

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 28th November, 2018</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

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

To approve the minutes of the meeting held on 31 October 2018.

Please contact Julie Zientek on 01270 686466

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

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

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

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

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

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

5. **18/3123N Land South East of Crewe Road Roadabout, University Way, Crewe: Erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping for Mr George Brown, Aldi Stores Limited** (Pages 9 - 42)

To consider the above planning application.

6. **18/3220C Training Centre, Hill Street, Sandbach, CW11 3JE: Erection of a three storey residential development comprising 26 apartments (Use Class C3), parking, associated access, landscaping and servicing for Millennium Developments** (Pages 43 - 60)

To consider the above planning application.

7. **18/4771N Boot And Slipper Inn, Long Lane, Wettenhall, Cheshire, CW7 4DN: Erection of 3 Dwellings for Atkinson, Commercial Development Projects Ltd** (Pages 61 - 78)

To consider the above planning application.

8. **18/2925N New Start Park, Wettenhall Road, Reaseheath, CW5 6EL: Removal of planning condition 1 (3 years) to make permission permanent to planning application 15/4060N for Mr Thomas Hamilton** (Pages 79 - 90)

To consider the above planning application.

9. **18/4123N Weston Hall, commercial complex, Main Road, Weston: Change of use of buildings and areas of hardstanding to B8 (Storage & Distribution) use, replacement of redundant buildings and erection of new buildings and areas of hardstanding for B8 (Storage & Distribution) use, ancillary offices, and associated works for c/o Indigo Planning** (Pages 91 - 106)

To consider the above planning application.

10. **18/4558N The Stables, 95 Cobbs Lane, Hough, Crewe, CW2 5JN: Proposed change of use and alterations to former stables to form single dwelling for Mr Simon Clutton** (Pages 107 - 116)

To consider the above planning application.

11. **18/0775N The Rookery, 125 Hospital Street, Nantwich, Cheshire, CW5 5RU: 2no New build dwellings located within the yard/out building area(s) for Mr Craig Odams** (Pages 117 - 126)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 31st October, 2018 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Wray (Chairman)  
Councillor A Kolker (Vice-Chairman)

Councillors Rhoda Bailey, D Bebbington, P Butterill, J Bratherton, S Davies,  
M Deakin, S Edgar (for Cllr Clowes), S Pochin, J Rhodes and B Walmsley

**OFFICERS PRESENT**

Andrew Goligher (Principal Development Control Officer - Highways)  
Gareth Taylerson (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillor J Clowes

**30 DECLARATIONS OF INTEREST/PRE DETERMINATION**

With regard to application number 18/3879N, Councillor S Davies declared that he had previously been involved with the application site and that he would not take part in the debate or vote.

**31 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 3 October 2018 be approved as a correct record and signed by the Chairman.

**32 18/2726N LAND OFF CREWE ROAD, WINTERLEY: OUTLINE APPLICATION FOR THE ERECTION OF UP TO 55 DWELLINGS WITH ASSOCIATED WORKS (ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED) FOR FOOTPRINT LAND AND DEVELOPMENT LIMITED**

Note: Mr J Coxon attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

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

The proposed development is unsustainable because it is located within the Open Countryside, it would result in an adverse impact on appearance and character of the area and the loss of Grade 2 agricultural land contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>																		
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase																		
<b>Education</b>	Contribution of up to £176,242 towards primary, secondary and special education needs education	50% Prior to first occupation 50% at occupation of 26 <sup>th</sup> dwelling																		
<b>Health</b>	Contribution to support the development of Haslington Medical Centre using the below formula:	50% Prior to first occupation 50% at occupation of 26 <sup>th</sup> dwelling																		
	<table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	
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<b>Public Open Space</b>	Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company	50% Prior to first occupation 50% at occupation of 26 <sup>th</sup> dwelling
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**33 18/3879N RIDLEY HOUSE FARM, WHITCHURCH ROAD, RIDLEY CW6 9RX: CONVERSION OF THE TRADITIONAL BARN INTO TWO RESIDENTIAL UNITS (USE CLASS C3) FOR CHESHIRE EAST COUNCIL**

Note: Councillor S Davies left the meeting prior to consideration of this application.

Note: Parish Councillor M Dixon (on behalf of Bulkeley and Ridley Parish Council) and Mr A Marrs (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED for the following:

- A committee site inspection
- Consultation with ANSA to ascertain whether they are prepared to collect bins associated with the proposal from the highway
- A review of accident statistics for roads in close proximity to the site

The meeting commenced at 10.00 am and concluded at 11.09 am

Councillor J Wray (Chairman)

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Application No: 18/3123N

Location: LAND SOUTH EAST OF CREWE ROAD ROADABOUT, UNIVERSITY WAY, CREWE

Proposal: Erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping.

Applicant: Mr George Brown, Aldi Stores Limited

Expiry Date: 30-Nov-2018

### Summary

The application site is an employment allocation as part of Policy E.1.1 of the C&NLP. The site has not been marketed for employment uses and the proposed retail development of this site would be contrary to Policy EG 3 of the CELPS.

The proposal is an out-of-centre retail development. There is no requirement for an impact assessment and it is considered that the proposed development would not have a significant adverse impact upon the vitality and viability of Crewe Town Centre or Haslington local centre. Based on the additional information the sequential test has not been passed as insufficient information has been provided by the applicant to demonstrate that the existing GJRP site is unsuitable for the proposed development, and accordingly, that the site does not represent a sequentially preferable alternative and the proposed development is contrary to the NPPF and PG 5 of the CELPS.

The highways implications of the development are considered to be acceptable and the proposed development would comply with the Councils parking standards. The proposed development would comply with Policies BE.3 of the C&NLP and C02 of the CELPS.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with BE.1, BE.6 and NE.16 of the C&NLP and SE 12 of the CELPS.

The design of the proposed development is considered to be acceptable and there are no archaeology implications associated with this development. As a result the development complies with Policy SE 1 of the CELPS; and BE.16 of the C&NLP. However the proposed development would result in less than substantial harm upon the heritage assets. In this case the principle of the retail use on this employment allocation is not accepted. As a result the public benefits of the proposal does not outweigh the less than substantial harm.

The landscape implications of the proposed development are considered to comply with SE 4 of the CELPS.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy NE.5 of the C&NLP and Policies SE 3, SE 4 and SE 5 of the CELPS.

The impact upon protected species and habitats is largely acceptable. However as the principle of retail development on the site is not considered to be acceptable, the impact upon Great Crested Newts fails the tests within the Habitat directive and the development is contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policies CE 13 of the CELPS and NE.20 of the C&NLP.

Finally the development of the site would have some economic benefits as identified above and this does attract some weight. However it should be noted that these benefits are likely to be less than those which would be secured if the employment allocation on the site was implemented.

## **RECOMMENDATION**

### **REFUSE**

## **REASON FOR DEFERRAL:**

This application was deferred at the Southern Planning Committee meeting on 3<sup>rd</sup> October 2018 for the following reasons;

- *Re-investigation of the sequential test in response to the late objection from Savills*
- *Information on the take-up of the site to the south of the application site*
- *Information regarding job generation on the adjacent site to the south of the application site*
- *Clarification on the meat-sale business to the south of the site*
- *Some consideration of the impact upon smaller retailers*

## **PROPOSAL:**

This is a full application for the construction of a new foodstore (use class A1) which would have a gross external area of 1,801sqm, a gross internal area of 1,315sqm and a net sales area of 1,315sqm. The store would be operated by Aldi.

The site would be accessed via an existing vehicle access off University Way to the west and would include 132 car parking spaces, 12 bicycle spaces, 4 electric vehicle charging points, a substation, a service area and landscaping.

## **SITE DESCRIPTION:**

The application site is located to the eastern side of University Way and the site is set at an elevated position in relation to University Way. To the south of the site is a tree lined watercourse

which is set at a lower level to the application site with an employment development which is currently under construction beyond.

To the north-east the site adjoins the boundary with the Crewe Green Conservation Area which is also located to the north and east of the site. To the east of the site is The Old Vicarage which is A Grade II Listed Building with further Listed Buildings to the heart of the Conservation Area located to the north-east of the site.

The application site is located largely within Flood Zone 1 although the access is located within Flood Zone 2 and the southern boundary along the existing watercourse is located within Flood Zone's 2 and 3.

### **RELEVANT HISTORY:**

10/3689N - Extension to Time Limit on Approved application P07/1431 Outline Application for Proposed Office Development – Approved 16<sup>th</sup> December 2010

P07/1431 - Outline Application for Proposed Office Development – Approved 14<sup>th</sup> December 2010

P04/0489 - Outline Application for B1 Development on Area B, for B2/B8 Development on Plots B C F G H and I on Area C, for Car Showroom/Dealership and Related Activities on Area E1 and Open Space/Landscaping on Areas E2 and E3. Full Application for B2/B8 Development (Including Roads, Parking and Landscaping) on Plots A D and E of Area C – Approved 19<sup>th</sup> October 2004

7/19179 – Outline application for business development (class B1) and a hotel (class C1) – Approved 10<sup>th</sup> January 1991

7/16315 - Extension to Crewe Business Park – Approved 7<sup>th</sup> December 1988

7/13981 - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

7/11951 - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

### **POLICIES**

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

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 – The Landscape

SE 5 – Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment  
SE 9 – Energy Efficient Development  
SE 12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
EG3 - Existing and Allocated Employment Sites  
EG5 – Promoting a Town Centre First Approach to Retail and Commerce  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.11 (River and Canal Corridors)  
NE.17 (Pollution Control)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
BE.7 (Conservation Areas)  
E.1 (Existing Employment Allocations)  
TRAN.3 (Pedestrians)  
TRAN.4 (Access for the Disabled)  
TRAN.5 (Cycling)

### **National Policy:**

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development.

85-90 Ensuring the Vitality of Town Centres

102-107 Promoting Sustainable Transport

124-132 Requiring good design

### **Neighbourhood Plans**

There are no Neighbourhood Plans covering Crewe or Crewe Green.

### **CONSULTATIONS:**

**United Utilities:** Conditions suggested.

**CEC Environmental Health:** Conditions suggested in relation to piling works, dust control, floor floating, construction management plan, external lighting, electric vehicle infrastructure, travel plan and contaminated land. Informatives suggested in relation to contaminated land and construction hours).

**CEC Spatial Planning:** The Local Plan Strategy forms part of the Development Plan for Cheshire East alongside policies within the Crewe and Nantwich Local Plan 'saved' for decision making purposes. LPS Policy PG 1 sets the overall development strategy for the borough, which includes a requirement for a minimum of 380 ha of land for business, general industrial and storage and distribution uses over the period 2010 to 2030.

Table A.10 in Appendix A of the LPS shows a planned provision of 386.21 ha employment land over the plan period. The existing employment land supply forms an important component of the overall employment land provision. This supply consists of committed sites, sites under construction and allocated sites from the legacy local plans, such as the Crewe and Nantwich Local Plan.

It is vital that existing employment sites, premises and allocations that are viable for continued employment uses are safeguarded (Paragraph 11.23 of the Local Plan Strategy). The application site forms part an allocation for B1 employment in the Borough of Crewe and Nantwich Local Plan 2011 as E.1.1. Appendix B of the Local Plan Strategy notes that policy E1 (existing employment areas) is a 'saved' policy for the purposes of decision making. Allocation E.1.1 (Crewe Business Park / Crewe Green) states that land is allocated for *"B1 and (emphasis added) any uses required by and associated with Manchester Metropolitan University ("MMU"). For the avoidance of doubt, such uses include classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities"*.

The applicant notes that MMU have announced their intention to leave the Crewe Campus in 2019. However, as emphasised above, the allocation of site E.1.1 allocates land for B1 uses in addition to uses required by and associated with MMU.

Planning permission has recently been granted for 5 units for B2 and B8 uses (17/0341N) immediately south of the site and construction works have started. Beyond this is Orion Park which is another employment led scheme. As such it is considered that this site forms a viable employment allocation and should be protected, in line with the requirements of policy EG3 of the Local Plan Strategy.

The First Draft Site Allocations and Development Policies document, in policy EMP 2 (Employment Allocations), has reviewed and proposed to maintain the allocated employment site in the First Draft Site Allocations and Development Policies Document. Policy EMP2 is supported by an employment allocations review (2018) document which has reviewed the allocation. It is recognised that the Site Allocations document is in first draft, however, it does provide evidence that the Council has reviewed the suitability of the allocation and is proposing to maintain its allocation in the Site Allocations and Development Policies document.

Policy EG 5 of the LPS (promoting a town centre first approach to retail and commerce) notes how for Crewe, there will be a focus for high quality comparison retail, supported by a range of retail, service, leisure, tourism, office and other town centre type retail uses, including residential. Town Centres are promoted as the primary location for main town centre uses. Proposals for main town centre uses should be located within designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge of centre locations must be considered prior to out-of-centre locations. Edge of centre and out of centre proposals will be considered where:-

- There is no significant adverse impact on the vitality and viability of the surrounding areas: and it is demonstrated that the tests outlined in current government guidance can be satisfied.

Policy SD2 (Sustainable Development Principles) sets out a number of principles that development will be expected to achieve in the borough.

**CEC Regeneration:** The site forms part of an allocation for B1 use in the Borough of Crewe and Nantwich Local Plan 2011 as E.1.1. Appendix B of the Local Plan Strategy notes that policy E1 (existing employment areas) is a 'saved' policy for the purposes of decision making.

The site is well located in a very prominent position with direct access off University Way (A5020) and is extremely suitable for B1 use as allocated. Other land adjacent to the site has in recent years been developed for B1/B2/B8 uses both at Orion Park and immediately to the south of the applicant's site where 5 industrial units (B2 & B8 use) are currently being constructed. All developed land immediately to the east of University Way has been developed for B1/B2/B8 uses. The delivery of these sites demonstrates the popularity, viability and suitability of this site for B1/B2/B8 uses.

There is strong current demand for land and units with B1/B2/B8 uses in Crewe both from existing expanding businesses and from inward investors. It is anticipated that demand will also be strong in the future. Crewe is an excellent location for business. This view is reflected in 'All Change for Crewe: High Growth City'. The aspiration of All Change for Crewe includes the need to ensure development of accompanying short to medium term employment sites to compliment the strategic sites at Basford and Leighton in Crewe. Delivery of a new Crewe HS2 Hub Station in 2027 could bring structural change to the business offer in the area and further demand for allocated employment sites such as at University Way, including the applicant's site, is anticipated to be high.

The application site should be protected for employment use as it is a suitable and required use on that site. It is entirely reasonable to believe that the site could be used for the allocated B1 employment use in the future if sufficiently marketed.

**Natural England:** No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutory protected sites or landscapes. For advice on protected species refer to the Natural England standard advice.

**CEC Head of Strategic Infrastructure:** The access has previously been approved for an office development and is also acceptable for this proposal, as is the wider traffic impact. No objection subject to the imposition of conditions and an informative.

**CEC Archaeology:** There is sufficient information to justify a recommendation for further archaeological work.

**CEC Flood Risk Manager:** No objection in principle to the development subject to the imposition of conditions.

**CEC Skills and Growth Company (SAGC):** The site is in a successful employment area, close to a range of major business parks that have already attracted major businesses requiring office and light industrial premises. It is also in an ideal attractive location on the Crewe Green roundabout

and is close to the new Crewe Green Link Road and the M6 motorway. The site is in a prime location with high demand from occupiers. SAGC would support the view that the site should be protected for employment use.

The 2018 Annual Commercial Property Review, details transactions completed in 2017 and indicates a significant demand for high-end industrial units outstripping supply. In terms of industrial transactions, 35 deals were completed in 2017 comprising a total of 56,455sqm with the majority of deals completed in Crewe, totalling 15. The report includes a headline analysis of the supply of vacant commercial assets and indicates a limited supply of high end industrial units. This view is consistent with the principle industrial agent/consultant for Crewe who has been involved in the key sites and schemes over the last 25 years. They also report that industrial land availability for small to medium enterprise (a company with under 250 employees and less than €50m turnover) is all but none existent in the town as proven by the significant interest we are experiencing at Apollo Park. The agency are therefore of the opinion that the site would be better served as an allocated B1, B2 and B8 development.

SAGC engage with over 500 businesses per annum and have good visibility of businesses expanding and relocating to the area. There is over 500,000sqft of industrial demand for Crewe (taking into account requests specifically for Crewe plus those searching for Crewe plus other areas within a wider Cheshire East search). The figures indicate that there is a strong pipeline for demand.

SAGC has not been contacted regarding the marketing of the site.

