

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 1st August, 2018</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 5 - 12)

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

To approve the minutes of the meeting held on 27 June 2018 as a correct record.

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

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

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

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

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

5. **18/2153N-Outline application for development of 12 no. sites for residential development for 112 no. dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to School, enhanced parking next to Church permissive pedestrian paths, play space, public access, community orchard, educational contribution and affordable housing). [Re-submission of 16/5719N : addition of extra 2.81 ha of land and 10 no. dwellings], Doddington Estate, Bridgemere, Nantwich for Lady Rona Delves-Broughton, The Doddington Estate (Pages 13 - 88)**

To consider the above application.

6. **17/6470M-The erection of 16no. units with access and servicing arrangements, car parking, landscaping and associated works (Use Classes B1(C)/B2/B8), Land at, Parkgate Industrial Estate for Chancerygate (Pages 89 - 104)**

To consider the above application.

7. **17/6486M-Erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works, Land to West of, Coppice Way and South of Lower Meadow Way, Handforth for Phillip Jones, Halliwell Jones (Wilmslow) Limited (Pages 105 - 124)**

To consider the above application.

8. **18/0079N-The demolition of the existing industrial buildings and structures (including the boundary wall along West Street) and the construction of 269 dwellings comprising 24 apartments and 245 houses, together with other associated works, including the provision of public open space, the laying out of roads and footways (with two new accesses from West Street), and hard and soft landscaping, Bombardier Transportations, West Street, Crewe for Countryside Properties (UK) Ltd &, Bombardier Transportation UK Ltd (Pages 125 - 150)**

To consider the above application.

9. **Planning Appeals (Pages 151 - 170)**

To consider the above report.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 27th June, 2018 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor G Merry (Chairman)

Councillors B Burkhill, S Edgar, P Groves, D Hough, J Jackson, A Kolker  
(Substitute), J Macrae, J Nicholas (Substitute), B Roberts and L Wardlaw

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr P Hooley Planning & Enforcement  
Manager), Mr P Hurdus (Highways Development Manager), Mr R Law  
(Principal Planning Officer) and Miss E Williams (Principal Planning Officer)

### **8 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brown, T Fox and  
J Hammond.

### **9 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 18/0552N, Councillor  
B Roberts declared that he was the ward Councillor of the adjoining ward  
and had attended a presentation at Cabinet and the Environment and  
Regeneration and Overview Scrutiny in relation to the application.

In the interest of openness in respect of application 17/1094C, Councillor  
D Hough declared that he was a member of Alsager Town Council,  
however he had not taken part in the debate on the application and the  
last time the application had been considered he had left the room.

It was noted that Members had received correspondence in respect of  
17/6042N.

### **10 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 16 May 2018 be approved as a  
correct record and signed by the Chairman.

### **11 PUBLIC SPEAKING**

#### **RESOLVED**

That the public speaking procedure be noted.

**12 17/6042N-APPLICATION FOR THE APPROVAL OF DETAILS OF THE APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE BEING MATTERS RESERVED UNDER APPROVAL APP/R0660/W/15/3136524 (LPA REF: 14/3024N), LAND OFF, CHURCH LANE, WISTASTON FOR BLOOR HOMES (NORTH WEST) LTD**

Consideration was given to the above application.

(Councillor M Simon, the Ward Councillor, Parish Councillor Derrick Millington, representing Wistaston Parish Council and Ben Pycroft, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report, the application be approved subject to the following conditions:-

1. Approved Plans
2. Prior to the commencement of the development the applicant to submit a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the; enhancement of the existing ponds, provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles, a rain water catchment strategy to ensure sufficient water is diverted to the existing ponds to maintain water levels and Wych Elm planting.
3. Submission of a scheme of landscaping
4. Implementation of the approved Landscaping – including a strategy for landscape, POS provision and biodiversity enhancements
5. Prior to its installation details of any external lighting to be submitted and approved
6. Prior to the commencement of development details of long term habitat and management proposals to be submitted and approved
7. Prior to the commencement of development details of the LEAP to be submitted and approved
8. Boundary Treatment to be submitted and approved
9. Materials in accordance with the approved details
10. Surfacing Details to be submitted and approved
11. Obscure Glazing south facing first floor window – plots 40-41 serving a lounge and south-east facing elevation of plots 42-43 serving a kitchen/lounge
12. Detailed design of emergency access barrier to be submitted and approved.

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

**13 17/1094C-RESERVED MATTERS APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING 350 DWELLINGS (30% AFFORDABLE), CREATION OF PUBLIC OPEN SPACE INCLUDING CHILDREN'S PLAY AREAS, AND ASSOCIATED WORKS, PURSUANT TO OUTLINE APPROVAL 13/4132N, LAND AT WHITE MOSS QUARRY, CREWE ROAD, ALSAGER FOR MR NIALL MELLAN, PERSIMMON HOMES (NORTH WEST) LTD**

Consideration was given to the above application.

(Town Councillor Sue Helliwell, representing Alsager Town Council, Sylvia Dyke, objector, and Adele Jacques representing the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of Councillor R Fletcher, the Ward Councillor).

### **RESOLVED**

That the application be refused for the following reasons:-

1. The proposed development fails to respect and positively respond to the wetland character of the site to create a distinct sense of place and local identity. Coupled with the applicant's failure to submit a comprehensive landscape proposal for the site the proposal is contrary to LPS20, SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework.

2. The proposed layout creates an over-dominance of car parking to the front of properties, which coupled with the lack of a suitable landscape scheme would lead to a car dominated layout that is detrimental to the character and quality of the development. The layout fails to respect the rural surroundings at the edges of the site and results in an inappropriately dense development along the northern and western boundary of the site. Therefore the proposal is contrary to Policies LPS20, SD2, SE1, and SE4 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework.

3. The proposal comprises the use of standard house-types which exhibit little architectural quality and do not create a strong townscape or a development with its own distinct, high quality identity. The house types in conjunction with the layout also result in instances of corners being defined by blank gables, poor termination of vistas within the layout and the failure of the scheme to properly define the entrance to the site

resulting in an extremely poor quality development. Therefore the proposal is contrary to Policies LPS20, SD2, and SE1 of the Cheshire East Local Plan Strategy, the provisions within volume 2 of the Cheshire East Borough design Guide and paragraphs 56, 61 and 64 of the National Planning Policy Framework

4. The mix of dwellings proposed is not accompanied by a justification for the proposal. Therefore the proposal is contrary to Policy SC4 of the Cheshire East Local Plan Strategy.

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

(The meeting adjourned for lunch from 12.15pm until 12.50pm).

14 **16/5740C-CHANGE OF USE OF LAND FROM AGRICULTURE TO SHOWGROUND INCLUDING THE CREATION OF A NEW ACCESS, INTERNAL ACCESS TRACKS, HARDSTANDING AND ARENAS, LAND EAST OF SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD FOR MR SIMON KING**

Consideration was given to the above application.

(Parish Councillor Paul Crompton, representing Somerford Parish Council and Caroline Payne, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out on the report, the application be approved subject to the following conditions:-

1. Standard time limit (3 years)
2. Accordance with approved plans
3. Proposed use restricted to equestrian showground for 43 days / 20 weekends in a calendar year
4. Proposal not to be brought into use until the proposed access and Congleton Link Road have been constructed and are operational
5. Surfacing materials to be submitted and approved
6. Landscaping scheme to be submitted and approved and to include woodland planting along western boundary
7. Implementation of landscaping scheme
8. Development to be carried out in accordance with submitted noise assessment

9. Notwithstanding the submitted noise assessment, the details of the Public Address System shall be submitted, approved and implemented
10. Noise monitoring will be undertaken at the nearest boundary to residential property and a logbook kept and made available for inspection by the Local Authority.
11. Construction Environmental Management Plan to be submitted, approved and implemented
12. 10 year habitat management plan to be submitted, approved and implemented
13. Updated badger survey prior to be submitted, approved and implemented
14. Manure management plan to be submitted, approved and implemented
15. Development to be carried out in accordance with submitted ecological survey
16. Survey for nesting birds if works carried out during nesting season
17. Access to be constructed in accordance with submitted details prior to first use
18. Development to be carried out in accordance with submitted Flood Risk Assessment
19. Submission of a sustainable drainage management and maintenance plan scheme to be submitted, approved and implemented
20. Surface water drainage strategy to be submitted, approved and implemented
21. Details of external lighting to be submitted, approved and implemented (Bat friendly)
22. Long term landscape management plan

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

**15 18/0552N-THE CONSTRUCTION AND OPERATION OF AN IN VESSEL COMPOSTING (IVC) FACILITY WITH ASSOCIATED AERATED STATIC PILE (ASP) COMPOSTING, SCREENING AND BLENDING OPERATIONS ON LAND TO THE WEST OF MIDDLEWICH ROAD, LEIGHTON GRANGE, CREWE, LEIGHTON GRANGE, MIDDLEWICH ROAD. LEIGHTON FOR MR JAMES LANDAU, BIOWISE LIMITED**

Consideration was given to the above application.

(Joanna Holland, representing the applicant and Bob Wilkes, representing the applicant attended the meeting and spoke in respect of the application. In addition the Officer read out statements on behalf of Councillor S Pochin, a visiting Councillor and Parish Councillor Les Horne, representing Minshull Vernon & District Parish Council,).

## RESOLVED

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the following conditions:-

1. Commencement within 3 years
2. Approved documents
3. Hours of operation
4. Limit on stockpile heights
5. Materials management plan
6. Closure of doors outside of use
7. Maintenance of vehicles, plant and machinery
8. Construction environmental management plan
9. Noise levels for additional plant
10. Noise management plan
11. Acoustic landscape bund on access track
12. No external deposit of unprocessed material
13. Odour management plan
14. Dust management scheme
15. Lighting details
16. Compost maturation on sealed drainage
17. Development in accordance with Flood Risk Assessment
18. Detailed drainage design and management plan
19. Foul and surface water drained on separate systems
20. Finished floor levels
21. Landscaping scheme
22. Tree/hedgerow protection scheme
23. Restoration plan on cessation of use
24. Implementation of mitigation identified in ecological assessment
25. Breeding birds survey
26. Runoff and emissions plan
27. Method statement for pond protection
28. Construction risk assessment method statement for utilities
29. Archaeological watching brief to protect roman road
30. Access works onto A530 needs to be developed on commencement of development and passing places delivered prior to commencement of operation.

In order to give proper effect to the Board'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 the Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

The meeting commenced at 10.30 am and concluded at 2.35 pm

Councillor G Merry (Chairman)

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Application No: 18/2153N

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

Proposal: Outline application for development of 12 no. sites for residential development for 112 no. dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to School, enhanced parking next to Church permissive pedestrian paths, play space, public access, community orchard, educational contribution and affordable housing). [Re-submission of 16/5719N : addition of extra 2.81 ha of land and 10 no. dwellings]

Applicant: Lady Rona Delves-Broughton, The Doddington Estate

Expiry Date: 01-Aug-2018

## SUMMARY

The proposal seeks permission for 112no dwellings over 12no sites within the Doddington Hall Estate.

This application is the resubmission of 16/5719N (*Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period*) which was refused in September 2017. The previous application was refused on the grounds that the positive benefits of the heritage proposal did not outweigh the principle objection of unsustainable housing in the open countryside and Site 4 would have an adverse impact on Highway safety.

The resubmission includes 10 no. affordable housing units, £323,326.00 of Education contribution, POS and Childrens Playspace on 4 sites (3 LEAP's and 1 LAP), amongst several permissible routes across the Doddington Estate, a car park extension of the School and Church. This revised scheme increases the number of dwellings by 10 units from the previous application.

The development would result in a loss of 13no. parcels of land within the Open Countryside contrary to Policy PG 6 of the Cheshire East Local Plan Strategy. The Council can demonstrate a 5 year housing land supply and therefore proposal for development should be determined in accordance with the Development Plan unless other material circumstances outweigh the objection in Principle.

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

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

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

The development for 112no dwellings across 12 sites, would provide benefits in terms of delivery of housing in the rural area, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the local area, and the future impact on tourism in the area and help support numbers within the local primary school. Furthermore, a significant benefit of providing funds to ensure 4no. buildings on the Historic England 'At Risk' register are renovated, and put into a viable future use, protecting them for the foreseeable future. The development also includes community benefits such as an extended car park for the Primary School and improved pedestrian access to the school from the adjacent sites, 10 affordable dwellings, Education contribution, and POS/Children's Play Space.

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

The adverse impacts of the development would be the loss of open countryside in unsustainable locations, the loss of small areas of Best and Most Versatile Land and insufficient level of affordable housing to mitigate the whole development.

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

## **RECOMMENDATION**

**APPROVE subject to legal agreement and conditions, and referral to the SOS**

This application is a resubmission of a previously refused application, 16/5719N. The application was refused by Strategic Planning Board on the 27<sup>th</sup> September 2017 (see planning history).

This application seeks outline planning permission for 12no sites, for residential development for 112 no. dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to School, enhanced parking next to Church permissive pedestrian paths, play space, public access, community orchard, educational contribution and affordable housing).

This application includes an addition of extra 2.81 ha of land and 10 no. dwellings.

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

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

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

### **SITE DESCRIPTION**

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

**Site 1 – London Road - 2.81ha – 18 dwellings with a LEAP**

**Site 2 – Hunsterson Road / Dingle Lane – 0.847 ha – 12 dwellings including 4no affordable units**

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

**Site 4 – Dingle Lane – 4.4ha – 4 dwellings**

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

**Site 6 – Bridgemere School – Carpark of 33 spaces including drop off zone**

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

**Site 8 – Hunsterson Road / Church Lane 0.748 ha – 4 dwellings**

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

**Site 10 – Hunsterson Road – 4.839 ha – 8 dwellings including a LAP**

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

Site 12 – London Road / Crewe Road – *site removed from scheme – shown for continuity*

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

**Site 14 – London Road / Dingle Lane – 2.191 ha – 17 dwellings including a LEAP**

**Site 15 – Hunsterson Road / London Road – 3.437 ha – 25 dwellings including a LEAP and 6no. affordable units**

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

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

**SUMMARY OF CHANGES FROM PREVIOUS SCHEME 16/5719N**

<b>SITE</b>	<b>CHANGE</b>
1	LEAP (Play Area) added
2	4no affordable housing units included
3	No Change
4	Reduced to 4 units (from 8no to 4no) Retain access from Dingle Lane with additional passing places and also use of construction haul road as future footpath link
5	No change – no development
6	Extension of School car park – 33 parking spaces
7	No change
8	Reduced density, from 12no to 4 units
9	No change
10	LAP (Play Area) added
11	No change

12	Site Removed
13	No change
14	LEAP added, reduction in 1 unit from 18no. to 17no.
15	New site added – 25 dwellings, 6no affordable units and a LEAP
<b>General Changes</b>	<ul style="list-style-type: none"> <li>• Education contribution of £323,326.00 (£45,5000 for SEN)</li> <li>• Change of housing mix to include some smaller bungalows</li> <li>• Permissive routes across the estate (subject to restrictions to ensure agricultural, equestrian and shooting activities are not harmed)</li> <li>• Footpaths to the school from sites 2 and 4 and path to the Church from the School</li> <li>• Enhanced parking at St John’s Church</li> <li>• Public access to the Hall via appointment, and 14no open days per annum</li> </ul>

**RELEVANT HISTORY**

16/5719N - Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period – Refused 29<sup>th</sup> September 2017 by Strategic Planning Board against recommendation.

Reason for refusal

1. *It is considered that, the positive planning benefits for the conservation of the heritage assets does not outweigh the harm that would be caused by the proposed residential development in the open countryside and by the lack of social/community benefits to be provided by the development. This will result in an unsustainable form of development that is contrary to policies PG6 Open Countryside, SC5 Affordable Housing, and IN2 Development Contributions of the Cheshire East Local Plan Strategy, RES.5 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.*
2. *It is considered that the proposal fails to provide safe and suitable access for Site 4, off Dingle Lane, and therefore the proposal is contrary to Policy BE.3 Access and Parking of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.*

Most of the sites have no other recent relevant planning history.

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

**Other Related Applications**

*14/5654N - Proposed restoration and conversion of the Grade I Doddington Hall and Grade II Stables to a 5 star Country House Hotel (Class C1) providing 120 letting rooms, restaurant, bars, function rooms involving a series of internal and external alterations, integrating / retaining the 3 no. Cottages and Stables into the scheme and the erection of a new build bedroom accommodation annex wing; with a new build Spa Leisure facility (Class D2); temporary event space and associated parking provision, landscape (garden) restoration of the Grade II Registered Park and Garden; detailed landscaping, and the installation of a new electricity sub-station. • Proposed structural restoration, refurbishment and conversion of the Grade I Delves Castle (Delves Tower / Delves Hall) : with its use to be defined at a later date outwith of this application. • Proposed structural restoration and refurbishment of the Grade II\* Star Barn: with its use to be defined at a later date outwith of this application. – approved with conditions 10<sup>th</sup> February 2016*

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

## **LOCAL & NATIONAL PLANNING POLICY**

### **Development Plan**

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

MP1 Presumption in favour of Sustainable Development, PG2 Settlement Hierarchy, PG6 Open Countryside, PG7 Spatial Distribution of Development, SD 1 Sustainable Development in Cheshire East, SD 2 Sustainable Development Principles, EG1 Economic Prosperity, EG2 Rural Economy, EG4 Tourism, EG5 Tourism, SC1 Leisure and Recreation, SC2 Indoor and Outdoor Sports Facilities, SC4 Residential Mix, SC5 Affordable Housing, SC6 Rural Exceptions Housing for Local Needs, SE 1 Design, SE2 Efficient Use of Land, SE3 Biodiversity and Geodiversity, SE4 The Landscape, SE5 Trees, Hedgerows and Woodlands, SE.6 Green Infrastructure, SE7 The Historic Environment, IN1 Infrastructure, IN2 Development Contributions, CO2 Enabling Business Growth Through Transport Infrastructure and Appendix C.

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

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

RT.3 (Provision of recreational open spaces and children's play space in new Housing Developments).

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

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

### **National Policy**

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

Of particular relevance are paragraphs:

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

### **Other material planning considerations**

Cheshire East Borough Design Guide SPD

Historic England – Enabling Development and Conservation of significant places

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

### **CONSULTATIONS**

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

**PROW** – Object to public Footpath from site 7 not being shown on plans and no diversion application is place. Condition suggested for the maintenance and safeguarding of other PROW's within the development.

**Environment Agency** – Objection. Proposed development as submitted may involve the use of non-mains foul drainage system but no assessment of risks of pollution to the water environment has been provided by the applicant. Confirmation that all sites are to be connected to the public sewer (option 1) is required, or for non mains foul drainage full details are required.

**Flood Risk** – No objections, subject to site specific conditions.

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

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

**Natural England** – No objection – will not have a significant adverse impact on statutory protected sites or landscapes.

**Cheshire Wildlife Trust** – Do not object. Providing issues raised are addressed and compensatory habitats are put in to replace those lost, the Cheshire Wildlife Trust is satisfied that the development can be carried out in accordance with national and local planning guidance and the impact to biodiversity can be minimised.

Sites 13 – 14 – need 15m buffer from Theepers Drumble

Site 10 – Larger buffer required between woodland and development. Impact of the development on drainage to the woodland required

Site 13/14 – veteran trees, development within the root areas should be increased

Site 6 – crack willow to be pollarded. Ecological value would be lost. Retain and move parking spaces

Hedgehog friendly fencing required

The amount of compensatory habitat required should be determined through the use of a Biodiversity net gain metric.

**Environmental Protection** – No objection, subject to conditions and informatives. Conditions requested for Construction Phase Environmental Management Plans, Electric Vehicle Infrastructure, Low cost emission boilers, Noise impact assessment mitigation, Piling Foundations, dust control, Contaminated land, Soil Forming, unexpected contamination, and informatives for Noise generative works, Piling works, contaminated land.

**Strategic Housing** - Objection. Council's policy requires 34 dwelling of the 112 to be affordable. 22 units for rent and 12 for intermediate tenure.

10 affordable units does not meet policy – no mention of tenure split

If agreed – affordable housing statement required – S106

**Strategic Highways** – No Objections, Reduction in dwellings on Site 4 to 4no dwellings would not have a severe impact on Highway safety.

**Education** – Object, this objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 17 secondary children and 1 Special Education Need (SEN) child would not have a school place in Nantwich. The objection would be withdrawn if the financial mitigation measure is agreed.

Without a secured contribution of £323,326.00, Children's Services raise an objection to this application.

**The Garden Trust** - Object, Sites 1 & 3 will be visible from the Registered Park and Garden, and will encroach visually and have a negative impact on the significant and character of the historic landscape and the setting of the Grade I listed Hall.

A full historical assessment of the historic park and garden detailing, inter alia, the involvement of Capability Brown in the original design, layout and construction, by a suitably qualified expert, as conditioned by 14/5654N (condition 14)

Previous reason for refusal 1 is still relevant in this resubmission.

**ANSA Greenspaces** – No objections, subject to clarification of total amount of amenity green space, childrens play space and green infrastructure, and the access rights of the allotments and orchard. The Additional LEAP's and LAP's are welcomed, however additional LEAP near school would improve social cohesion. Condition required for design and layouts to be submitted reserved matters.

**Joint response from Doddington & District, Hatherton & Walgherton & Wybunbury Parish Councils** – *(Executive summary below taken from response – full response available to review on line)*

### **Executive Summary**

The Parish Councils of Doddington & District, Hatherton & Walgherton and Wybunbury have submitted a joint response to this Application in the interests of clarity, to avoid duplication and to confirm that all affected Parishes are of a like mind in their response to this re-application for 12 x developments (112 dwellings) in the Open Countryside.]

1. We object to the continued and deliberate by-passing of Local and National Planning Policy and the deliberate avoidance, despite advice to the contrary in the NPPF to adhere wherever possible to the national Heritage England Guidance for Enabling Development (2008).

2. This course of action undermines the Cheshire East Local Plan and sets an unacceptable precedent for by-passing hard-won Local Planning Policy for sustainable development.

3. The setting of such precedent at such variance with National and Local planning policy exposes the Council to reputational damage and legal challenge both locally and nationally.

4. The Application fails to comply with Policies PG6 (CELP) and RES 5 (CNRLP)

5. The Proposals for the 12 sites as set out in 18/2153N seek to address the reasons identified for refusal in the 2017 Refusal Decision Notice (See below) by the introduction of:-

#### **a) AFFORDABLE HOUSING**

ai) Affordable Homes: The allocation of just 10 affordable homes fails to meet the requirements as set out in Policy SC5 (affordable homes). This would require a 30% allocation (or 34 homes)

aii) Affordable Homes: The siting of these homes in Open Countryside fails to meet the requirements as laid out in Policies SC5 and SC6.

- They are not adequately distributed across the wider Wybunbury Civic Parishes as identified in the 5-Year Housing Survey (2017). In this context the concentration of 10 properties in one parish, in one location does not meet identified local housing needs.

- They are not situated adjacent to, or within the settlement boundaries of a sustainable settlement

“in order to be close to existing employment or proposed services or facilities, including public transport, educational and health facilities and retail services.” (CELP: SC6, p118)

### b) PERMISSIVE PATHS

bi) Permissive pedestrian paths have been identified across the Doddington Estate (to the south of the Hall itself, and to the West of the listed Park and Gardens)

bii) A permissive pedestrian path has been included between sites 3 and 15.

biii) A permissive pedestrian path is proposed between site 4 and Hunsterson Road

- These paths do not promote or provide sustainable green infrastructure for pedestrians.

- These connectivity of these paths onto rural lanes without pedestrian paths means that none provide safe walking routes to Bridgemere Primary School (or anywhere else).

- Paths onto the Doddington Estate are to be heavily proscribed via licenses and permits (some fee-paying: eg horse riding and fishing).

- Additional access onto the Doddington Estate will be by appointment and organised tours.

- Throughout the year, there will be extended periods when (justifiably), the public will not be permitted to access the Estate (Shooting Season, Fishing Season)

- Permissive Paths are exactly that; Permissive. This status has little weight in law should the landowner decide to rescind that permission.

In this context these paths offer little community benefit either in part or in total.

### c) SCHOOL CONTRIBUTIONS

ci) This contribution has been identified through the Developer Contributions Policies of the CELP. This is welcomed in principle.

cii) However this does not guarantee this contribution will benefit Bridgemere Primary School.

- The extended phasing of this build means that a small rural school may not reach its identified PAN numbers and so will not receive these monies. This is a recognised problem and provides developers with opportunities to ‘claw-back’ S106 monies that are not spent on the purpose for which they were intended.

- There is no guarantee that new residents will enrol their children at Bridgemere School. (The majority of pupils currently at Bridgemere School live outside the Doddington Parishes).
- The LPA may choose to secure these monies for the wider South Cheshire education investment. This is reasonable in order to secure some Developer Contribution but is open for legal challenge.
- The Parish Councils are not assured that this proposed contribution will provide any material community benefit to these parishes.

### d) COMMUNITY ORCHARD AND ALLOTMENTS

di) The value of these provisions on site 15 is robustly queried later but they offer little benefit to the wider community who would not have any right of access to these sites, nor the means to access them on foot, cycle or car.

### e) PLAY / AMENITY AREAS

ei) Three LEAP/amenity areas have been identified in the new application. These are welcomed but the wide spatial distribution of the sites where they are to be located effectively prevents joint access from other sites and the wider community.

Their Community value is therefore extremely limited to just the few houses that they serve on each site. Parish Councils had previously suggested a single LEAP with associated car parking near the school to promote community and social cohesion but this has clearly been rejected.

### f) CAR PARKING (School and St John's Church)

This was already proposed in the 16/5719N application and whilst welcome, was not considered to be a significant community benefit in the context of the wider development.

The Examination of proposed community benefits outlines above clearly identifies that in reality the SUM of the Community Benefit proposals to the existing and future communities is minimal, and not justifiable in the context of a further 10 dwellings in the Open Countryside.

When combined with an additional 10 dwellings and a proposed decade of development, the positive planning benefits of these community benefit proposal for the conservation of heritage assets do not outweigh the dis-benefits created by this application.

## 6. ACCESS TO SITE 4 OF DINGLE LANE

The second reason for the refusal of 16/5719N related the access of vehicles off Dingle Lane to site 4.

- Whilst the number of houses has been reduced to 4 dwellings (from 8), there is still no mitigation regarding the lack of passing places on Dingle Lane (those proposed were actually in the ownership of third parties)

- Whilst construction will be addressed by a haul road to Hunsterson Road, the following issues have not been addressed: issues related to service traffic, contamination of the brook, damage to its banks and the flood risk associated in the area proposed for the haul road

The Parish Councils of Doddington & District, Hatherton & Walgherton and Wybunbury have now looked at the resubmitted plans for 18/2153N

We find that overall, the new application is not sufficiently materially different from 16/5719N to warrant any change in the decision to REFUSE.

Despite support (in principle) for the restoration of Doddington Hall, it is within the context of the Balance of Advantage that, we are unable to support this development application in its current format and we therefore urge the Strategic Planning Committee to REFUSE THIS APPLICATION

### **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and site notices were erected outside every site and the entrance to Doddington Hall. To date, letters of representation have been received from approximately 35 residences, and MP for the area Laura Smith. The main objections raised are summarised below;

#### *General*

- Proposal includes additional housing and therefore additional impacts on the open countryside and community
- Development is still contrary to policy PG6 and unsustainable development
- The development of Site 4 still has a highway safety concerns
- Still lack of publically available financial information in relation to the proposal for the public to consider
- Concerns over drainage scheme
- Concerns that further housing development will be sought in the future as costs increase
- Housing could be developed on Hough Mill Quarry site
- Concerns raised that the development is not Enabling Development
- It is not possible to determine the full cost implications of development in outline and therefore the EH guidance does not recommend outline applications
- Sites have no environmental, social or ecological sustainability
- Infrastructure in the area is not sufficient for the additional 112 dwellings,
- Additional community benefits are commendable but do not outweigh the detrimental impact on the character of the area,
- Car park for Church is not needed
- 'community benefits' will not actually benefit the community
- Marketing of the property was many years ago and the applicant has allowed the site decay in the meantime
- Works to 'renovate' Badgers Bank Farm have ceased since the scaffolding was erected and weeds cleared last year
- Cheshire East already has a 5 year housing land supply and therefore additional housing is not required
- Hotel businesses in the area are struggling and reducing prices to compete

- No need for housing in the area, many properties on the market are struggling to sell
- The Legal agreement must include a bond and an indemnity clause for the full cost of the development
- The Conservation Deficit Report identifies the conservation deficit as £14m, £9.6 m from the enabling development and £4.4m from the applicant. Consider that the development costs have been inflated to enable the applicant to appear to be subsidising the development when in fact just using good practice
- Constant building in the area for 10 years will have an extended impact on neighbouring amenity, by means of disruption and noise
- If the applicant is also to be the developer of the housing site, will she be entitled to a normal 20% developer profit?
- Concerns raised over the sites being leasehold and not freehold
- Large number of newly built unsold properties on the edge of Nantwich due to being overpriced
- Only 4 properties in the last 12 months have sold in the area out of 20 on the market
- The proposed housing will increase the number of properties from 51 in Bridgemere, with an additional 74 dwellings
- Permissible routes proposed are only available until the applicant decides otherwise
- There is currently no streetlighting in the area and its inclusion would create a negative impact on light pollution in this rural area,
- Dwellings should be no more than 2 storey in height, design code now includes some taller 3 storey properties
- No clear indication that funding routes have been taken
- Concerns raised over some documents being updated but others not, eg. Assumptions made that the hotel would be trading in 2018
- Concerns raised over the draft heads of terms
- The proposal is not enabling development and therefore should be refused contrary to the development plan
- Applicant has allowed the Hall to get into the current state for 30 years of neglect, question why the local area should have to take the burden of new residential development to fund the development
- Impact on highway safety, A51 and rural lanes
- Impact on surface water/flood risk
- Impact on sewage systems
- Increased impact on air pollution and light pollution in the rural area,
- Lack of publicised financial figures and therefore question if all eventualities have been considered
- Lack of alternative proposals considered properly and thoroughly
- Similar proposal to that which was approved for Combermere Abbey should have been taken, eg. One site on the edge of a village
- The Green belt should be valued
- Impact on neighbouring amenity
- Insufficient space within the local school for additional intake
- Impact of residential development on house values
- Impact on views of the Doddington Hall, Doddington Lake, and wider open countryside,
- Impact on Ecology, Trees, and Hedgerows,
- Impact on Telecommunications/broadband network which is weak,
- Loss of agricultural land
- Cost of infrastructure required for development is queried

- No benefits for the local people, hotel will only benefit the paying guests
- Funding has already previously been granted to restore the Hall, by Historic England in 1999 and restoration was expected then, nothing has happened to the building since
- Area of land have been purchased recently and form part of this application for housing
- Badgers Bank Farm should be included within the housing numbers
- Brownfield sites should have been sought not use of greenfield land
- Financial input from the applicant is not sufficient
- Create an urban sprawl to the Countryside
- Full Archaeological history of the sites is required prior to development
- Concerns over construction traffic and the ability of vehicles being able to attend to a number of sites
- All of the sites are within the Mere and Mosses Designated Nature Improvement Areas
- Ecological surveys are out of date, and not through enough
- It is essential that the Council ensures the funds are directly and solely to the heritage deficit
- The development would have no benefit to the community and therefore is illegal under the case 'Sainsbury's supermarket v Wolverhampton Council 2010'
- A number of the local lanes are used by walkers, cyclists, Horses
- Safe walking and cycle provision should be considered for the sites near the school
- General errors/typo within the documents picked up raising concerns over the quality of the submission
- 20% of the proposed development has been increased to 3 storey in height – 23 dwellings

