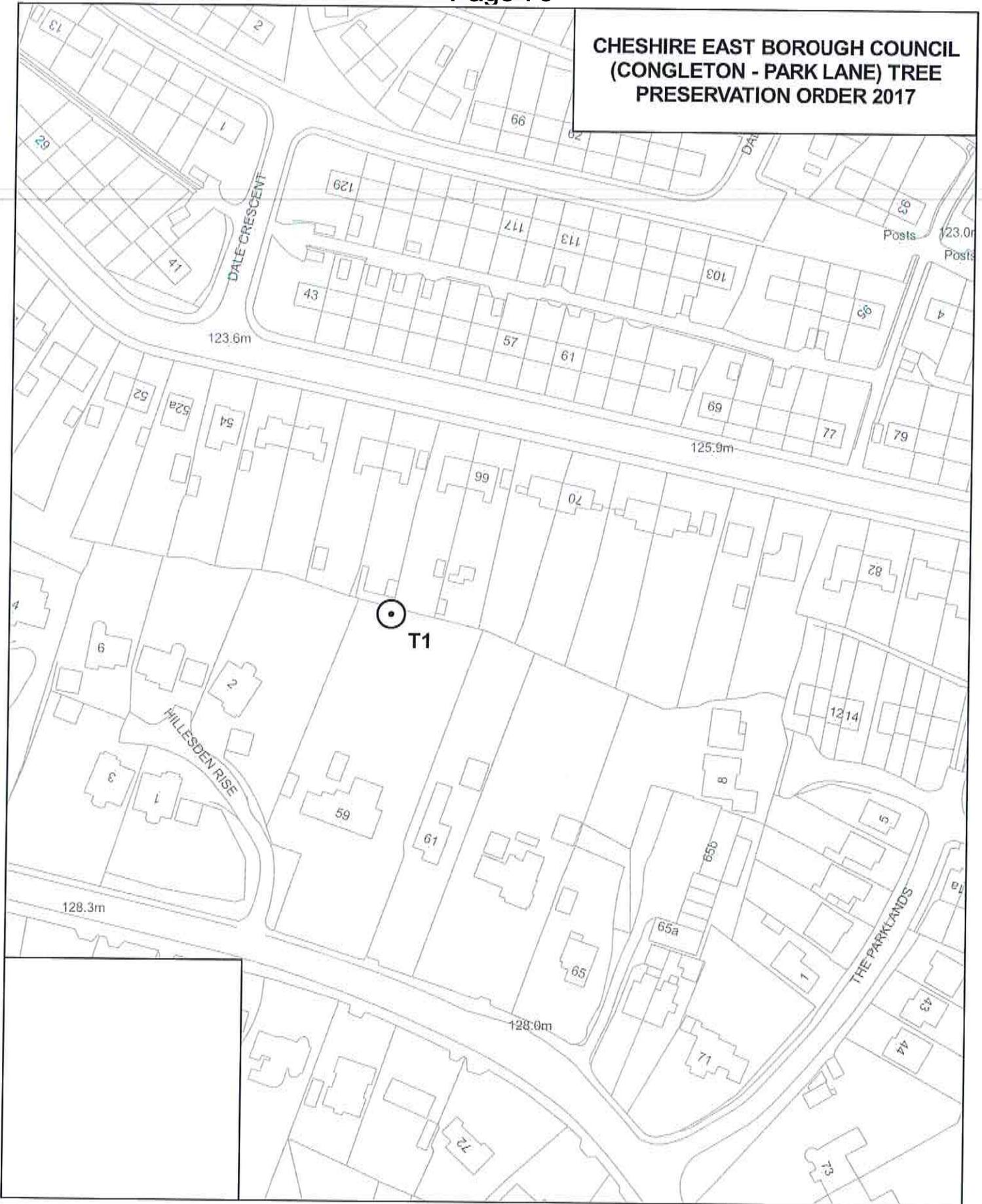
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**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  
(CONGLETON - PARK LANE) TREE  
PRESERVATION ORDER 2017**