Following the deferral a letter has been provided from Legat Owen at the request of the Skills and Growth Company which is summarised as follows;

- The overall availability within Crewe for B1, B2 and B8 uses is extremely limited for Small and Medium Size Enterprises (SME's).
- Occupancy levels are at an all time high and limited to 5 buildings below 50,000sq.ft.
- Crewe Commercial Park does have a surplus of land but this is earmarked for larger developments of above 50,000sq.ft rather than the SME market.
- Orion Park is now full after the speculative development of 11 units. The majority of which were let or sold prior to practical completion.
- Following the success of Orion Park, Apollo Park came to the market and was sold on a competitive basis having gone to best bids. This underpins the strong demand for B1, B2 and B8 employment in Crewe
- The developer at Apollo Park is hoping to complete the development in January 2019 with 6 speculative units varying from 12,000sq.ft to 44,000sq.ft. Three of the units have been pre-let with strong interest in the remaining three. It is hoped that the site will be fully occupied by spring 2019.
- There are few towns of a similar scale to Crewe that boast the level of speculative development and take up of accommodation that has been experienced
- Rental levels are increasing and this is due to the increased demand. This supports the argument for the release of more employment land.
- In terms of B1 the last remaining plot for office development in Crewe is under offer to a developer who is in the final stages of agreeing a new building to a major employer. This would leave no land immediately available in Crewe for B1 offices.
- The focus on the Basford East site is on residential development with the ancillary commercial development being a number of years away from release.

- The last phase of Orion Park (over 100,000sq.ft) was completed in under 2 years and all was let and sold in under 12 months
- Apollo Park is in excess of 160,000sq.ft with 90,000sq.ft already committed to local business
- There should be as much focus on job creation as job retention. The majority of the occupiers that took space in the final phase of Orion Park and those taking space at Apollo Park are expanding companies within Cheshire East. Without the ability to take new space they could have left the Borough.
- Apollo Park will have 100 employees by January 2019 and by the time all units are let it will be employing in the region of 200 employees.

**Environment Agency:** No objection. Informative suggested.

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

**Crewe Town Council:** Crewe Town Council makes the following observations:

- The additional employment which would be created is welcomed, but
- There is concern that approval would set a precedent for retail development on the edge of the town at the expense of the town centre and the environment
- There is a lack of public transport realistically available to shoppers visiting the site. The acceptable distances for commuting and education referred to in the applicant's transport assessment are not appropriate for retail development, and few of the residential areas within the store's catchment would be directly served by the existing bus routes. As a consequence, the majority of residents without access to a car would be denied access to low cost shopping at this site.
- The positioning of the building at the rear of the site does not positively contribute to the streetscene.

**Crewe Green Parish Council:** The Parish Council has been impressed by the professional approach to this Application shown by JLL, the Agents acting on behalf of their client Aldi Stores Ltd resulting in an Application that has been carefully conceived and presented.

Aldi Stores Ltd has shown proper consideration to the pre-Application process by actively engaging in a public consultation exercise, approaching the immediate neighbours and presenting their project to the Parish Council.

The Parish Council and immediate neighbours have raised concern with respect to potential operational and traffic noise, light nuisance and impact on existing trees and ecology which the development may cause. It is therefore imperative that these issues are properly addressed by ensuring full compliance with appropriate conditions.

It is understood that Aldi Stores Ltd are continuing to meet with the immediate neighbours to agree appropriate mitigation measures to address these concerns.

From a Planning perspective, this is clearly a departure from the allocated use for this site, but on balance the significant employment benefits must be properly considered for this alternative A1 use. Furthermore, the scale and design of the proposed building will certainly have less of an impact on the adjacent Conservation Area than the likely alternative allocated development.



Subject to the above issues being properly considered, the Parish Council fully support the Application.

### REPRESENTATIONS:

Letters of support have been received from 39 local households which raise the following points;

- Support the new store and environment
- Lack of disabled access at the existing store
- Support based on the building being single storey with raised land banking and landscaping to the boundaries of the site
- Support the store but are concerned about traffic queues to access the site as experienced at the Nantwich Road Aldi
- The new store would be accessible by bicycle
- The store will provide benefits to local residents instead of the large warehouses being developed along University Way
- A mixed use development of housing and shops would be better
- The new store will be required to support the growing population of Crewe
- The new store will provide plenty of parking provision
- A new bus service should be provided to serve the store
- More out of town shopping is needed in Crewe
- Crewe should get a new Aldi like Holmes Chapel
- Reduced pollution in Crewe
- The store will provide job opportunities and more choice in store
- Better/easier access to the store
- The store would be ideally suited to serve the community
- There are traffic problems associated with accessing the existing store
- The store would be located away from the existing retail park, Earle Street, Hungerford Road and Macon Way which suffer from traffic problems
- More choice in store
- No bus service to the existing Aldi store
- The Aldi on the retail park is small and the aisles are too narrow
- The One Stop and Co-op stores in Haslington are too small and have little customer parking
- The development will help to ease congestion in Haslington
- The new store would be accessible on foot for some residents and reduce the carbon footprint
- Benefits to the local economy
- The access off University Way would be much better than the current store
- Approving the development would diversify this part of the town and allow access other stores to relocate
- Support the application provided that the proposed landscaping is carried out
- The landscaped setting of the store will enhance the store environment
- Reduced travel times
- The existing store is not fit for purpose. Other Aldi stores are being revamped. The existing store has no room for expansion or extra car parking.
- Parking problems at the existing store
- There is already a retail precedent in the vicinity of the store in the form of the chicken sales shop, Spar, Co-op and various car sales stores
- There are no stores on the Haslington side of Crewe

A petition in support of the application signed by 69 local residents has been received in support of the application.

A letter of general observation has been received which raises the following points;

- Initially in favour of the application but the opening of Crewe Green Roundabout has shown that traffic measures are required within the vicinity of the site
- Traffic speeds will be an issue when turning across the traffic flow
- Some improvement measures are needed but this may defeat the whole idea of the roundabout improvements.
- Any traffic signals will hold up traffic 100m from the new roundabout

Letters of objection have been received from 11 local households, 1 local business and Triton Property which raise the following points;

- The proposed store would be detrimental to the Grand Junction Retail Park
- The out of town location would be inaccessible to most elderly, disabled and low income members of the public
- A new store is not needed
- Increase congestion in the area
- Increased traffic congestion at Crewe Green roundabout (despite the current redevelopment works)
- Aldi's business model is based on high footfall, long hours and reduced time in store which will increase traffic
- Increased HGV movements
- Impact upon local businesses including independent shops which make a positive contribution to the local community
- Lack of confidence that Aldi will maintain the proposed planting and screening
- The proposed store will be dependent on the private motor vehicle
- There is adequate grocery provision in the area
- Anybody without a car will have to cross main roads to access the car
- The proposed layout means that the building is set back from the road and visitors will be greeted by an expanse of lifeless car-parking
- Pedestrians would have to cross the car park to get to the store
- The store has many similarities to the proposed Lidl Store on Mill Street and members of the Southern Planning Committee were critical of this style of store. Members of the committee drew comparison to the Nantwich Road Aldi as a case of good comparison
- The new Crewe Green roundabout is supposed to ease traffic flows. The proposal will create more traffic
- There is an abundance of empty shops in Crewe Town Centre
- Approving this store will open the door for further retail development and the creation of a new retail park
- The site was allocated for office development
- Increased urbanisation of the area
- The proposal will drive trade further from Crewe Town Centre
- Noise nuisance is already significant from the other developments along University Way
- Increased noise pollution
- With the development of HS2 there will be demand for technical services which this site would suit
- There is no need for any new Aldi store

- The new roundabout is meant to decrease air pollution
- Impact upon protected species
- The area is under siege from recent developments
- The site is in close proximity to the Crewe Green Conservation Area which includes numerous Listed Buildings
- The noise assessment undertaken by Aldi is flawed as it ignores the impact of the car park activities which will occur 08:00-22:00 Monday to Saturday and 10:00-18:00 on Sundays. This is contrary to WHO guidelines
- There are inconsistencies with the traffic data which has been provided by Aldi. It is not clear what the traffic generation will actually be from the proposed store.
- The submitted TA is almost silent when it comes to vehicles turning right from or onto the northbound University Way. It is not clear how crossing traffic will be addressed to prevent traffic queues developing in all directions
- The submitted TA does not include 'Diverted Trips' or 'Transferred Trips'. In reality this will lead to additional vehicle movements on the Crewe Green roundabout and University Way. Furthermore if shoppers continue to shop at other retailers at Grand Junction Retail Park it would constitute an extra trip on the network
- The vacated Aldi store at the retail park will be taken by another retailer and will bring its own traffic
- The originally proposed office development would provide more varied employment for the local community
- Loss of habitat for protected species
- This type of business and the façade is not consistent with the Crewe Green Conservation Area
- Security concerns as the store carpark can attract gatherings at night
- The marginal changes to the plans do nothing to address the issue of the anti-pedestrian layout. The frontage of the site is dominated by car-parking
- Pedestrians would have to cross the car park to access the new store
- There are similarities between this scheme and the Lidl application on Nantwich Road
- The Co-operative Group currently operates a Co-op convenience store a short distance to the west of the application site which is considerably smaller than the proposed Aldi store but is of a suitable scale to provide top-up shopping facilities
- The application site is currently allocated for employment development under Policy EG3.
- The supporting planning statement does not address any marketing of the site for employment uses, the supply of employment land within the Borough or the overall demand for employment premises within this part of Cheshire East
- The applicant has presented only limited evidence to demonstrate that the development of the existing employment allocation is unviable
- Policy ECG3 of the CELPS states that sites should be marketed at a realistic price reflecting the employment status of the site for no less than 2 years
- The consultation response from the Skills and Growth Company states that there is significant demand for employment premises in this part of the Borough
- The supporting planning statement primarily justifies the loss of the allocated employment land on the basis that the proposal will not harm business and employment within the Borough, and that such development at the application site would have unacceptable amenity impacts on local residents. However, these criteria would only apply if it can be demonstrated that the application site was not suitable or viable for employment development under the terms of part 3 of Policy ECG3.

- The proposed development would harm wider business and employment opportunities by reducing the availability of high quality employment land in Crewe.
- In terms of impacts on residential amenities, it is clearly not possible to assess any adverse impacts associated with future employment development or to determine at this stage that appropriate design solutions would not be feasible.
- The second part of Policy ECG3 states that where there is a case for alternative development on existing employment land then '*all opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme*'. It is clear that the application scheme does not incorporate any employment development.
- The Co-op recognises that its existing convenience store at Crewe Green is not protected, in planning policy terms, from the trade impacts of the proposed development. However, it does anticipate significant trade impacts on its existing store, which is one of a number of ancillary facilities to the west of University Way. These facilities have an established role supporting the needs of employees and visitors to Crewe Business Park. The proposed development would threaten the viability of the existing Co-op store and therefore the range of existing facilities within this cluster. The proposed Aldi store would perform a different role serving a much wider catchment area. The proposed Aldi would be of a scale that would be incompatible with the functioning of this key employment area
- The existing store occupies a freestanding building with a large service area to the west and vacant land to the rear that appear to provide various opportunities for an extension. Furthermore, it is unclear whether the applicant has fully considered other opportunities that may be available at Grand Junction. The retail park contains two adjacent units occupied by Maplin and Carpertright that would be capable of amalgamation and are likely to be available following the collapse of Maplin and the widely publicised difficulties of Carpertright.
- The relocation of the existing store from an edge-of-centre location to an out-of-centre location is likely to reduce linked trips with Crewe Town Centre and is therefore likely to have adverse impacts on town centre trade.
- The sequential test has not been satisfied and the applicant has not provided sufficient evidence to demonstrate that the land at Grand Junction is sequentially preferable
- The applicant no longer disputes that a store comparable to that proposed at the application site can be delivered at Grand Junction Retail Park (GJRP). This shows that the site is 'available' for the purposes of the sequential test
- The applicant asserts that the site is not 'suitable' due to issues relating to viability, car parking and the suitability of the site for convenience retail.
- The applicant had previously stated that the site at GJRP was unsuitable as it is 'no longer fit for purpose'. It is understood that it is no longer contended that the site is unsuitable in relation to its physical capability to accommodate the size, type and nature of the floor space proposed or that the store is unable to trade its preferred hours of operation
- The applicant contended that the main reason it cannot operate from an upsized unit at GJRP is because it would be unviable (it was stated that rental levels would be 27% higher than the maximum level the operator can justify). The applicant provides no evidence to support this position
- JLL states that the existing Aldi store at GJRP is 'significantly overtrading' and this raises questions over the assertion that a new, extended store would not be viable.
- No detailed financial evidence has been submitted to the Local Planning Authority.
- The applicant continues to assert that the GJRP is not suitable for the sale of food. This is not correct as the existing store has been trading very successfully at GJRP for over a

decade and is acknowledged to be 'significantly overtrading'. There are other food retailers operating on the retail park successfully (M & S Food, Homebargains and Poundstretcher)

- There are hundreds of examples of convenience stores (including Aldi) operating alongside comparison retailers on retail parks across the country
- The applicant has undertaken a car parking survey for a small part of the GJRP (the exact area contains just 156 spaces and the GJRP has 824 spaces)
- The survey provided by the applicant demonstrates that the smaller area surveyed has capacity at all times of the day.
- Based on the survey results provided by the applicant the average amount of 'reserve capacity' is 24% which equates to 37 spaces. Applying this to the whole car park would mean an average of 198 spaces across the core hours.
- The Transport Assessment (TA) submitted to increase the floorspace at the existing Aldi store (planning permission 14/3477N) stated that the proportional uplift in customers would result in a *de minimis* increase in trip generation to GJRP (0.62%)
- The GJRP is sequentially preferable to the application site and the application is contrary to PG5 and para 90 of the NPPF.

Two representations have been received from Cllr Brookfield. The latest raises the following points;

- Having read the additional submissions including the reasons for recommendation for refusal and having had a number of conversations with residents - both my email and telephone I would like to provide my support to this application.
- I am of the opinion that matters have been addressed by the Applicant and conditions annexed to any consent could help mitigate the concerns further.

## APPRAISAL

### Principle of Development

The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre nor in accordance with an up-to-date development plan. The application site is an out-of-centre location.

Policy EG5 of the CELPS states that Town Centre will be promoted as the primary location for main town centre uses. Point 7 of this Policy then states that;

*Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of centre locations. Edge-of-centre and out-of-centre proposals will be considered where:*

- i. there is no significant adverse impact on the vitality and viability of the surrounding town centres; and*
- ii. it is demonstrated that the tests outlined in current government guidance can be satisfied.*
- iii. The sequential approach will not be applied to applications for small scale rural offices or other small scale rural development in line with the government guidance.*

Within the town centre the Cheshire Retail Study 2016 identifies that Crewe Town Centre has a higher number of vacant units than the national average but that the majority of the vacant units

are small to medium in scale. However the report also concludes that the town centre is well represented in terms of the convenience (food, drinks, tobacco, newspapers/magazines, cleaning materials, toiletries) and comparison goods provision (all other goods) but is under-represented in terms of its service provision.

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

It should be noted that the council has employed a Retail Planning Consultant White Young Green (WYG) to assess the retail planning implications of this development.

### **Impact Assessment**

An impact assessment is not required as the proposed development is below the threshold of 2,500sq.m as set out within the NPPF and referred to in the CELPS. However it should be noted that EG 5 of the CELPS requires that proposals for out-of-centre retail development to demonstrate that they will have no significant adverse impact upon the vitality and viability of the surrounding town centres. As a result WYG have stated that they consider it is necessary for the applicant to undertake a qualitative impact assessment to assess the impact of the proposal on the vitality and viability of surrounding centres.

### **Sequential Test**

This application was deferred at the Southern Planning Committee meeting on 3<sup>rd</sup> October 2018 to allow for a *'re-investigation of the sequential test in response to the late objection from Savills'*. Following this deferral the Council has received supplementary information from JLL (agents for Aldi) and a response from Savills (acting on behalf of the Grand Junction Retail Park), both of which have been assessed by WYG (retail consultant appointed by CEC). The sequential test section of the report has been updated to reflect this.

The NPPF advises that where an application fails to satisfy the sequential test then the application should be refused. This is supported by Policy EG5 of the CELPS.

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

- Have due regard to the requirement to demonstrate flexibility. Has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to sites that are well connected to the town centre.
- Is there scope or flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of the development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

The area of search for a sequentially preferable site has been identified with the Planning and Retail Statement from JLL (the agents for the applicant) and the approach identified has been accepted by WYG. The proposed store will serve a local catchment of up to 25,000 people within a five minute drive of the application site. WYG state that the catchment appropriately reflects the area from which the majority of the trade will be drawn to the proposed foodstore.

JLL assess four alternative sites within and outside Crewe town centre. These are the Royal Arcade (Crewe Town Centre), Lockitt Street (out of centre), Rail House (out of centre) and Q110 (out of centre). Addendum reports then considered two alternative sites Macon Way and Grand Junction Retail Park.