### **Site Specific**

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

- Access is dangerous onto the A51
- Impact on existing trees
- Impact on Ecology and biodiversity
- Impact on the water quality of the brook
- Impact on the Milldale Scout Camp to the rear of the site regarding, safe guarding, drainage, Wildlife and Ecology, ability to use as a temporary shooting range, large outside camping activities, and access issues
- Flood risk issues on the site
- Ecological buffer is insufficient
- Site is unsustainable and inaccessible
- No community benefit to the Children's Play space on this site given its isolated position in relation to the local community
- Archaeology impacts
- 3 storey properties in this location are unacceptable
- Concerns raised over infrastructure costs for development site
- Site is contrary to policy SD1 and SD2

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

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

- Surface water drainage issues
- Access points are unsafe
- Highway safety concerns (eg. Speeding)
- Lack of safe walking route to school
- Proposed permissive route is unsafe
- Concerns raised over the design of the properties and relationship with the Hunsterson Road
- Site is contrary to policy SD1 and SD2
- Concerns raised over infrastructure costs for development site

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

- Potential impact on water course
- High water table in the area liable to flooding
- Surface water drainage issues
- Highway safety concerns (eg. Speeding)
- Lack of safe walking route to School, or neighbouring plots
- Visible from the registered park and garden
- Not in keeping with the existing streetscene
- Site is contrary to policy SD1 and SD2
- Concerns raised over infrastructure costs for development site

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

- Reducing the scheme to 4 dwellings does not address the reason for refusal on highway safety grounds
- Dingle Lane is not appropriate for additional traffic,
- Ford Floods regularly making the lane impassable
- Road also floods several times a year
- Lane is not suitable for proposed passing bays
- 'Natural passing bays' are not on public land/land owned by the applicant, are in the ownership of neighbouring properties,
- Those new passing bays which are proposed will require significant land and vegetation removed to accommodate the passing bay
- Refuse is not always collected
- Dingle lane is often used by walkers due to its unique character
- Site 4 has a perimeter of Site 4 is used for dog walking/rambling
- Potential impact on water course
- Culverting the ford to improve access is not acceptable, this is an intrinsic feature of the rural area,
- the impact on amenity during construction
- Concerns raised over the temporary road becoming a public pathway and the impact on neighbouring amenity
- Concerns over how emergency vehicles will access the site
- Concerns raised over 'haulage road' and position next to access adjacent to School
- Haulage road would cut across a flood risk zone, and ecological area
- Site has archaeological potential
- People are unlikely to buy a £1.2 million property which is inaccessible for several times of the year due to flooding of the ford and lane

- Lack of safe walking route to school
- 3 storey properties are unacceptable in a rural area
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2

*Site 6 – Bridgemere School – Carpark*

- Extended car park is welcomed, but with increased in take there is likely to still be on road parking,
- Improvement to the scheme but 'drop off zone' may not be suitable for most Primary aged children
- Safe walking paths have not be proposed
- This will not benefit residents and most children come from outside the area
- Land floods and is in a flood risk zone 3

*Site 7 – Hunsterson Road – 4 dwellings*

- Bridgemere Lane floods
- Highway Safety concerns
- There is PROW affected through this site which should be maintained
- Site is partially within a Flood Risk zone 3
- Boundary treatment required between the residential gardens and the brook
- Impact on visual amenity from neighbouring properties
- Will impact on neighbouring views
- Drainage issues
- Density at variance to local properties
- Loss of BMV agricultural land
- Contrary to Policies SD1 and SD2
- Concerns raised that the ecology/tree buffer is not sufficient
- Site will be visible from Brownmoss Farmhouse
- Concerns raised over infrastructure costs for development site

*Site 8 – Hunsterson Road / Church Lane – 4 dwellings*

- Bridgemere Lane floods
- Highway Safety concerns
- Site is within a Flood Risk Zone 3
- Drainage issues
- There is a pond on the site 3-4 months of the year
- The site is of archaeological interest
- The site is Grade 2 best and most versatile land and should not be built upon
- Adverse impact on the setting of a listed building, Wall of Paddocks and Stable Building and the RPG
- Impact on neighbouring amenity
- Will have a negative impact on ecology/wildlife
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2
- Design of development does not respect the character of the area

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

- Impact of the development on Glovers Moss could have irreversible impacts on ecology
- Larger ecological buffer required
- Archaeological potential
- Access is dangerous
- Size of dwellings are out of character with the area
- Sites are wet and drainage will be an issue
- Queries raised regarding the future use of Badgers Bank Farm and why it has not been incorporated into the scheme
- Speeds along the road are dangerous
- Impact on PROW's
- Site is Grade 2 BMV agricultural land
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2
- Three storey properties are overbearing and not acceptable in rural area,

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

- Size of dwellings is out of character with the area
- Site is situated in the setting of a Grade II listed building and will impact negatively on the building,
- Application with Historic England for the re-assessment of the grading of Hatherton Lodge and setting to Grade II\*
- 3 storey properties are inappropriate in rural area location
- Contrary to Policies SD1 and SD2
- Impact on Tree and Ecology in the area
- Concerns raised over infrastructure costs for development site

### *Site 13 – London Road / Dingle Lane – 11 dwellings and Site 14 – London Road / Dingle Lane – 17 dwellings*

- Access is dangerous onto the A51
- The development is high density which is in variance to the surrounding dwellings in the area,
- Impact on Threepers Drumble – a potentially ancient woodland
- Ecological buffer is insufficient – should be increased
- Sites are within the Meres and Mosses Nature Improvement Area
- Residential development will have a negative impact on the biodiversity,
- No safe walking route to the local school
- Archaeological impact
- Concerns raised over infrastructure costs for development site
- Contrary to Policies SD1 and SD2
- Impact on the neighbouring amenity

### *Site 15 – Hunsterson Road / London Road – 25 dwellings*

- Impact on wildlife
- Impact on water course
- Surface water drainage issues

- Highway safety concerns (eg. Speeding)
- Lack of safe walking route to school
- Loss of agricultural land
- Unsuitable development
- Inappropriate for elderly accommodation
- Design is not in keeping with surrounding area
- Contrary to Policies SD1 and SD2
- 3 storey properties are unacceptable in rural areas

**Letters of Support have been received by 5 residences. The main issues raised are,**

- Will create much needed housing for local people to live in
- Allow local children to stay in the area,
- Create affordable housing in an area where little is available
- It is important to see the Grade I Listed Hall and associated building restored and brought back into a viable use,
- The hotel will be good for the economy, bring new people to the area and in turn further investment into new facilities,
- The development will regenerate the area
- More people in there area will also benefit the School and Church

### **OFFICER APPRAISAL**

#### **Principle of Development**

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

#### *Open Countryside*

Policy PG6 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, rural building conversions, affordable housing and limited infilling within built up frontages and villages.

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

The issue in question is whether there are other material considerations associated with this proposal, which are sufficiently material to outweigh the initial policy objection in principle; this is considered as part of the assessment below.

#### **Enabling Development**

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

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

The National Planning Policy Framework,

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

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

Enabling development is defined in the 2008 guidance as:

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

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

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

The Enabling Development Planning note, by J10 Planning advises that whilst this application is not strictly in accordance with the process of enabling development as defined in the 2008 Historic England Guidance its purpose is to help bridge the conservation deficit to secure conservation works and a sustainable future for the Hall via its conversion to a hotel.

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

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

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

### *Application Type*

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

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

### 2008 Guidance

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

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

### Draft 2017 Guidance

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

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

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

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

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

### *Financial assessment*

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

The report highlights that Robinson Low was appointed by the applicant to assess the construction cost of the Hotel & Spa development, which amounts to £36,478,050. Lambert Smith Hampton valued the completed development would be £18 million in Year 1 increasing to £22.5 million at Year 3. Therefore this amounts to a deficit of £13.98 million.

The proposed 112 dwellings have been valued by the valuer's Butter John Bee from the sales/borrowings are estimated to be in the region of £9.6 million (after tax).

Colliers International was appointed by the planning authority to challenge and test the previous appraisal information and process of analysis. This process is summarised in their report 'Doddington Hall Estate Review of Proposed Development July 2016', where the financial assessment was accepted. The amended scheme appraisal uses the same method and concludes the same deficit as previously accepted, albeit updated and inflation included.

In summary, there is an identified shortfall in the viability of the hotel led proposal as a consequence of the high level of conservation works and the nature of the heritage assets. The heritage deficit has been calculated as £13.98million, but revised financial modelling in terms of procurement of the project and phasing has identified that, with the benefit of the proceeds of the proposed housing development (circa £9 million), then the scheme can be made cost neutral. There is also a commitment on the part of the owner to meet any funding shortfall should that arise, and the applicants bank have confirmed that they funded the applicants 'The Greenwich Hotel' project which included a total investment of around £25m, and have had discussion with the applicant regarding the financing of the Doddington Estate project.

### *Alternative proposals*

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

During the course of the previous application a leisure based alternative was suggested, which has prompted a response from the applicant's heritage consultant CgMs. The Council's Principal Design & Conservation Officer concurs, with the consultant's assessment that this would lead to greater

harm to the designated heritage assets at the Doddington estate, not least because it would require a significant scale of development to achieve sufficient funding to meet the heritage deficit.

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

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

During the course of the current application a further site has been proposed, the Hough Mill Quarry for residential development. The applicants have addressed this within a letter and state that, the site is unviable for the following reasons;

- a) Time scales - the proposal to relocate the residential development onto the site would be unviable, due to the need to deliver the Hall permission before it expires in February 2019,
- b) Deliverability – The application sites are owned by the applicant, and the use of third party land would further delay the development in the process of acquiring the land
- c) Financial Viability – The finance appraisal are based on no land acquisition costs. The land value created by a planning consent is to be assigned to the restoration. The additional cost of purchasing land would add additional cost to the proposal and therefore would require additional housing.

This is a reasonable argument and note that the application values are based on a number of the sites having large dwellings which will achieve large values. The use of a smaller site which would not achieve such spacious plots would mean a larger number of houses would be required to address the conservation deficit.

### *The heritage benefits of the proposal*

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

- The residential development will raise circa £9.6 million pounds from the development to be re-invested in conservation works and to ensure the new use as a boutique hotel at Doddington Hall,
- Associated conservation repairs to the Star barn and Delves Tower to facilitate their future use and management,
- Investment into and long term management of the grade II registered historic park and garden
- Helping to secure the future of a grouping of nationally significant heritage assets and for those to then be taken off the at risk register.
- Helping to prevent the fragmentation of the Doddington Estate, which has been in the family since the 14<sup>th</sup> century, and securing the future of this country estate for the benefit of future generations
- Wider heritage economic benefits and the potential for wider public accessibility and appreciation of these important heritage assets (as with similar establishments in other parts of the Borough)

### *Enabling Development Conclusion*

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

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

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

There is a proven shortfall in the viability of the hotel led proposal as a consequence of the high level of conservation works and the nature of the assets. The heritage deficit has been calculated as £13.9 million, but revised financial modelling in terms of procurement of the project and phasing has identified that, with the benefit of the proceeds of the proposed housing development (circa £9.6 million), then the scheme can be made cost neutral. There is also a commitment on the part of the owner to meet any funding shortfall should that arise. This has been verified by Colliers International, acting for the planning authority.

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

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

### **Wider Planning Considerations**

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

## Housing Land Supply

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

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.” This is the test that legislation prescribes should be employed on planning decision making. 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” As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. The Inspector confirmed that on adoption, the Council would be able to demonstrate a 5 year supply of housing land. In his Report he concludes: “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years” This judgement was based on an assessment with a base date of 31 March 2016.

In August 2017 the Council published its Annual Housing Monitoring Update, using the methodology endorsed by the Local Plan Inspector but updating information to a base date of 31 March 2017. This assessment showed that the Council has a supply of 16,151 deliverable homes, equivalent to 5.45 years supply.

Since the adoption of the Local Plan the Council has received a number of important planning appeal decisions:

- On 9 October 2017 the Secretary of State dismissed an appeal concerning 900 homes at Gorsty Hill Weston. In this decision the Secretary of State replicated the Local Plan Inspector’s assessment of a 5.3 year housing supply.
- On 8 November 2017 an appeal for 400 homes at White Moss Quarry, Haslington/Alsager, was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.96 – 5.07 years. Accordingly as ‘a precaution’ the tilted balance was engaged.
- On 4 January 2018 an appeal for 100 homes at Park Road Willaston was dismissed, but following evidence at the Inquiry the Inspector concluded that the Council’s housing supply was between 4.93 – 5.01 years. Once again taking a precautionary approach the tilted balance was engaged.
- On 30 January 2018 an appeal for 29 homes at Rope Lane Shavington was allowed. This case did not hear new evidence on housing supply, but adopted the conclusions of the previous two appeals. The Council now has leave to challenge this decision in the High Court. This challenge maintains that the Inspector erred in his approach to housing supply.

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Following the White Moss and Park Road decisions the Council completely revised and updated its housing supply assessment, looking afresh at the latest position on key sites and the housing sector generally. This evidence was presented in detail at two appeals in February/March 2018.

The first of these, involving an appeal by Gladman Developments for 46 homes at New Road Wrenbury, has now reported. This appeal was dismissed with the Inspector finding that the Council could demonstrate a deliverable supply equivalent to 5.25 years employing the most up to date evidence. On considering the Council's claimed supply of 15,908 deliverable homes, the Inspector concluded that *"in total 331 units should be deducted from the Council's supply figure, reducing it to 15,577"*.

The Inspector went on to make an overall assessment of the housing supply position: *"Whilst I have concluded that at the present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met"*

This most recent appeal decision positively affirms that the Council can demonstrate a five year supply of housing land. This appeal involved a thorough scrutiny of all of the relevant evidence and whilst following a hearing format, also featured experienced legal representation. Accordingly the Council considers this to be the most robust and definitive conclusion on housing supply – which confirms that a 5 year supply of deliverable sites can be demonstrated.

In the light of this, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 14 of the NPPF is not engaged.

Although the LPA can now demonstrate a 5 year Housing Land supply, it is a minimum requirement not a ceiling, and therefore any additional housing will help towards keeping the supply above 5 years in the Authority.

### **Locational Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. The guidance within Policy SD 2 (Sustainable Development Principles) within the Cheshire East Local Plan Strategy sets out guidelines for suitable distances from local amenities from new development sites.

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

However, all of the sites appear to be locationally unsustainable, with every day amenities such as a supermarket/convenience store and, secondary school being either in Audlem, Woore, Wybunbury or further a field in Nantwich. Furthermore, there is limited Public Transport in the area.

In summary, the sites fail the majority of the standards advised by Local Plan Strategy Policy SD2. It is likely that the majority of the future occupiers of the dwellings will need to heavily rely on motor vehicles in daily life. As such, the application sites are considered to be locationally unsustainable.

### **Agricultural Land Classification**

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

Policy NE12 (Agricultural Land) of the Crewe and Nantwich Replacement Local Plan advises that development on such land quality shall not be permitted unless; the need for the development is supported by the Local Plan, it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality or, other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

The Applicant has instructed Reading Agricultural Consultants Ltd to carry out an Agricultural Land Classification and Soil Resources, dated February 2018. Site specific comments are noted below.

The overall conclusion of the report states that

*There are two distinct soil types present across the 15 sites. The dominant soil type comprises coarse textures, typically with loamy sand or sandy loam topsoil, overlying sand subsoil. The subordinate soil type is found on Sites 13, 14 and 15 and comprises clay loam topsoil and clay subsoil. The predominant limitation to land quality is droughtiness, which varies from slightly to moderately severe, with Grades 2, 3a, 3b and 4 present across the sites.*

There are 4no sites which are Grade 2, and 6 sites which are Grade 3a. The proposal will therefore include the loss of best and most versatile land on a number of the site. This is a matter which shall be considered in the planning balance.

### **Trees and Hedgerows**

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

making tree preservation orders on trees where appropriate in connection with the grant of planning permission.

The application is supported by an Indicative Arboricultural Impact Assessment (AIA) Tree Solutions (Ref 16/AIA/CHE(E)/100 (Rev B) dated February 2018 and Arboricultural Method Statement Tree Solutions (Ref: 16/AMS/CHE(E)/100 dated 16th November 2016). A Tree Survey schedule does not appear to have been included within the AIA. However details of tree species, relevant condition and categories under the British Standard are referred to under the previous submission (16/ 5719N).

The tree officer therefore considered that there are no significant issues which cannot be overcome, by the addition of conditions or dealt with at reserved matters stage.

### **Landscape**

The Landscape Officer states that the LVA has broadly followed the methodology set out in the published guidelines GLVA 3 (2013) and is appropriate for a landscape and visual appraisal. It discusses national and local planning policy relating to landscape, and refers to the Cheshire East Local Plan. It presents an appropriate baseline for landscape and visual receptors. The impact of the development on the character of each development site, the landscape surrounding each site and the registered parkland is considered at year one, but the impact at year 15 is not fully considered. The impact of the development on key visual receptors such as users of footpaths, roads and properties is considered at year 1 and year 15.

The CCC LCA 2009 identifies that the Doddington area lies within landscape type 10 – Lower Farms and Woods and the sub division LFW4 Audlem Character Area. This is a rolling agricultural landscape with slightly incised streams and waterbodies. Settlement is described as being of low density, mainly consisting of hamlets, farms and small settlements such as Buerton and Chorlton. In the north a number of roads radiate out of Nantwich towards the County boundary. A number of more substantial properties located along the highways contribute to a more settled and urban character. The Landscape Officers assessment is that within the area surrounding Doddington there are a number of scattered residential properties, often converted farm buildings and farm houses with some prominent modern farm buildings.

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

The Council's Landscape Officer has identified five points of difference between his assessment and BW's submitted Landscape and Visual Appraisal these are relatively minor differences. Overall the impact on landscape character after year 15 varies between minor/moderate adverse to negligible with the average impact being minor adverse. The overall visual impact varies between minor/moderate adverse to negligible with the average after 15 years being minor adverse/negligible. The site with the greatest character and visual impacts is site 10 followed by sites 8 and 15. Advanced landscape mitigation for these and

other sites could reduce the initial impact. The Landscape officer suggests that if planning permission is granted advance landscaping should be carried out to:

- strengthen/gap up hedgerows,
- add hedgerow trees where appropriate and,
- provide early establishment of proposed woodland areas at the eastern end of sites 3 and 15.

All work to be carried out within the first available planting season after the granting of planning permission.

An assessed minor adverse impact for landscape character and visual impact would not in the Landscape Officer's opinion give rise to an objection under landscape policies within the NPPF or the CEC local plan, subject to advanced landscape mitigation described above, the Landscape Officer does not object to this application on landscape grounds.

### **Ecology**

The application is accompanied by protected species surveys and amended plans have been received in respects of sites 1, 7 and 10, which relate to the concerns raised by Cheshire Wildlife Trust and the Council's Ecologist. The comments are based on the amended plans.

#### Statutory Designated Sites

Natural England have been consulted on this application and raised no objection in respect of Statutory Designated Sites.

#### Nature Improvement Areas

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

#### Great Crested Newts

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

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

- the development is of overriding public interest,
- there are no suitable alternatives and

- the favourable conservation status of the species will be maintained.

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

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

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

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

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

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

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

### Other Protected Species

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

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

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

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Development of a number of sites subject to this application would result in the loss of sections of hedgerows, usually to

facilitate site entrances. The submitted ecological assessment includes recommendations for the creation of replacement hedgerows to compensate for those lost. This can be achieved through the attachment of a condition requiring any future reserved matters application to be supported by a detailed ecological mitigation strategy.

Site specific issues have been addressed below.

### **Design**

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

Furthermore, in general terms the management of the scale of buildings needs to be controlled. The Design Code indicates for several sites a proportion of 3 storey buildings. 3 storey buildings as a matter of principle are not acceptable. Section 4.2.2 of the Design Code considers massing where it states "*Scale will generally be 2 storey, with rare exception, given the general low rise scale of this part of the Borough*" (The Design code presently indicates that 23 of the 112 properties proposed will be 3 storey). The agent has confirmed that 3 storey in effect means that the properties are 2 storey with attic accommodation, but the Design Officer considers that only certain sites are suitable for this scale of accommodation and they should be an exception. Consequently, the number should be reduced both as a whole and on individual sites (where applicable) to prevent the development sites becoming too urban and estate like in character.

The Design Officer considers that a larger footprint would be more appropriate in most cases, given the size of the plots, than three storey properties. Therefore it is considered that a condition is necessary to ensure the dwellings are no more than two storey, with a height limitation (to be agreed). This would allow for some properties to have accommodation in the roof without exceeding a two storey limit.

It is also considered that the impact of external lighting will also be required to ensure the impact on rural tranquillity and dark skies is minimised. Given the application is in outline the design code can be conditioned to enable the detailed reserved matters applications to be informed by the intentions of the outline indicative plans.

### **Impact on Built Heritage**

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

Further to the north west are the Grade II listed Woodside Cottages, next to which is the Grade II listed Demesne House and its star shaped Grade II\* Barn and Farm Buildings. Beyond which to the south west lies the Grade II Church of St John and to the south the

Grade II walls of the paddocks to stable buildings, all of which lie outside the Historic Park & Garden.

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

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

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

### **Archaeology**

An archaeological desk based assessment was produced by CgMs Consulting in November 2015, updated November 2016. The Cheshire Archaeology Planning Advisory Service (APAS), have considered the desk based assessment and note that it is clear that six of the proposed development sites have the potential to yield significant below ground archaeological remains which may be disturbed through the development, however it is noted that Site 6 has now been discontinued.

Therefore APAS note that whilst it would not be reasonable to object to the development on archaeological grounds, APAS would advise that a programme of mitigation be taken on Sites 1, 4, 8, 10 and 14, and this mitigation is outlined below on each specific site. This can be conditioned.

### **Access**

Although there are 112 units proposed these are spread into small pockets of development and the Strategic Infrastructure Manager notes that they will have little impact on the local road network, each of the sites has a satisfactory designed access and internal layout with adequate parking provided.

As noted below, site 4 was previously refused by the Members of Strategic Planning Board on the grounds that '*the proposal fails to provide safe and suitable access for Site 4, off Dingle Lane*'. The previous scheme proposed 8 units off Dingle Lane, this amended scheme is for 4 units. The Strategic Highways officer has re-assessed the scheme and considers that although Dingle Lane is a narrow single track road it would be unsuitable to serve a large number of new dwellings, 4 units will have low traffic generation and the inclusion of the proposed passing spaces is acceptable. The use of a temporary construction route is also acceptable. The Strategic Highways officer considers that given the level of development using Dingle Lane has been significantly reduced it is considered that the proposed access via Dingle Lane is acceptable and would not warrant refusal of this amended application.

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

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

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

### **Flood Risk and Drainage**

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

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

The Environment Agency have however, raised concerns regarding the applicants foul drainage solution and have stated this is because it **may** involve non-mains foul drainage system but no assessment of risks of pollution to the water environment have been submitted. The current Foul Water Drainage report (February 2018) contains a number of options. It is the Environment Agencies position that foul water drainage from the proposed development should discharge to mains sewer and therefore the EA would therefore encourage option 1, connecting all sites to public sewer. The applicant has confirmed that Option 1 is also their preferred option and has been costed as part of the financial appraisal of the development. The applicant therefore states that the EA's objection has therefore been addressed. The EA have been reconsulted on this matter and their amended response is awaited. However it is in the Planning Officers opinion that the issues has now been addressed and would not amount to a reason for refusal of the application.

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

### **Amenity**

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The Development on Backland and Gardens SPD states within paragraph 3.9 that as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation with windows to habitable rooms and blank elevations.

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

In conclusion the proposed sites are acceptable and have sufficient separation distances to any adjoining neighbours. The Design Code states that the dwellings will not exceed 2 storeys in height with only limited 3 storey properties, and it is considered reasonable to stipulate a maximum height limit by condition, given the rural location. The detailed stage will address the position of principal windows on the proposed dwellings.

Although the proposed development may impact on the views of a number of neighbouring properties, this is not a material planning consideration, and the impact on some of the sites has been reduced in this amended scheme.

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

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

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

### **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing (IPS) and Cheshire East Local Plan CELP: states in Settlements with a population of less than 3,000 or more, 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 11 dwellings or more or larger than 1000 sqm's in size including garages. 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 112 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 34 dwellings to be provided as affordable dwellings.

For the purposes of the SHMA 2013 the sites in this application are located within the Wybunbury & Shavington sub-area, where there was an identified need for 54 new affordable dwellings per annum until and including 2018. Broken down there is a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed, 1 x 1 bed older person and 7 x 2 bed older person dwellings.

The current number of those on the Cheshire Homechoice waiting list with Wybunbury and Hatherton as their first choice is 15. This can be broken down to 4x 1 bedroom, 2x 2bedroom, 6x 3

bedroom and 3x 4+ bedroom dwellings. On this site therefore, a mix of 2 and 3 bedroom dwellings for general needs and older person provision on this site would be acceptable.

There was a Doddington and District Rural Housing Needs Study performed August 2012 that was valid for 5 years, but is now out of date.

The policy requires that 22 units should be provided as Affordable rent and 12 units as Intermediate tenure.

The applicant has stated that they are treating each of the 12 land areas on this Outline Application as individual areas and have allocated the Affordable Housing in this manner. However, all other contributions are based on all 12 land parcels are to be treated as one. This means that the 10 Affordable dwellings proposed do not meet the policy requirement and also there is no mention on the tenure split, and as such the Strategic Housing Officer has objected to the proposal.

However, the Strategic Housing officer has confirmed that, if the application is approved the Reserved matters Application will need to include an Affordable Housing Statement will have to be produced and agreed with the council that confirms the following:

- (a) the Agreed Mix;
- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The Strategic Housing Officer states that there is a preference that the affordable housing meets the HCA's housing quality indicator (HQI) standards, and secured by means of a S106 Agreement.

It is considered that although 10 affordable dwelling does not meet the policy requirement, it goes some way to address the policy issues and given the viability concerns with the proposal, any additional affordable units would subsequently require additional dwellings to accommodate the financial burden of affordable units. It is therefore considered that the proposal is acceptable.

### **Open Space**

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

Since the last submission the new CELP has been adopted and Policy SE6 requires 20m<sup>2</sup> amenity green space, 20m<sup>2</sup> children's play space and 20m<sup>2</sup> green infrastructure connectivity per dwelling.

The Greenspace Officer has assessed the application and noted that it was unclear from the proposal if policy requirements are being met and clarification was needed.

The applicant has confirmed that the Sites 1, 10 14 and 15 totalled 1.690 sqm of formal space. The requirement of 20 sqm per dwelling requires a total provision of 2,240 sqm. The applicant has therefore added 300 sqm to site 14 and 250 sqm to Site 15 and therefore now meets the requirement.

The Greenspaces Officer notes that the addition of new LEAP's and LAP's are most welcomed however, the Greenspaces officer also noted their support of the Parish Councils suggestion of a LEAP and associated car parking could also be introduced near to the school to help promote community cohesion.

The LEAP's and LAP's should enjoy a relatively flat site and should be to Fields in Trust standards. The facilities should also enjoy amenity green space adjacent for informal play. The Green Spaces Officer suggests a condition is required to submit the designs and layouts should the committee deem this application acceptable.

Policy SE6 also includes for 5m<sup>2</sup> per dwelling of allotment space. A community orchard and allotments are proposed at site 15 however access rights must be clarified.

Site 15 exceeds this requirement, and the applicant has confirmed that this will be managed by a Resident Management Agreement and would be opened up to existing and future residents of the local Parish, this can be secured within the Legal Agreement.

### **Education**

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of 112 dwellings is expected to generate:

20 primary children (112 x 0.19) – 1 SEN

17 secondary children (112 x 0.15)

1 SEN children (112 x 0.51 x 0.023%)

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

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

mainstream education age, has been removed from the calculations above to avoid double counting.

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

$17 \times £17,959 \times 0.91 = £277,826$  (secondary)

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

Total education contribution: £323,326.00

Without a secured contribution of £323,326.00, Children's Services raise an objection to this application. The applicant has confirmed that the application includes the Education contribution.

### **Community Benefits**

As part of the development proposal the applicant has sought ways to improve the existing land in the ownership of the applicant, and include elements of community improvement within the application sites.

Given the lack of funding it is not possible to provide the normal full social benefits a housing development of this size would provide, in relation to affordable housing, education provision and Open Space and children's play space.

However, to address some of the issues raised by the previous application, the applicants have are now including the following benefits:

- the education contribution of £323,326,
- a LEAP on Sites 1, 14 and 15 and a LAP on site 10,
- 10no affordable housing units (4no. on Site 2 and 6no. on Site 15)
- the extended School Car Park (Site 6),
- permissible footpaths through the estate land, and from sites 2, and 4 towards the school,
- a path from the School to the Church,
- improved parking provision for the Church,
- Community Orchard/allotment which may help improve the social cohesion of the sites.

## Site specific issues

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

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

#### Agricultural Land Classification

Site 1 extends to 2.8ha of agricultural land in arable use. The site is bounded to the north by woodland, to the east and south by other agricultural land, and to the west by London Road. The main factor limiting the quality of land at this site is droughtiness, which restricts most of the area to Subgrade 3a and a smaller portion to Subgrade 3b. The area of Subgrade 3b is visually distinguishable by restricted crop growth. The land classification is Grade 3a, 21% and Grade 3b, 79%, and therefore there would be a loss of a parcel of BMV land.

#### Trees

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

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

#### Ecology

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

An undeveloped buffer is proposed adjacent to the woodland. This buffer has now been very slightly increased which is a slight improvement on the originally proposed buffer. The Council's Ecologist advises that a greater buffer would be preferred as this would be more likely to fully safeguard the woodland. Buffers of between 8m and 15m have been negotiated at other development sites adjacent to woodlands.

#### Landscape

Barnes Walker (BW) assess this site (18 4/5 bed detached properties) to have a moderate adverse landscape effect at year 1 (post construction), with a minor/moderate impact on the registered parkland. The Landscape Officer agrees with this assessment. It is proposed to include substantial tree planting within gardens and open space along the access road and on boundaries. This will substantially soften and reduce the impact of the houses in the medium to longer term and the Landscape Officer believes that the overall long term landscape effect will be minor adverse. The visual effect is assessed to be minor/moderate adverse at year 1 and minor adverse/negligible at year 15. The addition of a play area does not alter my assessment of this site and I agree with Barnes Walker's (BW) assessment.

### Access and Parking

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

### Heritage Impact

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

### Amenity

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

### Design

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

Currently the Design Code states that the 4no. dwellings, will have 3 storeys (ie. 2 and half storey buildings), the design officer considers this may be acceptable but would need to be located to the rear of the site. True three storey properties would not be acceptable on this site.

## Archaeology

The Doddington Township Map of 1761 depicts a 'T' shaped structure (c.25m x 25m) believed to be the 'Smithy' within the south-west corner of the site, adjacent to London Road. The structure had gone by the time of the Estate Plan of 1815 and the site has remained undeveloped since this date. Conditions are proposed to record archaeological works.

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

Application Site 2 is situated on Hunsterson Road, and is triangular in shape. The site is bounded by hedgerows and trees on all side with Hunsterson Road to the north and Dingle Lane to west. There are a number of residential properties sited off Dingle Lane adjacent to the western boundary of the site. The proposal seeks permission for 12 dwelling on this site, and a permission route into Site 15.

### Trees

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

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

Plots located towards the eastern boundary of the site are located close to an offsite woodland (W1). The relationship of buildings and gardens to the woodland could give rise to future pressure for removal and or pruning back of trees, however are considered acceptable.