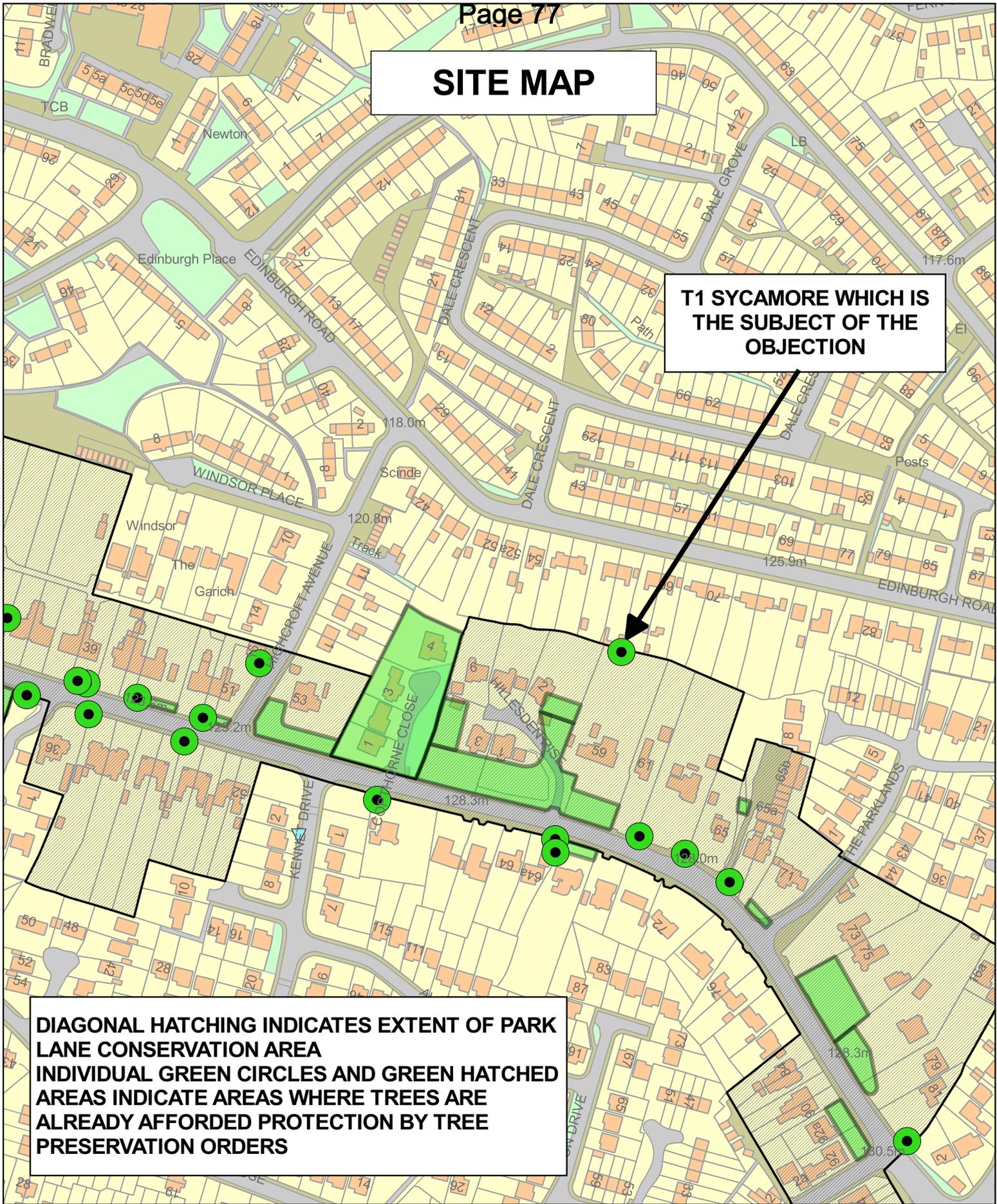
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# SITE MAP