JLL have identified that Aldi trades from modern food stores with gross areas of between 1,800sqm and 2,400sqm. This application site has been determined that it would accommodate a smaller format 1800sqm store to serve the local catchment (a site of 0.75 hectares developable area is required). The applicant considers that they have applied flexibility to their site search by considering land between 0.5 hectares and 1 hectare and buildings between 1,600sqm and 2,000sqm.

WYG consider that the applicant has applied an appropriate level of flexibility and they also note that the lease on the current Aldi store at the Grand Junction Retail Park is due to expire in 2020.

The sites were considered as follows;

- Crewe Town Centre – JLL state that the Royal Arcade site is not available as there is no information or certainty that the proposed foodstore development could be delivered within a reasonable timescale. In addition they consider that the site is unsuitable on the basis that it does not offer any units of an appropriate size which are directly connected to a carpark. WYG agree that the Royal Arcade site is not currently available, as any preferable sites would need to be available within a similar time period to the closure of the existing store. WYG do not accept the reasoning put forward by JLL that the Royal Arcade site is unsuitable given the early stage of the development process. WYG conclude that *'Notwithstanding the uncertainties as to whether the Royal Arcade scheme could be made suitable to accommodate the proposed foodstore development, the site is not considered to be available'*

In terms of the Royal Arcade site the comments made by JLL and WYG are noted. However it should be noted that the NPPF paragraph 86 states that *'Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered'*. The NPPF does not contain any definition of a 'reasonable period'. On balance the circumstances of the Royal Arcade (the uncertainty relating to its delivery and whether it could accommodate the proposed store) does mean that it is accepted that this site is not available. However as time moves on and the time frame for the development of the Royal Arcade does become clearer this position could change.

- Grand Junction Retail Park (Edge of Centre) – The former Maplin unit is too small (gross floorspace of 497sqm). The Carpetright unit is not vacant and the Crewe store is not identified as one of the 92 outlets which will close. The existing units at Grand Junction Retail Park do not constitute a sequentially preferable site.

JLL do not consider that the existing Aldi site at GJRP represents a sequentially preferable site as it is not suitable for an extended foodstore for the following reasons;

- Viability – a scheme would be unviable at this location given the rental levels requested would be 27% higher than the maximum level that Aldi can justify.
- Car parking – the car park is at capacity based on the existing Aldi's store size. A larger store would result in a greater demand for car park spaces which are not available.
- Not suitable for a foodstore – the foodstore is not conducive to a main food supermarket.

Aldi have not disputed that the GJRP site is available for development.

### Viability

JLL have provided evidence to demonstrate that discussions have taken place with the landlord within the last two years in relation to the provision of a larger Aldi store on the retail park. Although discussions have taken place WYG do not consider that the evidence provided is substantial enough for the GJRP to be dismissed on this point. It should be noted that no viability assessment or financial evidence has been submitted by the applicant.

### Car Parking

The question raised by JLL in terms of the suitability of the site to deliver an extended foodstore is whether adequate parking provision is available within the existing retail park to accommodate the uplift in car parking required to serve an enlarged store.

JLL state that the existing store is not suitable as the current site is compromised by limited parking spaces and that the larger store would result in greater demand for car parking which is not available. JLL have attempted to justify this via a Car Parking Survey undertaken on Friday 19<sup>th</sup> October. WYG do not consider that the information robustly demonstrates that there are insufficient parking spaces for the following reasons;

- The survey relates to a single day only
- The survey covers just 156 car parking spaces at the retail park (JLL state that there are 791 spaces at the retail park and Savills state that there are 824 spaces).
- Further explanation is required as to why only 156 spaces were surveyed.
- JLL state when analysing the car park survey that a 10% reserve capacity is required to allow customers to find a space without having to queue, but provide no source for this assertion

In this case the GJRP is sustainably located and the CEC Parking Standards state that for retail parks the standard is an 'individual assessment based against use-classes and location'. JLL have not provided sufficient evidence to demonstrate that there is insufficient car parking provision at the GJRP to make the GJRP unsuitable.

### Suitability for a Food Store

In relation to this point it is noted that Aldi have been trading from the GJRP for over a decade and JLL acknowledge that the store is 'significantly overtrading' demonstrating its popularity and successful trading.



It is also noted that there are other food retailers operating at the GJRP (M&S, Home Bargains and Poundstretcher). Whilst it is also noted that there are many examples of Aldi opening and operating stores at retail park locations.

There would be some linked trips between an extended store at the GJRP and Crewe Town Centre which would have some impact upon Crewe Town Centre. The GJRP is closer to Crewe Town Centre than the application site and is more accessible.

- Lockitt Street (Out of Centre) – Is unavailable as retailers are already signed up to accommodate the floorspace proposed and the redevelopment of the site for mixed use (retail units and residential has) has been refused on highways grounds and on design grounds.
- Rail House (Out of Centre) – WYG accept that the office development is not available for redevelopment, as the office space is only available for let. The site is not available or suitable for a foodstore development.
- Q110, Weston Road (Out of Centre) – This industrial/distribution centre is under construction. It has been discounted as it is being constructed for this specific use and its size (over 10,000sqm) would exceed the proposed requirements. WYG agree that the site does not constitute a sequentially superior site.
- Macon Way (Out of Centre) – The site has been discounted on the basis of its irregular shape which cannot deliver a store, sufficient car parking provision, access point and servicing requirements. This site is owned by CEC and is therefore available. However WYG accept that the site cannot suitably accommodate the development proposal. WYG state that it is *'evident that JLL have explored a number of options at the site, but none of the options could accommodate the required level of car parking (minimum of 100 spaces) to serve the store. In addition, each of the options would have further constraints in terms of access, servicing and site safety. On this basis, we agree with JLL's conclusions that although the Macon Way site is available, it could not suitably accommodate the proposed development and therefore does not provide a sequentially preferable site'*. Furthermore the site falls within Policy LPS 1 of the CELPS and the development of the site should include offices or other commercial uses (not retail).

In conclusion in terms of the sequential test WYG state that they are of the view that *'insufficient information has been provided by the applicant to demonstrate that the existing GJRP site is unsuitable for the proposed development, and accordingly, that the site does not represent a sequentially preferable alternative. On the basis of the information provided by the applicant to date, and the subsequent submissions by Savills on behalf of Triton, we are not yet satisfied that sufficient evidence has been provided to demonstrate that the sequential test has been passed'*. As a result paragraph 90 of the NPPF makes it clear that where an application fails to satisfy the sequential test it should be refused.

### **The Impact of the Proposal on the Vitality and Viability of Surrounding Centres**

As the proposal relates to the relocation of the existing Grand Junction Store the majority of the trade will be diverted from Grand Junction Retail Park rather than from Crewe Town Centre. The Cheshire Retail Study (2016) demonstrates that the existing store is trading well with a turnover being well in excess of its benchmark turnover. On this basis WYG consider that the closure of the

Grand Junction Store without the provision of a replacement store would result in a gap in provision for customers located to the east of Crewe.

The existing Aldi store is located at the southern end of the retail park approximately 600m from the primary shopping area. Given the location of the existing store it is considered that linked trips brought by the closure of the existing Aldi store would not have a significant impact upon Crewe town centre. However it should be noted that this proposed development would not result in any linked trips with Crewe Town Centre.

WYG agree with JLL that the provision of a larger replacement store will deliver qualitative benefits of a better customer shopping experience. This is due to the existing store overtrading. WYG then conclude that the proposed foodstore will not have a significant adverse impact on the vitality and viability of Crewe town centre.

There is a concern that the vacated Aldi unit could be occupied by another retailer possibly leaving the town centre. Any future occupier of the existing unit would not be restricted by the planning permission for the retail park (as there is no bulky goods condition) and there could be a cumulative impact on the town centre and other designated shopping centres. In relation to this issue WYG state that *'Unfortunately, there is of course the potential for the proposal to result in a retailer relocating from a town centre unit to the retail park and I can understand why that would be a concern to the Council and other town centre stakeholders, particularly given current vacancy rates and other town centre healthcheck indicators'*.

It has to be acknowledged that this situation could happen at any time should a retailer choose to vacate a premises from the retail park leaving a unit available. Without control over the use of the floorspace or the imposition of a 'no poaching' condition on the retail park, this could continue to take place.

However, in this case, Aldi could vacate the unit regardless of the proposed development, and an alternative retailer could occupy the unit without any further involvement from the Council (perhaps except elevational changes etc). In short, given that the application only relates to the application site and the current site is out of control of the applicant and retailer. There is no method by which the Council can control the current floorspace and restrict it from being occupied by another town centre operator unless a subsequent application was to be submitted on the existing unit for other material works.

In terms of the potential implications to the town centre should a retailer choose to relocate, the impact will be negative but WYG do not consider that a retailer's relocation would cause a significant adverse impact on the town centre as a whole. In any event, as stated above, this is unfortunately uncontrollable by the Council given that this unfortunate (and far from ideal) circumstance could happen at any point without the Council's involvement. There is no way to force Aldi to stay at the retail park, and no way given the current controls to force a retailer to remain in the town centre.

### **Some consideration of the impact upon smaller retailers**

This issue was raised in the deferral reasons. Within the NPPF and Policy EG 5 of the CELPS the issue of impact is limited to existing centres and not individual retailers. The only centres within the catchment area of the proposed store are Crewe Town Centre and Haslington Local Centre. WYG

are of the view that the units within Haslington Local Centre act to serve local people who want to 'pop out' to purchase goods rather than make a specific trip to a larger supermarket. This is backed up by the Cheshire Retail Study. The proposed foodstore would not have a significant adverse impact upon the vitality and viability of Haslington Local Centre as residents will continue to make day to day purchases due to the convenience of doing so.

### **Clarification on the meat-sale business to the south of the site**

This issue was referred to within the previous deferral. Kingswood Poultry is located at Orion Park in Crewe and specialises in the de-boning of fresh poultry products supplying a range of customers from catering to wholesalers. This unit was granted planning permission as part of application 14/1492N which gave approval for 6 industrial units in use classes B1, B2 and B8. It appears that there used to be small scale trade counter with low level of informal public sales operating ancillary to the main warehouse/employment use. No planning permission has been granted for retail use at this site and this provides no justification for this proposed development.

### **Other Economic Benefits**

The applicant has stated that the proposed development will protect the 20 existing jobs and create a further 30 jobs at the new store (a total of 50 jobs). The supporting planning statement states that the development will create a range of jobs of varying skills including managers, graduates and apprenticeship roles. The supporting planning statement also states that Aldi pays above average wages within the retail sector and that additional employment opportunities will be created for local people during the construction phase of the development.

### **Employment Allocation**

Paragraph 80 of the NPPF (July 2018) notes that planning decisions should help create the conditions where businesses can invest, expand or adapt. Significant weight should be placed on the need to support economic growth and productivity.

The site is identified under allocation E.1.1 (Crewe Business Park and Crewe Green) for '*B1 and any uses required by and associated with Manchester Metropolitan University. For the avoidance of doubt, such uses include classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities*'. The applicant notes that MMU have announced their intention to leave the Crewe Campus in 2019. However, the allocation of site E.1.1 allocates land for B1 uses in addition to uses required by and associated with MMU.

However Policy EG3 (Existing and Allocated Employment Sites) of the CELPS states that existing employment sites will be protected for employment uses unless;

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated;*
- ii. 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*

And that;

*'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'*

The footnote to the Policy clarifies that *'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 First Draft Site Allocations and Development Policies document, in policy EMP 2 (Employment Allocations), has reviewed and proposed to maintain the allocated employment site in the First Draft Site Allocations and Development Policies Document. Policy EMP2 is supported by an employment allocations review document (2018).

In this case the proposed retail store would be contrary to the employment allocation on this site under Policy E.1.1 and Policy EG3.

In their supporting statement the applicants agent states that the proposed development will not harm business or employment opportunities and that the proposal will protect the 20 existing jobs and create a further 20 jobs at the new store. It is then stated that the site is highly unlikely to come forward or be supported for B1 uses for the following reasons;

- The previous B1 permission has expired and a lack of interest in the site for office development confirms that the site is not attractive to the office market
- The Employment Land Review for the CELPS noted that the development as an office park may be unrealistic with the concentration of offices on Electra Way.
- The agents own office team state that market interest in office space is low with a total of 6 enquiries in the past 2 years

The supporting statement then states that B2 and B8 uses are not compatible with the nearby residential properties which back onto the site at Crewe Road and Narrow Lane to the north and east of the site. The submitted report acknowledges the success of the development at Orion Park which it states range from 7.5m to 12m in height and that a large scale development would not be compatible due to the massing of the sheds and the 24/7 operations which are likely.

The report then states that the site lies adjacent to the Crewe Green Conservation Area and the massing of sheds for B2 and B8 uses are likely to be greater than the proposed development and impact upon the setting of the Conservation Area.

The Skills and Growth Company (SAGC) have stated that *'The site is in a successful employment area, close to a range of major business parks that have already attracted major businesses requiring office and light industrial premises. It is also in an ideal attractive location on the Crewe Green roundabout and is close to the new Crewe Green Link Road and the M6 motorway'*.

The 2018 Annual Commercial Property Review details transactions completed in 2017 and identifies a significant demand for high-end industrial units outstripping the supply with 35 deals completed in 2017 comprising a total of 56,445sqm (the majority – 15 of these deals were in Crewe). The report indicates a limited supply of high end industrial units and that industrial land

availability for Small and Medium Enterprises is all but non-existent in Crewe as proven by the significant interest experienced at Apollo Park.

The SAGC liaise with over 500 businesses per annum and following discussions with businesses which are intending on expanding and relocating to the area and there is demand for over 30,000sqm of industrial demand in Crewe. This indicates that there is a strong pipeline for demand.

The supporting statement makes reference to office uses only within B1 and no reference is made to research and development of products and processes, light industry appropriate in a residential area which also fall within use class B1. No marketing of this site has been undertaken and the Council's only research information indicates that there is a strong demand for employment land in Crewe.

The applicant's assertions that alternative employment uses would harm residential amenity and the setting of the Conservation Area are not accepted and it is considered that a scheme could be designed and controlled through the use of planning conditions to protect residential amenity and the setting of the Conservation Area. It should also be noted that part of the allocation E.1.1 is currently under construction for alternative employment development to the south of the site and that the development of Apollo Park was also designed in relation to a sensitive heritage asset (it adjoins the Historic Park and Garden at Crewe Hall).

As a result the proposed development is contrary to Policy E.1.1 of the Crewe and Nantwich Replacement Local Plan 2011 and Policy EG3 (Existing and Allocated Employment Sites) of the CELPS.

### **Information on the take-up of the site to the south of the application site**

Following the deferral a letter has been provided from Legat Owen (principal agents for the last 25 years) who have been involved in the vast majority of transactions at Quakers Coppice, Crewe Commercial Park, Orion Park and Apollo Park.

The letter from Legat Owen identifies that overall land availability within Crewe for B1, B2 and B8 uses is 'extremely limited' for SME's. Occupancy levels are 'at an all-time high' with limited levels of availability. Legat Owen have confirmed that Orion Park is now full after the speculative development of 11 units and that the majority were sold or let prior to their practical completion (all were let or sold within 12 months).

Apollo Park is currently under construction and is located to the south of the site. Legat Owen has confirmed that three of the six units have been pre-let with '*strong interest in the remaining 3*', they have also stated that they hope that the scheme will be fully occupied no later than Spring 2019.

The view provided by Legat Owen is accepted by JLL who have stated that '*Aldi acknowledge that take up has been strong for industrial development in Crewe*'. The comments made by JLL that the site benefitted from a previous planning permission which expires in 2012 are noted. However this coincides with the economic downturn, and no evidence of marketing has been submitted as part of this application as required by the Development Plan. It is also noted that Legat Owen have stated that the Apollo Park site ended up selling on a competitive basis having gone to best bids. This demonstrates that there is strong demand for B1, B2 and B8 employment land in Crewe.

It is also worth noting that the site is rolled over as an employment allocation within Policy EMP 2 (Employment Allocations) as site EMP 2.3 of the First Draft Site Allocations and Development Plan Policies Document (FDSADP). The site would form part of EMP 2.3 which identifies 7.85 hectares for B1/B2/B8 uses (given its early stage the FDSADP can only be given limited weight).

### **Information regarding job generation on the adjacent site to the south of the application site**

The letter from Legat Owen states that Apollo Park will result in job creation and job retention and around 100 people will be working at the site by January 2019 and when all of the units are let there will be in the region of 200 people employed on the site.

In relation to this issue JLL have stated that they have carried out a questionnaire to 41 businesses along University Way. JLL state that this survey shows that Aldi would provide 1 job per 37.5sqm where it would rank 11<sup>th</sup> out of the 41 businesses surveyed. Specifically at Orion Park the densities within the JLL survey range from Unit 15 at 1 job per 27.5sqm to Unit 16 at 1 job per 225.7sq.m.

From the above in terms of job creation the proposed Aldi store is comparable to the adjacent businesses along University Way.