### Agricultural Land Classification

Site 2 is a triangular parcel of land of around 1ha of agricultural land in arable use. The site is bounded to the permanent grassland and woodland. The site is bounded to the north by Hunsterson Road, to the west by Dingle Lane and to the east by other agricultural land. The site has a very gentle slope downward to the south and sites at around 85m AOD. The Land classification is Grade 3a 100% and therefore would be loss of BMV agricultural land.

### Landscape

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

### Public Rights of Way

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

## Access and Parking

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

## Heritage Impact

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

## Amenity

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

## Design

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

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

Application Site 3 is situated on Hunsterson Road, opposite site 2 and Site 15. The site is rectangular in shape, and forms the corner of an existing agricultural field. The site is bounded by Hunsterson Road to the south, residential properties to the west and open fields to the north and east. The proposal seeks permission for 5 dwellings on this site.

### Trees

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

### Agricultural Land Classification

Site 3 extends to 0.8ha of agricultural land in arable use. The site comprises the south-west corner of a wider field area. To the west is a residential property and to the south is Hunsterson Road. Topography is level at an altitude of around 85m AOD. The Land classification is Grade 2 - 100%, and therefore would be a loss of BMV agricultural land.

### Landscape

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

### Access and Parking

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

### Heritage Impact

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

### Design

The proposal seeks permission for 5 detached dwellings on the site which appear to be of a layout and density which is in keeping with the surrounding streetscene. The dwellings will be sited to the rear of the site with tree planting proposed around the boundary of the site. It is considered that the site will appear in keeping with the surrounding streetscene and will not have a detrimental impact on the character of this existing cluster of development.

### Amenity

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

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

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

### Trees

Oak (T9) is located adjacent to the existing single field access off Dingle Lane which could be impacted by the proposed access improvements. The plans show are of hedgerow/trees to be removed, but the extent of the proposed access improvements on the Root Protection Area of T9 are not considered. Further detail can be secured by condition.

### Agricultural Land Classification

Site 4 extends to 4.3ha of arable production, with the remainder comprising woodland, ponds and thickets. The site is bounded to the north by a residential property, to the east by Dingle Lane, and to the south and west by other agricultural land. Topography at this site is uneven and undulating, although there is a general downward slope to the south-west, from around 85m to 80m AOD. The Land classification is Grade 3a – 2%, 3b – 67%, 4 – 31%, therefore there would be a small loss of BMV land.

### Landscape

This development was originally for 8 large detached properties and has now been reduced to 4 large properties. The site is partially enclosed by woodland and hedgerow trees and separated from Dingle Lane by a substantial level change. The Landscape Officer agrees with BW that year 1 impacts will be minor/moderate adverse for character and minor adverse for visual effects. In the longer term, the Landscape Officer advises that the impact on landscape character will be minor adverse and agrees with BW that Visual effects will be minor adverse/negligible.

### Access and Parking

Site 4 is proposed for access off Dingle Lane. The previous application was refused in part due to Members of the SPB considering that '*... the proposal fails to provide safe and suitable access for Site 4, off Dingle Lane*'. The previous scheme proposed 8 units off Dingle Lane, this amended scheme is for 4 units.

The Strategic Highways Officer has re-assessed the application and notes that Site 4 is accessed from Dingle Lane and now proposes 4 five bedroom dwellings a reduction from 8. It is recognised that Dingle Lane is a narrow single track road and would be unsuitable to serve large numbers of dwellings, although the proposal is for 4 units that will have low traffic generation. The applicant is proposing to provide a number of passing spaces along Dingle Lane that are inter-visible for drivers.

To avoid construction traffic having to use Dingle Lane a temporary construction route is proposed to the northern side of the site. On completion of construction this route will be closed and converted to a pedestrian/cycle link.

Given that the level of development using Dingle Lane has been significantly reduced with a subsequent reduction in traffic movements it is considered that the proposed access via Dingle Lane is acceptable with the introduction of the proposed passing places. This can be conditioned and therefore has addressed the reason for refusal.

### Heritage Impact

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

### Amenity

The proposal is for 4no. large detached dwellings. The properties will be sited at a significant distance from the neighbouring properties, with the closest proposed property being sited over 60m from Threeways Bungalow to the south and Bridge Cottage to the north. With the addition of boundary tree planting around the site, the proposal will not have a significantly detrimental impact on neighbouring amenity.

### Design

The proposed dwellings on this site are intended to be large detached units, set in large plots. The layout is suitable for the plot and will not have a detrimental impact on the streetscene.

The dwellings do have the capacity to accommodate 2 and half storey but it is important to manage this as part of the detailed design. Maintaining the vehicular access off Dingle Lane but also incorporating a pedestrian link into Bridgemere, that will be used initially for construction access and then treated as a Green Lane is acceptable.

### Archaeology

The desk-based assessment has identified two non-designated heritage assets within 200m of Site 4. These are listed on the Cheshire Historic Environment Record and comprise of the post-medieval Bridgemere Coin Hoard of Elizabeth I (MCH23580) and the Bronze Age Bridgemore Hoard (MCH5641). In this instance mitigation should take the form of a programme of supervised metal detecting, targeting the areas within Site 4 which will be disturbed by the development. The aim of this survey would be to assess the application areas potential for subsurface archaeological remains not identified by historical mapping. The survey should be undertaken by suitably- experienced individuals operating under direct archaeological supervision. Individuals involved will also need to have signed a form waiving any claim to a reward under the Treasure Act. Where significant concentrations of material are located, further investigation may be required and might take the form of a targeted watching brief or a strip and record exercise over the area of interest. A report on the work will need to be produced. This can be secured by condition.

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

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

### Agricultural Land Classification

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

### Amenity

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

### Design

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

### Access and Parking

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

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

## **Site 7 – Hunsterson Road – 0.69 ha – 4 dwellings**

The proposed Site 7 is situated on Hunsterson Road. The site is roughly triangular in shape and is currently used for horses and stabling. There is a PROW which runs through the site. There are trees and hedges which bound the site on all three sides. The proposal seeks permission for 4 dwellings.

### Trees

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

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

### Agricultural Land Classification

Site 7 comprises approximately 0.7ha of permanent pasture. It is bounded to the north by Hunsterson Road and in all other directions by other agricultural land. A ditch runs around the southern edge of the site. The site has a general gentle downward slope to the south, which becomes steeper toward the ditch before levelling out. The Land classification is Grade 3a - 57%, and Grade 4 - 36% and therefore is a loss of BMV land.

### Ecology

An 8m undeveloped buffer zone is proposed between the proposed development and the adjacent water course. The applicant's ecological consultant has advised that there is not extensive woodland adjacent to the stream. Consequently the proposed 8m buffer is sufficient.

### Landscape

The roadside hedgerow is to be retained as is the "woodland" belt alongside the stream which will lie in managed space outside the gardens of the properties. These features create a landscape structure which reduces the impact of the development in the wider landscape although they will have a considerable impact on private views from Church Lane Cottage and Weybridge Cottages. Overall the Council's Landscape Officer agrees with BW's assessment of a minor/moderate initial impact on landscape character and a minor/moderate adverse visual impact. Beyond 15 years, the Landscape Officer considers that the landscape character impact will fall to minor adverse and the visual impact will be minor adverse not minor/negligible as assessed by BW. It should be noted that this assessment is for public views and not private views from the 3 properties on Hunterston Road.

### Public Right of Way

There is a Public Right of Way, Hunsterson Footpath No. 11 that runs through the centre of the site. The Public Right of Way department initially recommended refusal on this site, as the

PROW was not shown on the proposed plans. This has now been amended and revised comments are waiting.

However, it should be noted that the PROW department did not raised any objections to the previous proposal on this site subject to details for the proposed surface treatments and any other changes (ie. to path furniture) to be approved and noted a temporary closure may be required during any works. Conditions were proposed for this element and have been replicated in this report.

### Parking and Access

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

### Heritage Impact

The Heritage Officer states that the site proposes 4 dwellings, 300m to the south of Historic Park and Garden and 850m south west of Doddington Hall. Located adjacent to site 8, these proposals are likely to alter small pockets of views to and from the HPG and the Grade II listed stables and paddock wall. Theses areas are however fields and open land in the HPG rather than formally planned elements. Site 8 is sited between the proposal site and the HPG.

### Design

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

### Amenity

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

## **Site 8 – Hunsterson Road / Church Lane 0.748 ha – 4 dwellings**

The proposed Site 8 is situated on Hunsterson Road. The site is roughly rectangular in shape. The site is a corner of a field adjacent to a cluster of residential development on Church Lane. The proposal seeks 4no dwellings on this site.

### Trees

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

### Agricultural Land Classification

Site 8 comprises 0.7ha of agricultural land in arable use. The site occupies the south-west corner of a larger field. To the west is a residential property of Church Lane and to the south is Hunsterson Road. The site is level and sits at around 70m AOD. The Land classification is Grade 2 and therefore would be a small loss of BMV land.

### Landscape

This site was previously proposed for 10 mews style properties around a central courtyard and has been changed to 4 detached properties. It is in a fairly prominent position opposite site 7, adjacent to Church Lane Cottage and behind a tall hedge. It is 190m from the boundary of the registered park and garden across the open field to the north and 90m from the grade II listed paddock walls/stable block to the north west. There is a very prominent overgrown Leylandii hedge between the site and the stable block. The Landscape Officer agrees with the BW assessment that the overall impact of the site on landscape character is moderate adverse at year 1 and assess that it is minor adverse after year 15 (slightly reduced from the previous application). The Landscape Officer agrees that the visual impact is minor/moderate adverse at year 1, but feel that this only falls to minor adverse at year 15 not minor adverse/negligible. There remains some impact on views from a side window and the veranda of Church Lane Cottage, but this is a private view and not a public view.

### Parking and Access

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

### Heritage Impact

The Heritage Officer notes that 4 dwellings, 280m to south of the Historic Park and Garden and 1,150m to south west of Doddington Hall. This site is located opposite to site 7 these proposals are likely to alter small pockets of views to and from the HPG and the Grade II listed stables and paddock wall. There has been a significant reduction in numbers on this site, and will incorporate a more significant landscape buffer and there has resulted in a reduced impact, which was considered to be acceptable previously.

### Design

The design of this plot has changed from a courtyard development to a cluster of 4 units. The site has one central access of Hunsterson Road which the four properties have driveways off. The proposed tree planting will help to mitigate for the visual impact of the development on the open countryside, and Listed Buildings and registered park and garden. The proposal is considered to be more in keeping with the surrounding built form, however the arrangement on the site is rather internalised and therefore further refinement of the layout/building arrangement is necessary, including housing addressing Hunsterson Road.

### Amenity

The proposed development is open to fields on two sides, Site 7 to the south and lies adjacent to Church Lane Cottage to the west. A dwelling will be sited 30m from the boundary with the neighbour, who has a flat roof terraced area around the side of the dwelling. This is an improvement in amenity terms from the previous scheme on the site and will have a lesser impact on neighbouring amenity. The proposal meets the Councils separation standards of 21m from principal to principal elevations. Furthermore tree planting is proposed to the boundary and therefore it is considered that the proposed development will not have a significantly detrimental impact on neighbouring amenity.

### Archaeology

The 1762 Map of the Manor of Hunsterson identifies an area of former crofts within the south-west corner of the site (c. 40m x 20m). In addition a scatter of medieval and post-medieval pottery was collected from the area formerly occupied by the crofts during the North West Wetlands Survey. A condition has been posed for archaeological records to be carried out prior to development commencing.

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

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

#### Trees

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

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

#### Agricultural Land Classification

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

#### Ecology

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

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

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

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

The Councils Ecologist advises that, In the event that outline planning permission is granted a condition should be attached requiring the submission of a detailed drainage strategy for sites 9 and 10 that in formulated to safeguard the two identified peatland sites.

### Landscaping

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

### Access and Parking

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

### Heritage Impact

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

### Design

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

### Amenity

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

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

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

### Trees

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

Oak (T14) located within the central western section of the site has been confirmed as a Veteran status tree. This tree is not impacted by the proposals.

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

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

### Agricultural Land Classification

Site 10 extends to approximately 4.8ha, predominantly arable agricultural land. The site is bounded to the north by residential property, to the east by Hunsterson Road, and to the south and west by other agricultural land. Microtopography at the site is complex. The south and north are relatively flat. However, adjacent to the woodland is a generally short but steep slope upward from south to north, with small depressions and humps. The resulting difficulties in farming this area are evident in aerial photography of the site, which shows considerable patchiness in crop growth in this area. The Land classification is Grade 2 29%, 3a 38%, 3b 33% and therefore is a loss of BMV land.

### Ecology

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

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

The Council's ecologist advises that the development of sites 9 and 10 has the potential to have an adverse impact on both of these sites due to potential effects on their catchments. Of these two

sites a significant impact on Glover's Moss resulting from the development of site 10 is the most likely.

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

The submitted ecological assessment recommends a 3m buffer be provided with the adjacent woodland at site 10.

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

Furthermore, the draft Wybunbury and Neighbouring Parishes Neighbourhood Plan includes a natural environment paper which identified an 'indicative wildlife corridor' crossing site 10. The illustrative layout plan submitted with the application suggests that the development of this site may result in a reduction in the functionality of this corridor. If outline consent is granted it is imperative that the ecological enhancement area identified in the submitted ecological assessment for site 10 is brought forward as part of any future reserved matters application as a means of compensating for this impact.

### Landscaping

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

### Public Right of Way

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

### Access and Parking

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

### Heritage Impact

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

### Design

The proposal is for 8no dwellings, four of which are very large 5 storey properties, with the remaining also larger detached dwellings, all indicated as 3 storey accommodation. The Design Officer considers that 3 storey concentration on this site is too high, and accommodation in the roof space will appear alien and more intrusive, consequently this site should be significantly reduced and perhaps solely for the largest dwellings. The plots are substantial and could easily accommodate more floorspace/accommodation without the need to use the roof space.

The general layout of the site responds to the shape of the site and relatively well contained within the existing boundary treatment. The overall impact of the development will have limited impact on the wider open countryside (subject to the height restrictions), and the proposed tree planting will help to assimilate to the proposal in to the streetscene.

### Amenity

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

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

### Archaeology

The Estate Plan of Hunsterson and Hatherton dated 1815 depicts two buildings (c. 25m x 8m & 10m x 8m) in the north-west corner of the site which are identified on the Tithe Map of 1844 as a Homestead and Garden. The buildings had gone by the Ordnance Survey map of 1898 (1:2500) and the site has remained vacant to the present date.

Site 10 lies within a large undated enclosure (MCH22989) and is adjacent to Glover's Moss. The palaeo-environmental potential of this moss has not been assessed, but neighbouring mosses have well preserved peats containing palaeo-environmental information about the post glacial climate and environment (i.e. Mesolithic and later). Any planning application would need to demonstrate that any surviving peat and associated deposits did not require further analysis or was not worthy of preservation on palaeo-ecological grounds. In this instance, this could be addressed by an initial

inspection of the site during the excavation of the Homestead to identify deposits which appear to have potential. This inspection would be conducted by a suitably-qualified and experienced individual who would if necessary take samples of appropriate deposits, followed by a phase of initial assessment in order to determine their suitability for more detailed analysis. Only where a deposit has been proven to merit detailed analysis, which will not duplicate the results of previous work, will it be recommended that more detailed analysis and reporting is carried out. These works can be secured by condition.

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

The application Site 11 is situated on the corner of Hunsterson Road and Lodge Lane, opposite a The Grade II Hatherton Lodge and associated range of buildings. The site currently a corner of an agricultural field with larger trees bounding the road frontage and open to the north and east.

### Trees

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

### Agricultural Land Classification

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

### Landscaping

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

### Access and Parking

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

### Heritage Impact

The Proposal is for 3 dwellings, 1050m to west of Historic Park and Garden and 2,700m to northwest of Doddington Hall. Grade II Hatherton Lodge and associated buildings are sited on the opposite side of the road to the development site.

Specific representation has been made in relation to the impact of the development on Hunsterston Lodge, listed grade II, stating that the applicant's heritage assessment is incorrect as it hasn't adequately considered the impact of the proposal on the setting of the Lodge and is therefore fundamentally flawed. Furthermore it is argued that the development will lead to harm to the heritage asset by virtue of the development within its setting, which, at the very least, will be less than substantial as defined in the NPPF. On this basis it is argued that the development is unacceptable.

The Heritage officer has considered these points and notes that, The Lodge and its associated landscape were designed to take advantage of its westerly aspect, relating the main frontage of the house to the more ornamental parts of its grounds, whilst the functional part of the Lodge (the

stables and associated buildings) were located immediately east of the main house and screened by large expanses of woodland.

The historic relationship and setting to the west remains largely intact whilst that to the east has been obliterated by the change of use to farmland and associated loss of the woodland that once occupied the now open field. It is the former that, first and foremost, characterises the experience of the asset within its immediate environs.

The comments made in relation to potential links to Capability Brown can only be viewed as conjecture at this stage. Although there is evidence of his involvement with Doddington Park nearby, there is nothing definitive to link his work to Hatherton Lodge.

Land use changes to the land to the east has led to a drastic change in character within the setting of the Lodge, resulting in open, arable land with incidental views that are neither historic nor planned, but which never the less now contribute to a more open setting of the asset. However, this clearly holds less significance than the relatively intact planned landscape to the west of the Lodge. Consequently, whilst the application site has an historic association this has been severely eroded by landscape and character change.

It has been established in appeal decisions that harm should be considered on a sliding scale (i.e. it not just straight no harm, less than substantial or substantial harm). There are varying degrees of harm. The assertion being made is that this at the high end of less than substantial harm (at the very least). However, the Heritage Officer considers that the harm to the significance of Hatherton Lodge would be of a lesser magnitude than suggested, given the historic change in the nature of the land and physical consequences for that area of landscape.

The appreciation of the wider setting of the asset will not be wholly eroded and it will continue to maintain a sense of isolation as a substantial country property, particularly if the scale and design of new property is controlled, existing trees and hedgerow retained and appropriate new landscape introduced. The main axis, orientation and relationship of house to formal gardens and planned views will be unaffected by the proposed development.

Detailed controls over the scale and design of the housing are set out in the Design Code (as updated in relation to building scale by further information from the agent). Consequently provided the scale is limited to 2 storey

Under para 134 of the NPPF it advises that “where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.” Consequently it is also necessary to consider not just the impacts upon designated assets but to also balance this against any wider public benefit arising from the proposed development.

The entire development, including the 3 dwellings proposed at site 11, will contribute circa £9.6 million to help meet the substantial conservation deficit in securing the conservation and re-use of Doddington Hall and its associated highly significant heritage assets. Those assets are recognised as probably the finest collection of Samuel Wyatt buildings in the country being Grade I and II\* and are on the national heritage at risk register. Securing the future of these assets represents a significant public benefit that far outweighs the harm arising from development within the setting of Hatherton Lodge.

Whilst Hatherton Lodge is going through a process of re-grading assessment by Historic England, given the impact/benefit balance discussed above, and specifically the significant heritage benefit to highest grade assets arising from the proposal, it is considered that the application's determination should not be delayed by this unpredictable process.

From a heritage perspective therefore, on balance, the proposal is considered acceptable subject to tying the details of the design code and specific control in relation to the scale of new buildings and ensuring a robust mechanism for delivering the conservation of Doddington Hall and associated heritage assets.

### Amenity

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

### Design

The proposal is for three detached properties with associated garages; the dwellings are in a general linear pattern which is in keeping with the wider rural location and face onto the road frontage, in a traditional rural design. The agent has confirmed that the dwellings will be two storey in height not the previously stated 3 storey and therefore subject to compliance with the height restriction and the design of the dwelling taking keys from the surrounding buildings it is considered that the proposal is acceptable on this site.

### **Site 13 and 14 – London Road / Dingle Lane – 1.818 ha – 11 dwellings; 2.191 ha – 17 dwellings**

The proposal sites are situated off London Road, and sit adjacent to each other in a north to south direction. To the west of the site is Threepers Drumble, ancient woodland. The northern part of the site is situated adjacent to Seven Stars Cottage and A51 London road to the east. The site is largely bounded by hedgerow and trees. The proposal seeks to construct 11 dwellings on Site 13, and 17 dwellings on the site 14.

#### Trees

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

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

#### Agricultural Land Classification

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

#### Ecology

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

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

The Council's Ecologist advises that the woodland would not be directly affected by the development, but the original illustrative layout plans for sites 13 and 14 included properties backing onto the woodland, provided no buffer between the woodland and the proposed housing.

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

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

The Councils Ecologist notes that it would benefit the woodland, by providing an increased buffer, if the open space associated with the development was located adjacent to the woodland rather than on the roadside of the site as shown on the submitted illustrative layout plan.

The Councils Ecologist further advises that the development proposals should also include an in-perpetuity commitment to the management of Threepers Drumble to retain and enhance its ecological value in the long term.

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

A drainage ditch/stream and associated habitats on site 14, has been identified as a wildlife corridor in the emerging/draft Wyburnbury Neighbourhood Plan and so should be retained or replaced with a similar habitat if lost. The submitted illustrative layout plan appears to show this feature as being largely retained.

### Landscaping

The proposal is to build 28 properties (reduced by one) on two adjacent fields between Dingle Lane/Threepers Drumble woodland and London Road (A51). The Landscape Officer have assessed that initially there will be a moderate adverse impact on landscape character, but this falls to minor adverse after 15 years. BW state that there is a minor/moderate adverse visual impact falling to minor adverse after 15 years. The Council's Landscape Officer agrees with that assessment. Site 13 will have a considerable impact on private views to the south and west from Seven Stars cottage. The location of the open space and proposed tree planting (increased by the removal of one property) will help to break up the massing of the development as viewed from the A51. The Ecologist has suggested that relocating the open space within site 13 would create a greater stand off of development from Threepers Drumble. While this is desirable for nature conservation purposes it would have a negative landscape consequence by presenting a line of development along the A51 within site 13. The stand off of 3m to the new road will prevent any significant harm to hedge and tree root protection areas.

### Heritage Impact

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

### Design

The two sites together are the largest of the development proposed, the general design layout of the sites is with open space to the site frontages and dwelling positioned around a cul-de sac style is a more suburban form of design than the other sites in the proposal, however these sites are situated closer to the village of Woore and would be seen in the wider context of the Garden Centre on the opposite side of London Road. The majority of properties appear to be detached units, of 3 and 4 bedroom dwellings, which is acceptable, however a better mix of housing types would create a better social mix on the site.

### Amenity

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

### Archaeology

The Estate Plan of Hunsterson dates 1815 identifies three structures within the northern half of Site 14, however by the Bridgemere Tithe Map of 1844 one of the structures had gone and the remaining structures (c. 20m x 10m & 10m x 5m) were identified as Homesteads and Crofts.

In this instance mitigation would take the form of a strip, map and record exercise, whereby the footprint of each of the buildings identified by historic mapping and outlined above, would be stripped using a suitable machine under archaeological supervision and control, down to the first archaeological layer, after which excavation would proceed by hand. An agreed excavation and recording methodology would then be implemented to excavate and record those archaeological features/layers that survived. The results of the work would then be written up into a report at which point the relevant background documentary research would also be undertaken, to be submitted for inclusion in the Cheshire Historic Environment Record.

## **Site 15 – Hunsterson Road / London Road – 25 dwellings**

Application site 15 is situated on Hunsterson Road, adjacent to site 2 and site 3. The application site is a rectangular shaped site with tree coverage to the west. The proposal seeks permission for 25 dwellings on this plot, 6no affordable units, a LEAP and an allotment.

### Trees

It is not anticipated that there will be any significant arboricultural implications associated with this site. A category C2 (T12) Goat Willow will be removed and compensated for by substantial planting to the east of the site.

### Agricultural Land Classification

The site extends 3.5ha of arable land bounded by Hunsterson Road, to the north with London Road bounding the site to the east. Other agricultural land is location to the south and west. The site is largely level rising gently from 86m AOD in the north to 87 AOD in the south. The Land Classification is Grade 3a - 62% and 3b - 38% and therefore is a loss of BMV land.

### Landscaping

This site consists of 25 dwellings varying from 2 bed terraced houses arranged around a courtyard space to individual 3 and 4 bed detached properties to the middle and east of the site. The northern boundary is an established hedge on Hunterston Road, to the west is a small woodland separating the development from site 2. To the east there is a low hedge on the A51 while the southern boundary is mostly along an open arable field. Substantial tree planting is proposed including a small woodland separating and ultimately screening the development from the A51 and a new hedge and substantial individual tree planting along the southern boundary. This site will be relatively open before the landscaping takes effect, but will be substantially screened by woodland and trees once the planting matures. Advance landscaping particularly the proposed woodland at the eastern end of the site would be very helpful to create early screening and integrate the development into the surrounding landscape. Impact on the designated Doddington Parkland will be low due to distance, topography and existing hedges/trees.

### Access and Parking

A new site is proposed Site 15 with 25 dwellings with an access from Hunterson Road, the access is a priority junction with a 4.8m carriageway and 2.0m footway. The internal road section will operate as a shared surface with a turning facility at the end that accommodates refuse vehicles. The proposed highway layout does not raise any design issues. The Strategic Highways Officer states therefore that there are no objections to this site.

### Heritage Impact

The proposed development is for 25 dwellings, set to the east of site 2, 500m to south of Historic Park and Garden (HPG) and 1,150m to south of Doddington Hall. The Heritage officer notes that the proposed 25 dwellings have the potential to have an impact on limited open views of the HPG, the Pool and specimen planting from Hunsterson Road. Proposed strategic planting on the

northern edge of the site and on the opposite side of Hunsterston Road associated with site 3, will help offset that visual relationship.

### Design

The layout of the site comprises two distinct areas of development. The layout to the west of the site is proposed as courtyard development with three rows of terrace properties, including 6 no two bedroom affordable houses. The design would include a communal garden/allotment to the southern corner and a LEAP overlooked by the properties within a courtyard design. These properties will reflect those on Site 2 adjacent and linked by a footpath and are considered to be acceptable given the proximity to Bridgemere.

The eastern part of the site is designed more akin to the larger development sites, 1, 13 & 14. With properties accessed off one main road. The proposed tree planting and landscaping will help to mitigate for the impact these dwellings would have on the open countryside location and therefore are also considered to be acceptable as mitigated, with the inclusion of advance planting. There are proposed to be 4 no. 3 storey dwellings on the site and the Design Officer considers this to be too great a number and also the positioning of such dwellings on the site needs careful consideration.

### Amenity

The application site is largely open with few properties sited near it. The property Bridgemere Villa is sited on the corner of Hunsterson Road, opposite the proposal site. However the neighbouring dwelling will overlook the new area of planting and therefore will not be affected by overlooking from the new development. There are no other neighbours which would have an impact on neighbouring amenity.

## **Response to comments**

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

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

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

It is noted that the Parish Council have raised concerns that the HS2a construction route will include the A51 London Road and have an adverse impact on property prices. The applicant has considered this matter and concluded that the use of London Road as a construction route is unlikely to have a significantly detrimental impact on the property valuations as proposed by Butters John Bee who had already factored in the proximity of the road to the application site.

## **S106 Legal Agreement**

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

The applicant and the Council legal team are currently drafting a S106 agreement for the above sites. The legal agreement will require the applicant to open a separate bank account for the proceeds of the sale/charging of the sites, that the Council will receive all the statements from the bank account to enable a check to be made of the money in it. Furthermore, a bond will be required to cover the amount of the works (£9.6 million) to ensure the heritage works are secured, should the contents of the bank account not be spent on what is required.

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

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

These provisions ensure that certain described works have to take place before other works/or in tandem to other works and as such the Council can control the enabling development, to ensure

that the heritage assets are safeguarded alongside or before the development of the hotel, and in all likelihood before the construction of the houses.

The Legal Agreement will also include securing the Education contribution of £323,326.00, in the form of £277,826 for Secondary Education and £45,500.00 for SEN provision.

Sites 1, 10, 14 and 15 include LEAP's, a LAP, and a communal allotment. It is considered appropriate that these areas are secured and maintained into the future. Furthermore, sites 2, and 13 include areas of open space, and it is also suggested that a management plan is submitted for the individual areas of open space, and the maintenance of those areas of open space by the properties (through a management company) to be built out on that site is secured through the s106 agreement.

### **CIL Regulations Statement**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S111 satisfy the following:

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

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

Affordable housing provision is required to offset the impact of the development. The development would result in the requirement for the provision for 34 affordable units. The applicant has proposed 10 affordable housing units which although is below policy standard, this is considered to be necessary and fair and reasonable in relation to the development.

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

As explained within the main report, POS and children's play space, and allotment is a requirement of the Planning Policy, and its long term maintenance needs to be secured and therefore. It is directly related to the development and is fair and reasonable.

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

### **Planning Balance**

The proposal seeks permission for 112no dwellings over 12no sites within the Doddington Hall Estate.

This application is the resubmission of 16/5719N (Outline application for development of 12 no. sites for residential development for up to 102 no. dwellings with means of access and layout included, but with all other matters reserved, for a 15 year phased release and delivery period) which was refused in September 2017. The previous application was refused on the grounds that the positive benefits of the heritage proposal did not outweigh the principle objection of unsustainable housing in the open countryside and Site 4 would have an adverse impact on Highway safety.

The resubmission includes 10 no. affordable housing units, £323,326.00 of Education contribution, POS and Childrens Playspace on 4 sites (3 LEAP's and 1 LAP), amongst several permissible routes across the Doddington Estate, a car park extension of the School and Church. The revised scheme increases the number of dwellings by 10 units from the previous application.

The development would result in a loss of 13no. parcels of land within the Open Countryside contrary to Policy PG 6 of the Cheshire East Local Plan Strategy. The Council can demonstrate a 5 year housing land supply and therefore proposal for development should be determined in accordance with the Development Plan unless other material circumstances outweigh the objection in Principle.

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

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

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

The development for 112no dwellings across 12 sites, would provide benefits in terms of delivery of housing in the rural area, and economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the local area, and the future impact on tourism in the area and help support numbers within the local primary school. Furthermore, a significant benefit of providing funds to ensure 4no. buildings on the Historic England 'At Risk' register are renovated, and put into a viable future use, protecting them for the foreseeable future. The development also includes community benefits such as an extended car park for the Primary School and improved pedestrian access to the school from the adjacent sites, 10 affordable dwellings, Education contribution, and POS/Children's Play Space.

The development would have a neutral to minor impact upon ecology, trees, highway safety, neighbouring amenity, flood risk/drainage, land contamination, heritage assets and landscape

impact. All of these issues can be addressed with either slight amendments to the layout plans or by conditions/addressed at the detailed reserved matters stage.

The adverse impacts of the development would be the loss of open countryside in unsustainable locations, the loss of small areas of Best and Most Versatile Land and insufficient level of affordable housing to mitigate the whole development.