**T1 SYCAMORE WHICH IS THE SUBJECT OF THE OBJECTION**



**DIAGONAL HATCHING INDICATES EXTENT OF PARK LANE CONSERVATION AREA  
INDIVIDUAL GREEN CIRCLES AND GREEN HATCHED AREAS INDICATE AREAS WHERE TREES ARE ALREADY AFFORDED PROTECTION BY TREE PRESERVATION ORDERS**

**LOCATION OF NEW TPO AT 59 PARK LANE AND ITS RELATIONSHIP WITH PROPERTIES ON EDINBURGH ROAD**



1:2500 at A4



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# Amenity Evaluation Checklist

Completed by:

Date form completed:

Form status:  ▾

Reference

Attachments

Amenity Evaluation Checklist - New Item.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

Are there currently and designated nature conservation interests on or adjacent to the site?

Relevant site planning history (incl. current applications)

17/4843T - Section 211 Notification -

T1.Sycamore. Dismantle the large Sycamore located at the rear boundary of the property. Leave stump as close to ground level as possible. Reason: overpowering the garden.Dominating other trees and flower beds

T2. Prunus Serulla. Crown raise to 2.5 metres from ground level. Reason:to crown lift over the garden for access

T3. Beech. Crown raise to 5 metres from ground level over garden and shorten overhanging limbs by 1 metres. Reason: to reduce/control the overhanging of this tree into the garden

T4. Copper Beech. Remove the limb extending towards the shrub bed. Reduce and reshape the crown where this extends over the garden. No work to be undertaken on the canopy over the neighbouring property. Reason: to crown lift over the shrub bed and control height/spread over the garden

**STATUTORY CONSULTEES**

Are there any Scheduled Ancient Monuments on or adjacent to the site?

Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?

Does the Forestry Commission currently have an interest in the land?

Grant scheme

Forestry Dedication Covenant

Extant Felling Licence

Are any of the trees situated on Crown Land?

Are any of the trees situated on NHS land?

Is the land owned by this Local Authority

Is the land owned by another Local Authority

**2. MOTIVATION**

Development Control

- Application Ref

- Committee deadline  

- Development Control Office comments

Conservation Area Notification

Application ref

Date of registration  

Expiry date	15/11/2017 
Emergency action (immediate threat to the trees)	<input type="checkbox"/>
Strategic inspection	<input type="checkbox"/>
Change to Local Plan land-use	<input 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	Tree officer ▼
<b>4. LANDSCAPE APPRAISAL</b>	
Site visit date	15/11/2017 
Inspecting Officer	E Hood
Site description	<p>The Sycamore is located adjacent to the northern rear boundary of 59 Park Lane approximately 40 metres to the north of the property which is located within the Park Lane (Congleton) Conservation area and within the landscaped gardens of a detached house which features on the 1845 Ordnance Survey map of Congleton. The properties on Park Lane benefit from continuous and mostly protected tree cover to the road frontage, but green coverage in the form of mature and semi mature trees is present to the northern boundary of the properties which also defines the northern boundary of the Conservation Area and which is slightly elevated and clearly visible from residential properties located on Edinburgh Road.</p>
Description of surrounding landscape character	<p>Park Lane Conservation Area is designated in part due to the nature of the sylvan setting along the Park Lane road frontage which benefits from many established mature trees afforded protection by existing TPO's. The eastern end of Area 5 of the Congleton Borough Council (Park Lane, Congleton) TPO 1974 is located inside the front southern boundary of the property. Group G2 of Congleton Borough Council (Hillesdon, 57 park Lane, Congleton) TPO 1996 abutts the garden boundary to the west. The property abutts Hillesdon Close to the west which is a more recent development, with one other detached Victorian residence to the east and the post war development on Edinburgh Road located to the north.</p>
Statement of where the trees are visible from	<p>The trees are visible from Hillesdon Rise and Edinburgh Road with filtered views between properties and from The Parklands</p>