### **Highways Implications**

A B1 office development of over 6,000sqm, together with over 200 car parking spaces, received planning approval in 2007 and again in 2010. Both approvals have now expired.

The site is located approximately 2km east of the centre of Crewe, 1.5km west of Haslington, and 150m south of Crewe Green roundabout which has recently been extended and includes improved pedestrian crossings. University Way has a 40mph speed limit. There is an existing pedestrian and vehicle access into the site in the form of a ghost island junction.

### Sustainable Access

University Way has standard footway on the eastern side and a 3m wide shared footway/cycleway on the western side. The site is approximately 400m from the bus stop on Crewe Road and approximately 450m from the bus stop on Crewe Green Road. These services provide a regular bus service to the wider Crewe and Cheshire East area.

The option of walking, cycling, or using public transport would be available to customers or employees.

### Safe and suitable access

The access is already in place and visibility splays of at least 80m in each direction are available and acceptable. The parking provision is to CEC standards including that for disabled parking and for parent/infant parking. The proposed cycle parking provision also accords with CEC requirements.

As part of the Crewe Green roundabout improvements, there will be a new signalised Toucan crossing provided on University Way, replacing the two existing crossings. A pedestrian/cyclist refuge island has also been proposed just north of the access which would provide a safe crossing point within the desire line for pedestrians/cyclists approaching from Beswick Drive direction. The proposed and existing pedestrian and cycling infrastructure from the site to the surrounding area are sufficient.

The existing ghost island junction providing vehicle access into the site is acceptable. In this case 16.5m articulated delivery vehicles would utilise the access. Sufficient turning area will be provided within the site to allow these vehicles to enter and exit in a forward gear.

### Network Capacity

The Crewe Green and the Weston Road roundabouts have been modelled using standard traffic modelling software. The Crewe Green roundabout has recently been redeveloped and the traffic impact on this junction is acceptable. The modelling of the Weston Road/University Way roundabout has underestimated the existing junction capacity constraints and the traffic impact of the development. Nevertheless, the impact of the development will not be severe in accordance with national policy and is therefore accepted.

### Highways Conclusion

The access has previously been approved for an office development and is also acceptable for this proposal, as is the wider traffic impact. The Head of Strategic Infrastructure has confirmed that there are no objections to this application subject to the imposition of planning conditions.

### **Amenity**

The nearest dwelling to the proposed store would be Stable House to the east of the site with a separation distance of approximately 50m. Given this separation distance it is considered that the proposed development would have minimal impact upon residential amenity in terms of over-bearing impact, loss of light or loss of privacy.

### Noise

The applicant has submitted an acoustic report in support of the application. The impact of the noise from the proposed development on existing residential properties has been assessed in accordance with BS4142:2014 methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The report indicates that mitigation measures will not be required. A condition will be attached in relation to a construction management plan to mitigate the impacts during the construction phase of the development.

Within the report there is no specific reference to delivery hours and the applicants agent has stated that it is intended that deliveries should be unrestricted. The Councils Environmental Health Officer has stated that if noise complaints are received regarding deliveries then these will be investigated under the provisions of the Environmental Protection Act 1990.

### 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 181 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. 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:

- Scenario 1: 2016 Verification and Base Year
- Scenario 2: 2021 'Do-minimum'
- Scenario 3: 2021 'Do-something'

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area.

In the conclusion presented by the report, all of the receptors impacts are considered negligible. However, the consultant also conducted a sensitivity analysis of the impacts, i.e. using the scenario where background levels of nitrogen dioxide do not drop over the coming years as predicted which is considered a worst case scenario. Under this scenario, three of the receptors are predicted to experience a moderate adverse impact. Also 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.

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.

Whilst the worst case scenario could be a cause for concern, the Environmental Health Officer considers that with appropriate mitigation the impacts of the development could be minimised. The imposition of conditions in relation to electric vehicle infrastructure and a travel plan would mitigate the impact from this development.

### Contaminated Land

The geo-environmental report submitted in support of this application identifies that an area of historical development and a former potentially infilled pond were identified on the north west of the site. These areas were investigated during the ground investigation and the results and assessment demonstrated a low potential risk to identified receptors. Gas monitoring has been undertaken at the site, and four rounds of monitoring were done over the course of just over a month. The consultant's assessment identified a Characteristic Situation of 2 for the development, meaning some gas protection measures are required as part of the development. Subject to the imposition of planning conditions the Councils Environmental Health Officer has raised no objection to the development from a contaminated land point of view.

### **Design**



During the course of this application amendments have been made to the materiality on the front and rear elevations to introduce timber cladding rain screen. It is unfortunate that the green roof (suggested by the Councils Urban Design Officer) is not an option. However the changes to materials on the rear elevation and changes to the landscape scheme to the rear (a mix of deciduous and evergreen) would reduce the impact of the proposal in the context of the relationship to the heritage assets. This will be further improved by setting black the close boarded timber fencing behind the landscaping area. It will be important to secure this area of planting as early as possible and at a level of maturity that establishes the landscape screen as effectively and quickly as possible.

There are still concerns over the impact of the proposed boundary treatment but such issues could be controlled through the imposition of planning conditions.

The detailed design would not appear out of character in this location and the detailed design complies with the NPPF and Policy SE1.

### **Built Heritage**

The site adjoins part of the Crewe Green Conservation Area with the north eastern corner of the site abutting the boundary of the Conservation Area. A character appraisal for the Conservation Area was prepared in 2008. It states at 4.30 that *“Outward views from within the Conservation Area are restricted by relatively high hedging close to the roadside edge and overhanging mature trees. In spite of the relatively wide carriageway of Crewe Road, this planting helps to contain this part of the Conservation Area from adjoining open land. This reinforces the impression that whilst Crewe Green lies within a relatively narrow gap between two built-up areas, it still has the sense of being a separate hamlet located within a rural area.”*

The Vicarage (grade II listed) is approximately 30-40 metres from the site boundary but there are intervening buildings and only modest vegetation. Views to The Vicarage are quite open from within the site.

To an extent the sense of being a separated hamlet has already been weakened by the expansion of the Crewe Business Park and development on the eastern side of University Way but this site is the employment allocation with the closest relationship with the heritage assets at Crewe Green.

This proposal would bring new development closer to the Conservation Area and would impact upon its setting. It would also bring urban development closer to the listed vicarage and its immediate environs, which is presently characterised by an open rural setting (albeit modestly impinged upon by the development of the Crewe Business Park and the employment units further along University Way). This site has a much more direct relationship with the Listed Building and the Crewe Green Conservation Area. Although substantial landscaping is proposed along the eastern boundary which has the most direct relationship to the assets, it will take considerable time to negate the visual impacts of the development. Therefore in the short to medium term at least the character of the Conservation Area and the Listed Building will be harmed by the proposal due to the impact upon their respective settings. This would represent less than substantial harm (para 193 of the NPPF).

The changes to the materials on the rear elevation of the proposed development and changing the landscaping to the rear to a mix of deciduous and evergreen are, would in principle reduce the impact of the proposal in the context of the relationship to the heritage assets. This will be further improved by setting back the close boarded timber fencing behind the landscaping area. It will be important to secure this area of planting as early as possible and at a level of maturity that establishes the landscape screen as effectively and quickly as possible.

Where there is less than substantial harm to a heritage asset the NPPF paragraph 196 states that *'Where a development proposal 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, where appropriate, securing its optimum viable use'*.

In this case the principle of the retail use on this employment allocation is not accepted. As a result the public benefits of the proposal does not outweigh the less than substantial harm.

### **Archaeology**

One of the letters of representation refers to World War II military tunnels crossing the site. In this case the Councils Archaeologist has stated that no features currently recorded on the Cheshire Historic Environment Record lie within the application area. The record includes known 20<sup>th</sup>-century military remains so, if these had been previously noted they would show up on the record. The Archaeologist has also taken the opportunity to check the readily available historic mapping and nothing of interest appears on the 19<sup>th</sup> century Ordnance Survey maps or the tithe map of 1840. Finally the archaeologist has looked at the available aerial photographs and there is nothing on the 1970s or 1940s material to suggest the presence of war-time remains.

As a result the Councils Archaeologist does not consider that there is sufficient information to justify a recommendation for further archaeology work.

### **Landscape**

The application site covers an area of approximately 1.86 hectares. The application site is located to the east by University Way; there are a number of commercial units located along the length of University Way. There is existing green infrastructure around the application site, including trees and hedgerows. To the south of the application site is Valley Brook and its associated boundary vegetation.

The proposals, as shown on the submitted Landscape Plan indicate that the existing boundary vegetation will be enhanced and that additional planting will take place between Valley Brook and the store, as well as more ornamental planting at the entrance area and within the site.

The Councils Landscape Architect has raised no objection to this proposed development.

### **Trees**

There is tree cover around the periphery of the site and on adjacent land. The trees are not subject of TPO protection although some off site vegetation to the north east of the site, overhanging the site boundary lies within the Crewe Green Conservation Area. The woodland associated with the Valley Brook Corridor to the south of the site is a priority habitat.

The submission is supported by an Arboricultural Report. The report identifies 5 individual trees, four tree groups and a hedgerow. The report identifies that the development would result in the loss of one Grade C tree group of self set Goat Willow, Cypress and Hawthorn with a backdrop of large Laurel shrubs (located at the north west corner of the site).

Amended plans and additional information has been submitted which provides greater clarity and address most previous concerns in relation to the trees on and adjoining the site. This is subject to the imposition of planning conditions relating to tree protection measures, the submission of an Arboricultural Method Statement and a management plan for the Valley Brook woodland edge.

The previous tree concerns have now been addressed. The proposed boundary fencing style has been revised for some sections which is welcomed. The 1.5 close boarded fence has been retained to the south of the access to the service area. The Councils Tree Officer is of the view that a more open style fence (perhaps an open mesh metal) would allow views to the Valley Brook woodland edge. This matter could be controlled by the imposition of a planning condition should the application be approved.

### **Ecology**

#### Statutory Designated Sites

The application site falls into Natural England's SSSI impact risk zones for non-residential developments of over 1ha. In this case Natural England have been consulted and have raised no objection to the proposed development.

#### Valley Brook Wooded Corridor

The woodland located adjacent to Valley Brook supports a number of indicator species of established woodlands and is considered a Priority Habitat. Habitats of this type are a material consideration for planning.

To avoid a significant loss of biodiversity it must be ensured that the woodland is retained as part of the proposed development. However as noted above the application does not include sufficient information in relation to trees especially in terms of the proposed land level changes.

#### Great Crested Newts

A small population of Great Crested Newts is present at a pond a short distance from the application site. In the absence of mitigation the proposed development would result in a Medium Level adverse impact on this species as a result of the loss of terrestrial habitat and the risk of any newts present on site being killed or injured during the construction process.

To compensate for the loss of terrestrial habitat the applicant is proposing to enhance the remaining habitats on site and the creation of a new wildlife pond. The risk of amphibians being killed or injured during the construction process would be mitigated through the erection of one way fence which allows animals to leave but not re-enter the footprint of the proposed development. This would be controlled through the imposition of a planning condition.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 of the C&NLP states that development will not be permitted which would have an adverse impact upon protected species or their habitats. Policy SE 3 of the CELPS states that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to protect and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In terms of the Habitat Directive tests;

- The proposed development is not in the interests of public health or public safety. The site is allocated for employment uses (as explained above) and on this basis there are no imperative reasons of overriding public interest.
- There is satisfactory alternative and that would involve the redevelopment of the site for employment purposes in accordance with the policies contained within the Development Plan
- The submitted mitigation means that there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range.

As the first two tests have not been met it is considered that the proposed development would be contrary to Policies NE.9 of the C&NLP and Policy SE 3 of the CELPS.

### Common Toad

This priority species is also present on site. The formulation of a satisfactory Great Crested Newt mitigation and compensation strategy would also address potential impacts upon this species.

### Other Protected Species

Evidence of other protected species activity was recorded around the site but no setts are present. The layout of the proposed development will maintain much of the existing habitat linkages for other protected species but will result in a localised loss of foraging habitat, which may have a minor impact.

The submitted report includes a suite of acceptable mitigation measures. If planning consent is granted this issue can be controlled through the imposition of a planning condition.

### Barn Owl

A Barn Owl survey has been undertaken. No evidence of roosting or nesting Barn Owls was recorded on site. This species is not reasonable likely to be present or affected by the proposed development.

### Trees with bat roost potential

A number of trees have been identified as offering potential to support roosting bats. These are identified as Target Notes: TN4, TN5 and TN6 on the submitted Phase One Habitat Plan. The tree at Target Note TN6 is off-site and so would not be affected by the proposed development. Tree TN5 is a large Oak tree which is shown as being retained.

The dead tree at TN4 is not shown for retention on the submitted plans. To avoid any impacts on roosting bats the Councils Ecologist advises that the submitted plans should be amended to clearly show the retention of this tree. This could be controlled by the imposition of a planning condition.

A notable number of bat species was recorded on site during the bat activity surveys but the level of activity was however only moderate. The areas of highest bat activity will be retained as part of the proposed development. However to avoid any adverse impacts on bats resulting from any lighting associated with the development a condition could be attached requiring any additional lighting to be submitted and agreed.

Provided the above condition is attached and the eastern and southern hedgerows and associated vegetation are retained. The proposed development is not likely to have a significant adverse impact on foraging bats.

### Hedgehog

Hedgehogs are a priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so this species may occur on the site of the proposed development. Provided the Valley Brook woodland is retained together

with a corridor of semi-natural habitat around the boundary of the site the potential impacts of the proposed development on this species are likely to be low. A condition could be imposed to require the provision of brash/wood piles as Hedgehog habitat.

### Otter and Water Vole

No evidence of water vole or otter was recorded during the submitted survey. As a result these protected species do not present a constraint on the proposed development.

### Reptile survey

No evidence of reptiles has been recorded on site and this species group is unlikely to be present or affected by the proposed development.

### Loss of Biodiversity

The grassland habitats present on site, whilst not of Local Wildlife Site quality, do support a number of species which are indicative of higher quality habitats. Whilst not a significant constraint on development the loss of these habitats would result in a loss of biodiversity. Local Plan policy SE3 requires all developments to deliver an overall gain for biodiversity. The loss of the grassland habitats could be compensated for through the creation of the pond suggested above.

### Habitat Creation and Management Plan

If planning consent is granted a condition is required to ensure that a detailed habitat creation management plan is submitted prior to the commencement of development.

### **Flood Risk/Drainage**

The application site is located largely within Flood Zone 1 (low probability of flooding) although the access is located within Flood Zone 2 (medium probability of flooding) and the southern boundary along the existing watercourse is located within Flood Zone's 2 and 3 (high probability of flooding). The built form of the proposed development (the supermarket, service yard and carpark) would all be located within Flood Zone 1.

In this case the Councils Flood Risk Manager, the Environment Agency and United utilities have all been consulted as part of this application and have raised no objection to the proposed development subject to the imposition on planning conditions. As a result the development is considered to be acceptable in terms of its drainage and flood risk implications.

### **Energy Efficient Development**

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

*“non-residential development over 1,000 square metres will be expected to secure at least 10 per cent 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.”*

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

### CONCLUSION

The application site is an employment allocation as part of Policy E.1.1 of the C&NLP. The site has not been marketed for employment uses and the proposed retail development of this site would be contrary to Policy EG 3 of the CELPS.

The proposal is an out-of-centre retail development. There is no requirement for an impact assessment and it is considered that the proposed development would not have a significant adverse impact upon the vitality and viability of Crewe Town Centre or Haslington local centre. Based on the additional information the sequential test has not been passed as insufficient information has been provided by the applicant to demonstrate that the existing GJRP site is unsuitable for the proposed development, and accordingly, that the site does not represent a sequentially preferable alternative and the proposed development is contrary to the NPPF and PG 5 of the CELPS.

The highways implications of the development are considered to be acceptable and the proposed development would comply with the Councils parking standards. The proposed development would comply with Policies BE.3 of the C&NLP and C02 of the CELPS.

The amenity implications of the proposed development, including noise, air quality and contaminated land are considered to be acceptable and would comply with BE.1, BE.6 and NE.16 of the C&NLP and SE 12 of the CELPS.

The design of the proposed development is considered to be acceptable and there are no archaeology implications associated with this development. As a result the development complies with Policy SE 1 of the CELPS; and BE.16 of the C&NLP. However the proposed development would result in less than substantial harm upon the heritage assets. In this case the principle of the retail use on this employment allocation is not accepted. As a result the public benefits of the proposal does not outweigh the less than substantial harm.

The landscape implications of the proposed development are considered to comply with SE 4 of the CELPS.

The impact in relation to the trees on and adjoining the site is considered to be acceptable and would comply with Policy NE.5 of the C&NLP and Policies SE 3, SE 4 and SE 5 of the CELPS.