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

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

**HEADS of TERMS**

1. **Enabling Development Scheme to link applications 14/5654N and 14/5656N with 18/2153N**
  - **Applicant will open a separate bank account, with statements from the bank account being sent to the Council for transparency,**
  - **The Applicant will enter into a bond to cover the amount of the works.**
  - **The Council has access to the details of the sale/charging of land to check the amount of money raised by the sites,**
  - **Applicant to agree a Schedule of works in priority order, when the works are to be undertaken and by when.**
  - **A technical specification of proposed works for each of these main work areas shall be submitted an approved**
2. **POS/LEAPs on sites 1, 10, 14 and 15 and Management Plan for the Open Space on sites 2, and 13 and their future maintenance**
3. **Education Contribution**
4. **Affordable housing provision**

**and with the following conditions**

1. **Phased Reserved matters to include details of – Appearance, Landscaping and Scale**
2. **The first application for reserved matters must be made not later than 5 years from the date of permission**
3. **Development shall be implemented within 15 years of the outline permission or the expiry of 5 years of the final approval of reserved matters**
4. **Approved plans**
5. **Each reserved matters must accord with the Design code**
6. **All dwellings will be a maximum of Two storey, height restriction and Site 11 true 2 storey only**
7. **Removal of PD**
8. **All residential development will be situated within Flood Zone 1 and finished floor levels a minimum of 600 mm above the adjacent 1 in 100 annual probability climate change fluvial flood level, also a minimum of 0.15 m above adjacent ground levels.**

9. If within 5 years of the date of the planting of any tree/hedge plant or any tree/hedge plant planted in replacement of it, is removed, uprooted or destroyed or dies – replacement required
10. Electric Vehicle Infrastructure for each dwelling
11. Foul and surface water shall be drained separately
12. Within 6 months of the development on site 4 being completed, a scheme for the removal of the temporary road, and replacement with a path shall be submitted to and approved in writing
13. Unexpected Contaminated Land
14. Soil importation – contaminated land

**Each reserved matters application**

15. Each reserved matters application shall include details of external lighting
16. Each Reserved Matters application will include a landscape management plan, covering landscape and habitat mitigation areas for 20 years from implantation
17. Each reserved matter shall include an updated be supported by an updated supported by an Arboricultural Impact Assessment and Tree Protection Scheme/Method Statement in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations
18. Each Reserved matters application shall include a scheme of landscaping, in accordance with the Residential Sites Design Code and Landscape and Visual Appraisal
19. In addition to the scheme required by condition 18, proposals for advanced landscaping planting are required, to strengthen/gap up hedgerows, additional hedgerows trees where appropriate and to the eastern end of sites 3 and 15 proposed tree planting should be undertaken
20. Each reserved matters application shall include detailed design, implementation, maintenance and management of a surface water drainage scheme
21. Each reserved matter application shall include detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge accompanied by relevant calculations)
22. Each reserved matters application shall include an updated protected species assessment and mitigation strategy
23. Each reserved matters application shall include a Major Development Construction phase Environmental Management Plan

**Site Specific Conditions**

24. The reserved matters applications for sites 9 and 10 shall include supported by a drainage strategy formulated to safeguard the hydrology of nearby peatland sites.
25. Reserved matters application for sites 13 and 14 shall include proposals for the management of Threeper's Drumble in perpetuity.
26. The reserved matters scheme for site 6 shall include an amended parking layout in accordance with the current Highway standards
27. Site 6 - No development shall take place within flood zone 3 and any alterations to ground level or any other works that may affect the fluvial flood outline will require compensatory storage to be agreed in writing by the LPA.
28. The reserved matters applications for Sites 1, 10, 14 and 15 shall include full designs and layouts of the proposed LEAP's and LAP

**Prior to the commencement**

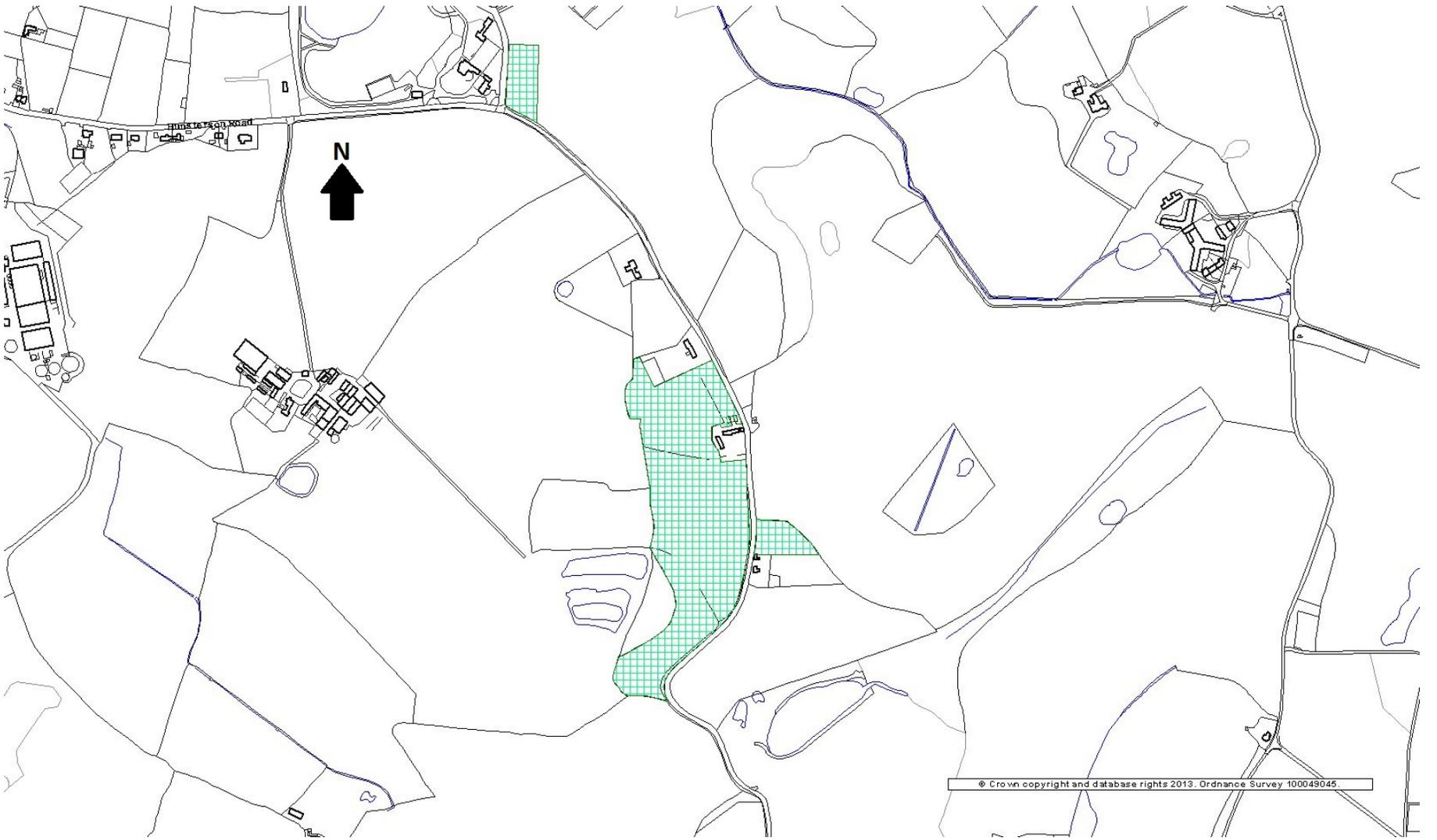
29. Prior to the commencement of development, a Public Rights of Way scheme of management shall be submitted to and approved in writing
30. Prior to the commencement of development of each site, dust control measures
31. Prior to the commencement of each site, details of piling foundations shall be submitted to and approved in writing
32. Prior to the commencement of development of Sites 2, 3, 4, 8, 10, 13, 14 & 15 – Phase II Contaminated Land Report
33. No development shall take place on Sites 1, 4, 8, 10 and 14 until a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

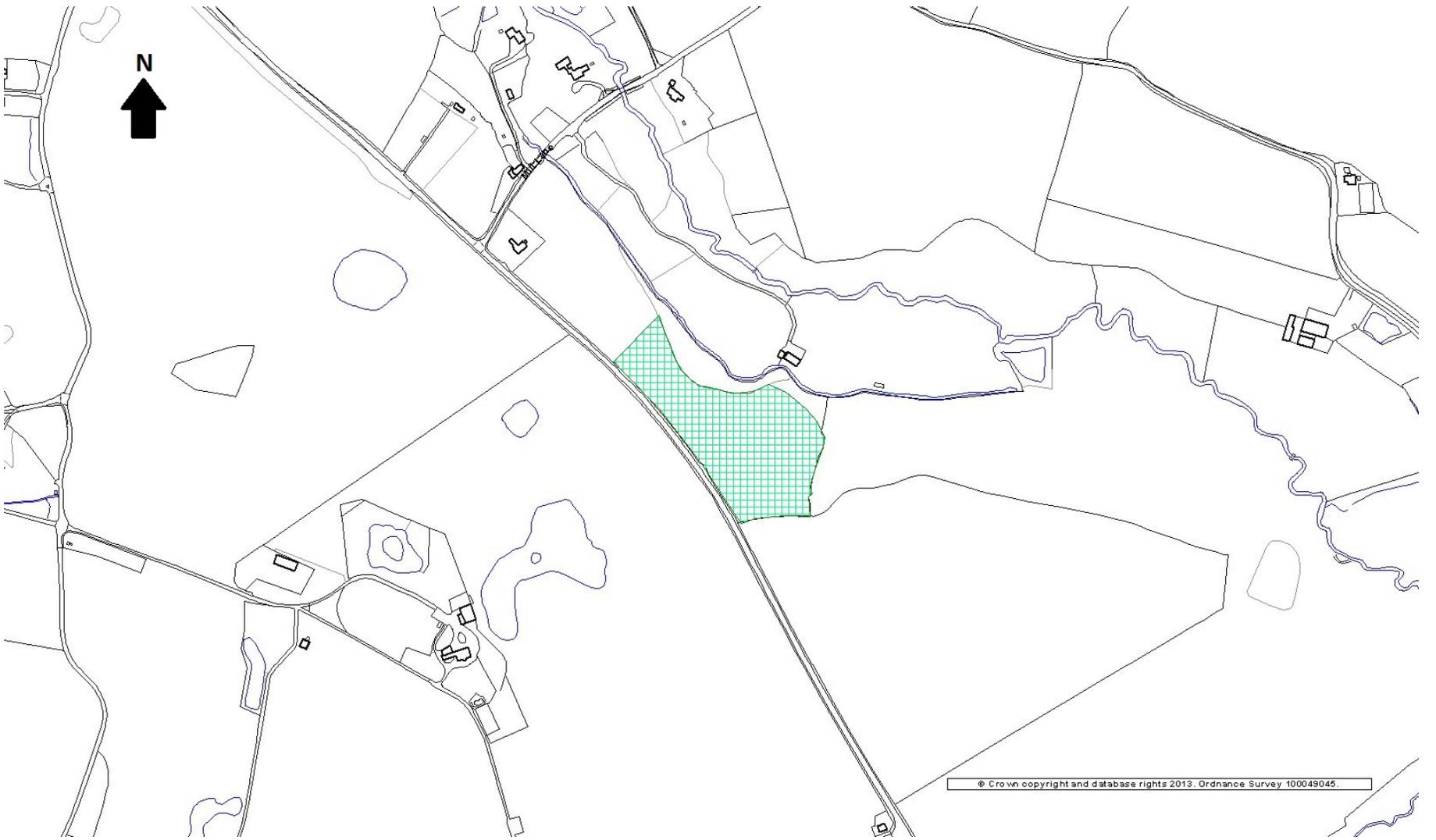
**Prior to first occupation**

34. Prior to first occupation of each site, Residents' Travel Information Pack shall be submitted to and agreed in writing
35. Prior to first occupation of each site, the noise mitigation approved shall be implemented, and retained in perpetuity
36. Prior to the first occupation Sites 2, 3, 4, 8, 10, 13, 14 & 15 – Remedial scheme and validation report (contaminated land)
37. Prior to the first occupation of Site 4 passing bays shall be constructed and available for use
38. Prior to the first occupation of 25<sup>th</sup> dwelling, the car park on site 6 shall be implemented and available for use by Bridgemere C of E Primary School
39. Prior to the first occupation of the 25<sup>th</sup> dwelling, the car park for St Johns Church shall be implemented and available for use

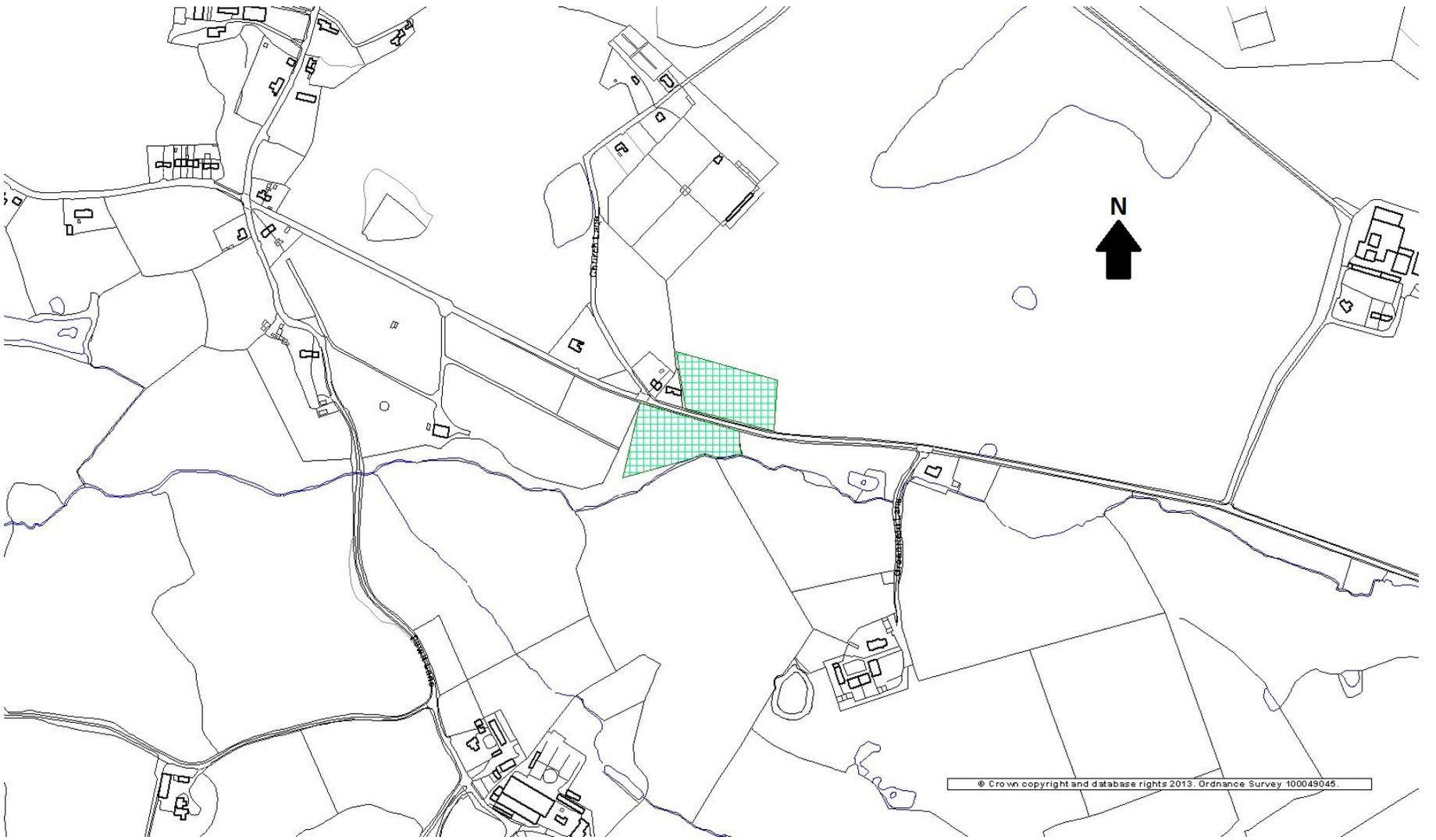
In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the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

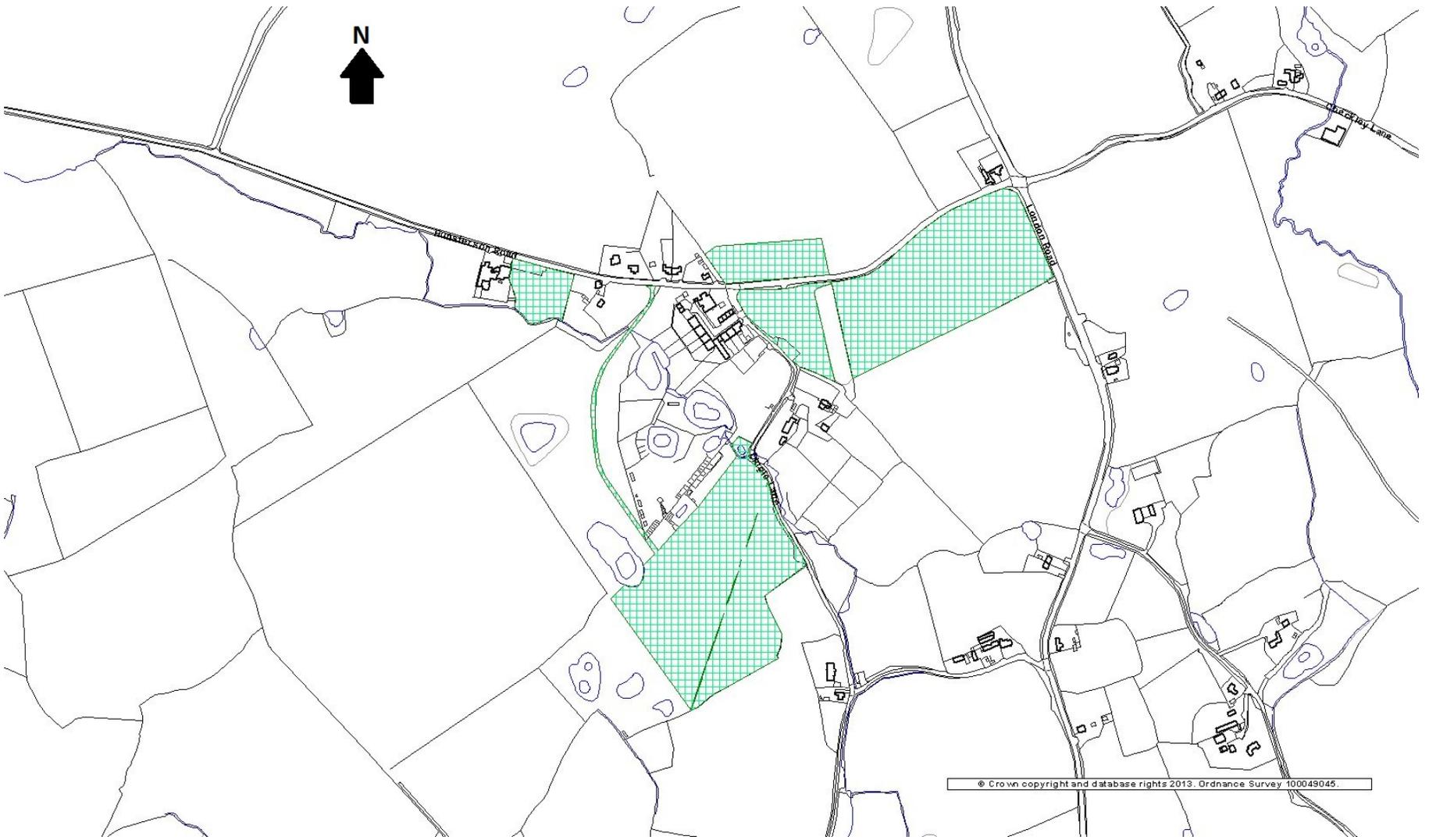
Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

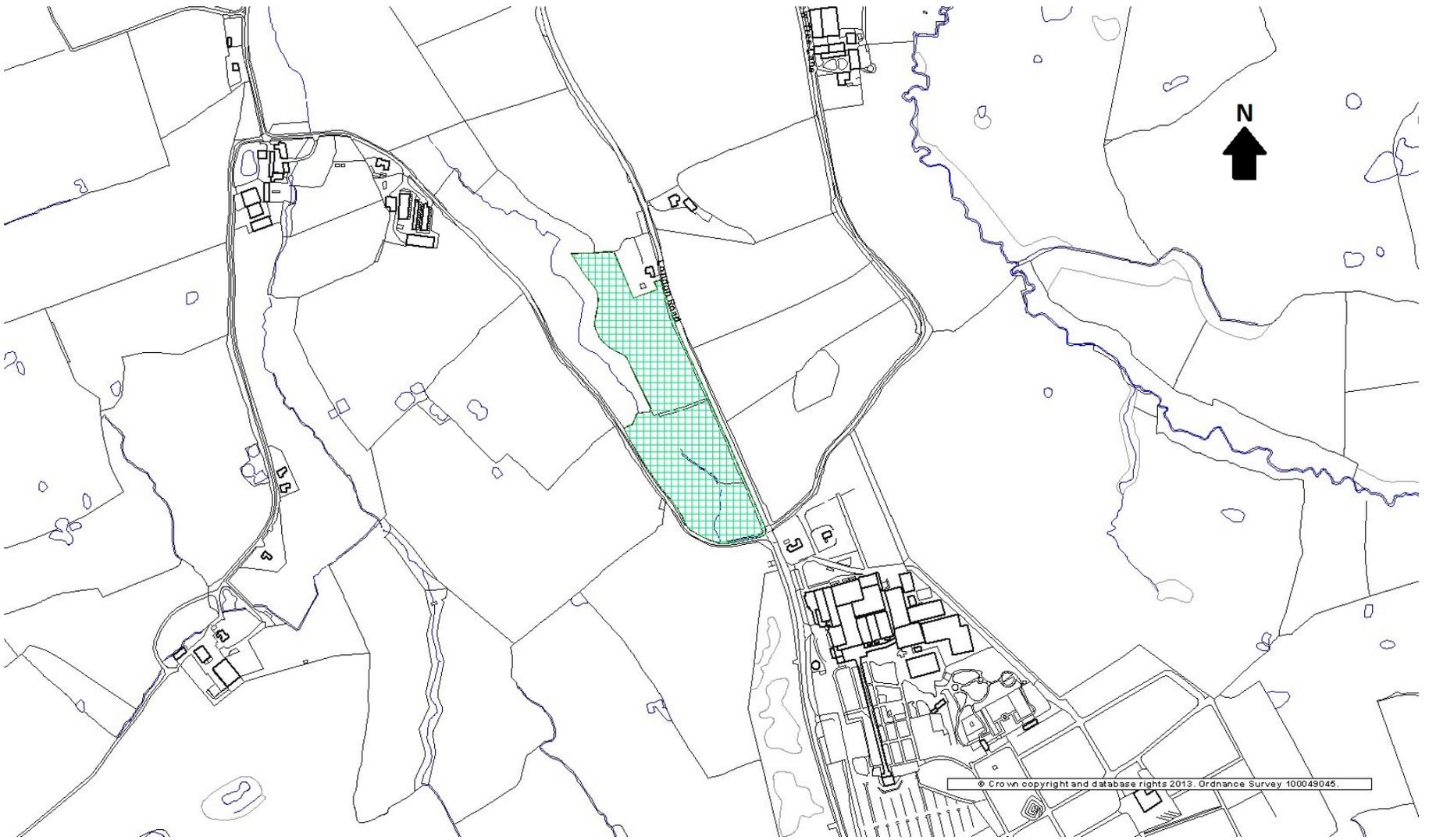




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Application No: 17/6470M

Location: LAND AT, PARKGATE INDUSTRIAL ESTATE, KNUTSFORD

Proposal: The erection of 16no. units with access and servicing arrangements, car parking, landscaping and associated works (Use Classes B1(C)/B2/B8)

Applicant: Chancerygate

Expiry Date: 23-Mar-2018

**SUMMARY**

The site proposes an employment use on a site recently allocated in the CELPS for such development. The principle of the development is therefore acceptable. The design of the buildings is in keeping with the adjacent industrial estate and there is not considered to be any significant impact upon the living conditions of neighbours, trees, contaminated land and air quality.

The comments received in representation relating to the highway impact of the development are acknowledged, however as outlined by the Highways Authority this impact can be appropriately mitigated through the provision of a new roundabout at the Parkgate Lane / Mobberley Road junction and financial contributions towards improvement works at two junctions in Knutsford.

During the application process, it has been identified that additional on-site mitigation is required to protect interests of nature conservation. The applicant has now provided the appropriate mitigation and revised plans have been received to reflect this. This has resulted in a reduction in the area of the site to be developed.

Further information has also been requested in respect of car parking requirements, which remains outstanding and will be reported as an update.

The proposed development is acceptable in principle and is in accordance with Development Plan policy. The provision of employment uses as proposed on an allocated site is environmentally, economically and socially sustainable. The site sits adjacent to the existing Parkgate Industrial Estate and would be well integrated into the existing employment area and as such it is considered that the proposal will meet the three dimensions of sustainability as set out in the Framework

The application is recommended for approval subject to conditions and the satisfactory receipt of the additional information relating to car parking.

**Recommendation:**

Approve subject to conditions and a s106 agreement

## **PROPOSAL**

This application seeks full planning permission for the erection of 16 (B1(c)/B2/B8) units with access and servicing arrangements, car parking, landscaping and associated works.

The proposal has been amended during the course of the application, reducing the scale of the development, in order to provide compensatory habitat for great crested newts. The total floorspace of the employment units now amounts to 26,427sqm.

## **SITE DESCRIPTION**

The application site covers an area of approximately 6.4 hectares of open vacant land, with some vegetation, mainly to the site boundaries. The site has the existing commercial properties on the Parkgate Industrial Estate to the west, commercial and residential properties to the south (on the opposite side of the railway line), a sewage treatment plant to the east (on the opposite side of Birkin Brook), and open land to the north, which has the benefit of outline planning permission for a residential development of 250 dwellings. The eastern edge of the site is located within flood zones 2 and 3.

The site itself is allocated as part of Strategic Site LPS37 Parkgate Extension in the CELPS.

## **RELEVANT HISTORY**

08/2717P – OUTLINE APPLICATION FOR THE ERECTION OF AN EMPLOYMENT DEVELOPMENT COMPRISING CLASS B1, B2 & B8 USES AND ASSOCIATED HIGHWAYS WORKS AND LANDSCAPING BUFFER (RESUBMISSION OF 08/0721P) – Not determined

08/0721P - ERECTION OF EMPLOYMENT DEVELOPMENT COMPRISING CLASS B1, B2 AND B8 USES AND ASSOCIATED HIGHWAYS WORKS AND LANDSCAPING BUFFER (OUTLINE WITH MEANS OF ACCESS ONLY APPLIED FOR) – Withdrawn 30.10.2008

06/1676P - OUTLINE APPLICATION, INCLUDING SITING ON PLOTS A, B, C AND F AND ACCESS UNRESERVED, FOR AN EXTENSION TO PARKGATE INDUSTRIAL ESTATE FOR CLASS B1, B2 AND B8 USE TOGETHER WITH A CAR SHOWROOM / SERVICING WORKSHOP ON PLOT A, INCLUDING ALL NECESSARY GROUND AND ASSOCIATED WORKS (VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION 05/926P) – Approved 14.08.2006

05/0926P - OUTLINE APPLICATION, INCLUDING SITING ON PLOTS A, B, C AND F AND ACCESS UNRESERVED, FOR AN EXTENSION TO PARKGATE INDUSTRIAL ESTATE FOR CLASS B1, B2 AND B8 USE TOGETHER WITH A CAR SHOWROOM / SERVICING WORKSHOP ON PLOT A, INCLUDING ALL NECESSARY GROUND AND ASSOCIATED WORKS – Approved 29.09.2005

60817P - OFFICE DEVELOPMENT WITH ROADS PARKING AND A TUNNEL UNDER THE RAILWAY – Withdrawn 04.10.1991

23306P - SPECULATIVE INDUSTRIAL WAREHOUSE USE (OUTLINE) – Refused  
24.11.1980

## **POLICY**

### **Development Plan**

#### **Cheshire East Local Plan**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG3 Existing and allocated employment sites  
EG5 Promoting a town centre first approach to retail and commerce  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

Strategic Site LPS 37 – Parkgate Extension, Knutsford

#### **Saved policies of the Macclesfield Borough Local Plan**

NE11 (Nature conservation interests)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8 (Requirements to provide and maintain landscape schemes for new development)  
DC9 (Tree protection)  
DC13 (Noise)  
DC63 (Contaminated land)

### **Neighbourhood Plan**

Knutsford Neighbourhood Plan – Regulation 14 stage reached (Draft Plan)  
Relevant draft polices include:

D1 The Knutsford Design guide  
D2 Local Distinctiveness  
D3 Landscape in New Development  
ER1 Employment Development  
E2 Green and Blue Corridors  
E3 Habitat Protections and Biodiversity  
HW1 Health and wellbeing  
T1 Walking in Knutsford  
T2 Cycling in Knutsford  
T3 Public Transport  
T4 Parking

### **Other Material Considerations**

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

NPPF

NPPG

### **CONSULTATIONS**

**United Utilities** – No objections subject to condition relating to drainage, and retaining wall

**Network Rail** – Raise a number of matters to protect the railway line

**Environment Agency** – No objection subject to development being carried out in accordance with FRA.

**Manchester Airport** – No objection subject to conditions relating to Bird Habitat Management Plan.

**Flood Risk Manager** – No objections subject to condition regarding surface water drainage

**Environmental Health** – No objections subject to conditions relating to noise mitigation, piling, floor floating, environmental management plan, electric vehicle infrastructure, dust control and contaminated land

**Head of Strategic Infrastructure** – No objections subject to provision of roundabout at Parkgate Lane / Mobberley Road junction, and contributions towards improvements at Adams Hill and Brook lane junctions.

**Knutsford Town Council** – Strongly objects on the grounds that the proposal would significantly worsen the already severe traffic problems affecting Parkgate Lane. Would support an alternative access underneath the railway line. Appropriate landscaping is required to protect residential and visual amenity of properties beyond the railway line.

### **REPRESENTATIONS**

21 letters of representation have been received from interested parties objecting to the proposal on the following grounds:

- Contrary to LPS 37 as no suitable vehicular access is provided. No access over or under railway line is provided
- Unsustainable due to increased use of Parkgate Lane and Haig Road by HGVs associated with operation of businesses and staff.
- Landscape impacts are unclear, particularly from Tatton Park
- Proposal will exacerbate existing rush hour congestion
- Access road, and narrow humped-back bridge, unable to cope with traffic
- Impact on parking for local businesses
- Acoustic buffer needs to be incorporated into layout
- Without the provision of a buffer on the site, the scale and form of the units is inappropriate
- Little innovation in design or in the mitigation of potential impacts on local residential amenity
- Noise impacts on residential properties
- Proposed development must be required to provide new roundabout at Parkgate Lane / Mobberley Road junction, and contribute to improvements at other junctions
- Need for secondary access
- Condition of existing footways will not help to promote walking
- No cycle ways in the vicinity
- No public consultation by applicant
- Intention to only appoint a travel coordinator on occupation is against best practice
- The emphasis on providing information but precious little in the way of infrastructure and service support is inadequate
- Bus services have been reduced
- No design for roundabout has been submitted
- Cycle parking is proposed, but no guarantee of showering and locker storage
- Inadequate parking

2 letters have been received making the following general observations:

- Not clear what preventative measures will be adopted avoid soils being washed into the brook during construction
- A new entry / exit is a priority before any expansion of the industrial estate

## **APPRAISAL**

### **Principle of development**

The application site forms part of LPS37, Parkgate Extension, Knutsford in the CELPS, which includes provision for 6 hectares of employment land. The required ecology buffer to the north of the site, reduces the available employment land to just below 6 hectares on this 6.4 hectare site, and as such fulfils the employment allocation for this strategic site.