annotate map

Photograph the trees, the site and surroundings

 Click here to insert a picture

annotate map

Landscape function

- Landmark trees
- Skyline
- Road frontage (trunk)
- Road frontage (principal)
- Road frontage (classified)
- Road frontage (unclassified)
- Backdrop
- Glimpses between properties or through gateways
- Filtered views
- Screening/buffering

Visual prominence

- Conurbation
- Neighbourhood, estate, locale
- Site and immediate surroundings
- Value restricted site

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

Medium percentage tree cover ▼

Define visual area/reference points

## BENEFITS

Are the benefits current?

Yes ▼

Assessment of future benefits (future growth potential; continuity/sustainability of tree cover; development)

The tree represents both current and future growth potential and constitutes a mature structurally un compromised tree

Assessment of importance as a wildlife habitat

Possible nesting site for birds and bats

Additional factors

- Exceptional landscape value
- Conservation area (within or adjacent)
- Contribution to the setting of a Listed Building
- Part of deliberate composition (avenue/focal point)
- Screening/buffering (visual/noise)
- Botanical interest/rarity
- Historical associations

**5. EXEMPTIONS (TCPA 1990)**

Are any of the trees obviously dead, dying or dangerous	No ▼
Are there any statutory obligations which might apply? (consider: Highways Act 1980, Electricity Act 1989, Civil Aviation Act 1982)	No ▼
Is there any obvious evidence that the trees are currently causing any actionable nuisance?	No ▼
Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?	No ▼
Is there any Forestry Commission interest in the land?	No ▼

**6. EXEMPTIONS (MODEL ORDER):**

Are there any extant planning approvals on the site which might compromise retention of the trees?	No ▼
Are there any lapsed planning approvals which might have compromised the trees?	No ▼
Are any of the trees obviously cultivated for commercial fruit production?	No ▼
Are any of the trees situated on or adjacent to a statutory undertaker's operational land?	No ▼
Are any of the trees situated on or adjacent to land in which the Environment Agency has an interest?	No ▼

**7. COMPENSATION:**

Do any of trees currently show any obvious signs of causing damage?	<input type="checkbox"/>
If Yes provide details	<input type="text"/>
Based on the trees in their current locations, is the risk of future damage reasonably foreseeable?	<input type="checkbox"/>
If yes provide details	<input type="text"/>

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	
<b>8. HEDGEROW TREES:</b>	
Individual standard trees within a hedge	No ▼
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	
Assessment of future management requirements	
<b>9. MANAGEMENT:</b>	
Are the trees currently under good arboricultural or silvicultural management	Yes ▼
Is an order justified?	Yes ▼
Justification (if required)	To ensure the retention of a mature tree located in a Conservation Area. The tree is visible from several public vantage points and is the subject of a Section 211 notice to fell. The tree exhibits good vitality and is situated an acceptable distance from the tree owners property and that of the residential dwellings located on Edinburgh Road and there is no arboricultural justification for the removal of the tree.
<b>10. DESIGNATIONS:</b>	
<b>a. Individual</b>	
Do the trees merit protection as individual specimens in their own right?	Yes ▼
<b>b. Group</b>	
Does the overall impact and quality of the trees merit a group designation?	No ▼
Would the trees reasonably be managed in the future as a group?	No ▼
<b>c. Area</b>	
Area	

- Does the 'area' comprise scattered individual trees?
- Is the area classification warranted as an emergency meas
- Is the area designation intended as a temporary measure,
- Do all trees/species merit inclusion?

**d. Woodland**

Woodland

- Does the 'woodland' form an area greater than 0.1 hectare
- Would normal silvicultural management principles reasona
- Does the 'woodland' currently contain regeneration and a
- Does the 'woodland' form part of a garden?