The impact upon protected species and habitats is largely acceptable. However as the principle of retail development on the site is not considered to be acceptable, the impact upon Great Crested Newts fails the tests within the Habitat directive and the development is contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS

The drainage and flood risk implications of the proposed development are considered to be acceptable and the development complies with Policies CE 13 of the CELPS and NE.20 of the C&NLP.

Finally the development of the site would have some economic benefits as identified above and this does attract some weight. However it should be noted that these benefits are likely to be less than those which would be secured if the employment allocation on the site was implemented.

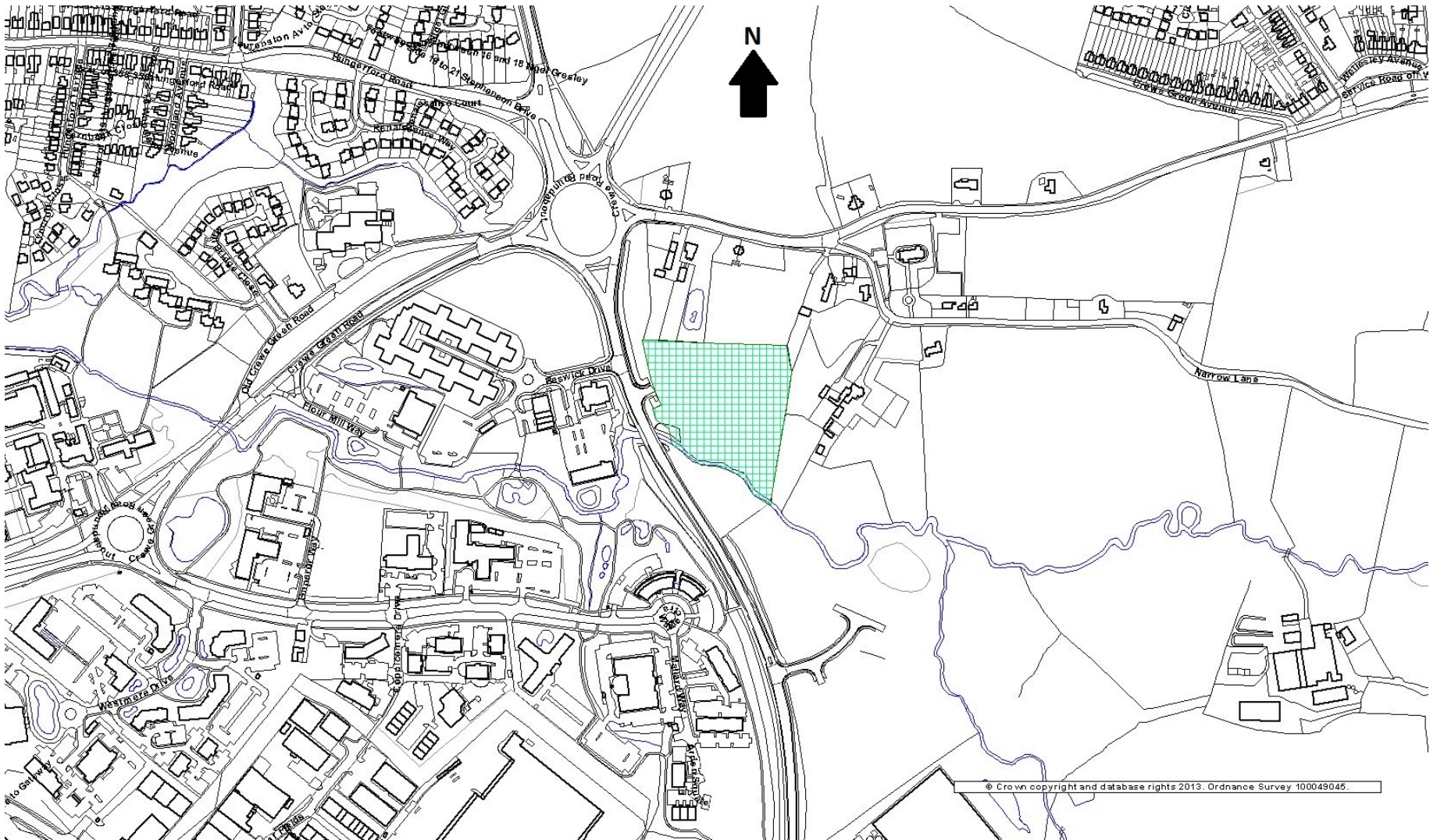
**RECOMMENDATION:**

**REFUSE for the following reasons;**

- 1. The proposed development is located within an area allocated for employment uses as part of Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The loss of the site for employment purposes would not maintain an adequate and flexible supply of employment land within this part of the Borough and insufficient reasons have been advanced to justify a departure from this policy. As a result the proposed development would be contrary to Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EG3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 2. The Local Planning Authority considers that insufficient information has been provided by the applicant to demonstrate that the Grand Junction Retail Park site is unsuitable for the proposed development, and accordingly, that the application site does not represent a sequentially preferable alternative. The proposed development is contrary to Policy PG 5 of the CELPS and the NPPF.**
- 3. There is a small population of Great Crested Newts present at a pond a short distance from the application site and this proposed development would result in a Medium Level adverse impact on this species as a result of the loss of terrestrial habitat and the risk of any newts present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 4. The proposed development would result in less than substantial harm to the heritage assets which adjoin the site. As the principle of the proposed development on a site allocated for employment uses is not accepted there are not considered to be public benefits which outweigh the harm. The proposed development is contrary to Policy SE 7 of the Cheshire East Local Plan Strategy, BE.7 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

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





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Application No: 18/3220C

Location: Training Centre, Hill Street, Sandbach, CW11 3JE

Proposal: Erection of a three storey residential development comprising 26 apartments (Use Class C3), parking, associated access, landscaping and servicing.

Applicant: ., Millennium Developments

Expiry Date: 30-Nov-2018

### SUMMARY

The application site lies within the Sandbach settlement boundary where the development plan supports new development, including housing. The loss of the site for commercial purposes has been accepted on this site by a previous Inspector.

The site is a sustainable location for new housing on a previously developed site, and it is considered that the revised design, although contemporary, would not have a detrimental impact upon the character and appearance of the area.

The proposal would not create any significant concerns with regards to; amenity, highway safety, landscape, trees and hedgerows, ecology, flood risk and drainage, affordable housing, education, local primary care capacity or Open space, subject to conditions and legal agreements where deemed necessary.

As a result of the above reasons, the application is recommended for approval.

### RECOMMENDATION

**APPROVE Subject to a S106 Agreement to secure: 30% (or more) on-site affordable housing provision and financial contributions towards education, NHS and public open space, and conditions**

### SITE DESCRIPTION

This application relates to site of the former Foden's factory-training centre located on the southern side of Hill Street in Sandbach. The site is rectangular in shape, measures approximately 0.253 ha. The industrial units that previously occupied the site have now been demolished.

The site is situated within the settlement zone line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

## PROPOSAL

Full planning permission is sought for the erection of 26 apartments.

A revised application form and plans were received during the application form changing the scheme from a development of 30 apartments of a different design on the advice of the Local Planning Authority.

The applicant also confirmed later in the process, that they would like to provide more than the policy required 30% affordable housing provision, possibly as much as 100%.

## RELEVANT HISTORY

**16/3642C** - Outline planning application for 20 apartments (four blocks) plus 20 car parking spaces. Previous planning approval ref: 09/3337C – Withdrawn 26<sup>th</sup> October 2016

**13/0765C** - Extension to Time Limit of Outline Planning Application 09/3337C for Demolition of Existing Industrial Unit, Clearance of Site and Redevelopment by the Erection of Residential Units – Approved 2<sup>nd</sup> May 2013

**09/3337C** - Demolition of Existing Industrial Unit, Clearance Of Site And Redevelopment By The Erection Of Residential Units – Refused 11<sup>th</sup> January 2010, appeal allowed 4<sup>th</sup> August 2010

**08/2013/OUT** - Demolition of existing industrial unit. Clearance of site & redevelopment by erection of residential units that may include semi-detached/terraced dwellings in two storey – Refused 3<sup>rd</sup> March 2009

**08/1507/OUT** - Demolition of existing industrial unit, clearance of site and redevelopment by the erection of residential units which may include semi detached / terraced dwellings in two storey – Withdrawn 3<sup>rd</sup> November 2008

**26309/1** – 1 dwelling – Approved 5<sup>th</sup> July 1994

**1494/3** - Replacement of Existing Garages – Approved 7<sup>th</sup> April 1975

## ADOPTED PLANNING POLICY

Sandbach Neighbourhood Development Plan (SNDP)

PC2 – Landscape Character, PC3 - Policy Boundary for Sandbach, PC4 - Biodiversity and Geodiversity, PC5 - Footpaths and Cycleways, H1 - Housing growth, H2 - Design & Layout, H3 - Housing mix and type, H4 - Housing and an Ageing Population, H5 - Preferred Locations, IFT1 - Sustainable Transport, Safety and Accessibility, IFT2 - Parking, IFC1 - Community Infrastructure Levy, CW1 - Amenity, Play, Recreation and Outdoor Sports Facilities, CW3 - Health and CC1 - Adapting to Climate Change

Cheshire East Local Plan Strategy (CELPS)

EG3 - Existing and Allocated Employment Sites, 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, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE9 - Energy Efficient Development, SE12 - Pollution, Land Contamination and Land Instability, SE13 – Flood Risk and Water Management, IN1 - Infrastructure, IN2 - Developer Contributions, SC4 - Residential Mix and SC5 – Affordable Homes.

### Congleton Borough Local Plan (CBLP)

PS4 – Towns, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, NR2 – Wildlife and Nature Conservation – Statutory Sites, NR3 – Habitats

Supplementary Planning Guidance Note 2: Provision of Private Open Space (SPGN2)

### **Other material policy considerations**

The National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Cheshire East Design Guide

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to a condition requiring the prior submission/approval of a Construction Management Plan (CMP) which details the contractor and construction vehicle parking, loading and unloading locations and details of wheel wash facilities. In addition, an informative advising that a S184 licence is required to create the vehicle crossing is recommended

**Housing (Cheshire East Council)** – No objections, subject to the provision of 30% on site affordable housing provision to ensure policy compliance

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the receipt of an updated drainage strategy

**Education (Cheshire East Council)** – No objections, subject to the provision of £92,413 (£43,385 primary and £49,028 secondary), to alleviate impact of the proposed development upon local education provision

**Environmental Protection (Cheshire East Council)** – Original comments: No objections, subject to a number of conditions including; implementation of noise mitigation, prior submission/approval of a piling method statement, prior submission/approval of dust mitigation scheme, prior submission of a construction phase environmental management plan, the submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of gas boiler emission standard, the prior submission/approval of a Phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contaminated is identified. Informatives relating to hours of construction, hours of piling and contaminated land are also proposed

**Public Open Space (Cheshire East Council)** – Contribution of £6,092.88 is required to upgrade a site at Thornbrook Way. This site is low in quality and could benefit from contributions to improve the capacity to help mitigate the impact of the development. In addition, a contribution of £17,397.50 is required to maintain the enhancements over a 25-year period

**United Utilities** – Advise that the submitted drainage strategy is insufficient but recommend conditions including; that foul and surface water be drained on separate systems and the prior submission/approval of a sustainable drainage management and maintenance plan.

**NHS** – No objections, subject to the receipt of £17,424 towards improvements to Ashfields Primary Care Centre.

**Sandbach Town Council** – Object to the proposal on the following grounds

- Amenity – Overlooking/loss of privacy from proposed roof terrace, unneighbourly location of bin store
- Design – Building should be 2 storey's tall

### REPRESENTATIONS

A full re-consultation exercise was undertaken between the 22<sup>nd</sup> October 2018 and the 9<sup>th</sup> November 2018 due to change in description of development to 26 apartments and not 30 apartments and due to a change in the proposed design of the proposals.

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the application was advertised in the local newspaper. In response to the re-consultation, at the time of drafting this committee report, letters of objection have been received from four (09/11/2018) neighbouring properties. The main areas of objection include;

- Landscaping – Concerns that planting will cause concerns to the neighbouring property foundations (No.16 Hill Street)
- Amenity – concerns regarding odour due to proposed location of bin storage
- Highway safety – Insufficient parking provision, on-street parking congestion (particularly since the charging introduced at the train station), traffic volume concerns
- Design – Ugly appearance of principal elevation, not respectful to local character and streetscene, scale of development
- Infrastructure pressures upon school and health facilities

In response to the original proposals, letters of objection were received from 13 neighbouring properties. The main areas of objection included;

- Principle – No need for further housing in Sandbach
- Design – Scale with regards to 3-storey's is too large, overdevelopment of site, lack of boundary treatment
- Highway safety – on-street parking congestion (particularly since the charging introduced at the train station), increased traffic levels/congestion, junction obstruction, visibility, lack of visitor parking provision, construction vehicle parking concerns, access for refuse

- Landscaping – Concerns that planting will cause concerns to the neighbouring property foundations
- Infrastructure – Impact upon local schools and doctors
- Amenity – concerns regarding air quality by increased traffic, loss of privacy/overlooking, loss of light
- Lack of affordable housing provision

### **APPRAISAL**

#### **Principle of development**

##### New housing

Policy PC3 of the Sandbach Neighbourhood Development Plan (SNDP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

Policy PG2 of the CELPS identifies Sandbach and a Key Service Centre. Within such locations, development of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported to maintain the vitality and viability.

Policy PG7 of the CELPS states that Sandbach is expected to accommodate 20 hectares of employment land and 2,750 new homes over the plan period (2010-2030).

As at the 31 March 2017, there had been 1,059 new homes completed over the period 01.04.2010 – 31.03.2017 in Sandbach, there were commitments for 1742 homes and strategic sites identified in the Local Plan Strategy to deliver approximately 450 homes. As such there are 3,251 homes expected to be delivered in Sandbach by 2030 (source: Housing Monitoring Update – base date 31 March 2017).

As the site falls with the Sandbach Settlement Boundary, the proposal is subject to Policy PS4 of the CBLP. Policy PS4 advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

##### Loss of commercial site

Policy EG3 of the CELPS refers to allocated and unallocated employment sites. The policy states that existing employment sites should be protected unless the premises are causing harm which cannot be mitigated or the site is no longer suitable or viable for employment use.

The application site is currently a vacant former factory-training centre.

A previous application for residential development on the site (ref: 09/3337C) was refused by the Council for the following reasons;

1. *Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial*

*planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.*

However, the appeal (ref: APP/R0660/A/10/2123905) was allowed and the Inspector advised that;

*'...it has been reasonably demonstrated that the site is no longer suitable for employment uses without significant upgrading which would provide not to be financially viable. Therefore, the proposal would not conflict with LP Policy E10 which seeks to ensure that sufficient employment land and premises exist to meet the needs of the local workforce.'*

As a result of the above reasons, although this appeal was considered against an obsolete policy, it is considered that the same principles apply. Therefore, the loss of this site for employment purposes is considered to be acceptable in principle.

### Principle conclusion

The provision of new housing on this previously developed site within the Sandbach Settlement Boundary is supported in conjunction with the loss of the site for commercial purposes as a result of a combination of the planning history and adherence with the relevant principal planning policies of the development plan.

### **Design**

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

Policy SD1 of the CELPS advises that new development should be well designed and be to a high standard.

Policy SD2 advises that new development should contribute positively to an areas character and identity, reinforcing local distinctiveness in terms of; height, scale, form and grouping, materials, external design features, massing, relationship to the neighbouring properties, streetscene and wider neighbourhood.

The Cheshire East Design Guide SPD supplements the design policies of the plan.

Policy PC2 of the SNDP advises that development should respond positively to the landscape of the area by reason of; scale, massing, features and design. The SNDP goes on to identify the site as 'Urban'.

Policy H2 of the SNDP states that all developments should meet high design standards that are in keeping with the local character, are appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance, materials, and its relationship to adjoining buildings and landscape features, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area.



The proposal is for the erection of a predominantly two-storey apartment block, with a smaller third storey element.

The apartment block would be a rectangular shaped building that would lie parallel, on the southern side of Hill Street, Sandbach, within the settlement zone line. The block would comprise of 20 x two-bedroom apartments and 6 x one-bedroom apartments.

The building, at its maximum points would measure 53.3 metres in width, 16.6 metres in depth, and would comprise of a flat roof 8.8 metres in height.

The building would be inset from Hill Street to the north by approximately 3.4 metres, from the eastern boundary by approximately 9.7 metres, from the rear boundary (southern) by between 16.6 metres and 22.1 metres, and to the western boundary by approximately 1.2 metres.

As such, the development would be set forward within the site but span the majority of the site's width.

The plan shows that the site would be accessed via the creation of a new vehicle entrance onto Hill Street to the north, towards the north-eastern corner of the site. The new access driveway would subsequently extend to the rear of the site to off-road parking and a shared private amenity space.