The Parkgate extension allocation also seeks to achieve the following criteria, which are relevant to the current proposal: suitable vehicular access, incorporation of green infrastructure, landscaping, SuDs, ecological mitigation, pedestrian and cycle links, and an approximate 50 metre buffer between the proposed housing and employment uses. These matters, together with the following site specific principles of development for this site, will be considered in the remainder of this report (unless not relevant to current employment proposal):

- a. Requirement for a landscape character assessment
- b. Comprehensive landscaping scheme
- c. Improved connectivity and accessibility to the town centre and wider local area
- d. Ecological mitigation and enhancements
- e. Avoid development in flood zones 2 and 3 on eastern boundary
- f. Provide satisfactory road access to the site
- g. Contributions to highway infrastructure
- h. Contributions to education and health infrastructure (not applicable to current employment proposals)
- i. Provision of green infrastructure
- j. Archaeological mitigation
- k. Affordable housing (not applicable to current employment proposals)
- l. Noise mitigation requirements for housing (not applicable to current employment proposals)
- m. No adverse impact on the Midland Meres and Mosses Phase 1 Ramsar and Tatton Mere SSSI
- n. Minimum of a Phase 1 Preliminary Risk Assessment for contaminated land required

### **Character & appearance**

The site will be a continuation of the existing Parkgate Industrial Estate, and as such the utilitarian appearance of the proposed buildings, which vary in height between 11m and 13.75m, will be in keeping with this existing character.

The buildings and car parking are softened to some degree by the landscape buffer to the north, and other planting within the site. To the east a retaining wall is proposed to the rear of units 6 – 12, due to the drop in land levels down to Birkin Brook. This is indicated to be a maximum of 6.5 metres high, which is a significant height, however due to the presence of the sewage works to the east, the impact upon the character of the area is considered to be acceptable. Further details and landscaping can be secured by condition. There is also the potential for landscaping in front of the retaining wall.

The proposal is therefore considered to comply with policies LPS 37, SE1 and SD2 of the CELPS.

### **Ecology**

The nature conservation officer has provided the following comments on the application:

#### Great Crested Newts

Great Crested Newts (GCN) have previously been recorded within an adjacent water body to the north of the site. The current proposals will mean the loss of a large area of semi-natural habitat, and revised plans have been submitted which provide for adequate provision for compensatory habitat for the GCN. An area of good quality grassland habitat equivalent to that of the existing good quality marshy grassland habitat in the north-west section of the site (approximately 0.5ha) is now proposed in order to adequately mitigate for the loss. An ecological mitigation report makes further recommendations in terms of the content, composition and management of the compensatory habitat. An appropriate condition is recommended to ensure adherence to the plan and the mitigation strategy.

#### Breeding birds

If planning consent were to be granted a condition requiring a nesting bird survey is recommended.

### Birkin Brook

The proposed site plan shows the incorporation of native species buffer planting along the site's east boundary, alongside Birkin Brook. This buffer zone extends out 8m from the brook and is considered to be acceptable. The ecological mitigation statement confirms that the retaining wall, which will be built along the eastern edge of the site, will be constructed from the western side, i.e. no construction vehicles or material will enter the buffer zone to build the wall. This can be secured by condition.

### Badgers

A main badger sett has been identified on the site's eastern boundary. The submitted ecological mitigation report makes adequate recommendations regarding the closure of the existing sett and provision of a replacement, which can be secured by condition.

### Bats

Following an inspection of identified potential roost features of trees on site, it is concluded that the trees offer negligible bat roost potential. No further surveys for bats are required.

### Himalayan Balsam

The applicant should be aware that Himalayan Balsam is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause this species to grow in the wild. Disturbance of soil on the site may result in increased growth of Himalayan Balsam on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with the species must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

### Enhancement for wildlife

One of the site specific principles of development for this site listed under policy LPS37 is to secure appropriate mitigation and enhancements. This is also reflected in policy SE3 of the CELPS. In this regard a condition is recommended to require the incorporation of features to increase the biodiversity value of the final development.

### Midland Meres and Mosses Phase 1 Ramsar and Tatton Mere SSSI

The site is near the SSSI and falls within Natural England's impact zone, however, in this instance, for non-residential developments Natural England do not ask to be consulted for this location. The submitted ecology report concluded that given the distance involved and the buffer zone habitats, it is considered unlikely that the development would impact deleteriously on the protected sites. The Council's ecologist agrees with this conclusion.

Subject to the conditions recommended above, the proposal will comply with policy SE3 and LPS 37 of the CELPS.

### **Trees and landscape**

The trees within the site are not afforded protection by a Tree Preservation Order, and most of the existing tree cover within the site will be removed with the exception of four mature Oaks to the eastern section of the site (T4, T5, T22 and T23). The latter two trees appear to

be situated close to the proposed new buildings and as a consequence the Root Protection Area (RPA) of both trees will likely be affected, impacting on their long term health and well being.

As required by LPS37 a landscape character assessment has been submitted as part of the applicant's Landscape & Visual Impact Appraisal. The area is characterised by three distinct character areas – Estate Parkland, Open Farmland, and Residential and Commercial. The proposed development will introduce urban elements into an area of previously grazed agricultural fields and lead to a loss of some mature individual trees and areas of woodland within the site. The visual change will be prominent from within the site but only a small number of visual receptors exist beyond the site boundaries with the majority of these being connected to two footpath routes. One to the north, which runs through the proposed housing site, and one to the east, which will have views of the site filtered by the sewage works in the foreground.

The application includes a supporting Landscape Proposals Plan which proposes indicative deciduous tree planting of Oak, Beech, Lime and Sycamore within the site allocation. Some of the proposed tree positions are located in relatively small areas of landscaping or are located close to proposed buildings and therefore establishment of these high canopy species is unlikely to be successful in the long term.

A proposed buffer planting area of native trees including whips and select standard trees is also proposed along the eastern boundary of the site. Given the position and influence of the proposed new buildings and their use and the relatively narrow width of the planting area, it is considered such planting is unlikely to be successful in the long term.

An approximate 20 metre buffer is proposed as part of the residential development to the north, and the buffer within the application site varies in depth between 10m at its narrowest and 28m at its widest. Clearly, in some areas this will not amount to approximately 50m, but the purpose of the buffer is for noise mitigation, and this can still be achieved with the buffer as proposed together with acoustic fencing to protect the living conditions of future residential occupiers.

Notwithstanding the submitted landscape details, landscaping conditions are still recommended in order to ensure appropriate planting to these areas, and to provide a better guarantee of successful establishment in the long term. The landscaping conditions also provide the opportunity to address the comments raised by Network Rail.

The Forestry Officer raises no objections to the loss of the identified trees. No significant tree issues are therefore raised, and subject to conditions relating to tree protection and landscaping, the proposal is considered to comply with policies LPS37, SE4 and SE5 of the CELPS.

### **Archaeology**

The application is supported by an archaeological desk-based assessment, which considers the data held within the Cheshire Historic Environment Record (CHER) alongside historical written and cartographic sources, Portable Antiquity Scheme data, aerial photography and LIDAR data.

The report identifies several non-designated heritage assets within the application area largely related to post medieval agricultural activity, which includes ridge and furrow plough marks, ponds, pits and field boundaries. In response to the application, Cheshire Archaeology Planning Advisory Service (APAS) notes that the potential for further unknown archaeology is considered low/medium and the likely significance of anything found would be low.

APAS are in agreement with the conclusions of the assessment as it would appear that the proposed development is unlikely to disturb any significant below ground archaeological remains. Therefore no further archaeological mitigation will be required in this instance, and the proposal complies with policies SE7 and LPS 37 of the CELPS.

### **Highways**

The site is located at the end of Haig Road that currently serves Parkgate Industrial estate. It is proposed to access the site solely from Parkgate Lane and then Haig Road. No access is proposed from the site to Rookwood Way at the south east end of the site as it has been in previous proposals on this site.

### Parking

There are now 16 units proposed that vary in size from 381sqm to 2,532sqm, which equates to a total of 26,427sqm. 371 parking spaces are currently proposed, which equates to 1 space per 71sqm. The Strategic Highways Manager (SHM) advises that the number of parking spaces is sufficient for the proposed B2/B8 units on the site. However, whilst the SHM is satisfied with the parking provision for the B2/B8 uses, the description of development includes B1(c) uses (light industrial uses) as well which do have a higher parking requirement than B2 and B8 uses set out in the Council's adopted parking standards. The submitted Transport Assessment has been produced to support B2 and B8 uses, not B1(c) uses. Further details are awaited from the applicant on this matter. In the event that they are not satisfactorily received, it may be necessary to attach a condition to ensure the uses are restricted to B2/B8 only to ensure consistency with the applicant's supporting statements.

### Site accessibility and Access

Haig Road provides direct access to site and there are existing footways on both sides of this road that link to pedestrian facilities on Parkgate Lane. The site is located some distance away from the nearest local bus services on Mobberley Road, but they are nonetheless accessible from the site. Secure cycle parking is also proposed as part of the development.

Haig Road does suffer from on-street parking problems with vehicles parking on both sides of the road reducing the available road width affecting the traffic flow. The applicant has submitted proposals to improve the parking situation along Haig Road as part of the application by creating parking bays in the grass verge and also introducing waiting restrictions.

To the south west corner of the site, an area of land is shown to be retained for future access connections to the south beneath the railway. This is not proposed as part of the current application, but it is considered to be appropriate to retain this option for the future, and therefore a condition is recommended to safeguard this potential future access route.

### Development Impact

The trip generation of the development in the Transport Assessment has been based upon a 50/50 split between B2 and B8 uses, as the end users of the units are not known. This produces a peak generation in the AM peak of around 160 trips.

Parkgate Lane currently serves the Parkgate Industrial Estate and there is also outline planning permission (13/2935M) for 250 residential units on land north of the application site, which has been included as a committed development.

A number of junctions have been assessed in the submitted Transport Assessment that are likely to be impacted by the development. These are the principal junctions that suffer from congestion problems in Knutsford and also the junction of Mobberley Road/Parkgate Lane that provides access to the site.

The results of the capacity assessments indicate that the junction of Parkgate Lane and Mobberley Road operates over capacity in the base scenario with and without the development traffic added. The capacity issue at this junction has been identified previously and a new roundabout scheme at the junction was agreed as part of the approved residential development 13/2935M. This improvement scheme has not yet been implemented and construction of the residential units has not commenced.

The capacity assessment with the roundabout in place does indicate that the junction will work within capacity in 2022 with the development traffic included. It is therefore clear that the mitigation scheme is required at the Parkgate Lane/Mobberley Lane to allow this commercial development to come forward.

The junctions in Knutsford that have been assessed are the Brook Street/Hollow Lane and Adams Hill/Toft Road. The Linsig model produced have not been able to replicate the actual queue lengths recorded on the approaches to the Brook Street junction and as such it is likely that the capacity results underestimates the length of queue at the junction. The capacity assessment shows that the junction would be operating above capacity in the AM and PM with the development traffic added in.

Similarly, the results of the Adams Hill junction also indicate that the junction would be operating in excess of capacity in 2022 with the development traffic added in the AM and PM peak hours.

There are identified improvement schemes at both the Brook Street and Adams Hill junctions, which have been developed by CEC to reduce congestion levels. The improvements are not currently fully funded although some contributions have been secured from other approved developments towards their implementation. The capacity assessment indicates that with the proposed improvements in place the operation of the junctions significantly improve when compared to the base case with development added.

In summary, the capacity assessments show that the Brook Street and Adams Hill is a congested part of the highway network in Knutsford and that improvements are required to provide additional capacity for this application to come forward.

In order to mitigate the traffic impact of the development at both Adams Hill and Brook Street highway improvements are required and a financial contribution from this development is

required. A mechanism has been agreed to provide contributions to the infrastructure improvements and this was been applied to the Parkgate residential approval and also a permission at Booths Hall. Comments are awaited from the Highways Authority on the precise level of contribution required for the reduced floorspace of the proposal

The measures to reduce the on-street parking along Haig Road are considered a benefit and would be supported by the Highways Authority. These would have to be delivered via a S278 Agreement, and an appropriate condition is recommended.

Subject to these requirements being met, and the receipt of the additional parking information, no significant highway safety or traffic generation / impact issues are raised and the proposal is compliant with policy LPS 37 of the CELPS.

### **Contaminated land**

The site investigation reports, from March 2017 and May 2017, submitted in support of the application recommend that remedial measures are required. Consequently, conditions are recommended requiring the submission of a remediation strategy and verification report to ensure that the site development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development, in accordance with policy DC63 of the MBLP and LPS37 and SE12 of the CELPS.

### **Air Quality**

Policy SE12 of the 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.

Air quality impacts have been considered within the air quality assessment submitted in support of the application, which considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to both NO<sub>2</sub> and PM<sub>10</sub> concentrations.

There is, however, a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted. Knutsford also has an Air Quality Management Area, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The submitted air quality report also states that the developer should implement an adequate demolition and construction dust control plan to protect sensitive receptors from impacts during this stage of the proposal and there has also been a Travel Plan submitted in support of the development. Electric vehicle charging points will also be provided.

Appropriate conditions are therefore recommended, and subject to these conditions, the proposal is considered to comply with the air quality aspects of policy SE12 of the CELPS.

## **Flood Risk**

The submitted Flood Risk Assessment outlines how the site and development complies with the sequential and exception tests:

### Sequential test

Part of the site is identified to be in Flood Zone 3, therefore a sequential test is required to demonstrate that no other suitable sites are at a lower risk of flooding. The applicant outlines:

- Less vulnerable uses are appropriate in Flood Zone 3
- The site is allocated as an employment area in Knutsford
- There are therefore no other suitable sites of a sufficient size, in an appropriate location that are at a lower risk of flooding.

### Exception test

The exception test considers wider sustainability benefits to the community that outweigh flood risk and a site specific FRA must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere.

The applicant outlines:

- The FRA identifies that the site is located outside of the functional flood plain, and following development of the site, the occupied areas will be well above flood zone 3, and located in flood zone 1.
- In the event of higher periods of flooding the site is protected through flooding through the proposed finished floor levels and access to and from the site can be achieved as per Environment Agency recommendations for the less vulnerable classification of development.

The Environment Agency raises no objection to the development or the contents of the FRA. They note that the proposed development will only meet the requirements of the National Planning Policy Framework if the development is carried out in accordance with the approved Flood Risk Assessment, and the mitigation outlined within it in the form of compensatory flood storage, being provided.

The Flood Risk Manager has also raised no in principle objections but has requested some additional details / clarification relating to greenfield run off calculations and topography, which will be reported as an update

Subject to this clarification the proposal is considered to comply with the flood risk elements of policy SE12 of the CELPS and passes the sequential and exception tests.

## **Living conditions**

Policy DC38 of the MBLP plan sets out the guidelines of space between buildings. For habitable rooms facing non residential buildings, the recommended distance for 1 or 2 storey buildings is 21 metres front to front and 25 metres rear to rear. For 3 storeys or upwards the distances are 28 metres front to front and 32 metres rear to rear. This is required to maintain an adequate standard of light, privacy and space between buildings. The nearest existing dwellings are located on Mill Close to the south of the site, and are two-storey properties, and the nearest of the proposed industrial units is over 43 metres from the rear of these dwellings,

thereby meeting relevant space standards. The railway line also lies between these buildings.

To the north, the buffer, which is currently being amended to provide compensatory habitat for the Great Crested Newt, will also ensure that the new industrial units are a satisfactory distance away from the dwellings proposed to the north. Additional bunding / fencing will also be provided as detailed further below.

Consequently, a satisfactory degree of space, light and privacy will be retained between the warehouse and the existing dwellings in accordance with policies DC3 and DC38 of the MBLP.

### **Noise**

The application form indicates that the proposed hours of operation are 24hrs, 7 days a week. The applicant has submitted a noise impact assessment (NIA) in support of the application.

The noise impact assessment (section 5.1) refers to the landscape plans for the residential development to the north of the site showing that it will be protected by a 2.5m noise barrier sat on top of 3m high bund (5.5m effective height), for the full length of its southern boundary (northern boundary of current application site). Accordingly a 5.5m high noise barrier just north of the Site is included in the noise modelling.

Using this model, with suitable mitigation, no significant residual noise effects are predicted as a result of the construction or operation of the development, either during the daytime or night-time periods.

### **Energy Efficiency**

Policy SE9 of the CELPS expects non-residential development over 1,000 square metres to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This can be secured by condition.

### **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, to secure the following:

- Financial contribution (TBC) for highways improvements to Brook Street / Hollow Lane junction and Adams Hill / Toft Road junction.

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements 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 financial contribution towards highways improvements is necessary, fair and reasonable to mitigate for the impact of the development, provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development CIL Regulations.

### **SUMMARY AND CONCLUSION**

The site proposes an employment use on a site recently allocated in the CELPS for such development. The principle of the development is therefore acceptable. The design of the buildings is in keeping with the adjacent industrial estate and there is not considered to be any significant impact upon the living conditions of neighbours, trees, contaminated land and air quality.

The comments received in representation relating to the highway impact of the development are acknowledged, however as outlined by the Highways Authority this impact can be appropriately mitigated through the provision of a new roundabout at the Parkgate Lane / Mobberley Road junction and financial contributions towards improvement works at two junctions in Knutsford.

During the application process, it has been identified that additional on-site mitigation is required to protect interests of nature conservation. The applicant has agreed to provide the appropriate mitigation and revised plans have been received to reflect this. This has resulted in a reduction in the area of the site to be developed.

Further information has been requested in respect of car parking requirements, which is still outstanding, and will be reported as an update.

The proposed development is acceptable in principle and is in accordance with Development Plan policy. The provision of employment uses as proposed on an allocated site is environmentally, economically and socially sustainable. The site sits adjacent to the existing Parkgate Industrial Estate and would be well integrated into the existing employment area, and as such it is considered that the proposal will meet the three dimensions of sustainability as set out in the Framework.

The application is recommended for approval subject to conditions, a s106 agreement and the satisfactory receipt of the additional information relating to car parking.

### Application for Full Planning

**RECOMMENDATION:** Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans

3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Tree protection
7. Development to be carried out in accordance with ecological mitigation strategy relating to GCN, Birkin Brook and badgers
8. Breeding birds survey to be submitted
9. Ecological enhancement strategy to be submitted
10. Foul and surface water shall be drained on separate systems.
11. Drainage details to be submitted
12. Development to be carried out in accordance with submitted FRA
13. Noise mitigation to be implemented
14. Piling / floor floating details to be submitted
15. Construction Environmental Management Plan to be submitted
16. Electric Vehicle Infrastructure to be provided
17. Implementation of travel plan
18. Remediation strategy to be submitted
19. Verification report to be submitted
20. Imported soil to be tested for contamination
21. Unforeseen contamination
22. Details of cycle stores to be submitted
23. Roundabout at Mobberley Road / Parkgate Lane junction be provided
24. Details of retaining wall to eastern boundary to be submitted
25. Parking spaces to be provided and retained
26. At least 10% of predicted energy requirements to be secured from decentralised and renewable or low carbon sources
27. Only B1(c) (Light Industry), B2 (General Industry) and B8 (Storage and distribution) uses permitted
28. Area of land to the south west of the site to be retained for potential future access route,



Application No: 17/6486M

Location: LAND TO WEST OF, COPPICE WAY AND SOUTH OF LOWER MEADOW WAY, HANDFORTH, WILMSLOW

Proposal: Erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works

Applicant: Phillip Jones, Halliwell Jones (Wilmslow) Limited

Expiry Date: 03-Aug-2018

## SUMMARY

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan. Policy E1 of the MBLPS and EG3 of the CELPS seeks to retain existing and allocated employment sites in employment use. Paragraph 22 of the Framework states that, "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". Policy EG3 provides the criteria that must be met to consider alternative uses on employment sites. These criteria are not met by the proposal.

Policy RT6 of the MBLP allocates a swathe of land to the south of the site for amenity open space. Policy RT1 of the MBLP states that areas of recreational land and open space will be protected from development. This protection is reflected in paragraph 74 of the Framework, which requires any loss to be justified by an assessment to show the open space to be surplus to requirements or, the loss is replaced by equivalent or better provision. No open space assessment has been submitted and no alternative provision is proposed.

The proposed building does not adequately reflect the constraints of the site and does not contribute to the sustainable development principles outlined within policy SD2 of the CELPS, and in this context it does not make a positive contribution to the immediate surroundings in line with policy SE1. The proposal also results in less than substantial harm to the setting of the adjacent listed building.

The proposal results in the loss of habitats of sufficient value to be designated as a Local Wildlife Site, and the compensation proposals are inadequate to address the loss of this habitat.

The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. This is considered to be a Priority Habitat Type. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and no survey has been carried out to determine the presence /absence of roosting bats. Therefore there is insufficient information to fully assess the impact upon this protected species.

The submitted ecological assessment has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. There is currently insufficient information to assess the impact upon this protected species. The proposal is therefore contrary to policy SE3 of the CELPS

It is also anticipated that there will be a significant net loss of woodland cover, which is contrary to the applicant's own Planning Statement and policies within the Local Plan. The current design provides no scope for compensation or mitigation to offset this loss, nor has a green buffer been incorporated to offset the harm to the existing woodland. The proposal is therefore contrary to policy SE5 of the CELPS and DC9 of the MBLP.

Accordingly there is clear conflict with a number of policies within the development plan. Section 38(6) of the Planning and Compulsory Purchase Act requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of other material considerations, the applicant has outlined the following economic benefits as part of the proposal:

- Retention of an existing employer;
- Securing 133 existing jobs worth around £3.04million per annum;
- Creation of approximately 36 new permanent jobs worth around £0.82million per annum;
- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.87m;
- Generation of new business rates of around £0.37million per annum;
- Allowing existing Halliwell Jones sites to be brought into an active employment use following the relocation resulting in the creation of between 93 and 163 new full-time equivalent jobs; worth between £2.28million and £4.38million per annum;
- Support for existing and new businesses and associated employment as a result of the increased income in the local area;
- Increased demand within the supply chain created by the proposed development and new businesses reoccupying the existing Halliwell Jones sites;
- Further investment in the local area through use of new business rates payment.

The retention of an existing employer and the associated jobs would be a clear benefit of the proposal, but no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development. Therefore only moderate weight can be attached to this.

Any financial benefits from business rates will simply be transferred from the applicant's existing sites, which will not necessarily be redeveloped for business use. Similar benefits

could be achieved from a conforming employment use on the site. Limited weight can only be attached to these benefits.

In support of the application the applicant notes that a large proportion of the site and floorspace will fall within an employment use class. Workshop / bodyshop would be a B2 general industrial use; car storage areas would be a B8 storage or distribution use; and the office space would be a B1 use. Only the showroom element would not fall within a traditional employment use class. The applicants supporting information suggests 2.2% of the floorspace would be B1 offices, 32.4% would be general industrial, 47.5% would be storage and distribution and 17.9% would be the car showroom

Whilst this is acknowledged, these details relate only to the floorspace of the building, it makes no reference to the external display areas, which cover a significant proportion of the site. The primary use of the site is considered to be the showroom element, which is not an employment use.

The three Halliwell Jones facilities within Wilmslow/Handforth that are to be relocated to the application site currently employ 133 people. The applicant expects that the move to the proposed facility will result in an increase in total jobs by 12% (16 jobs) by the end of the first year and a further 7% (10 jobs) by the end of the second year meaning the new facility will then employ 159 people. In addition to this, the proposed premium use car display area is a new operation which is expected to create a further 10 new jobs. The applicant suggests that these figures are comparable to the office use that has previously been approved on the site.

The proposed development would also free up an existing employment site for an alternative use and two showroom sites which could be used for a wide range of employment generating uses. As set out in the Economic Benefits Statement, it is estimated that dependent on the use the existing sites could support between 93 and 163 full-time equivalent jobs.

Clearly any new job creation is a benefit of the proposal, but comparisons with an approved outline scheme, with no floorspace or job creation specified within previous permissions is purely notional, as are any benefits arising from the redevelopment of the applicant's existing sites and limits the weight that can be afforded to these matters.

The proposal will result in the loss of employment land at a time when the Council has recently taken land out of the Green Belt to allocate additional employment land as part of the July 2017 CELPS. The need for sites was such that even Green Belt locations were currently identified as being required for the provision of the employment land to 2030. The weight afforded to the considerations in favour of the development is not considered to outweigh the conflict with the adopted development plan in this case. Accordingly the proposal is not sustainable development, and the application is recommended for refusal.

### **RECOMMENDATION**

**Refuse**

**PROPOSAL**

The application seeks full planning permission for the erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works.

The proposed facility comprises 15,098sqm of floorspace over four storeys and will replace the existing BMW and Mini Showrooms in Wilmslow and the existing Halliwell Jones Bodyshop at Brooke Park, Handforth (to the west of the application site). Existing staff at these locations will be transferred to the application site, and the supporting information with the application states that new employment opportunities will be generated.

The main four-storey building will front onto Kiln Croft Lane. The lower ground floor level will house the bodyshop, workshop, valet area and the parts department, as well as some office space, staff facilities, reception area and an area of parking for the servicing department. The ground floor will house the main showroom for both BMW and Mini along with office space for administration staff and the sales team, meeting rooms and staff facilities including changing rooms, toilets and canteen. A customer café will be provided on the main showroom floor. The first floor includes a showroom which will be used for BMW used car sales and an area deck parking (110 spaces) and a display area for used BMW cars. The second-floor level will provide a further 139 parking spaces along with an area of offices/meeting rooms and other staff facilities including two terraces. Externally, customer parking will be provided at the front of the site, fronting onto Coppice Way along with external car display areas for both BMW and Mini. At the corner of the site at the junction of Coppice Way and Lower Meadow Way there will be an area of hardstanding to be used for used car displays, and to the south of the site there will be an area of car parking/car storage for up to 156 cars. New accesses are proposed from Kiln Croft Lane and Lower Meadow Road.

### **SITE DESCRIPTION**

The application site comprises a 2.43ha undeveloped area of grassland with some woodland planting to the west of the site adjacent to Handforth Brook. The majority of the site is located within an Existing Employment Area as identified in the MBLP. However there is also a small section to the south of the site that is allocated as Proposed Open Space in the MBLP. The area to the west of the site is located within Flood Zones 2 and 3.

The site is bound to the east by a Marks and Spencer store and associated car park at Handforth Dean Retail Park, across Coppice Way. St. Benedict's Catholic Primary School and grounds are located to the south of the site, adjacent to which lies Handforth Hall, a Grade II\* listed building. To the west is Brooke Park, an office and industrial warehouse park comprising several business uses, including an existing Halliwell Jones body shop. To the north of the site, beyond Lower Meadow Road, is an undeveloped area of open grassland with industrial units beyond.

### **RELEVANT HISTORY**

13/0158M – Extension of time limit on planning permission 09/3413M - Outline application for B1(Business) units, renewal of application 06/0278P – Not determined to date (s106 not signed)

09/3413M – Outline application for B1 (use class) units; Renewal of 06/0278P – Approved 15.01.2010

06/0278P - Erection of B1 (use class) units (outline) – Approved 26.10.2006

## **POLICY**

### **Development Plan**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure

CO4 Travel plans and transport assessments

#### Macclesfield Borough Local Plan (saved policies)

NE9 (River corridors)

NE11 (Nature conservation interests)

RT1 (Protection of open spaces)

RT6 (Allocated open space)

E1 (Employment land)

E3 (Employment land – business)

E4 (Employment land – industry)

DC3 (Protection of the amenities of nearby residential properties)

DC5 (Natural surveillance)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Requirements to provide and maintain landscape schemes for new development)

DC9 (Tree protection)  
DC63 (Contaminated land)

## Handforth Neighbourhood Plan – Submission Version – February 2018 (HNP)

A referendum on the Handforth Neighbourhood Plan was held on 12 July 2018. The poll result was that 807, of the 992 ballot papers counted, voted in favour of Cheshire East Council using the Neighbourhood Plan for Handforth to help it decide planning applications in the neighbourhood area.

Once a positive referendum result is announced the plan is made, and therefore the following policies can be afforded full weight in the determination of this application:

H3 Protecting Local Green Spaces  
H8 Landscape and Biodiversity  
H9 Trees and Hedgerows  
H11 Encouraging High Quality Design  
H12 Surface water management  
H13 Supporting the Local Economy  
H16 Congestion and Highway Safety  
H18 Promoting sustainable transport  
H19 Improving access to the countryside in Handforth and the surrounding area.

### **Other Material Considerations**

National Planning Practice Guidance  
National Planning Policy Framework

### **CONSULTATIONS**

**United Utilities** – No objections subject to conditions relating to drainage

**Environment Agency** – No objections

**Environmental Health** – No objections subject to conditions relating to pile driving, floor floating and contaminated land.

**Head of Strategic Infrastructure** – No objections subject to parking and access being provided in accordance with plans

**Flood Risk Manager** – No objections subject to conditions relating to drainage

**Public Rights of Way** – No objection subject to advice note on developer's obligations regarding public right of way.

**Handforth Parish Council** – No objection, but make the following recommendations:

- Opening hours of 7:30am to 6:30pm should be conditioned
- Where possible, mature trees on the site should be preserved.
- Adequate screening between the proposed development and the school should be provided

- As the site abuts a local primary school, recommend that environmental health ensure there is adequate air quality monitoring of the site; and also that noise impact assessments are carried out .
- Can priority be given to the construction of a pelican crossing across Coppice Way at the junction of footpath 91 as part of any s106 agreement. Any S106 funds which remain available after this should benefit the residents of Handforth

### REPRESENTATIONS

Four letters of representation have been received from interested parties, including the Handforth Neighbourhood Plan Steering Group, making the following general observations:

- Handforth is becoming less of a Cheshire village and more of an extension to Manchester due to loss of green space
- Development should keep away from the stream
- Trees should be retained along stream
- Surface water should not discharge into the stream.
- Trees have already been removed and should be re-instated
- S106 payments to clear the stream should be considered
- Green traffic plan should be prepared as an overall strategy with other neighbouring developments
- Financial support for a bus service to the station should be provided
- Improvements to footpath beneath railway line should be made, as this is an important link to village centre
- Funding for management to limit the use of rat run between by-pass and Stanley Road and to widen the junction between Earl Road and Stanley Road should be provided
- Appropriate surface water drainage should be provided
- The draft Handforth Neighbourhood Plan seeks to preserve the belt of woodland to the west of the site.
- The submission version of the Neighbourhood Plan seeks to designate a triangular parcel of land to the rear of Handforth Hall and to the east of St Benedict's school as a Local Green Space. If this designation is upheld it will be important that a barrier be provided between the proposed car dealership and the Local Green Space behind Handforth Hall.
- S106 agreement should include provision for the installation of a pelican crossing on Coppice Way

### APPRAISAL

#### Principle of development

##### Loss of Employment Land

The application site is located within an area of Existing Employment Land as identified in the Macclesfield Borough Local Plan. The site also forms part of the Council's existing Handforth employment supply as set out in Appendix A (Proposed Employment Land Distribution) of the Local Plan Strategy July 2017. Policy E1 of the MBLP states that "Both existing and proposed employment areas will normally be retained for employment purposes". Policy EG3 of the CELPS states that

- “1. Existing employment sites will be protected for employment use unless:*
- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
  - ii. The site is no longer suitable or viable for employment use; and*
    - a. There is no potential for modernisation or alternate employment uses; and*
    - b. No other occupiers can be found<sup>43</sup>.*

*2. Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD1 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.*

*3. Subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs.”*

Footnote 43 states:

*“To demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The Council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received”.*

The glossary to the CELPS states that employment land is land identified for B1, B2 and B8 uses. The proposed car showroom does not fit one of these uses and therefore not an employment use for the purposes of relevant planning policy.

In terms of the site, there is nothing to suggest that the premises are causing significant nuisance or environmental problems and no evidence has been provided to demonstrate that the site is no longer suitable or viable for employment use. Whilst there has been an unimplemented outline planning permission for offices renewed at various stages over the past 12 years, this does not demonstrate that the site is no longer suitable or viable for employment use. It is therefore clear that the proposal is contrary to policies in the adopted development plan.