**11. MAP INFORMATION:**

Identify the parcel of land on which the trees are situated.   
 (Outline in **red** on the attached location plan)

Identify all parcels of land which have a common boundary with the parcel concerned   
 (Outline in **green** on the attached plan)

Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime   
 (Cross hatch on the plan)

**12. LAND OWNERSHIP:**

Land ownership details (if known)

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 

Additional publicity required?

Relevant Local Plan policies

Statement of reasons for promoting this

Order

In the interests of maintaining the amenity of the area in which the tree stands, in that it is considered to be a long term amenity feature

Such 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 Council has been served a Section 211 notice under the Town and Country Planning Act of the intention to fell one mature Sycamore within a Conservation Area

To maintain the landscape setting and historic character of the Park Lane (Congleton) Conservation Area

**14. SUMMARY:**

Would loss of the trees have a significant impact on the local environment?	Yes ▼
Will a reasonable degree of public benefit accrue?	Yes ▼
Is an Order in the interests of amenity?	Yes ▼
Is an Order expedient in the circumstances?	Yes ▼

**AEC – LANDSCAPE APPRAISAL**

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

<b>REFERENCE:</b>	56-267
<b>SITE NAME:</b>	59 Park Lane, Congleton
<b>DATE OF VISIT:</b>	15 <sup>th</sup> November 2017
<b>COMPLETED BY:</b>	Emma Hood

PICTURE DESCRIPTION	PICTURE
<p>Looking north from the side of the property towards the Sycamore</p>	
<p>Looking north east from Hillesden Rise – filtered views of the top of the tree crown</p>	

Looking north east from Hillesden Rise – filtered views of the top of the tree crown



Looking south west from Edinburgh Road



Looking south from Edinburgh Road



Looking south from Edinburgh Road



Looking south east from  
Edinburgh Road



Enima Heed  
Anne Donkin

Mr & Mrs A R Tomkinson

64 Edinburgh Road,

Congleton.

CW12 3EN



Ref Tree preservation order 56-267 at 59 Park Lane, Congleton -T1.

Dear Sir/Madam

My wife and I would like it known that we object the above preservation order on the grounds that the above tree causes us untold misery every year. I have lived at my present address for the past 35 years and enjoyed gardening and don't object to trees in general but large Sycamore trees are totally unsuitable for a hedgerow indeed we once had a lovely boundary hedge but due to the growth of this tree it is destroying the hedge. We have several other Sycamore trees growing in adjacent gardens due to this tree shedding sycamore seeds and also there is a large Sycamore in the garden of 68 Edinburgh Road. So I don't see your officer's point that it adds to the amenity of the area. I couldn't think of a worse tree to add to the amenity. We have now lost the use of the top half of my garden due to this tree, where I used to grow fruit and vegetables indeed I won several prizes with my show gooseberries and vegetables and also had a greenhouse. As the tree has grown none of this is any longer possible. Indeed I have had to get rid of my greenhouse.

In the amenity Evaluation checklist it states that the tree in question is visible from the Parklands this I find very difficult to believe as it would be obscured by the large Poplar trees and large Sycamore in the garden of 68 Edinburgh Road.

Also dispute the fact that birds or bats nest or roost in the tree. For bats to roost the tree would have to had some hollows or defects from fallen branches this is not the case.

I disagree with the Officers comments in section 9 Management.

I disagree with comments in Section 13 Supplementary information that the removal of the tree in my opinion the tree isn't adding to the historic character of the area and cannot even be seen from Park lane, I know for a fact the tree grew from a seedling inside a derelict greenhouse belonging to previous tenants of 59 Park Lane.

Please listen to my objections and give me and my neighbour at 62 Edinburgh Road our once lovely gardens back.

Yours sincerely

Mr A R Tomkinson

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