Hill Street comprises of predominantly terraced or semi-detached properties fronting the highway with elongated rear gardens. There is however, a larger 'block type' arrangement of built form nearby to the south in the form of St Stephens Nursing Home and blocks of built form in the form of terraces adjacent to the site to the north-east. Given this and given that the site was previously largely covered with larger industrial/commercial buildings and hard standing, it is not considered inappropriate for a block of development, covering the footprint it does, to be erected on this site.

The development would be 'inset' from the highway by approximately 3.4 metres on its principal elevation. This would bring it in line with the development adjacent to the site to the north-east and would allow for soft landscaping to be introduced into the streetscene as well as assisting in tempering the bulk of the building. The provision of off-street parking to the rear of the site is welcomed, screening it from the streetscene.

As a result of the above reasons, the general layout arrangements and form are deemed acceptable.

With regards to scale and appearance, the Council originally had concerns about the scale, mass and bulk of the proposal. Following discussions between the applicant and the Council and revised scheme was submitted.

The Council's Urban Design Officer, in response to the revisions, has advised that whilst he appreciates that the area is generally characterised by 2-storey development, the proposed upper storey would be set back and inset at either end which will make it appear recessive in massing terms at street level. Although a contemporary approach, the scheme takes cues to help it integrate into the locale, including the use of brickwork, the regular rhythm of fenestration and definition of the front boundary with a wall.

The maximum height would be no taller than the adjacent units.

As such, subject to conditions suggested by the Council's Urban Design Officer relating to appearance (cladding, brickwork, fenestration, rainwater goods, the recess of openings and the detail of the boundary wall) relating to the appearance, it is considered that the appearance and scale of the proposed development is acceptable and would adhere with the policies; SE1, SD1, SD2 of the CELPS and policies PC3 and H2 of the SNDP.

### **Locational Sustainability**

Due to the siting of the application site within the Sandbach Settlement Boundary, it is considered that the site is within an appropriate distance to sufficient public facilities such as schools, shops, doctors etc for the site to be deemed locationally sustainable.

### **Highways**

The revised proposal is for 26 apartments with off-road vehicle and cycle parking, utilising an amended access off Hill Street.

Following the receipt of speed surveys, the Council's Head of Strategic Infrastructure (HSI) has advised that the site access has sufficient visibility.

The HSI has advised that the off-road parking provision is below standard, but the standards are not rigid. The HSI goes on to advise that the site is located in a sustainable location being a short walk to bus stops, railway station, shops, and employment areas. Car ownership data for apartments in this location also indicates that the proposed parking provision will be sufficient so that on-street parking associated with the apartments will not need to take place.

The HSI concludes that the revised proposals will have no highways impact and no objection is raised subject to a condition requiring the prior submission/approval of a Construction Management Plan (CMP) which details the contractor and construction vehicle parking, loading and unloading locations and details of wheel wash facilities. In addition, an informative advising that a S184 licence is required to create the vehicle crossing is recommended. The proposal is therefore deemed to adhere with Policy GR9 of the CBLP.

### **Residential Amenity**

Policy GR6 (Amenity and Health) of the CBLP, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Guidance Note 2 sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation. It should also be noted that this should be increased based on site conditions in the case of development of 3-storey's or greater.

The closest residential properties to the application site are the occupiers of No.16 and 22 Hill Street which would flank the proposed development on the Hill Street frontage, the properties directly opposing the proposal on the opposite side of Hill Street, the occupiers of St Stephens Nursing Home to the rear and No's 32, 34 and 34 Elizabeth Close to the south and south/west.

Within the western side gable elevation of No 16 Hill Street which faces the application site, there are no existing openings. However, it appears that there is an opening within the two-storey rear outrigger. It was not clear if this window represented a sole window to a principal habitable room, but appeared unlikely.

Attempts to identify the room to which this window served were made unsuccessfully on various occasions.

The layout plan suggests that the side elevation of the proposed built form would be sited approximately 12.2 metres from this window.

Within the relevant side elevation of the proposals, a single, central window is proposed on each storey. According to the submitted floor plans, these would comprise of hallway windows. The proposed ground-floor window would be screened by boundary treatment and the second-floor window would be inset considerably to an extent that it should not be viewable from the neighbouring dwelling. However, in the event of approval, it is recommended that the first-floor window on the north-eastern side elevation be conditioned to be obscurely glazed to prevent overlooking/loss of privacy.

Within the side elevation of No 22 Hill Street which faces the application site, there are 3 windows. These comprise of a first-floor window towards the centre of the gable end and two ground-floor windows, one in the gable and one within a single-storey rear outrigger. There is also a first-floor window on a two-storey outrigger facing the application site, but inset from the boundary.

It is not clear, but appears that none of these windows represent sole windows to principal habitable rooms. Again, attempts to identify the rooms to which these windows served were made unsuccessfully on various occasions.

The side elevation of the proposed development would be between 6 and 8.5 metres away from these windows.

Given that none of these neighbouring windows are likely to represent sole windows to principal habitable rooms, it is not considered that the proposal would have a significant impact upon the occupiers of this property with regards to loss of privacy, light or visual intrusion.

Within the relevant side elevation of the proposals, a single, central window is proposed on each storey. According to the submitted floor plans, these would comprise of hallway windows. The proposed ground-floor window would be screened by boundary treatment and the second-floor window would be inset considerably to an extent that it should not be viewable from the neighbouring dwelling. However, in the event of approval, it is recommended that the first-floor window on the north-eastern side elevation be conditioned to be obscurely glazed to prevent overlooking/loss of privacy.

In consideration of both of the above adjacent neighbouring dwellings, concerns have been raised about overlooking/loss of privacy concerns from the proposed roof terrace. In response to this

concern, the applicant has since amended the scheme to remove the roof areas from being roof terraces, and change them to green roofs. Subject to this space being conditioned so it cannot be used by the occupants or visitors, but maintenance only, it is considered that this amendment overcomes this concern.

The layout shows that the built form fronting Hill Street would be sufficiently away from the dwellings on the opposite side of Hill Street not to detrimentally impact the occupiers of these properties or the future occupiers of the proposed apartments with regards to loss of privacy, light or visual intrusion.

It is considered that the occupiers of No.31 New Street would be sufficiently offset from the new development so not to be significantly impacted.

To the rear (south) of the application site is a single-storey care home. Within the relevant elevation of the care home are multiple openings. According to the planning history, these openings serve as either utility rooms, bathrooms, bedrooms (x6), a dining room and a lounge.

On the layout plan, the rear elevation of the apartment block would be approximately 24.9 metres away from the closest impacted openings (bedrooms). As such, the development is considered to be far enough away from this care home so not to create concerns with regards to privacy, light or visual intrusion.

The layout plan indicates that no development is proposed that would directly impact the amenities of the closet properties on Elizabeth Close to the south-west due to the distance of the development away from them.

With regards to the amenity of the future occupiers of the proposed apartments, a shared garden is proposed that measures 632m<sup>2</sup>. It is considered that sufficient shared space is proposed to support the proposed development.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; implementation of noise mitigation, prior submission/approval of a piling method statement, prior submission/approval of dust mitigation scheme, prior submission of a construction phase environmental management plan, the submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of gas boiler emission standard, the prior submission/approval of a Phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contaminated is identified. Informatives relating to hours of construction, hours of piling and contaminated land are also proposed.

Concerns had been raised by a local resident and the Town Council about the unneighbourly location of the proposed bin store. In response to this concern, a revised plan has been received which re-locates this. This revision is deemed acceptable.

As a result of the above, subject to the recommendations of the Council's Environmental Protection Team, an obscure glazing condition, and a condition restricting the use of the flat roof, it is considered that the proposed development would adhere with Policy GR6 of the CBLP and the amenity aspects of Policy SE1 of the CELPS and H2 of the SNDP.

### **Landscape**

This is a cleared brownfield site to the south of Hill Street. There is a short length of hedge to the north east boundary and trees off site to the south. There are a variety of existing boundary treatments.

The Council's Landscape Officer has advised that the Landscape proposals appear reasonable in principle although, recommends that a fully specified scheme, with final details of composition of each individual ornamental planting area, and the identification on plan of each of the 10-12cm size tree species, is sought by condition. The final detail of the green roof will also need agreement.

Subject to this, it is considered that the proposed development would adhere with Policy SE4 of the CELPS.

### **Trees and Hedgerows**

This is a cleared brownfield site to the south of Hill Street. There is a short length of hedge to the north east boundary and trees off site to the south.

Arboricultural information was received during the application process. The report identifies the potential for the development to impact on two off site trees due to the proximity of the proposed car parking areas in relation to root protection areas. Encroachment is described as minimal. Recommendations are made for no dig surfacing.

Subject to adherence to the construction methodology for the car park described in the report, the Council's Forestry Officer has no forestry concerns and the proposals would adhere with Policy SE5 of the CELPS.

### **Ecology**

The Council's Nature Conservation Officer has reviewed the submitted application and advised that he has no objections, subject to a condition to protect nesting birds and a condition requiring the prior submission/approval of a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, a wildlife pond and native species planting.

Subject to these conditions, it is considered that the proposed development would adhere with Policy SE5 of the CELPS and NR2 of the CBLP

### **Flood Risk and Drainage**

The application site is located in Flood Zone 1, a location which is deemed to have a low level of flood risk.

The Council's Flood Risk Manager has reviewed the proposals and advised that they have no objections in principle to the proposed development subject to a condition requiring the prior submission/approval of a detailed drainage strategy/design, limiting the surface water runoff generated by the proposals and an associated management/maintenance plan for the site.

With regards to drainage, United Utilities in consideration of the original proposals advised that they too have concerns about the existing drainage strategy for the same reasons highlighted by the Flood Risk Officer. However, it is deemed that this matter could be resolved with the Flood Manager's suggested condition. Either way, there is a drainage solution for the site be that via soakaways or if deemed unsuitable, there is the option to link into the existing United Utilities network. In addition, United Utilities have recommended, in the event of approval, a condition ensuring that foul and surface water are drained on separate systems and a condition requiring the prior submission/approval of a sustainable drainage management and maintenance plan.

As such, subject to the proposed conditions, it is not considered that the proposed development would create any significant flood risk or drainage concerns and would adhere with Policies GR20 of the CBLP and SE13 of the CELPS.

### **Affordable Housing**

The Cheshire East Local Plan Strategy (CELPS) and the Council's 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 26 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings.

The CELPS states in Policy SC5, justification paragraph 12.44, *'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.'* This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Sandbach as their first choice is 555. This can be broken down to 270 x 1 bedroom, 190 x 2 bedroom, 87 x 3 bedroom, 22 x 4 bedroom and 17 x 5 bedroom dwellings for General Needs.

The SHMA 2013 shows the majority of the demand in Sandbach per annum up to and including 2018 is for 18 x 1 bedroom, 33 x 2 bedroom, 18 x 3 bedroom and 9 x 4 bedroom dwellings for general needs accommodation. The SHMA 2013 is also showing an annual need for 11 x 1 bedroom and 5 x 2 bedroom dwellings for older persons. These can be via flats, cottage style flats, bungalows and lifetime home standard dwellings.

With the need data shown above, a mix of 1, 2, 3, and 4 and on this site would be acceptable. The plans are showing a mix of 1 and 2 bedroom flats on this site and so this would be meeting the 1 and 2 bedroom requirement and also the older person accommodation on the ground floor.

5 units should be provided as Affordable Rent and 3 units as Intermediate Tenure.

The applicant has agreed to the requirements of the policy as a minimum and the proposals are therefore deemed to adhere with Policy SC5 of the CELPS. The requirement shall be secured via a S106 Agreement.

### Education

The CELPS is expected to deliver 36,000 houses in Cheshire East between 2010 and 2030; 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 (SEN).

The Service acknowledges that 6 dwellings of 1 bedroom do not meet the criteria, therefore the assessment has been based on 20 dwellings.

The development of 20 dwellings is expected to generate:

4 primary children (20 x 0.19)

3 secondary children (20 x 0.15)

0 SEN children (20 x 0.51 x 0.023%)

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

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

4 x £11,919 x 0.91 = £43,385 (primary)

3 x £17,959 x 0.91 = £49,028 (secondary)

Total education contribution: £92,413

Without a secured contribution of £92,413 Children's Services would raise an objection to this application.

However, the applicant has agreed to the contribution and this is to be secured through a Section 106 Agreement in the event of approval.

### Health

Policy SC3 of the CELPS states that the Council will seek contributions towards new or enhanced health and social care facilities from developers if the proposals would generate possible health impacts.

The NHS Southern Cheshire Clinical Commissioning Group have considered the impact of the development upon the local health care capacity, more specifically, Ashfields Primary Care Centre.

It has been advised that there is an ever increasing demand upon its capacity. In order to account for these increasing pressures, various matters are being considered, including an increase in the size of the existing building.

In order to fund the development of Ashfields Primary Care Centre, the Southern Cheshire Clinical Commissioning Group have requested a contribution based on the below formula;

<b>Size of Unit</b>	<b>Occupancy Assumptions-Based on Size of Unit</b>	<b>Health-Need/Sum Requested per Unit</b>
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

In this instance, 20 two bedroom units and 6 one bedroom units are proposed. Based on the above formula, this equates to £3,024 for the 1 bed units and £14,400 for the 2 bed units, equating to a total requirement of £17,424.

This would be secured via S106 Agreement.

The application has agreed to the contribution.

### **Public Open Space**

Policy SE6 of the CELPS provides a policy basis to require new developments to provide or contribute to Children's Play Space, Amenity Green Space (AGS), Green Infrastructure Connectivity (GI) and Allotments.

In line with Table 13.1 of Policy SE6, this development requires 400sqm of Children's Play Space and 520sqm AGS as a minimum. The verge/buffer planting to the front and rear offers visual amenity, however there is still a requirement to satisfy Policy SE6 in terms of children's play and amenity green space which maybe combined area.

Part 2 of the applicant's Design & Access Statement shows a small area of open space area tucked away in the south west of the site and is more suited to a communal area which is not acceptable as public open space. It is not visible from the road so offers little or no visual amenity for the development or act as meaningful public open space.

The Council's Public Open Space Officer has advised that there is a site at Thornbrook Way, Sandbach that offers a combined open space and play facility, which is just over 800 metres away. The Officer advises that this existing space is low in quality and could benefit from contributions to improve the capacity to help mitigate the impact of the development should the committee deem this development acceptable in principle.



Contributions sought for enhancement are £6,092.98 and £17,379.50 to maintain those enhancements over 25 years. Contributions should be secured through the Legal S.106 Agreement in the event of approval.

The application has agreed to this requirement.

### **Levy (CIL) Regulations**

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 S106 satisfy the following:

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

The development would result in the requirement of a minimum of a 30% on-site affordable housing provision with a tenure split of 65% rented and 35% intermediate tenure. This is considered to be necessary, fair and reasonable in relation to the development.

The scale of the development in conjunction with local need will result in the requirement to provide 400sqm of Children's Play Space and 520sqm AGS as a minimum. However, the improvement and maintenance of a nearby facility to account for this need is deemed sufficient. This equates to £6,092.98 and £17,379.50 to maintain those enhancements over 25 years. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in the requirement for £92,413 comprising of £43,385 (primary) and £49,028 (secondary) due to the additional burden the proposed 20 x 2 bed apartments would have upon existing capacity. This is considered to be necessary, fair and reasonable in relation to the development.

A contribution of £17,424.00 is required to upgrade Ashfields Primary Care Centre to account for the increased demand of the development upon its facility. This is considered to be necessary, fair and reasonable in relation to the development.

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

### **Conclusions**

The application site lies within the Sandbach settlement boundary where the development plan supports new development, including housing. The loss of the site for commercial purposes has been accepted on this site by a previous Inspector.

The site is a sustainable location for new housing on a previously developed site, and it is considered that the revised design, although contemporary, would not have a detrimental impact upon the character and appearance of the area.

The proposal would not create any significant concerns with regards to; amenity, highway safety, landscape, trees and hedgerows, ecology, flood risk and drainage, affordable housing, education,

local primary care capacity or Open space, subject to conditions and legal agreements where deemed necessary.

As a result of the above reasons, the application is recommended for approval.