The applicant maintains that only point 3 of policy EG3 which refers to allocated employment sites (above) is relevant because the site has never been in employment use. However the site has been allocated as an existing employment site for many years in the MBLP. It is therefore considered that it is an existing employment site, and that all parts of the policy should be complied with.

#### Loss of open space

Policy RT6 of the MBLP allocates a swathe of land to the south of the site for amenity open space. Policy RT1 of the MBLP states that areas of recreational land and open space will be protected from development. This protection is reflected in paragraph 74 of the Framework, which requires any loss to be justified by an assessment to show the open space to be surplus to requirements or, the loss is replaced by equivalent or better provision. No open space assessment has been submitted and no alternative provision is proposed.

Para 5.34 of the Planning Statement states that the proposed development has been designed to protect the area designated as open space and the trees within it in accordance with policy. This ambition is clearly not reflected in the proposed as this area will be occupied by a new car park.

Amenity open space is not defined in the CELPS or the MBLP; however the glossary to the CELPS defines Amenity as *“a positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.”*

Whilst public access to the land is not currently possible due to its private ownership, the area does have value in visual amenity terms due to its open nature, and continuation of the retained linear area of open space to the north of the new care village at Coppice Way, and its linkages with the woodland along the banks of Handforth Brook. The open space allocation also provides a strong buffer to the setting of Handforth Hall, a grade II\* listed building.

The proposal is therefore contrary to policies RT1 and RT6 of the MBLP and paragraph 74 of the Framework.

It should be noted that the land allocated as a Local Green Space to the rear of Handforth Hall under policy H3 of the Handforth Neighbourhood Plan lies outside of the application site.

### **Design, character and appearance**

Whilst the site is located on the edge of an Employment Area which is characterised by buildings built more for function than form, the specific location has an established green infrastructure both on and off site, which contributes positively to the character of the area. The proposed building is a substantial contemporary building that will use glazing, white render, black and grey panels and silver aluminium cladding on its external elevations. This would depart from the utilitarian appearance of other buildings on the industrial estate, and the red brick of the Handforth Dean Retail Park opposite.

The submitted design and access statement makes many references to the BMW brand standards, and acknowledges that the building has evolved to meet these standards. Indeed precedent images of other BMW showrooms do suggest that this is a standard corporate format. Very little reference to the constraints of the site is made within the design and access statement; however the architect's response to the design officer consultation response maintains that the development does respect the site constraints.

The structure will appear as a three-storey structure to the east (front) and four storey to the west (rear). The architect maintains that the height of the structure excluding the signage banner will be the same as the upper roof of the M&S building opposite. Nonetheless, as a three / four-storey flat roof structure, the building does have significant massing, and the design officer advises that a reduced scale of building that breaks down the massing to provide a unique and locally considered approach would be more appropriate.

Added to this locally considered approach, and as noted above, the surrounding industrial estate has an established green infrastructure which screens the large scale buildings from

the road but also has established a green public realm with deep verges and in places, tree lined roads. The existing site, until recent site clearing, had a significant green buffer to the west side and perimeter planting formed of trees and hedging. The replacement and enhancement of this loss of trees on the site is essential to retain the soft structural landscaping and green character of this area.

A varied approach to alleviate flood risk and sustainably contribute to a holistic approach, including the use of SUDs solutions should also be considered as required by policy H12 of the HNP.

Security fencing is proposed to the perimeter of the site, whereas a soft structural landscaped boundary would be more appropriate than fencing or walling on the edge of the site in order to reflect the local character.

Overall, the contemporary appearance, the scale of the development, the extent of hardstanding, and the engineered urban approach to the development competes against the existing green infrastructure that has significant local value. At present the development, as proposed, overpowers this context which is to the detriment of the scheme and prevents it from contributing positively to the area's character and identity, creating or reinforcing local distinctiveness. There are positive murmurs in the design and access statement but this is not reflected in the proposed scheme.

The scheme virtually fills the site with buildings and hardstanding for sales and parking purposes. The site has a verdant character which has value in visual, ecological and arboricultural terms, and it is considered that the proposed development does not adequately reflect this character, contribute better to the sustainable development principles outlined within policy SD2 of the CELPS, or make a positive contribution to the immediate surroundings in line with policy SE1 and SE4. The proposal is similarly contrary to policies H8 and H11 of the Handforth Neighbourhood Plan.

## **Heritage Assets**

The application is now supported by a Heritage Impact Assessment, which identifies that the proposal will have less than substantial harm to the setting of the Grade II\* listed Handforth Hall, which lies to the south of the application site.

The conservation officer agrees with this assessment, noting that the harm is likely to be towards to the lower end, but is not insignificant. Policy SE7 of the CELPS outlines how all new development should seek to avoid harm to designated heritage assets.

The justification section of the Heritage Impact Assessment explains that the site is allocated as employment land, the design is high quality and the rear of the listed property is screened by its own bank of trees. However, as noted above, there are some issues with the design and the design officer objects to the application on the grounds of the design not being of high enough quality and a re-design is sought

In terms of the landscaping to the rear of the Hall, the woodland buffer that did exist appears to have been significantly reduced by the tree felling that has taken place on the site. As noted above, within the saved MBLP, the area to the south of the site, proposed for car parking is located within an area designated as open space. If this was to remain, it may help

to address in part the green infrastructure and screening issues raised by the design officer, but would also have an impact on how harmful the scheme would be to the significance of the Hall and its setting, retaining a significant buffer of undeveloped land between the hall and any future proposal for the site.

The identified harm to the setting of the listed building is considered further in the planning balance section below.

### **Amenity**

There are no residential properties within close proximity of the application site (Handforth Hall is the closest, which is approximately 100 metres to the south of the site). As such, having regard to the nature of the proposed development, no significant amenity issues are raised.

### **Highways**

The site fronts Kiln Croft Lane / Coppice Way and Lower Meadow Road which are adopted highways, and form part of the access road network serving Handforth Dean Retail Park and Stanley Green Retail Park together with employment uses in between. To the east of the site Kiln Croft Lane becomes Coppice Way and provides the main access route from the A34 Wilmslow to Handforth Bypass at a large four arm priority roundabout. To the north of the site Lower Meadow Road becomes Epsom Avenue and Earl Road before joining the B5094 Stanley Road at a traffic signal junction.

### Sustainable access

In terms of pedestrian infrastructure, within the vicinity of the site all roads have wide lit footways on both sides. Dropped kerbs and tactile paving are provided at minor crossings and accesses and at the refuge islands at crossings on the roundabouts adjacent to the site.

Bus stops are located on Epsom Avenue and within the Handforth Dean Retail Park within approximately 350m and 400m respectively of the proposed site access.

The nearest rail station to the site is Handforth Train Station which is located approximately 650m walking distance to the west of the site.

A Travel Plan is submitted as part of the planning application submission. The Travel Plan sets out measures designed to minimise car trips from the development and to maximise sustainable travel alternatives.

### Safe and suitable access and parking provision

Two new accesses are proposed from Kiln Croft Lane for customer parking and to access the lower ground floor service parking, motorcycle parking and cycle parking.

Two new accesses are proposed from Lower Meadow Road. The western access will be for service deliveries by car transporter and refuse collection and also to access the rear parking area for staff. The eastern access will be for the customer parking for the premium used car sales area.

Vehicle tracking for service vehicles using the proposed Lower Meadow Road site access has been undertaken; this tracking exercise demonstrates that service vehicles can access and

egress the site in forward gear. The proposed site access junctions can accommodate the required junction visibility of 43m in both directions at a minor road set back of 2.4m.

There will be 35 customer parking spaces (including 4 mobility spaces) at the front of the building accessed from Kiln Croft Lane and associated with the BMW and Mini showrooms. There will be 28 spaces for service vehicles on the lower ground floor accessed from Kiln Croft Lane. There will be 15 customer parking spaces associated with the premium used car sales and accessed from Lower Meadow Road. A further 157 back of house parking spaces for staff and customer cars left for work and accessed from Lower Meadow Road. The total car parking provision on site will be 235 spaces, which is sufficient for the proposed use.

### Network Capacity (trip rates/distribution/jn modelling etc)

A third of development traffic has been assigned to/from the north using Earl Road to the Stanley Road junction. Two thirds of development traffic has been assigned to/from the A34 east of the site. At peripheral junctions traffic has been distributed between route destinations. Vehicle trip rates for the car showroom development have been estimated using the TRICS database.

The assessment of the likely traffic generated from the scheme proposal on the A34 junction, utilising the above inputs, demonstrates that while there will be an impact it could not be considered 'severe' in traffic terms hence considered acceptable in the context of national policy guidance contained within the Framework.

Furthermore the traffic generation associated with this proposal needs to be seen in the context of the previous employment scheme where an associated level of traffic generation was deemed to be acceptable.

In relation to the Earl Road/Stanley Road junction as this falls outside the jurisdiction of Cheshire East Council any impacts that may result require assessment by the appropriate Highway Authority, which, in this instance would be Stockport Council.

### Highways conclusion

As detailed above, the estimated transport impact from the proposal on the Cheshire East Council highway network is considered to be acceptable from a network operation, access and sustainability perspective subject to the parking and access details being provided in accordance with the approved plans. The proposal is therefore considered to comply with relevant highways policies in the local and neighbourhood plans.

## **Ecology**

### Grassland Habitats

The submitted National Vegetation Classification (NVC) survey identified only relatively limited botanical interest in the grassland habitats on site. The submitted survey was however undertaken slightly early in the survey season and the list of species recorded was restricted to those species present in their NVC samples.

The Council's nature conservation officer has visited the site and recorded a number of species which are considered to be 'indicators' of Local Wildlife Site quality habitat. Based on the species recorded during the submitted NVC survey and those recorded during his site

visit, the nature conservation officer advises that the grassland habitats on site are of sufficient value to be designated as a Local Wildlife Site. Habitats of this type receive protection through Local Plan Policy SE3 (paragraph 6). This policy requires the submission of mitigation and compensation proposals to address any impacts on habitats of this type. The compensation proposals currently submitted as part of the ecological assessment are inadequate to address the loss of this habitat.

### Woodland Habitats

The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. The nature conservation officer states that this vegetation community is considered to be a Priority Habitat Type. Habitats of this type receive protection through Local Plan Policy SE3 paragraph 4. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

### Bats

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and as such a detailed survey would be required to determine the presence /absence of roosting bats. This has not been submitted and as such insufficient information has been submitted to fully assess the impact upon this protected species.

### Great Crested Newts

A small Great Crested Newt population was previously recorded at two ponds located at Handforth Hall. Two great crested newt mitigation ponds have also been created to the north of Handforth Hall to mitigate for the effects of other developments located on Coppice Way.

The submitted ecological assessment has looked at the two recently considered mitigation ponds, but has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. The nature conservation officer therefore advises that the Council currently has insufficient information to assess the impact upon this protected species.

### Water voles

No evidence of this species was recorded during the submitted surveys and as such this species does not present a constraint on the proposed development.

### Nesting Birds

In the event that planning permission is granted standard conditions would be required to safeguard nesting birds.

### **Trees and landscape**

This application is not supported by an Arboricultural Impact Assessment, nor has an assessment of the woodland located within the site been carried out. In the absence of this supporting information it is not possible to assess the impact of the proposal on existing trees and woodland.

Contrary to the submitted Ecological survey the woodland located within the central and western section of the site is designated as deciduous Woodland Priority Habitat on the National Inventory of Priority Habitats

In early January of this year part of the woodland was removed which included various semi mature Silver Birch, Goat Willow, Ash and Sycamore which formed part of an area of natural regeneration within the site. The tree removals were subsequently subject to an investigation by the Council's Planning Enforcement Team and whilst the woodland was not protected by a Tree Preservation Order or located within a designated Conservation Area it is subject to Felling Licence restrictions under the Forestry Act 1967 administered by the Forestry Commission.

A subsequent investigation was carried out by an Officer from the Forestry Commission who has concluded that contrary to Section 9 of the Act no licence was in force at the time of the felling. In this instance the Forestry Commission has decided to take no further action but has sent a warning letter to the Agent advising them of the consequences of any further offence.

The Planning Statement states that the proposed development has been designed to protect the area designated as open space and the trees within it in accordance with policy. However, given the recent removal of the section of woodland and physical extent of the proposed development and its impact on the remaining woodland, it is anticipated that there will be a significant net loss of woodland cover, which is clearly contrary to the Planning Statement and policies within the Local Plan.

The current design provides no scope for compensation or mitigation to offset this loss, nor has a green buffer been incorporated to offset the harm to the existing woodland. The proposal is therefore contrary to policy SE5 of the CELPS, DC9 of the MBLP and H9 of the HNP.

### **Flood Risk**

The submitted Flood Risk Assessment (FRA) outlines that the NPPG classifies the proposed commercial use of the site as being "Less Vulnerable". A "Less Vulnerable" use located in Flood Zone 1, 2 and 3 (as in the case here) is an appropriate development in terms of flood risk. The FRA notes that suitable mitigation measures are proposed within the FRA and the site is located within an already well established commercial / industrial area.

The submitted FRA demonstrates that a relatively small part of the site, at the south-western corner, is affected by Flood Zone 3. However, this assessment is based on the modelled 1 in 100 year plus climate change flood level (71.45 mAOD), at a point just upstream of the site. The relevant flood level at the south-western corner of the site would be lower than this level and so there would, in reality, be a smaller area affected by flood risk. It is unlikely that development as submitted adjacent to the affected flood risk area would have any significant effect on nearby fluvial flood levels.

The Flood Risk Manager notes that all design works need to be in line with the submitted Flood Risk Assessment and development approved by Environment Agency (EA), ensuring minimum finished floor level (FFL) of development should be set 72.05 (in line with EA requirements of FFL being set 600mm above 1 in 100 year + 30% climate change flood level). However, as the Lead Local Flood Authority the Flood Risk Manager advises that the

submission of a drainage strategy / design will be required, which can be secured by condition.

### **Contaminated land**

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The Phase II report (GRM/P8003/F.1) submitted in support of the application has identified a ground gas risk at the site and recommends that a Gas Protection Measures Design and Verification Plan is submitted to the LPA for approval.

These details can be secured by condition.

### **PLANNING BALANCE**

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan. Policy E1 of the MBLPS and EG3 of the CELPS seeks to retain existing and allocated employment sites in employment use. Paragraph 22 of the Framework states that, "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". Policy EG3 provides the criteria that must be met to consider alternative uses on employment sites. These criteria are not met by the proposal.

Policy RT6 of the MBLP allocates a swathe of land to the south of the site for amenity open space. Policy RT1 of the MBLP states that areas of recreational land and open space will be protected from development. This protection is reflected in paragraph 74 of the Framework, which requires any loss to be justified by an assessment to show the open space to be surplus to requirements or, the loss is replaced by equivalent or better provision. No open space assessment has been submitted and no alternative provision is proposed.

The proposed building does not adequately reflect the constraints of the site and does not contribute to the sustainable development principles outlined within policy SD2 of the CELPS, and in this context it does not make a positive contribution to the immediate surroundings in line with policy SE1. The proposal also results in less than substantial harm to the setting of the adjacent listed building.

The proposal results in the loss of habitats of sufficient value to be designated as a Local Wildlife Site, and the compensation proposals are inadequate to address the loss of this habitat.

The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. This is considered to be a Priority Habitat Type. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and no survey has been carried out to determine the presence /absence of roosting bats. Therefore there is insufficient information to fully assess the impact upon this protected species.

The submitted ecological assessment has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. There is currently insufficient information to assess the impact upon this protected species. The proposal is therefore contrary to policy SE3 of the CELPS

It is also anticipated that there will be a significant net loss of woodland cover, which is contrary to the applicant's own Planning Statement and policies within the Local Plan. The current design provides no scope for compensation or mitigation to offset this loss, nor has a green buffer been incorporated to offset the harm to the existing woodland. The proposal is therefore contrary to policy SE5 of the CELPS and DC9 of the MBLP.

Accordingly there is clear conflict with a number of policies within the development plan. Section 38(6) of the Planning and Compulsory Purchase Act requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of other material considerations, the applicant has outlined the following economic benefits as part of the proposal:

- Retention of an existing employer;
- Securing 133 existing jobs worth around £3.04million per annum;
- Creation of approximately 36 new permanent jobs worth around £0.82million per annum;
- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.87m;
- Generation of new business rates of around £0.37million per annum;
- Allowing existing Halliwell Jones sites to be brought into an active employment use following the relocation resulting in the creation of between 93 and 163 new full-time equivalent jobs; worth between £2.28million and £4.38million per annum;
- Support for existing and new businesses and associated employment as a result of the increased income in the local area;
- Increased demand within the supply chain created by the proposed development and new businesses reoccupying the existing Halliwell Jones sites;
- Further investment in the local area through use of new business rates payment.

The retention of an existing employer and the associated jobs would be a clear benefit of the proposal, but no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development. Therefore only moderate weight can be attached to this.

Any financial benefits from business rates will simply be transferred from the applicant's existing sites, which will not necessarily be redeveloped for business use. Similar benefits could be achieved from a conforming employment use on the site. Limited weight can only be attached to these benefits.

In support of the application the applicant notes that a large proportion of the site and floorspace will fall within an employment use class. Workshop / bodyshop would be a B2 general industrial use; car storage areas would be a B8 storage or distribution n use; and the office space would be a B1 use. Only the showroom element would not fall within a traditional

employment use class. The applicants supporting information suggests 2.2% of the floorspace would be B1 offices, 32.4% would be general industrial, 47.5% would be storage and distribution and 17.9% would be the car showroom

Whilst this is acknowledged, these details relate only to the floorspace of the building, it makes no reference to the external display areas, which cover a significant proportion of the site. The primary use of the site is considered to be the showroom element, which is not an employment use.

The three Halliwell Jones facilities within Wilmslow/Handforth that are to be relocated to the application site currently employ 133 people. The applicant expects that the move to the proposed facility will result in an increase in total jobs by 12% (16 jobs) by the end of the first year and a further 7% (10 jobs) by the end of the second year meaning the new facility will then employ 159 people. In addition to this, the proposed premium use car display area is a new operation which is expected to create a further 10 new jobs. The applicant suggests that these figures are comparable to the office use that has previously been approved on the site.

The proposed development would also free up an existing employment site for an alternative use and two showroom sites which could be used for a wide range of employment generating uses. As set out in the Economic Benefits Statement, it is estimated that dependent on the use the existing sites could support between 93 and 163 full-time equivalent jobs.

Clearly any new job creation is a benefit of the proposal, but comparisons with an approved outline scheme, with no floorspace or job creation specified within previous permissions is purely notional, as are any benefits arising from the redevelopment of the applicant's existing sites and limits the weight that can be afforded to these matters.

The proposal will result in the loss of employment land at a time when the Council has recently taken land out of the Green Belt to allocate additional employment land as part of the July 2017 CELPS. The need for sites was such that even Green Belt locations were currently identified as being required for the provision of the employment land to 2030. The weight afforded to the considerations in favour of the development is not considered to outweigh the conflict with the adopted development plan in this case. Accordingly the proposal is not sustainable development and the application is recommended for refusal for the following reasons:

### **RECOMMENDATION**

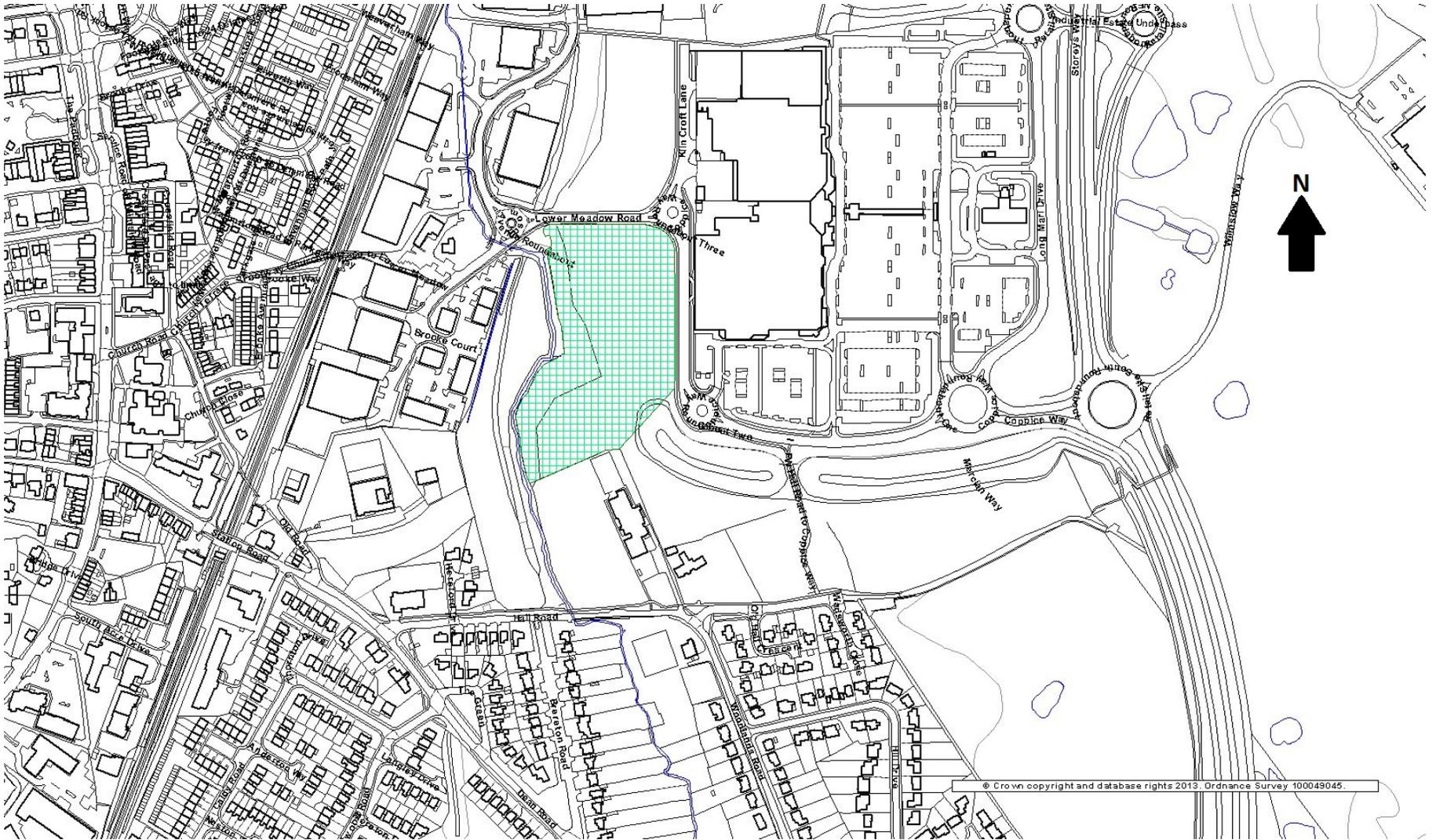
It is recommended that the application is refused for the following reason:

- 1. The proposal seeks to provide a car showroom on an employment site, which is protected for B1, B2 and B8 uses. It has not been demonstrated that the premises are causing significant nuisance or environmental problems and it has not been demonstrated that the site is no longer suitable or viable for employment use. The proposal is therefore contrary to policy E1 of the Macclesfield Borough Local Plan and policy EG3 of Cheshire East Local Plan Strategy.**

2. The proposal results in the loss of open space. No assessment to show the open space to be surplus to requirements has been submitted, and the loss is not replaced by equivalent or better provision. The proposal is therefore contrary to policies RT1 and RT6 of the MBLP.
3. The site has a verdant character which has value in visual, ecological and arboricultural terms, and the proposed development does not adequately reflect this established character, and in this context does not make a positive contribution to the immediate surroundings. The proposal is therefore contrary to policies SE1 and SD2 of the CELPS and policies H8 and H11 of the HNP.
4. The proposal results in less than substantial harm to the setting of a grade II\* listed building, which is not sufficiently justified. The proposal is therefore contrary to policy SE7 of the CELPS.
5. No arboricultural information has been submitted with the application. However, it is anticipated that there will be a significant net loss of woodland cover on the site. The design provides no scope for compensation or mitigation to offset this loss. The proposal is therefore contrary to policy SE5 of the CELPS, DC9 of the MBLP and H9 of the HNP.
6.
  - a) The proposal results in the loss of habitats of sufficient value to be designated as a Local Wildlife Site, and the compensation proposals are inadequate to address the loss of this habitat.
  - b) The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. This is considered to be a Priority Habitat Type. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.
  - c) The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and no survey has been carried out to determine the presence /absence of roosting bats. Therefore there is insufficient information to fully assess the impact upon this protected species.
  - d) The submitted ecological assessment has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. There is currently insufficient information to assess the impact upon this protected species.

The proposal is therefore contrary to policy SE3 of the CELPS, policy NE11 of the MBLP and policy H8 of the HNP.

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



Application No: 18/0079N

Location: BOMBARDIER TRANSPORTATIONS, WEST STREET, CREWE, CW1 3JB

Proposal: The demolition of the existing industrial buildings and structures (including the boundary wall along West Street) and the construction of 269 dwellings comprising 24 apartments and 245 houses, together with other associated works, including the provision of public open space, the laying out of roads and footways (with two new accesses from West Street), and hard and soft landscaping

Applicant: Countryside Properties (UK) Ltd & Bombardier Transportation UK Ltd

Expiry Date: 13-Apr-2018

## **SUMMARY**

It is clear that this application raises a number of important issues that influence the planning balance.

On one side the application proposes to re-develop a brownfield site in Crewe, in a sustainable location within walking distance of Crewe Town Centre with its range of facilities such as schools, healthcare and POS. The development also provides housing which will contribute towards the Council's 5 year housing supply and whilst not affordable in terms of the technical definition will provide a range of homes at the more affordable end of the housing market which is of course welcomed.

The proposals are neutral with regards to ecology with appropriate mitigation measures and issues of air quality, noise, land contamination, highways and flood risk can all be readily addressed. Although there are concerns about the loss of the existing factory wall and its historical links, it is considered that recording the "asset" and retaining the lower part of the wall as a frontage wall for the development goes some way to address this issue.

Against this, the proposals do not provide any affordable housing (due to the Vacant Building Credit) and the viability of the site causes a number of negatives with limited prospect of resolution and only very limited contributions to mitigate associated impacts. The POS provision on site falls short of that normally required. Education contributions also fall short of what is required. Collectively there are additional pressures put on existing facilities in the area. The proposals raise questions of urban design in that it falls short of the now expected levels of compliance with the CEC Design Guide. There are concerns about the loss of trees and the overall landscape provision on site.

As a result of the above this application is considered to be finely balanced. Tipping that balance for regeneration and recognising the viability of building on a brownfield site just favour supporting the proposal.

**SUMMARY RECOMMENDATION: Approve subject to Section 106 Agreement and conditions.**

## **PROPOSAL**

This full planning application proposes the demolition of all the existing buildings on the site and it's re development with 269 dwellings comprising a mix of flats and houses, together with an area of open space and associated hard and soft landscaping.

Access to the site would be from two points off West Street

## **SITE DESCRIPTION**

The application site consists of a sizable part of the Bombardier Engineering Works and currently consists of one very large brick and metal clad engine building, last understood to have been used for repair and refurbishment of railway engines, and still having the tracks running inside with over head gantry cranes, together with a small warehouse/storage type building on the northern boundary of the site. The remaining areas of the site are laid to hardstanding. The entire site is currently vacant.

The site would adjoin the remaining areas of the Bombardier works to the east which are still operational.

There are some trees only the northern boundary of the site and on the railway embankment.

The site adjoins the Chester railway line to the south and West Street to the north, and the engine building forms part of the boundary wall along West Street. Whilst most of West Street is residential in character, there is a church and associated buildings along the northern site boundary, and the site is relatively close to a range of retail/food and drink uses off Dunwoody Way.

## **RELEVANT HISTORY**

None relevant in the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

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

- MP1 Presumption in favour of sustainable development
- PG1 Overall Development Strategy
- 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
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 6 Green Infrastructure
- SE 13 Flood Risk and Water Management
- CO 1 Sustainable Travel and Transport
- CO 4 Travel Plans and Transport Assessments
- SC 1 Leisure and Recreation
- SC 2 Outdoor Sports Facilities
- SC 3 Health and Well Being
- SC 4 Residential Mix

SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
EG3 Existing and Allocated Employment Sites

The site is unallocated in the LPS, and lies to the west to the Central Crewe allocation LPS1.

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

NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **National Policy:**

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

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

Borough of Crewe and Nantwich extensions and householder development Supplementary Planning Document July 2008.

## **CONSULTATIONS**

**Environment Agency** – No objection in principle subject to conditions relating to contaminated land.

**United Utilities** – No objections subject to conditions relating to separate drainage systems and requiring a surface water management scheme.

**Network Rail** – No objections are raised, and a range of detailed comments have been made, but in general "Given the scale, layout and proposed works, the applicant must liaise with Network Rail before the construction works and ensure that there is no impact to the safe operation and integrity of the railway."

**Archaeology** - The Cheshire Archaeology Planning Advisory Service (APAS) are in agreement with the conclusions of the submitted archaeological desk-based assessment, and whilst they do not object to the development on archaeological grounds, they would advise that should planning permission be granted for this, or any similar scheme, that a programme

of further archaeological mitigation should be undertaken. This is because the report does recognise that the existing, early 20th century works building and associated rear boundary wall are of local significance, and as such the loss of these structures through demolition should be mitigated through a programme of historic building recording.

**Public Rights of Way** – A range of detailed comments have been provided setting out the NPPF's aspiration to encourage people to walk and cycle to key destinations to promote healthier lifestyles and better integrate communities and they suggest the developer should assess those linkages as part of their proposals.

**Spatial Planning** – These comments are incorporated into the loss of employment land section below.

**Environmental Health** – No objections are raised. Conditions have been requested relating to contaminated land, noise, air quality electric vehicle charging points. These will be included on the decision notice.

**Highways** – Whilst they have been involved in discussions with the applicant, and it is understood they have no significant objections to the application formal comments are awaited.

**Housing Strategy** – Whilst originally raising an objection, as 53 units should be provided as Affordable/Social rent and 28 units as Intermediate tenure, as no affordable housing is proposed. However when considering the Vacant Building Credit calculation provided by the applicant they accept its findings and as such withdraw the objection.

**Flood Risk** – Additional information has been requested, which the applicant has supplied. Comments on this are awaited.

**Education** – No objection subject to developer contribution of £678,815. Without the contribution they would raise an objection to this application.

**ANSA (Open Space)** – Ansa object to this application as it does not conform to Policy SE6 or Fields In Trust standards.

## **VIEWS OF CREWE TOWN COUNCIL**

The Town Council deeply regrets the lack of affordable housing in the scheme. It can confirm that the boundary wall was indeed camouflaged during the war, contrary to the assertions contained within application documents.

The principle of residential development is acceptable on this site, but the Town Council has concerns about certain details of the proposals as follows:

- There is no access to rear of the proposed terraced properties for bins, bikes and maintenance
- Noise mitigation measures are identified in the specialist report but it is not clear if they have been incorporated in the submitted scheme, eg bunding to the railway line. CTC does not consider it acceptable to require occupiers to keep windows closed to maintain acceptable noise levels as suggested in the report. The layout could be redesigned to reduce railway

noise impact to the nearest properties, for example by orientating dwellings so that blank gable ends face the railway line

- Open space – there is a complete lack of designated play space on the estate, and the nearest available open space is 700m away according to the design and access statement which is too far for young children to have to travel.
- The proposed street pattern uniform and uninteresting with no sense of place.
- There are concerns about possible pressure of additional traffic on the local road network eg Minshall New Road, particularly in conjunction with other proposals in the vicinity.