## RECOMMENDATION

**APPROVE** subject to a **S106 Agreement** to secure;

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (or more) - 65% Affordable Rent / 35% Intermediate Submission of affordable housing statement	If any market housing, 50% open market occupied prior to affordable provision. Prior to issuing of decision notice
<b>Education</b>	Primary: £43,385 Secondary: £49,028 Total: £92,431	Primary contribution – Prior to occupation Secondary contribution – Prior to occupation of 50%
<b>Health</b>	£17,424 (Ashfields Primary Care Centre)	100% prior to first occupation
<b>Public Open Space</b>	£6,092 (Thornbrook Way Play Area) £17,379.50 for maintenance over 25 years	Prior to occupation of 50%

**And the following conditions;**

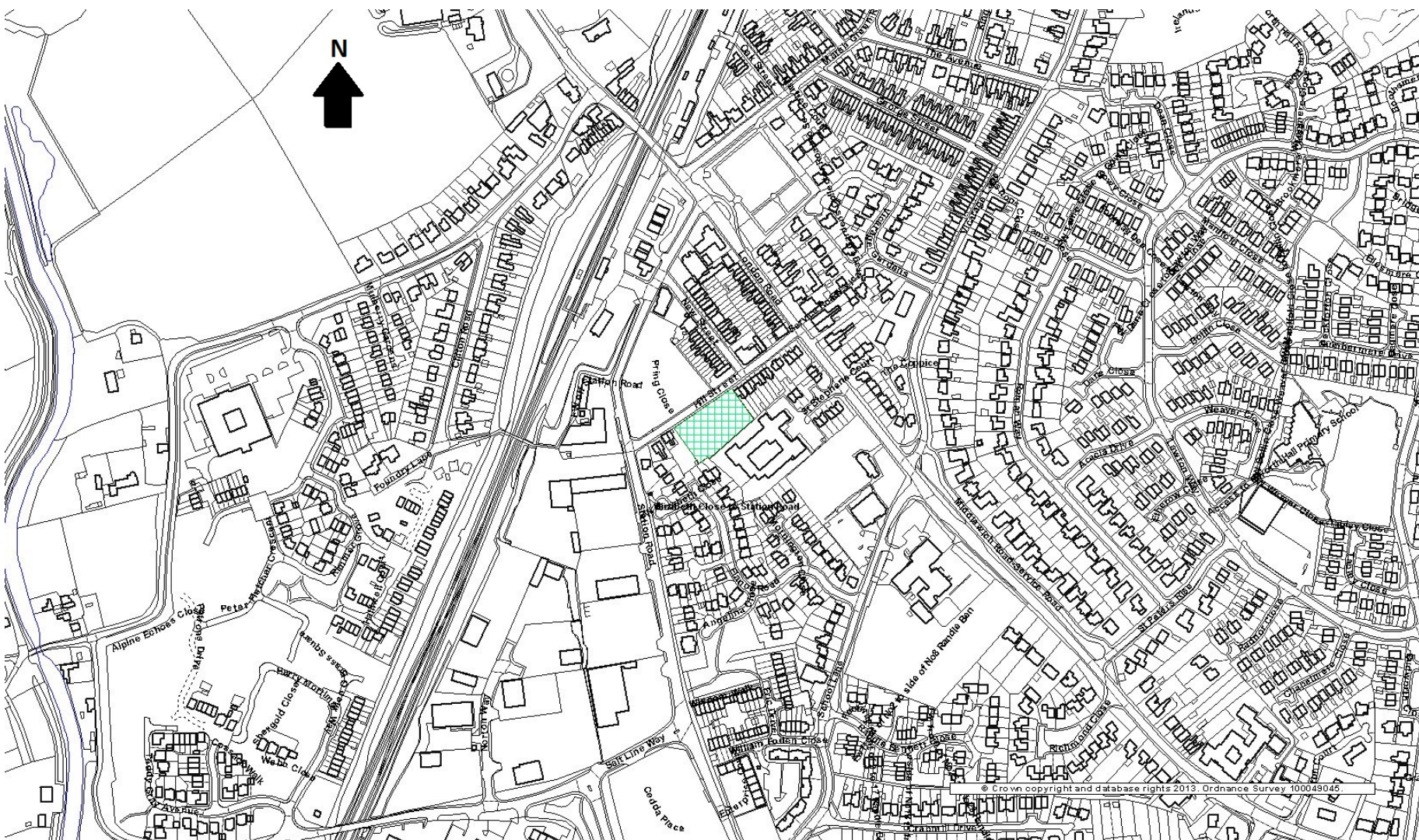
1. Time (3 years)
2. Plans
3. Prior submission/approval of facing/roofing materials including; cladding – *Prior to use of*
4. Prior submission/approval of fenestration details – *Prior to installation of*
5. Prior submission/approval of rainwater goods details – *Prior to installation of*
6. Green roof area use restricted to maintenance purposes only
7. Obscure glazing – First-floor side elevation windows – *Prior to occupation*
8. Noise mitigation – Implementation
9. Prior submission/approval of piling method statement
10. Prior submission/approval of dust mitigation scheme
11. Prior submission/approval of Environmental Management Plan
12. Prior submission/approval of residents travel information pack – *Prior to occupation*
13. Provision of electric vehicle charging infrastructure
14. Prior submission/approval of Phase II contaminated land report
15. Submission/approval of verification report
16. Prior submission/approval of soil verification report
17. Works to stop if contamination is identified
18. Prior submission/approval of Construction Management Plan

19. Prior submission/approval of updated landscaping scheme – *Prior to occupation*
20. Landscape - Implementation
21. Prior submission/approval of boundary treatment details – *Prior to installation of*
22. Nesting birds
23. Prior submission/approval of features to enhance the biodiversity value of proposals – features for nesting birds (incl house sparrows) and bats, a wildlife pond and native species planting – *Prior to occupation*
24. Prior submission/approval of updated drainage strategy & associated sustainable management and maintenance plan
25. Foul and surface water be drained on separate systems
26. Prior submission/approval of levels

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (or more) - 65% Affordable Rent / 35% Intermediate Submission of affordable housing statement	If any market housing, 50% open market occupied prior to affordable provision. Prior to issuing of decision notice
<b>Education</b>	Primary: £43,385 Secondary: £49,028 Total: £92,431	Primary contribution – Prior to occupation Secondary contribution – Prior to occupation of 50%
<b>Health</b>	£17,424 (Ashfields Primary Care Centre)	100% prior to first occupation
<b>Public Open Space</b>	£6,092 (Thornbrook Way Play Area) £17,379.50 for maintenance over 25 years	Prior to occupation of 50%

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



Application No: 18/4771N

Location: BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CHESHIRE,  
CW7 4DN

Proposal: Erection of 3 Dwellings

Applicant: Atkinson, Commercial Development Projects Ltd

Expiry Date: 30-Nov-2018

## **SUMMARY**

The proposal is for 3no dwellings on the site of a former public house, The Boot and Slipper, in Wettenhall. The Public House has been demolished in the recent past. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, replacement building (including a dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously developed, as confirmed by the Inspector, however it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land un-developed.

An area of land on the corner of Long Lane has as a Veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the application site. It is suggested within the Statement that this will be 'gifted' to the community, however full details of this have not been submitted with this application.

The proposed development is suburban its design and layout and does not reflect the character of the wider rural settlement. There are concerns raised over the social proximity of the Veteran Oak Tree with a TPO adjacent to unit 1 and the RPA which should be used given its Veteran status.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, some small economic benefits during construction, new homes bonus and council tax once constructed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is therefore considered that the development has not significantly changed to that which was dismissed recently at appeal. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SE3, SE5 and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

**Recommendation**

**REFUSE**

## REASON FOR REFERRAL

This size of development would usually be considered under delegated powers. The application has been called into Southern Planning Committee by Councillor Chris Green, for the following reasons;

*'I do so with the full support of Cholmondeston & Wettenhall Parish council, who recently held a well attended public meeting, where there was unanimous approval of the application from local residents.*

*This is a small rural community and people are upset that the site has laid derelict in the middle of the village (next to the village green) for 2 years.*

*I support the parish council's view that a modest residential development on this site is the best option to preserve the future quality of the village for it's residents.*

*The significant concerns or potential significant impact of the development and the need for a Planning Committee decision are as follows:*

*If this site is allowed to remain undeveloped then the risk that an unapproved activity may well occur - fly tipping or travellers are just two examples. Such activities will not enhance the character of the village, will interfere with resident's lives and livelihoods, and require additional resources and expenditure from Cheshire East and other public agencies.*

*The greatest impact of not granting planning approval will be that the site remains an eyesore in the centre of this community.*

*The parish council and the residents attending the recent open forum agree that a residential development of no more than 3 houses should be supported.*

*I request that in the interests of local democracy this application is determined by the Planning Committee.'*

## DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of the former Boot and Slipper Inn (public house) situated off Long Lane, Wettenhall, Nantwich. The Site lies within a predominately rural area with some residential uses adjacent to the site. It has an area of 0.6hectare.

In the south corner is a mature oak tree located on a grassed verge, which is covered by a recent tree preservation order, and considered locally as a Village Green (part of an application by the Parish Council for its designation).

Planning permission was recently refused on the site for 4 dwellings and dismissed at appeal. (17/2522N) The reason for refusal stated;



- 1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the indicative plans do not clearly show that 4 dwellings can easily be sited on the plot without causing harm to the streetscene (including the village green area) or wider open countryside location. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SC4 and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.*

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for 3no dwellings. The proposal shows the erection of a driveway off Long Lane, into the site with 3no dwellings accessed off the driveway.

### **Planning History**

18/1522N - Erection of 4no. dwellings – Withdrawn 6<sup>th</sup> June 2018

17/2522N - Erection of 4 Dwellings – Refused 7<sup>th</sup> December 2017, Appeal dismissed 1<sup>st</sup> June 2018

16/3138N - Erection of 5 Dwellings, construction of access road and installation of septic tank/treatment plant. – withdrawn 8<sup>th</sup> March 2017

16/0849N - Prior notification of demolition of public house and dwelling. No objections 15/3/2016

09/0846N Installation of a Kee 1400 Nudisc Sewage Treatment, 2000lt Grease Interceptor and Associated Drainage Granted 1/6/2009

P06/1421 Removal of Condition No. 8 of Planning Reference P02/0128 Granted 2/2/2007

P02/0128 Conversion of Outbuilding to Residential Use Granted 4/4/2002

7/08945 - Home renal dialysis unit. – approved with conditions 29<sup>th</sup> April 1982

7/05623 - Extension to side of property to be used as public room. – withdrawn 23<sup>rd</sup> November 1979

7/13518 - Development of existing pub to form additional owners accom, bedrooms (residential) and restaurant. – approved with conditions 18<sup>th</sup> December 1986

### **Local Plan Policy**

*Cheshire East Local Plan Strategy*



PG 2 Settlement Hierarchy  
PG 6 Open Countryside  
SD 1 Sustainable Development  
SD 2 Sustainable Development principles  
IN 1 Infrastructure  
IN 2 Developer Contributions  
SE 1 Design  
SE 2 Efficient use of land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees hedgerows and woodlands  
SE 6 Green Infrastructure  
SE12 Pollution, Land Contamination and Land Instability  
CO 2 Enabling business growth through transport infrastructure

### Appendix C – Parking Standards

#### *Saved policies of the Crewe and Nantwich Local Plan*

NE.5 Nature Conservation and Habitats  
NE.9 Protected Species  
NE.10 Woodland and planting  
NE.20 Flood prevention  
BE.1 Amenity  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.6 Development on Potentially Contaminated Land  
RES.5 Housing in the Open Countryside

### **Other Material Considerations**

National Planning Policy Framework  
NPPG  
Cheshire East Design Guide

### **Consultations**

**Highways:** No objections subject, an informative for a Section 278 Agreement for the construction of the site access.

**Environmental Protection:** No Objections, subject to conditions for Piling foundations, dust control, electric vehicle infrastructure, contaminated land, verification report, importation of soil and unexpected contaminated.

**United Utilities:** No objections

**Woodland Trust:** Object, detrimental impact on a veteran Oak Tree

**Flood Risk** – No objections subject to a conditions and informatives

**Archaeology** – No objection subject to a condition for the implementation of a programme of archaeological works

**PROW** – No objections, no records of rights of ways

### **Views of the Cholmondeston & Wettenhall Parish Council:**

The Parish Council support this application and have requested a call in for the application via Cllr Chris Green. Following a further open meeting held on 12/10/18 regarding this site the overwhelming community feeling remains unchanged in that a modest residential development is the best option for this site despite it being contrary to planning policies adopted by Cheshire East. This has been the case since the first application, 16/3138N, and over the intervening period and subsequent applications we have succeeded in encouraging the developer to submit plans that offer a realistic solution to the development of the site that will result in a small increase in the housing stock of the village and should not detract from the overall appearance of the village, in its present state it does so.

We would also like the following comments to be considered in the decision making process and consideration made as to conditions that should be applied to the approval:

1. In this application the developer has offered to gift an area of land attached to the Village Green, to avoid subsequent disputes we request that this gift is completed in a legal format, including being registered with the Land Registry and all costs in doing so to be borne by the developer. Furthermore we would ask that the developer to gift this area in a condition ready for the immediate benefit of the community.
2. The developer has given the Parish Council a verbal commitment that he will not be selling the site, as he has done with a previous site in Cheshire East (17/0858N), again would request that this is made a condition of the planning in the interests of ensuring the site is developed as agreed.
3. We are still concerned that the erection of plot 1 will have a negative impact on the TPO veteran oak tree sited on the Village Green. The root protection zone as indicated on the plans runs up to the building. In the interests of negating any adverse effect on the tree we would request that construction of this plot, especially its footings is undertaken in conjunction with onsite input from Arboricultural Officer from Environmental Services at all stages of building.

### **Representations**

Letters of objection have been received from 4 residence. The main issues raised are;

- New houses will be an eyesore / not inkeeping with the rural area
- The development is not inkeeping with the village
- Land does not need to be developed, could be maintained as open space/gifted to the community
- Nothing has changed from the appeal decision – still contrary to the Local Plan

- No affordable housing proposed, 3 large 4 bedroomed properties are not what the local population requires,
- Parish Council does not speak for the whole village/community
- Proposal does not include any replacement for the children's play equipment which was lost as part of the public house demolition
- No need for new housing in the area
- Development will harm the Vetran Oak Tree
- CE have a 5 year housing land supply and therefore the housing is not required
- Who will maintain the 'open space'?
- The village is unsustainable – no local amenities, no bus route, school buses are under review
- The land associated with the tree has always been common land
- The site has only ever had two dwellings on it, the Public House (formally a farmhouse) and a cottage
- Historical footpaths and bridleways cross the site
- The area of land is an important place for the local communities – used for events such as Rogation Sunday, Follow the Cross, Rotary Christmas Carols and The Cheshire and Beagle hunts
- Land is awaiting formal village green status
- The loss of the Boot and Slipper was unfortunate and the local residents where no aware it would be demolished
- Impact on highway safety
- Area is known for flooding
- This is not the only site in the area which is 'untidy' and 'undeveloped'
- Plans are not accurate
- Lack of detail in application in relation to foul drainage and Oil/LPG storage tanks

Letters of support have been raised from 4 residences. The main issues raised are;

- The site is an eyesore in the area,
- 3 units is a suitable proposal
- Concerns over use of the site by the travelling community
- The permission to demolish the public house should not have been approved if future development was not going to be permitted
- Development will not affect the village green or veteran Oak Tree
- Brownfield site which should be developed

## **OFFICER APPRAISAL**

### **Principle of the development**

The application site is situated within the open countryside and is in an isolated situation not adjacent to existing settlement boundaries. Policy PG6 of the Cheshire East Local Plan Strategy stipulates that only development which is essential for agriculture will be acceptable, with the exception, inter alia, where there is an opportunity for infilling of a small gap with one or two dwellings in an otherwise built up frontage; and for the replacement of existing

buildings (including dwellings) by new buildings not materially larger than the buildings they replace. Policy RES.5 (housing in the open countryside) of the CNLP is consistent with this policy approach, which restricts development in the open countryside to infill development or agricultural/forestry worker dwellings.

The site is not considered to be a clear opportunity for infill development within an otherwise built up frontage and, as the proposal is for more than 2 dwellings it would not be considered as a genuine infill within an otherwise built up frontage.

Evidence has been submitted with the application to show that there was previously a Public House sited on the land. Therefore the proposal could have been considered under the replacement buildings element of these criteria. However the Planning Inspector in relation to the previous application on the site (17/2522N – APP/R0660/W/18/3196520) confirmed that,

*‘..There is no existing building to replace as the pub which once existed on the site has been demolished. The proposal would therefore conflict with CELP Policy PG6.’*

It is therefore considered that the development does not meet the exceptions as set out in Policy PG6 of the CELPS, and also conflicts with saved Policy RES.5 of the CNLP.

### **Previously Developed land**

Policy SD1 of the Cheshire East Local Plan Strategy states that one of the objectives to achieve sustainable development is Cheshire East is to make efficient use of land...and make best use of previously developed land where possible. Policy SE2 (Efficient Use of Land) of the CELPS states that the council will encourage the redevelopment/re-use of previously development land and buildings. The council will manage development to protect previously developed land where it can be clearly demonstrated that either the landscape amenity or biodiversity value of the site has become of a high value and as such would be compromised through redevelopment of the site. The policy also go's on to state;

*‘that windfall development should (inter alia), consider the landscape and townscape character of the surrounding area when determining the character and density of the development; build upon existing concentrations of activities and existing infrastructure; and not require major investment in new infrastructure...’*

The application includes evidence of the former public house on the site. However this has been demolished and the site is vacant of development. The site previously included a public house, with a car park around the building. The site was relatively open with low hedges retained around the site. The built form was largely positioned to the north west of the site and the majority of the site was open car parking. The Planning Inspector agreed that the site was previously developed land.