### **OTHER REPRESENTATIONS**

Representations have been received from 23 properties, including residents of Crewe but also from further afield. The points raised are summarised as follows;

- The factory wall on West Street is an important part of the town's railway heritage, that despite inaccurate assertions in the applicant's archaeological assessment, was camouflaged in WW11 to hide it from German bombing by being painted. Whilst the painting has faded, it can still be seen. There are mixed views on whether the all should be retained, but if removed, it should be accurately recorded.
- The access points onto West Street will lead to highway safety issues and should be re considered.
- Concerns about traffic congestion on West Street especially when considered alongside Bentley's proposals on Pyms Lane.
- Lack of parking provision for the houses
- The design of the housing lacks imagination, and does not provide a good housing mix or any affordable, social or elderly accommodation.
- Concerns about disruption/disturbance during the construction process and asbestos contamination.

### **APPRAISAL**

#### **Key Issues**

- Principle of development
- Loss of Employment Land
- Contaminated Land
- Affordable Housing and Housing Mix
- Education
- Open Space and Recreation
- Residential Amenity
- Impact on Local Highway Network / Access
- Heritage considerations
- Design and Layout
- Landscape
- Ecology
- Trees
- Noise
- Air Quality

- Flood Risk
- Viability/Section 106 agreement

## **PRINCIPLE OF DEVELOPMENT/HOUSING SUPPLY**

As noted above, the site is not allocated in the adopted Cheshire East Local Plan Strategy, but being within the built up area of Crewe and clearly constituting Previously Developed Land there would be no objections in principle to its redevelopment, subject to the loss of employment land considered below.

That said, as Members will be aware, the Council is able to demonstrate a 5 year supply of deliverable housing sites through a combination of commitments and Local Plan allocations, and this site does not currently contribute to those numbers. In short whilst there are no objections in principle to the development of this site for housing which would contribute to overall supply – which although welcomed, it is not currently needed to meet the Local Plan numbers. As such the weight that can be attached to this argument is reduced.

## **LOSS OF EMPLOYMENT LAND**

Policy EG3 (“Existing and Allocated Employment Sites”) of the Local Plan Strategy sets out the policy approach to existing employment sites. It seeks to protect employment sites for employment uses where appropriate, in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable businesses to grow and to create new and retain existing jobs.

Consistent with NPPF paragraph 22, Policy EG 3 does not automatically protect employment land, but provides the tests to be applied where alternative uses might be considered appropriate. These tests are not a simple tick-box exercise and robust evidence must be provided to demonstrate that premises are causing significant nuisance or environmental problems that cannot be mitigated; or the site is no longer suitable or viable for employment use, there is no potential for modernisation or alternate employment uses, and no other occupiers can be found.

In this way, the policy is designed to make sure an existing employment site is not suitable for any employment use; not just it’s present or most recent use. Where it can be demonstrated that there is a case for alternative development on employment land, all opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.

It is the applicant’s contention that the site is no longer suitable or viable for employment use, that modernisation of the site is not possible and no other occupiers can be found (Point 1 (ii) of policy EG3)

Footnote 42 of policy EG3 provides further guidance regarding the application of the test for whether other occupiers can be found, namely, that the site should be marketed at a realistic price, reflecting its employment status for a period of not less than 2 years. The Council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received.

The applicant has included a marketing report which sets out how, in the applicants view, that the site is no longer suitable or viable for employment use and provides evidence of marketing for periods in 2010/11 and 2015.

The Council's Skills and Growth Company (SAGC) have been asked for their view on the applicants marketing report. The SAGC are in principle against the loss of employment land. SAGC produces an annual commercial property report, with research undertaken by an independent consultancy and this consistently demonstrates a strong demand for employment land, particularly for industrial use.

SAGC deal with 500+ businesses per annum and offer intensive business support to those with growth and/or relocation plans. Both indigenous Cheshire East companies and new investors cite lack of available development land as a key driver in taking their project outside of the Borough.

However, SAGC do recognise that the marketing report outlines a number of potential challenges to enabling the site to be brought to market and do not intend to formally object to this proposal. They do present reservations regarding certain elements of the marketing report including the use of Cheshire East Commercial Property Review as an example of their route to market. This is a report to demonstrate past deals so is not treated as a site marketing document

The Spatial Planning team consider it of utmost importance that applications for alternate uses on employment land do robustly address the policy tests to demonstrate that the site is no longer suitable or viable for employment use, there is no potential for modernisation or alternate employment uses, and no other occupiers can be found. The marketing report and associated appendices do consider these issues. However, there are a number of further matters that the Spatial Planning Team wanted the applicant to consider and address, with regards to the evidence of marketing the site. The applicant has provided this information and Spatial Planning have confirmed they are satisfied the policy tests have been met.

Policy EG3 notes that where it can be demonstrated that there is a case for alternative development on existing employment sites, that these will be expected to meet sustainable development objectives set out in policy MP1, SD1 and SD2 of the Local Plan Strategy.

The Council's Employment Land Review (2012) (Appendix E2) considered the Bombardier Site. It was noted as a prominent site with the presence of older style industrial buildings. Access was considered to be good from Dunwoody Way. The Employment Land Review considered the development potential of the site to be limited although there may be development opportunities around the edge of the site as operations consolidates. The ELR noted that it was a large site with outmoded buildings. The overall view was that the site had potential for change of use – as the surrounding area is mainly residential. It also noted that the site was outmoded and contamination may also be an issue.

In conclusion the application addresses Policy EG3 and as such there are no objections to the loss of this employment site.

### **CONTAMINATED LAND**

The site clearly has a history of uses that could lead to the site being contaminated and given the intended use for residential purposes is a matter of some concern.

The applicant however has submitted a full site investigation and remediation strategy in support of the application and the Environment Agency write:

*“The reports detailed above submitted in support of this planning application provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.”*

The EA therefore recommend a series of contaminated land conditions. Environmental Protection write:

*“URS (the applicant’s consultant) undertook an investigation at the site in 2005 to assess it in the context of a continued industrial end-use scenario. In 2013, Aecom reassessed the URS data with respect to a residential end-use scenario. The presence of VOCs was shown to be site-wide within the current application site and was considered to pose a risk to human health. It was recommended that vapour protection membranes should be incorporated into the construction of any new buildings in order to remove the pathway from VOC vapours. These risks and measures have not been considered in the current assessment. The Conceptual Model is incomplete and does not consider all contaminant linkages for the site.”*

Environmental Protection have raised no objections subject to a range of planning conditions.

## **AFFORDABLE HOUSING**

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more 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 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 269 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 81 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in Crewe per year up to and including 2018 is for 50x 1 bedroom, 149x 3 bedroom and 47x 4+ bedroom General Needs dwellings. The SHMA is also showing a need for 12x 1 bedroom and 20x 2 bedroom Older Persons dwellings. These dwellings can be via flats, cottage style flats or bungalows.

The SHMA is showing an oversupply of 2 bedroom General Needs dwellings.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 997. This can be broken down to 450x 1 bedroom, 364x 2 bedroom, 132x 3 bedroom and 50x 4 bedroom dwellings. On this site a mix of 1, 2, 3 and 4 General Need’s dwellings with a provision of 1 and 2 Older Persons dwellings would be acceptable.

53 units should be provided as Affordable/Social rent and 28 units as Intermediate tenure.

The applicant is advising in the Planning Statement that no Affordable housing can be provided due to the Vacant Building Credit. The Application form is stating all the housing on site is to be Market Housing. The Vacant Building Credit calculation is showing via the correct calculations that no Affordable Housing can be provided on the site.

Vacant building credit was introduced to promote development on brownfield sites. It allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements (whether financial contribution or provision). It applies to any building that has not been abandoned and is brought back into any lawful use, or is demolished to be replaced by a new building.

The PPG explains that existing gross floorspace (assuming it has not been abandoned) should be credited against that of the new development.

In this case there is no overall increase in floorspace and as such no affordable housing can be required.

## **EDUCATION PROVISION**

The development of 269 dwellings is expected to generate:

50 primary children (269 x 0.19) – 1 SEN

39 secondary children (269 x 0.15) – 1 SEN

3 SEN children (269 x 0.51 x 0.023%)

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

The Service has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to a basic need of primary places demographically and from additional approved housing and allocated strategic sites in the locality as identified in the Local Plan. The two largest expansions being Monks Coppenhall Primary School and Hungerford Primary Academy (both by an additional 210 places). The expansions are being jointly funded by basic need funds and S106.

The Service is expanding the schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards.

On this basis Education are seeking a full primary claim and will receive the payments for the works paid for by the Council up front to mitigate the 50 primary children as a direct cause of the Bombardier Transport proposal. The proposal is not forecast to impact upon secondary education.

Special Education Need (SEN) provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 3 children expected from proposed development will exacerbate the shortfall. The 2 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is thought to be of EYFS age and as this provision is not currently claimed for, it cannot be reflected in the above calculation.

$50 \times \pounds 11,919 \times 0.91 = \pounds 542,315$  (primary)

$3 \times \pounds 50,000 \times 0.91 = \pounds 136,500$  (SEN)

Total education contribution:  $\pounds 678,815$

### **PUBLIC OPEN SPACE AND RECREATION**

Cheshire East aims to deliver a good quality and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits.

In terms of POS provision, based on 269 dwellings a total of 16,140sqm is required on site comprising of 20sqm of children's play space, amenity greenspace and green infrastructure connectivity. In terms of 5sqm required for allotment provision an offsite contribution would be considered to increase capacity elsewhere as there is a large demand for allotments in Crewe identified by the Open Space Survey.

The Open Space Survey also identifies central western Crewe as a high density area with limited access to amenity green space going beyond 5 to 10 minutes walking distance. This development will exasperate this issue. There is also a shortage of 34ha of children's play areas in Crewe and this development will increase this shortage. Both G.I. AGS and formal play is required on site.

The submitted planning layout shows a small central green area surrounded by roads. Within this are trees, a sloped bank with the majority covered in wildflower grass making it unusable for informal recreation.

Should permission be granted there is also a requirement for indoor and outdoor sport provision.

#### Indoor Sport Provision

##### 1. Policy

Policies SC1 and SC2 of the Local Plan Strategy provide a clear development plan policy basis to require developments to provide or contribute towards both outdoor and indoor recreation

Policy SC1 - 5. "Make sure that appropriate developments contribute, through land assembly and financial contributions, to new or improved facilities where development will increase

demand and / or there is a recognised shortage of local leisure, community and recreation facilities”.

Policy SC2 – 3. “Make sure that major residential developments contribute, through land assembly and financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage”.

This development will increase the need for local indoor leisure provision and as such a financial contribution should be sought towards Crewe Lifestyle Centre the nearest provision (1.3 miles away)

2. Evidence base

- Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. The Indoor Built Facility Strategy has identified that there is currently a sufficient stock of facilities (pools and sports halls) to meet current and new demand, however the additional population will increase demand on other areas of provision including health and fitness / gym provision and for Crewe the Council will look to focus meeting that demand at Crewe Lifestyle Centre.

3. Contribution required

- 269 houses at 1.61 people per residence = a population increase of 433
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East. = 185 additional “active population” due to the new development in Crewe
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to either
  - An additional seven stations. Requirement for – x 5 running machines (£6,500 per treadmill) , x 2 resistance / weight pieces (£3,000 per piece). Total £35,500
  - Or
  - Contribution to extending the gym at Crewe Lifestyle Centre as part of a capital redevelopment. Total £35,500

Outdoor Sport Provision

A shortage of 0.64ha of outdoor sport facilities are identified by the Open Space Survey therefore so not to increase this, a commuted sum of £1,000 per dwelling is required. This will be directed at King George V Playing Fields to enhance drainage, re-profile pitches and to improve the general facilities.

Although the applicant has sought to address some of the comments made by increasing the size and amending the layout of the central area of POS this does not address the central concerns of ANSA that there is insufficient provision being made for residents on or off site in an area that is already lacking in overall provision.

In addition to the changes to the area of POS, the applicant has sought to address this by highlighting the proximity of existing provision in the area. Whilst it may be the case that there

is some provision with relatively easy walking distance, Queen's Park in particular, this provision does not currently meet existing requirements for the population in the area, and because main roads need to be crossed to access this provision it is not accessible to younger children.

### **RESIDENTIAL AMENITY**

Issues of noise are addressed under that section of the report, with this section concentrating on privacy/massing issues.

Policies on separation distances are set out in Borough of Crewe and Nantwich extensions and householder development Supplementary Planning Document July 2008, which typically requires a distance of 21 metres between any proposed principal window and a directly opposing principal window in a neighbouring dwelling, and 13.5 metres between a principal window and a flank elevation.

In most instances on the site these stated distances are met or exceeded, however there are parts of the site where this is not the case. Firstly the proposed properties on the south side of West Street behind the retained wall will only be some 16m from properties to the north. In this instance the desire to replicate the street scene typical of this part of Crewe – of terraces opposite each other, and the fact that it is the frontages or the public space between houses is considered to be acceptable.

Within the site itself there are instances where the minimum distances are not met (typically 18/19m separation), and in some cases where properties are back to back, which clearly is not ideal. This does not impact on existing residents except where noted above. However this is an urban scheme where there are clear viability issues, and if all the required separation distances are achieved there would be a reduction in housing numbers and this would render the scheme unviable and therefore undeliverable. In the few instances where this is an issue it is considered that on balance it is acceptable to make the proposals work, and as the scheme is designed for sale/rent occupiers can make their own decision whether they feel there is a significant issue. Given the character of the area, it is not considered that refusal could be sustained on this basis.

### **IMPACT ON HIGHWAY NETWORK/ACCESS**

#### **Safe and suitable access**

The accesses have been designed to adoptable standards and include standard footways from West Street into the site. Speed surveys have been carried out showing West Street to have a design speed of approximately 30mph, and the associated visibility splays have been provided. The accesses will be located away from where on-street parking on West Street takes place and West Street has a width of approximately 7m.

The footway along the site frontage on West Street will have a width of 2m. Acceptable footway access is available to the wider Crewe area including bus stops on West Street. The bus stop on West Street on the same side of the development at the western side should be upgraded to include a shelter. The developer will need to liaise with TSS regarding this.

An accident analysis of those on West Street has been carried out and concluded that they were as a result of driver error rather than the road layout.

### **Network Capacity**

To determine the net vehicular impact of the site a trip generation exercise has been carried out for the existing site and for the proposal. The proposal will result in a net increase in vehicle trips of approximately 70 in the AM peak and 100 in the PM peak.

The access onto Dunwoody Way will no longer be used and the vehicle trips from the site will come off West Street. A proportion of the vehicle trips to/from the existing site will already use West Street. Using existing traffic distribution data, the net increase in vehicles using West Street during the AM and PM peak hours in the design year, as result of the development, is forecast to be 30 and 50 respectively, or a little less than 1 per minute over the hour.

The new site accesses, Pyms Lane/Minshull New Road, West Street/Dunwoody Way, and West Street/Victoria Avenue junctions were all assessed. Committed developments including those in Leighton, Flowers Lane and the Bentley applications were included in the assessments.

Whilst there would be a cumulative impact on these junctions, it is considered acceptable due to the traffic generation associated with the existing lawful land use.

### **Layout**

The access carriageways will have a width of 5.5m and further into the site these will be reduced to manage design speeds, in accordance with CEC standards and national guidelines. Further in again the shared space concept is introduced and although not strictly to the CEC Design Guide, there is no Highways reason to object to it.

The houses will provide off-road parking in line with CEC standards. The apartments to the west of the site will not provide a standard level of provision, at just over 1 space per apartment. Car ownership data for apartments in this part of Crewe show that this level of provision will be sufficient to cater for residents, and will not lead to on-street parking, assuming they remain unallocated which will increase the efficiency of the provision.

### **Conclusion**

Given the existing lawful land use and the net highways impact of the proposal is reduced and is acceptable. No objection is raised subject to conditions relating to making improvements to the bus stop on West Street, having a construction management plan and car parking for the apartments being unallocated. An informative relating to the requirement for a Section 38 Agreement is also recommended.

### **HERITAGE CONSIDERATIONS**

There are two issues here, firstly the significance of the factory wall on West Street, and the impact of the proposed development on the Heritage assets on West Street, namely St Barnabus Church and St Barnabus Vicarage both Grade II. The Webb Orphanage now Webb House on Victoria Avenue (again Grade II), is relatively close to the site, but being on the far side of the railway line to the south, and well screening by trees it is not considered that the development will impact on it's setting.

The loss of the railway building is regrettable given its local historic interest, but a more substantive effort is being made to retain the base and pillars of the building to create an enclosing wall for the north western frontage of the site, as a reference to the substantial building that presently occupies the site.

Whilst the building has some historical significance to Crewe, attempts to have it listed have proved successful, and it is difficult to see how it could be incorporated into any development. As set out above it should be fully recorded before any demolition works take place.

The loss of the trees in the north eastern corner of the site will adversely affect the Sylvan setting of the listed church and vicarage. There is concern as to whether planting of more substantial trees in gardens of properties to the south will either compensate for the impact upon the setting of the listed buildings or indeed affect living conditions for occupants. There are also concerns about enforceability. This is examined further below, but replacement trees that will be able to reach maturity are an important element of any proposals.

### **DESIGN AND LAYOUT**

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

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

This approach is consistent with CELPS Policy SE1 and the recently adopted Cheshire East Design Guide.

This full application was supported by a design and access statement and design code, but the proposals have raised a number of issues that have led to extensive consultations with the applicant and their agents. Dealing with each of the points:

The Street hierarchy is still not sufficiently strong in terms of character of built form and associated streetscape although there has been some progress, particularly with the inclusion of the avenue for principal streets and inclusion and more extensive changes in surfacing materials. However, the present design and materiality of the mews streets in the layout are unlikely to be particularly successful in creating multi-use streets, including encouraging informal play.

Sense of place/local distinctiveness – the overarching character departs from the character of this part of Crewe, with high concentrations of terraced housing immediately off West Street on this key gateway approach but it does not create a place of sufficiently distinct and high quality in its own right. Certain improvements have arisen, notably siting the apartment block and terraced forms in the western corner to define the gateway (and replicate the scale of the railway building and terraces), albeit the western elevation could have been more animated with more active use and fenestration on this side of the building. House types are reasonably well detailed but question their appropriateness to the context. Immediately local examples

should have more strongly influenced the design of houses to reinforce sense of place. This does feel like an opportunity missed to create something very distinctive.

Views from streets to the north of West Street are now being terminated more positively.

The interface with the railway requires further information, most particularly whether existing trees that will help to screen the development on the railway side will be unaffected (this is not shown on the layout).

Open space provision is inadequate for a scheme of this size. The space has been enlarged but it is still insufficient. There are also concerns to ensure that it will not form part of the SUDs system. Open space could have more positively characterised the development to help create a place with a stronger identity.

There is an imbalance in parking in certain parts of the scheme, with high proportions of frontage parking that will be heavily reliant on high quality frontage landscaping to ensure that those areas are not overly dominated by parked vehicles. The parking associated with the flats also requires more landscaping to prevent it becoming a 'sea of tarmac' with little to soften it.

There is concern that during implementation the scope for quality frontage landscaping will reduce further within streets and in areas to define public/private boundaries. There is also concern about the depth of frontage landscaping on West Street and the capacity to achieve a decent scale of landscaping to reinforce the edge of the street.

There is no information about external storage other than for the flats.

In some locations, rear boundaries are exposed in street scenes due to the street alignment and housing stepping back to accommodate frontage parking, reducing the consistency of the building line.

In conclusion the applicant has gone some way to addressing urban design/layout issues, but there still remain some concerns and in the Building for Life 12 Assessment there are "reds" for:

- Character - it feels like a missed opportunity to create a memorable and distinctive development.
- Public & Private spaces – Public open space is inadequate and private space relies on quality landscaping to succeed.
- External storage – Not indicated on the plans.

### **LANDSCAPE**

The application site covers an area of approximately 6.9 hectares and is occupied by the Crewe railway Works buildings. The site is bound to the north-west and the north by West Street, along part of which runs the rear brick wall of the works building, as well as the grounds and church of St Barnabas, to the north of West Street are existing residential dwellings, to the east the operational Bombardier site works and to the south by a railway line, south of which are residential dwellings.

The submission does not include a Landscape and Visual Appraisal, which in the circumstances is not surprising as the site currently exhibits the monumental structures of its industrial heritage and as such was not within the area appraised as part of the Cheshire Landscape Character assessment. However the Design and Access Statement does identify the Cheshire East Design Code and that within the Design Guide that Crewe and the surrounding area falls within the Salt & Engineering Towns Character Area.

The submission includes a Planning Layout and Landscape Masterplan. However it is not considered that the submitted proposals adequately follow the Cheshire East Design Code, nor is it felt that the landscape strategy will achieve a 'green and pleasant environment throughout the site', for a number of reasons.

The proposals only allow very limited opportunities to introduce trees and soft landscape along the site's frontage along West Street and the cramped and narrow design as shown is unlikely to do much to improve the visual appeal of the street, nor will it create an avenue of trees as stated, since there are no existing trees located along the northern side of West Street, which is characterised by terraced housing with very small front gardens that are largely devoid of vegetation. A wider offset with West Street would also have afforded the opportunity to continue any green infrastructure to the north of the three proposed cul-de-sacs shown on the masterplan.

The central green area appears to be minimal in size, and while overlooked by dwellings, is also surrounded on each side by roads and access to driveways. The green itself is shown with a boundary treatment of grass with trees, a sloping bank and the majority of the site devoted to wildflower grass. This may provide a focus for those dwellings that surround it, but will render it unusable for play and recreation.

Reference is made in the Design and access Statement to a hierarchy of routes in the scheme; primary routes, secondary routes and shared drives. There are primary routes that provide access from West Street and that form a loop within the site, and secondary routes that link the primary routes into the residential areas, and there are shared drives. However the differences between the primary and secondary routes are imperceptible and apart from their functions as highway routes, provide no clear distinction in terms of character or design hierarchy. The uniformity of street and design of the streets prevents any meaningful street planting or hierarchy of shrub or tree planting across the site. While the masterplan shows tree planting in many of the front gardens, the restricted layout means that these would be restricted to smaller ornamental species. It is suggested that the proximity to driveways, houses and impacts on residential amenity may well mean that these would not be particularly successful in the longer term.

Any opportunities to provide a more a positive design transition between the existing and functioning Bombardier site to the east and the railway line to the south have been overlooked, this is disappointing.

It is not considered that the proposals reflect the guidance offered in the Cheshire East design Guide, nor is it considered that they embody best practice in spatial planning and urban design.

Since the initial comments were made, the landscaping proposals have been amended to improve the West Street frontage and the central area of POS. However the landscape officer still feels that the site will only offer limited opportunity to green the site.

### **ECOLOGY**

The phase one survey which informs the ecological assessment was undertaken at a poor time of year however considering the nature of the habitats present on site this is not a significant constraint.

It is advised that the trees along the sites northern boundary should be retained to provide opportunities for foraging bats.

Whilst as set out in the tree section of this report these trees will need to be removed, they are proposed to be replaced, and whilst in the short term they will not provide as good a foraging habitat in time they will and as such it is considered this matter is addressed.

Provided the trees are replaced it is advised that there are unlikely to be any significant ecological issues associated with the proposed development, subject to conditions covering the following matters:

- Hedgehog habitats and gaps in fences.
- Detailed survey for nesting birds
- Detailed proposals for breeding swifts and White Letter Hairstreak

### **IMPACT ON TREES**

There is tree cover on and adjacent to the site, mainly on the boundaries. None of the trees are subject to TPO protection.

The tree cover comprises:

- An avenue of mature broadleaved trees along the northern boundary of the site comprising a row of Lombardy poplars, Ash and some Sycamore.
- To the north west there is a self set group approximately 7 metres in width comprising young Birch, Poplar and Sycamore.
- To the south in the railway corridor there is a linear strip of early mature/mature Birch, Sycamore, Goat Willow and Oak.
- Close to a warehouse within the site there is a small group of ornamental conifers.

The submission is supported by a Tree Survey Report and Impact Assessment dated December 2017. The tree survey covers 55 individual trees and small groupings. The trees were generally assessed to be in poor to moderate condition with no trees being afforded a high value. Nevertheless, 16 individual grade B trees and 2 grade B groups are identified.

The constraints posed by the trees are identified on a site survey as existing. The report references clearance of the site and removal of all trees within the boundaries. There is also reference to the need to afford sufficient stand off to minimise impacts on the rooting zones and overhead canopies of off site trees.

In this urban setting and in an area where there is limited tree cover, the presence of mature trees is a material consideration. In particular, the belt of trees to the north makes some contribution to amenity.

The revised landscape proposals remove previously proposed trees from locations close to several proposed properties fronting West Street which would avoid future conflicts. Nevertheless, tree planting is still shown in narrow planting strips across the site. The new trees proposed in rear gardens along the northern boundary with the St Barnabus Church are unlikely to fully mitigate for the mature trees to be removed. As stated previously, beyond a standard 5 year maintenance condition, in private gardens these would be out of LPA control. A more sensitive approach might be to design a layout which allowed a belt of tree planting and landscape works on this boundary out with private gardens, with development facing.

In respect of the off site trees on the railway embankment to the south, the report recommends a 4 metre stand off and protective measures. These trees are still not shown on the site layout although a 4 metre stand off appears to be achieved. Protective measures for these trees could be sought by condition but it should be noted that final proposals for remediation measures and levels may impact on the trees roots.

Should tree loss be unavoidable, it would be essential to secure meaningful replacement planting to compensate for the losses. Whilst indicative planting is shown on the proposed site layout, the space afforded and juxtaposition with buildings/hard surfacing is likely to constrain the scale of tree planting which could be achieved.

As discussed in the heritage section, the sylvan backdrop for the Listed Buildings on West Street is an important part of their setting, and whilst the loss of the boundary trees regrettably is accepted, as they are not in particularly good health, and when the adjacent building is demolished, and the associated slab removed it is considered very difficult to retain them in a safe condition. What matters then is how they are replaced and protected in the long term.

The current proposal include replanting sizable trees which will, in time, replace the sylvan setting for the buildings, the issue however is that they will be in the back gardens of residential properties with modest sized gardens. The concern is that they will be removed by homeowners, and in time their size will give social proximity issues which again will see them removed. The applicant is looking at other options here and the outcome of these discussions will be reported in a written update.

### **NOISE**

The applicant has submitted an acoustic report by Bureau Veritas UK Ltd in support of the application. The impact of the noise from West Street, the railway and the adjacent industrial use on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from the adjacent road, railway and industrial process. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, conditions are necessary in order for this application to be approved, which essentially means carrying out the report recommendations which includes boundary treatment, glazing and ventilation measures.

## **AIR QUALITY**

Policy SE12 of the 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 has been had to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015)

This is a proposal for the residential development of 269 dwellings comprising 24 apartments and 245 dwellings. Air quality impacts have been considered within the air quality assessment submitted in support of the application by Redmore Environmental. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2016 - Verification
- Opening year Do-Minimum (DM) (predicted traffic flows in 2018 should the proposals not proceed)
- Opening year Do-Something (DS) (predicted traffic flows in 2018 should the proposals be completed)

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to NO<sub>2</sub> and PM<sub>10</sub> concentrations, with none of the receptors experiencing greater than a 1% increase relative to the AQAL.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Crewe has three Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

The developer has already submitted an Interim Travel Plan which Environmental Protection deems sufficient to prevent a condition being raised to request one. However, Environmental Protection also believes that further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Therefore conditions are recommended regarding Electric Vehicle Infrastructure, dust control and ultra low emission boilers.

### **FLOOD RISK**

Comments on the additional information provided by the applicant are still awaited at the time of writing this report. Any comments received will be reported as a late item to Members.

### **EMPLOYMENT**

The addition of 269 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Crewe Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **VIABILITY/SECTION 106**

The applicant submitted a viability report in support of the application which in short states that because of the significant costs in redeveloping this site it is unable to sustain any of the requested financial obligations requested towards education and public open space. Affordable housing provision as set out above is not required because of the vacant Building Credit.

In brief the abnormal costs of developing this site amount to some £2.8m, a substantial amount of which comprises demolition and site remediation, site clearance and preparation, abnormal foundations, storm water attenuation and a capping layer.

This viability report has been independently assessed and although initially it was considered that the "Scheme is capable of providing S106 financial contributions whilst remaining financially viable", after further discussions on abnormal costs and other matters the Consultants have confirmed the applicant's position that no obligations can be afforded by the proposed development. The consultants acting for the Council write:

"We therefore do not consider that the sales values achieved will be at the level required for the Scheme to become financially viable and therefore is not currently capable of providing S106 contributions whilst remaining financially viable."

Lack of any contributions to mitigate the impact of development is always going to be difficult to support – no matter what the viability states or whether it is independently agreed. Officers have therefore been in discussions with the applicants to understand the current position and to seek contributions. A formal response is awaited but it appears that the applicants are able to offer a total of £100,000 towards education and/or POS off-site provision.

A section 106 agreement will accompany the application and is required to secure the following:

- £100,000 towards education and/or POS off-site provision

### **CIL REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **COMMENT ON REPRESENTATIONS**

The majority of the points of objection have been addressed in the main body of the report, and concerns about the demolition process, whilst understood, will be addressed under other environmental protection legislation.

### **CONCLUSION AND PLANNING BALANCE**

It is clear that this application raises a number of important issues that influence the planning balance.

On one side the application proposes to re-develop a brownfield site in Crewe, in a sustainable location within walking distance of Crewe Town Centre with its range of facilities such as schools, healthcare and POS. The development also provides housing which will contribute towards the Council's 5 year housing supply and whilst not affordable in terms of the technical definition will provide a range of homes at the more affordable end of the housing market which is of course welcomed.

The proposals are neutral with regards to ecology with appropriate mitigation measures and issues of air quality, noise, land contamination, highways and flood risk can all be readily addressed. Although there are concerns about the loss of the existing factory wall and its historical links, it is considered that recording the "asset" and retaining the lower part of the wall as a frontage wall for the development goes some way to address this issue.

Against this, the proposals do not provide any affordable housing (due to the Vacant Building Credit) and the viability of the site causes a number of negatives with limited prospect of resolution and only very limited contributions to mitigate associated impacts. The POS provision on site falls short of that normally required. Education contributions also fall short of what is required. Collectively there are additional pressures put on existing facilities in the area. The proposals raise questions of urban design in that it falls short of the now expected

levels of compliance with the CEC Design Guide. There are concerns about the loss of trees and the overall landscape provision on site.

As a result of the above this application is considered to be finely balanced. Tipping that balance for regeneration and recognising the viability of building on a brownfield site just favour supporting the proposal.

## **RECOMMENDATION**

**Approve** subject to a legal agreement to secure

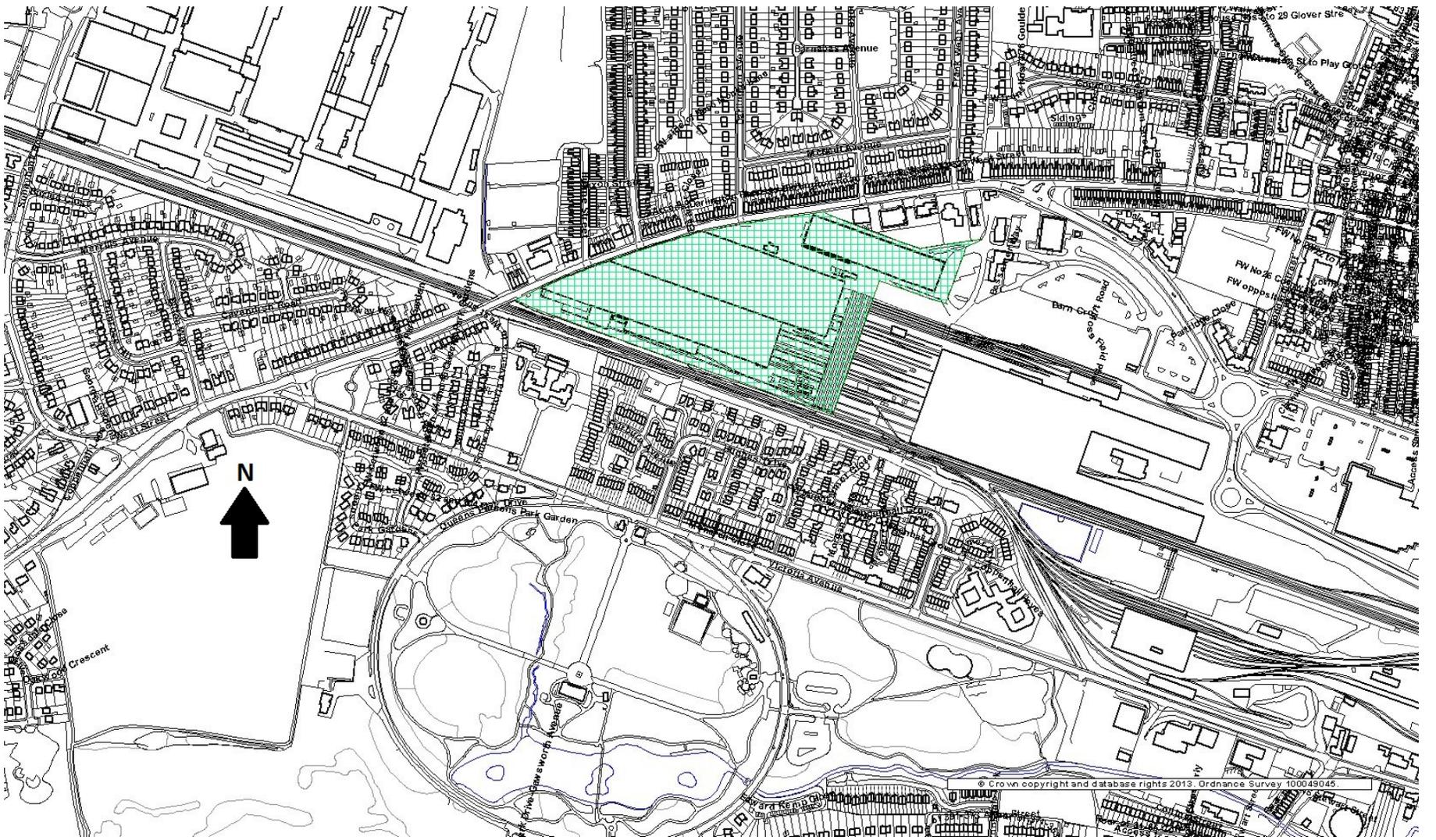
- £100,000 towards education and/or POS off-site provision

### **And the following conditions**

- 1. Standard 3 year consent**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscaping**
- 5. Implementation of landscaping**
- 6. Tree Protection Measures**
- 7. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
- 8. Noise mitigation measures**
- 9. Provision and implementation of Travel Plan**
- 10. Dust control measures**
- 11. Electric Vehicle Infrastructure**
- 12. Submission of a Contaminated Land Phase II investigation.**
- 13. Control over imported soils**
- 14. Requirement to inform LPA if unexpected contamination found**
- 15. Submission of Construction and Environmental Management Plan**
- 16. Bin and cycle storage.**
- 17. Hedgehog habitat creation and gaps in fences.**
- 18. Detailed survey for nesting birds**
- 19. Detailed proposals for breeding swifts and White Letter Hairstreak**
- 20. Archaeological programme of works**
- 21. Separate drainage systems**
- 22. Detailed design of surface water drainage**
- 23. Broadband provision**
- 24. Finished floor levels**
- 25. Improvements to the bus stop on West Street**
- 26. No allocation of parking spaces for the apartment blocks**

*In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the*

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



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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date:** 1<sup>st</sup> August 2018  
**Report of:** David Malcolm: Head of Planning (Regulation)  
**Title:** Planning Appeals Report

#### **1.0 Purpose of Report**

- 1.1 To summarise the outcome of Planning Appeals that have been decided between 1<sup>st</sup> January 2018 and 30<sup>th</sup> June 2018. Two quarterly reports are combined to provide information for the year end 2017/18 and the first quarter of 2018/19. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

#### **2.0 Decision Required**

- 2.1 That the report be noted.

#### **3.0 Background**

- 3.1 All of the Council's decisions made on planning applications are subject to the right of appeal under section 78 of the Town and Country Planning Act 1990. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on an appeal rather than it being made by a Planning Inspector – this is referred to as a 'recovered appeal'.
- 3.2 Appeals can be dealt with through several difference procedures: written representations; Informal Hearing; or Public Inquiry. There is also a fast-track procedure for householder and small scale commercial developments.
- 3.3 All of the Appeal Decisions referred to in this report can be viewed in full online on the planning application file using the relevant planning reference number.
- 3.4 This report relates to planning appeals and does not include appeals against Enforcement Notices or Listed Building Notices.

#### **4.0 Commentary on Appeal Statistics**

- 4.1 The statistics on planning appeals for the full year 2017/18 are set out in Appendix 1. A full list of the appeals for the fourth quarter (Q4) is set out in Appendix 2.
- 4.2 The statistics for the first quarter of 2018/19 are set out in Appendix 3 and a full list of the appeals for this quarter is set out in Appendix 4.
- 4.3 The statistics are set into different components to enable key trends to be identified:
  - Overall performance;
  - Performance by type of appeal procedure;
  - Performance on delegated decisions;
  - Performance on committee decisions;
  - Overall numbers of appeals lodged;
  - Benchmarking nationally.
- 4.4 The overall number of appeals lodged has remained consistent and averages out at approximately 120 - 140 planning appeals annually. At present, approximately 30% of decisions to refuse planning permission will result in a planning appeal.
- 4.5 In terms of the outcomes of the appeals decided, the performance is very close to the national average; 33.6% of appeals were allowed in the full year for 2017/18 against a national average of 32%. For the first quarter of this financial year, however, 36.7% of appeals have been allowed.
- 4.6 Compared to recent years, the statistics show a reduction in the number of appeals held through public inquiry, which is a reflection of the adoption of the Local Plan Strategy and the subsequent reduction in major housing appeals.
- 4.7 In respect of Householder Appeals, only 13% were allowed over the full year to the end of March 2018. This compares very favourably to the national average for the same period of 38%. The first quarter of this financial year has since seen a rise in the number of householder fast-track appeals allowed, with more appeals (5) allowed in this quarter than in the whole of the previous year (4). This trend will be monitored in future reports as there has been no obvious change in decision making process that should account for this variation.
- 4.8 Only 22% of appeals against delegated decisions were allowed in the full year 2017/18, which is much better than the national average of 32%. The first quarter of the current year has shown appeals allowed at 31%, which is consistent with national average.
- 4.9 Appeals against committee decisions remain less favourable. Overall 63% of appeals made against committee decisions have been allowed during the full year 2017/18. When decisions contrary to officer

recommendation are taken into account, this figure rises to over 70% of appeals allowed. From the appeals lists in Appendix 2 and 4, there were 7 decisions made by committee to refuse planning permission contrary to officer recommendation and 6 of these were then allowed at appeal.

- 4.10 Appendix 2 illustrates that one refusal of planning permission against officer recommendation was successfully defended by the Council at appeal. However, the overwhelming majority of decisions where officer recommendations were overturned have resulted in the appeal being allowed. These figures continue to emphasise that a decision contrary to officer recommendation based on empirical evidence and good planning grounds may be defended, but too often decisions are made contrary to officer advice without good reason and with insufficient evidence. The total of 29 appeals, decided over the full year period 2017/18, submitted against decisions made contrary to officer advice should be considered too many in itself.
- 4.11 It should be noted that, due to the timescales of the appeals process, these figures will reflect decisions made prior to the last 3 months at the very latest.
- 4.12 It should also be emphasised that the appeal process runs to very strict procedural guidelines. Deadlines for appeal statements, site visits, hearing and Inquiries are fixed. A high volume of appeals places a significant burden on the planning department and it is good practice to work to reduce the number of appeals received.

## **5.0 Commentary on Appeal Decisions**

- 5.1 This section summaries several appeal decisions that have implications for the Council. All of the decisions have importance for different reasons but due to the volume of decisions only a few are selected for comment in this report.
- 5.2 The Council has now received a number of important appeal decisions since the adoption of the Cheshire East Local Plan Strategy. In respect of housing developments, these have been reported to Members in previous reports and have confirmed the Council's position on the provision of a 5 year housing land supply.
- 5.3 This position continues to be challenged at appeal, with developers seeking to demonstrate that the delivery of housing in the Borough is falling short of requirements. The Council has robustly defended its position and, based on evidence, has been successful in demonstrating a 5 year supply of housing land. In the recent appeal decision dated 10<sup>th</sup> April 2018 for a housing proposal at Land West of New Road, Wrenbury, the Inspector stated: "*Whilst I have concluded that at the*

*present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met.”*

- 5.4 This appeal decision serves to confirm a 5 year supply of housing land in Cheshire East. However, similarly to other appeal decisions where a more precautionary approach has been adopted with the application of the “tilted balance” (e.g. Land at Shavington Villa), it also emphasises that whilst there are many elements to the pace of housing delivery on the ground, the Council must continue its recent track record of facilitating housing delivery through the efficient processing and decision making on planning applications for housing in line with the Cheshire East Local Plan Strategy.
- 5.5 Application ref. 16/4306C was subject to an appeal decision on 18 January 2018 following an Inquiry in October 2017. The proposal was for a small scale housing development of 6 dwellings on a site adjacent to the settlement boundary of Goostrey. The key issue for this appeal was the impact on the Jodrell Bank Radio Telescope. The appeal was dismissed due to the impact on the telescope as a result of cumulative exceedances in the levels of interference for radio astronomy. Significant weight was attached to the impact on the research facility, recognised of global importance.
- 5.6 This decision follows earlier appeal decisions that have been dismissed for larger developments where the Council has sought to uphold local plan policies for the protection of Jodrell Bank Observatory. In the light of those decisions, the local planning authority has been applying significant weight to the cumulative impacts on Jodrell Bank, even when individually the impacts have been relatively minor. This decision confirms that electro-magnetic interference arising from small scale developments can and does have a harmful impact on the workings of the Telescope and should be resisted to protect this important asset. The decision emphasises some of the complexities of assessing the individual impacts beyond purely the scale of the development, with location, proximity and orientation just some of the determinative factors.
- 5.7 The decision recognises that there has been a degree of inconsistency through both LPA decision and Appeal Decisions in relation to small scale developments in the Jodrell Bank Observatory consultation zone. In large part this has arisen from the nature of consultation responses that the Council now receives which are now worded to demonstrate the harmful impact of small scale and cumulative developments.

5.8 Whilst it should be recognised that there may be an opportunity to improve consistency through policy and working with Jodrell Bank on the wording of consultation responses, this Appeal Decision emphasises and justifies a precautionary approach to any new housing development in the Jodrell Bank consultation zone.

**6.0 Recommendation**

6.1 That Members note the contents of the report.

**7.0 Risk Assessment and Financial Implications**

7.1 As no decision is required there are no risks or financial implications.

**8.0 Consultations**

8.1 None.

**9.0 Reasons for Recommendation**

9.1 To learn from outcomes and to continue to improve the Council's quality of decision making on planning applications.

***For further information:***

*Portfolio Holder: Councillor Ainsley Arnold*

*Officer: Peter Hooley – Planning & Enforcement Manager*

*Tel No: 01625 383705*

*Email: Peter.Hooley@cheshireeast.gov.uk*

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## Quarterly Planning Appeals Report

**Appendix 1. Planning Appeal Statistics 2017/18**

<b>All Planning Appeals decided</b>					
<b>Q1 (1<sup>st</sup> Apr 2017 to 30 Jun 2017)</b>					
<b>Q2 (1<sup>st</sup> Jul 2017 to 30<sup>th</sup> Sept 2017)</b>					
<b>Q3 (1<sup>st</sup> Oct 2017 to 31<sup>st</sup> Dec 2017)</b>					
<b>Q4 (1<sup>st</sup> Jan 2018 to 31<sup>st</sup> Mar 2018)</b>					
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of Planning Appeals determined	32	30	36	42	140
Total Allowed	17	12	6	12	47
Total Dismissed (%)	15	18	30	30	93
<b>Percentage allowed</b>	<b>53%</b>	<b>40%</b>	<b>17%</b>	<b>29%</b>	<b>33.6%</b>
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>					

<b>Public Inquiries</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	1	1	3	2	7
Total Allowed	1	1	0	0	2
Total Dismissed	0	0	3	2	5
<b>Percentage allowed</b>	<b>100%</b>	<b>100%</b>	<b>0%</b>	<b>0%</b>	<b>29%</b>

<b>Hearings</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	2	1	4	1	8
Total Allowed	1	0	1	0	2
Total Dismissed	1	1	3	1	6
<b>Percentage allowed</b>	<b>50%</b>	<b>0%</b>	<b>25%</b>	<b>0%</b>	<b>25%</b>

<b>Written representations</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	22	25	15	32	94
Total Allowed	13	11	4	11	39
Total Dismissed	9	14	11	21	55
<b>Percentage allowed</b>	<b>59%</b>	<b>44%</b>	<b>27%</b>	<b>34%</b>	<b>41%</b>

## Quarterly Planning Appeals Report

<b>Householder Appeal Service</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	7	3	14	7	31
Total Allowed	2	0	1	1	4
Total Dismissed	5	3	13	6	27
<b>Percentage allowed</b>	<b>29%</b>	<b>0%</b>	<b>7%</b>	<b>14%</b>	<b>13%</b>

**Appeals against Delegated Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	18	18	29	34	99
Total Allowed	8	3	3	8	22
Total Dismissed	10	15	26	26	77
<b>Percentage allowed</b>	<b>44%</b>	<b>17%</b>	<b>10%</b>	<b>23%</b>	<b>22%</b>

**Appeals against Planning Committee Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	14	12	7	7	40
Total Allowed	9	9	3	4	25
Total Dismissed	5	3	4	3	15
<b>Percentage allowed</b>	<b>64%</b>	<b>75%</b>	<b>43%</b>	<b>57%</b>	<b>63%</b>

**Appeals Lodged this year**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Public Inquiries	0	3	0	1	4
Hearing	3	3	4	4	14
Written Rep	21	21	19	25	86
Household fast-track	6	11	11	10	38
<b>Total</b>	<b>30</b>	<b>38</b>	<b>34</b>	<b>40*</b>	<b>142</b>

\*Figures are subject to revision due to delay between date appeals lodged and start date confirmed by PINS.

**Benchmarking****Latest national figures for s78 Planning Appeals**

<b>2017/18</b>				
	<b>Public Inquiry</b>	<b>Hearings</b>	<b>Written Representations</b>	<b>All</b>
Number of appeals determined	307	573	9711	10,591
<b>Percentage allowed</b>	<b>46%</b>	<b>44%</b>	<b>31%</b>	<b>32%</b>

Quarterly Planning Appeals Report

**National figures for Householder Appeal Service**

<b>2017/18</b>	
	<b>Householder</b>
Number of appeals determined	5,290
<b>Percentage allowed</b>	<b>38%</b>

*Source: Planning Inspectorate Statistics 18 July 2018*

Quarterly Planning Appeals Report

**Appendix 2.** Appeals determined 1<sup>st</sup> Jan 2018 – 31<sup>st</sup> March 2018

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/4318N	Land off PARK ROAD, WILLASTON	Outline planning permission for up to 100 residential dwellings	Strategic Planning	Public Inquiry	Dismissed	No
16/4526N	LAND TO REAR OF 71, MAIN ROAD, SHAVINGTON	Full planning permission for 30 dwelling houses including the demolition	Southern Planning	Written Representations	Dismissed	No
17/0295N	Land at Shavington Villa, Rope Lane, Shavington, CW2 5DT	Residential development of up to 29 No. dwellings and associated infrastructure	Southern Planning	Written Representations	Allowed	No
16/5610M	KINGS ARMS SERVICE STATION, ALDERLEY ROAD, WILMSLOW, SK9 1PZ	Change of use of land from a former petrol filling station to a hand car wash	Northern Planning	Written Representations	Allowed	Yes
17/0763M	49, CARRWOOD ROAD, WILMSLOW, SK9 5DJ	Demolition of one two-storey detached dwelling and the construction of two	Northern Planning	Written Representations	Dismissed	Yes
17/1977M	NETHERBROOK, CHORLEY HALL LANE, ALDERLEY EDGE, SK9 7UL	Erection of a single detached dwelling and creation of a new access	Northern Planning	Written Representations	Allowed	Yes
17/2610M	Land between no.3 Seven Sisters Lane and No.4 Seven Sisters Lane, Ollerton, WA16 8RN	Infill Development for 2no. dwellings and associated landscaping.	Northern Planning	Written Representations	Allowed	Yes
16/2402N	Land to the rear of 22, WESTFIELD DRIVE, WISTASTON	Proposed development of Two Detached Houses	Delegation	Written Representations	Dismissed	
16/4306C	Land adjacent 51, MAIN ROAD, GOOSTREY	Erection of 6 dwellings	Delegation	Public Inquiry	Dismissed	
16/5182M	GRASS LANDS NURSERY, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Certificate of Lawful Proposed Use/Development	Delegation	Written Representations	Allowed	
16/5424M	8, LONGDEN LANE, MACCLESFIELD, SK11 7EN	Lawful Development Certificate for use of land as garden	Delegation	Written Representations	Dismissed	
16/5695M	LAND ADJACENT TO FLAT 2A, Brookside, RYLEYS LANE, ALDERLEY EDGE	Erection of one dwelling with associated works (re-submission of 16/2412M)	Delegation	Informal Hearing	Dismissed	

Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Overturn?</b>
16/5890C	Glebe Farm, KNUTSFORD ROAD, CRANAGE, CW4 8EF	Certificate of existing lawful development for a static caravan	Delegation	Written Representations	Dismissed	
17/0031M	FAIROAK, WESTON ROAD, WILMSLOW, SK9 2AN	Replacement dwelling	Delegation	Written Representations	Dismissed	
17/0432M	83, Knutsford Road, Row Of Trees, Alderley Edge, SK9 7SH	Demolish existing dwelling and detached double garage and replace with new dwelling	Delegation	Written Representations	Allowed	
17/0475N	BADDILEY LANE FARM, BADDILEY LANE, BADDILEY, CW5 8BP	Double garage with storage room in roof space	Delegation	Written Representations	Allowed	
17/0555M	HAWTHORNE HOUSE, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Certificate of Lawfulness for a proposed home office	Delegation	Written Representations	Dismissed	
17/0955M	CANN LANE FARM, CANN LANE, ASTON BY BUDWORTH, CW9 6LX	Detached Storage Building (Retrospective)	Delegation	Written Representations	Allowed	
17/1160N	THE BYRES, WYBUNBURY LANE, WYBUNBURY, CW5 7HD	New dwelling on land adjacent	Delegation	Written Representations	Allowed	
17/1187C	KNOBS WELL COTTAGE, MOSS LANE, SANDBACH, CW11 3PL	Demolition of existing two storey brick cottage also detached brick faced garage	Delegation	Written Representations	Dismissed	
17/1777N	Land north of the ROYAL OAK, 94, MAIN ROAD, WORLESTON, CW5 6DN	Outline Planning Application for 6No dwellings (33% affordable), With All Matters reserved	Delegation	Written Representations	Dismissed	
17/2163M	33, Buckingham Road, Wilmslow, SK9 5JU	Two storey side extension to existing property	Delegation	Householder Appeal Service	Dismissed	
17/2166M	14, PARK LANE, PICKMERE, WA16 0JX	Proposed detached bungalow	Delegation	Written Representations	Dismissed	
17/2376N	Yew Tree Cottage, CHESTER ROAD, HURLESTON, CW5 6BU	New dwelling & garage	Delegation	Written Representations	Dismissed	

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LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overturn?
17/2471N	114, Broad Lane, Stapeley, CW5 7QW	Side and rear two storey extension	Delegation	Householder Appeal Service	Dismissed	
17/2495M	171, LONDON ROAD SOUTH, POYNTON, SK12 1LQ	Removal of existing pitched roof. Construction of first floor extension (Bedroom)	Delegation	Householder Appeal Service	Allowed	
17/2760M	Wildacre, WITHINLEE ROAD, PRESTBURY, SK10 4QE	Replacement dwelling	Delegation	Written Representations	Allowed	
17/2808N	Orchard House, ORCHARD STREET, WILLASTON, CW5 6QW	Change of use from C4 to HMO comprising of 7 bedrooms.	Delegation	Written Representations	Allowed	
17/3053M	THE OAKS, HOPE LANE, ADLINGTON, SK10 4NX	Erection of a two-bay garage, porch and subterranean utility room	Delegation	Householder Appeal Service	Dismissed	
17/3115M	BLACKFORD, WILMSLOW PARK NORTH, WILMSLOW, SK9 2BA	Residential development comprising 6 dwellings	Delegation	Written Representations	Dismissed	
17/3397M	25, BROOKSIDE AVENUE, POYNTON, SK12 1PW	The erection of a new dwelling adjacent to No.25 Brookside Avenue	Delegation	Written Representations	Dismissed	
17/3507M	Little Meadow, MERRYMANS LANE, GREAT WARFORD, SK9 7TN	Removal of Condition F on approved planning application 01/0043P	Delegation	Written Representations	Dismissed	
17/3539M	SVEDALA, SUGAR LANE, ADLINGTON, SK10 5SQ	Erection of new dwelling following the demolition of existing dwelling.	Delegation	Written Representations	Dismissed	
17/3701N	Unit 2 Beam Heath Way, Nantwich	Change of use from B1, B2, B8 and bulky goods to A1 retail	Delegation	Written Representations	Dismissed	
17/3887N	Wrenbury Heath Farm, HEATH LANE, WRENBURY HEATH, CW5 8EF	Outline Planning for erection of 2 detached dwellings with garages and formation of access	Delegation	Written Representations	Dismissed	
17/3895M	8, School Road, HANDFORTH, SK9 3EZ	1st floor side extension & garage conversion	Delegation	Householder Appeal Service	Dismissed	
17/3921M	MOGGIE LANE FARM, MOGGIE LANE, ADLINGTON, SK10 4NY	Construction of a self-build residential dwelling	Delegation	Written Representations	Dismissed	

Quarterly Planning Appeals Report

17/3978M	THE WORKSHOP, SHRIGLEY ROAD NORTH, POYNTON	Demolition of the existing structure and the construction of a new 2/3 bed dwelling	Delegation	Written Representations	Dismissed	
17/4183N	Land off AUDLEM ROAD, AUDLEM	Variation of condition 1 on application 13/2224N	Delegation	Written Representations	Dismissed	
17/4598C	SQUIRRELS CHASE, HEMMINGSHAW LANE, ARCLID, CW11 4SY	Construction of a single-storey detached garage outbuilding	Delegation	Householder Appeal Service	Dismissed	
17/4644N	PARK HOUSE FARM BUILDING, PARK LANE, HATHERTON, CW5 7QX	Prior notification for a proposed change of use of agricultural building	Delegation	Written Representations	Dismissed	

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## Quarterly Planning Appeals Report

## Appendix 3. Planning Appeal Statistics 2018/19

<b>All Planning Appeals decided</b>					
<b>Q1 (1<sup>st</sup> Apr 2018 to 30 Jun 2018)</b>					
<b>Q2 (1<sup>st</sup> Jul 2018 to 30<sup>th</sup> Sept 2018)</b>					
<b>Q3 (1<sup>st</sup> Oct 2018 to 31<sup>st</sup> Dec 2018)</b>					
<b>Q4 (1<sup>st</sup> Jan 2019 to 31<sup>st</sup> Mar 2019)</b>					
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of Planning Appeals determined	30				
Total Allowed	11				
Total Dismissed (%)	19				
<b>Percentage allowed</b>	<b>36.7%</b>				
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>					

<b>Public Inquiries</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	0				
Total Allowed	0				
Total Dismissed	0				
<b>Percentage allowed</b>	<b>n/a</b>				

<b>Hearings</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	2				
Total Allowed	1				
Total Dismissed	1				
<b>Percentage allowed</b>	<b>50%</b>				

<b>Written representations</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	19				
Total Allowed	5				
Total Dismissed	14				
<b>Percentage allowed</b>	<b>26%</b>				

## Quarterly Planning Appeals Report

<b>Householder Appeal Service</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	9				
Total Allowed	5				
Total Dismissed	4				
<b>Percentage allowed</b>	<b>56%</b>				

**Appeals against Delegated Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	26				
Total Allowed	8				
Total Dismissed	18				
<b>Percentage allowed</b>	<b>31%</b>				

**Appeals against Planning Committee Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	4				
Total Allowed	3				
Total Dismissed	1				
<b>Percentage allowed</b>	<b>75%</b>				

**Appeals Lodged this year**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Public Inquiries	0				
Hearing	0				
Written Rep	10				
Household fast-track	3				
<b>Total</b>	<b>13*</b>				

*\*Figures are subject to future revision due to delay between date appeals lodged and start date confirmed by PINS.*

**Benchmarking****Latest national figures for s78 Planning Appeals**

<b>2017/18</b>				
	<b>Public Inquiry</b>	<b>Hearings</b>	<b>Written Representations</b>	<b>All</b>
Number of appeals determined	307	573	9711	10,591
<b>Percentage allowed</b>	<b>46%</b>	<b>44%</b>	<b>31%</b>	<b>32%</b>

Quarterly Planning Appeals Report

**National figures for Householder Appeal Service**

<b>2017/18</b>	
	<b>Householder</b>
Number of appeals determined	5,290
<b>Percentage allowed</b>	<b>38%</b>

*Source: Planning Inspectorate Statistics 18 July 2018*

Quarterly Planning Appeals Report

**Appendix 4.** Appeals determined 1<sup>st</sup> Apr 2018 – 30<sup>th</sup> June 2018

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/6028N	Land west of NEW ROAD, WRENBURY	Outline planning application for the erection of up to 46 dwellings	Informal Hearing	Southern Planning	Dismissed	No
17/0339N	Land to the north of Little Heath Barns, Audlem Road, Audlem	Erection of retirement living housing (category II type accommodation)	Informal Hearing	Southern Planning	Allowed	Yes
17/4862M	1, ORME CLOSE, PRESTBURY, SK10 4JE	Demolition of the Existing House to be replaced with 2 pairs of New Build Semi-detached dwellings	Written Representations	Northern Planning	Allowed	Yes
17/4952M	LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE	Proposed demolition of existing building and erection of mixed use office unit and two apartments	Written Representations	Northern Planning	Allowed	Yes
17/2333M	LAND AT Evendine Cottage, NEWTON HALL LANE, MOBBERLEY	Construction of one residential infill dwelling	Written Representations	Delegation	Dismissed	
17/2490M	Hoarded Housing Land, Springfields, Prestbury, SK10 4DW	Full planning permission for the construction of three new dwellings	Written Representations	Delegation	Allowed	
17/2522N	BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CW7 4DN	Erection of 4 Dwellings	Written Representations	Delegation	Dismissed	
17/3439M	BEAVER LODGE, CASTLE HILL, MOTTRAM ST ANDREW, SK10 4AX	Retention of change of use from ex stables to kennels approved under 16/1887M	Written Representations	Delegation	Dismissed	
17/3698M	Land off NOAHS ARK LANE, GREAT WARFORD	Removal of structures and erection of single dwellinghouse	Written Representations	Delegation	Dismissed	
17/3914N	LAND AT WREXHAM ROAD, BULKELEY	Outline planning application for one dwelling.	Written Representations	Delegation	Allowed	
17/4327M	Land Off Greaves Road, WILMSLOW	Erection of two infill detached houses along with formation of new access	Written Representations	Delegation	Dismissed	
17/4381C	The Cottage, 92, MANOR ROAD, SANDBACH, CW11 2LU	Replacement of a three bed two storey House with a new four bed two storey detached house	Written Representations	Delegation	Dismissed	

Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Overturn?</b>
17/4584C	The Old Shippon, Swettenham Lane, Swettenham, CW12 2LB	Single storey oak framed extension. Re-submission of 17/3040C.	Householder Appeal Service	Delegation	Allowed	
17/4637C	9, MEADOW AVENUE, GOOSTREY, CW4 8LS	Retrospective application for the removal of perimeter beech hedge and replacement fence	Householder Appeal Service	Delegation	Dismissed	
17/4640N	254, BROAD STREET, CREWE, CW1 3UB	Extension to existing building and conversion of existing building to create 4no self contained flats	Written Representations	Delegation	Dismissed	
17/4815M	Former Local Authority Depot, LONDON ROAD NORTH, POYNTON	Proposed new commercial garage	Written Representations	Delegation	Dismissed	
17/4847N	13, CHURCH LANE, WISTASTON, CW2 8HB	Proposed two storey side extension comprising car port and new bedroom	Householder Appeal Service	Delegation	Allowed	
17/4858M	LAND AT HIGH NOON, ANCOATS LANE, GREAT WARFORD, WA16 7AT	Outline application for 1) Demolition of existing buildings	Written Representations	Delegation	Allowed	
17/4912M	OAK COTTAGE, DOOLEYS LANE, WILMSLOW, SK9 5NX	Replacement Dwelling	Written Representations	Delegation	Dismissed	
17/4921C	76, PALMER ROAD, SANDBACH, CW11 4EZ	Front extension to form larger garage	Householder Appeal Service	Delegation	Allowed	
17/5180M	Land north of NEWGATE, WILMSLOW	Application for the construction of an agricultural barn for the stabling of horses	Written Representations	Delegation	Dismissed	
17/5248M	LAND SOUTH OF HARRINGTON ARMS, LEEK ROAD, BOSLEY	Proposed dwelling	Written Representations	Delegation	Dismissed	
17/5431M	6, SHRIGLEY ROAD NORTH, POYNTON, SK12 1TE	First floor side extension and part two-storey/part single-storey rear extension	Householder Appeal Service	Delegation	Dismissed	
17/5463M	PEACOCK LODGE, PEACOCK LANE, HIGH LEGH, WA16 6NT	Alterations to existing dwelling and Conversion of garage building to living accommodation	Householder Appeal Service	Delegation	Dismissed	
17/5527C	Hall Farm, Giantswood Lane, Somerford Booths, CW12 2JR	Change of use of an existing 1no one-bedroom apartment and associated stables	Written Representations	Delegation	Dismissed	

Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Overturn?</b>
17/5839M	OAKLEIGH, CHILDS LANE, BROWNLOW, CW12 4TG	Demolition of existing glasshouses and construction of infill residential dwelling	Written Representations	Delegation	Dismissed	
17/6267M	50, GROVE PARK, KNUTSFORD, WA16 8QB	Variation of conditions on approval 17/4285M - Proposed two storey side extension	Householder Appeal Service	Delegation	Allowed	
17/6344C	17, BROOKLANDS DRIVE, GOOSTREY, CW4 8JB	FORM FIRST FLOOR FRONT FACING EXTENSION AND GROUND FLOOR FRONT FACING EXTENSION,	Householder Appeal Service	Delegation	Allowed	
17/6444M	HEATHERSLADE, CHESTER ROAD, MERE, WA16 6LG	Demolition of existing dwelling and erection of replacement single dwelling	Written Representations	Delegation	Dismissed	
18/0120M	BROOK COTTAGE, CHAPEL LANE, MERE, WA16 6PP	Part two and part single storey rear extension	Householder Appeal Service	Delegation	Dismissed	