The application scheme is 1 no dwelling less than the previous scheme, however layout still exceeds the previously built form on the site and does not reflect the character or density of the site previously.

### **HOUSING LAND SUPPLY**

The Cheshire East Local Plan Strategy was adopted on the 27<sup>th</sup> July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6<sup>th</sup> November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

## **SUSTAINABILITY**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*

The NPPF determines that sustainable development includes three overarching objectives:- economic, social and environmental. Which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives)

**an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

### Locational Sustainability

Policy SD2 outlines a checklist of key amenities which a development should be within the distances shown to be considered a sustainable location.

#### SUSTAINABILITY CHECKLIST POLICY SD2

CRITERION	DISTANCE	MET	COMMENTS
<b>PUBLIC TRANSPORT</b>			
BUS STOP	500m	X	
PUBLIC RIGHT OF WAY	500m	√	200m to the south on Winsford Road
RAILWAY STATION	2km	X	
<b>OPEN SPACE</b>			
AMENITY OPEN SPACE	500m	X	
CHILDREN'S PLAYGROUND	500m	X	
OUTDOOR SPORTS	500m	X	
PUBLIC PARK AND VILLAGE GREEN	1km	X	Potentially area adjacent to application site
<b>SERVICES AND AMENITIES</b>			
CONVENIENCE	500m	X	

STORE			
SUPERMARKET	1km	X	
POST BOX	500m	X	1.5km
POST OFFICE	1km	X	
BACK OR CASH MACHINE	1km	X	
PHARMACY	1km	X	
PRIMARY SCHOOL	1km	X	Calveley
SECONDARY SCHOOL	1km	X	
MEDICAL CENTRE	1km	X	
LEISURE FACILITIES	1km	X	
MEETING/COMMUNITY CENTRE	1km	√	St. David's Church
PUBLIC HOUSE	1km	X	Demolished
CRÈCHE/NURSERY	1km	X	
TOTAL		2	

The table demonstrates that the site is not within a sustainable location, a fact previously confirmed by the Planning Inspector. As a result, the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car. The bus service is not considered sufficient to provide adequate links to these essential services. Therefore as a site for a new development it would not adhere to Policy SD 2 of the CELPS or the NPPF. The Planning Inspector also agreed that the site was not sustainably located.

### Impact of Design upon the Character of the Area

Guidance advocated within NPPF supports a mix of housing within areas. Policy SD2 of the CELPS outlines the Council's aims for new development including the need for development to contribute positively to an areas character and identity, creating or reinforcing local distinctiveness. Policy SC 4 of the CELPS also advises the need for a mix of housing tenures, types and sized to help support the creation of mixed, balanced and inclusive communities. The policy also specifically notes that the development should meet the need of the ageing population in the Borough.

The site was previously developed by a public house with 4 guest bedrooms and a 3 bedroom dwelling, occupying the area towards the north of the site, with a large car park on the south

and east sides. The triangular area at the south was used as a beer garden. The agent estimates the previous floorspace as 580m<sup>2</sup>.

The proposed plans show a development of 3 dwellings which would amount to around 600m<sup>2</sup> floor space, arranged around a cul-de-sac.

It is considered that the reduction in dwelling numbers from the original 5no. dwellings, reduced to 4no. during the last application and now 3no dwellings is welcomed and removing the Tree and 'village green' area out of the garden of unit 1 is much improved.

The proposed dwellings appear to be bespoke for each unit, however are all large 4 bedroom dwellings, with the same floor space, therefore the character of the area which is a mix of converted agricultural buildings and farmhouses and cottages has not really been implemented within the design of the dwellings.

The use of one palette of materials, will appear quite suburban in appearance, however these can be controlled by condition. The Design Guide designates Wottenhall as a 'Market Town and Estate Village' Character Area, where development should reflect to local area. The design of the units do not have a distinctive appearance which relates to the surrounding area.

The Planning Inspector noted in the last application (Outline application) that,

*'The 4 dwellings, however, are shown as being in a fairly tight group around a new access way. This is an arrangement which is more common in suburban areas and would be out of character with the more rural and sporadic layout of the nearby houses. Based on the information before me, I am unconvinced that up to 4 dwellings could be successfully integrated into the rural landscape. Furthermore, whilst I appreciate that there has been development on the site in the past, there is none there now. The construction of up to 4 dwellings would erode the open nature of the countryside. The site is not attractive in its cleared state **but it is at least open in nature and therefore any dwelling(s) would have a far greater visual impact upon the open countryside than the untidy ground.** I appreciate that there were once buildings upon the site but I must take into account the current circumstances of the site'. (my emphasis)*

The general layout of the site has not changed from the last application and would still appear suburban in appearance, with three dwellings accessed off a new access. The rural area is predominantly characterised by dwellings facing the road frontage, or sporadically positioned within a large plot, not set back off a cul-de-sac. Although the developer suggests that the dwelling have dual frontages which address Long Lane and Winsford Road. In reality, the properties rear gardens back onto Winsford Road and the 'village green' area, with no real relationship with the village green area. Furthermore, whilst the drawings are showing low hedgerows around the site, it is unlikely the future residents would retain a boundary treatment of this height and type as the dwellings would be very over looked from the road with little private amenity space.

It is therefore considered that form of development is not in keeping with the character of development in the locality, which consists of dwellings fronting the road or farmyard groups of buildings. The dwellings are large and proposed in materials which are not distinctively related to the local area, and therefore not considered to be in keeping with the character and



appearance of the area. The houses are not of exceptional design quality which would justify an exception to Policy PG6 of the Local Plan Strategy.

As noted by the Inspector although the site may not be attractive in its current cleared state, however, housing development is not the only option for the site. The site is currently open in nature and therefore any dwellings would have a far greater impact on the character and appearance of the site in the open countryside than the current situation.

The proposed development would therefore harm the character and appearance of the countryside and would therefore conflict with Policy SE1 and PG6 of the CELPS.

### **Amenity**

Policy BE.1 seeks to ensure that the amenities of neighbouring properties are protected from development.

The current layout appears to meet the Council's separation standards for principal to principal over looking issues. The development is designed in a cul-de-sac design, which all the units facing towards the adjoining dwellinghouse known as Rookery View. Although the dwellings appear to meet the separations standards, there is a potential for the development to be overbearing on the neighbouring property, Rookery View. However, the Inspector considered that the proposed dwellings were far enough away to not have a significantly detrimental impact on neighbouring amenity. The layout has not changed significantly from the appeal decision and therefore the proposal is not considered to be any more detrimental to neighbouring amenity than the previous proposal.

The issue of private amenity space is a concern, although the plans show a low hedge, and this could be conditioned, in reality the occupants of the properties will likely want higher, more secure boundary treatment to reduce the noise of the road, and create a more defensible private amenity space, which would have a detrimental impact on the character and appearance of the open countryside.

Furthermore, the social proximity of the Oak Tree in relation to the private amenity space for Plot 1 is still a concern. Although the dwelling is proposed outside the shown root protection area, the garden will be dominated by the root protection area/crown spread and this could have future pressure to prune the tree in the future.

### **Trees**

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is a length of hedgerow on the Winsford Road boundary and a mature Oak tree with veteran characteristics on a grassed area close to the road junction. The tree is prominent in the streetscene and following a comprehensive assessment by the Council's arboricultural team was afforded tree preservation order protection due to its veteran status, historical associations and amenity value - Cheshire East Borough Council (Bunbury - Wettenhall, Long Lane/Winsford Road) Tree Preservation Order 2017. The tree has also been recorded on the veteran tree register.

Veteran Tree status is afforded in recognition of the tree's contribution to wildlife, and its recognition in respect of its biological significance as well as its cultural and historical associations. This status has highlighted the importance of the tree in the locality due to its position adjacent to a road, in addition to the implications of the proposed change of use of the land upon which the tree stands.

The tree has been found to occur on Tithe maps dating back to 1831 suggesting that the tree was of significant proportions to warrant its recording nearly 200 years ago. The historical significance of the tree in this prominent location in addition to its identified veteran status places even greater importance on the future management of the tree as a veteran in accordance with best practice.

The current application is supported by an Arboricultural Impact Assessment and Method Statement dated September 2018 which considers the impact on the tree and the hedgerow. The report states that there would be no impacts to trees /hedgerows as all construction work is located outside the designated root protection areas.

The Woodland Trust have objected to the proposal, as it would be harmful to the Veteran status of the Oak Tree. The Woodland Trust state that the applicants have used a standard 15m RPA as required by BS 5837:2012, however consider that Natural England's standing advice for veteran trees (and ancient woodland) is more appropriate stating a buffer zone of at least 15 times larger than the diameter of a veteran tree or 5m from the edge of the canopy, if its greater should be implemented. This would amount to a RPA of over 20m. The RPA already falls within the garden area of Plot 1 and therefore the additional RPA suggested would fall within the development area for the dwelling.

The Council's Arboricultural Officer has considered the application in light of recently revised Standing Advice (which is a material planning consideration in the determination of planning applications) which gives clearer guidance on the protection of Veteran trees. The Council's Arboricultural Officer therefore, with reference to the comments received from the Woodland Trust, concluded that this application should be refused on forestry grounds and that the proposed development would have an adverse impact on the Veteran Oak tree.

### **Landscape**

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is residential development to the north west, a farm to the south east and farmland to the north east and south west. The Winsford Road boundary is defined by a gappy hedge, the Long Lane boundary is open. There is a mature Oak tree to the south, close to Long Lane which displays veteran characteristics.

The Council's Landscape Officer considers that the proposed development with rear elevations backing onto Winsford Road would be prominent in the street scene in this open countryside location. From the junction where Long Lane meets Winsford Road, visibility to the north is extremely poor. The site plan suggests that all the roadside hedge could be retained to the east although the Landscape Officer considers that the hedge currently obscures visibility at the road junction.

The landscape officer considered that if the development were to be approved it would be essential to secure boundary treatment and landscape schemes; and to ensure that as far as possible the existing boundary hedges are retained/reinforced. Proposals should ensure that as far as possible the roadside facing boundaries have hedges facing the roads.

### **Highway safety**

The Strategic Highways Officer notes that a similar proposal for more units on this site was not objected to by highways. The access width is acceptable and off-road parking meets the Council's standards. The visibility on exiting onto Long Lane, and from Long Lane to Winsford Road, is also acceptable.

Refuse collection can take place from the road where there is a bin collection point proposed. The Strategic Highways Officer therefore has raised no objections to the proposal in relation to highway safety.

### **Ecology**

The Council's ecologist has considered the proposal and raised no objections subject to conditions for a breeding bird survey and breeding bird features.

### **Other Matters**

The Parish Council have requested that a condition be attached to any approval to ensure the site is not sold on by the developer; this is not a reasonable condition since it is not fairly and reasonably related to the development in question. It could not therefore be reasonably imposed upon any permission if granted.

Furthermore the PC have noted that land is to be gifted to them as part of the Village Green, no formal confirmation for this has been submitted with the application and , given that planning permissions can not be bought, this would not meet the CIL Regulations in relation to a Legal Agreement as it is not a planning policy requirement. This would be a legal civil matter which sits outside of planning and the Planning Act could compel such a gift.

A neighbour has raised concerns that the land has historic public rights of way across it. There are no formal PROWs designated on the land, and the Public Rights of way officer has confirmed there are no claims to add a PROW across the site.

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

The proposal is for 3 no dwellings on the site of a former public house, The Boot and Slipper, in Wettenhall. The Public House has been demolished in the recent past. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, replacement building (including a dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously development, as confirmed by the Inspector, however it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land undeveloped.

An area of land on the corner of Long Lane has as a veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the application site. It is suggested within the Statement that this will be 'gifted' to the community, however full details of this have not been submitted with this application.

The proposed development is suburban its design and layout and does not reflect the character of the wider rural settlement. The housing is not of exceptional design. There are concerns raised over the social proximity of the TPO veteran Oak Tree adjacent to unit 1 and the RPA which should be used given its Veteran status.

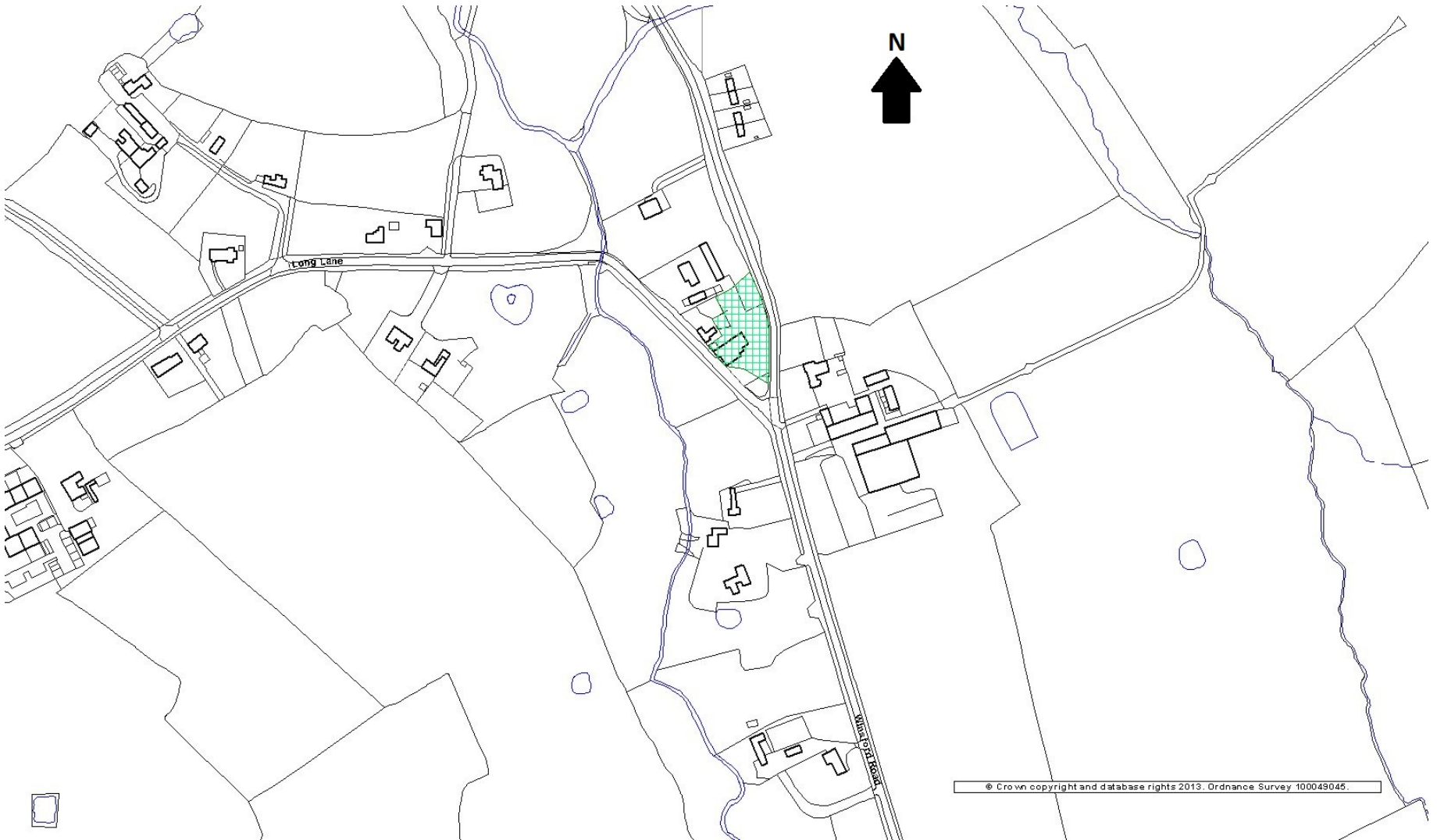
There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, some small economic benefits during construction, and council tax once constructed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is therefore considered that the development has not significantly changed to that which was dismissed recently at appeal. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SE 5, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

### **Recommendation: Refusal**

- 1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.**
- 2. The proposed development would result in the threat of continued health and life expectancy of a Veteran Oak Tree which is covered by a TPO; and raises concerns over social proximity to the proposed development. The proposal is therefore considered to be unacceptable and contrary to Policies SE3 and SE5 of the Cheshire East Local Plan Policy, the Standing Advice of Natural England, and the National Planning Policy Framework.**

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



Application No: 18/2925N

Location: New Start Park, WETTENHALL ROAD, REASEHEATH, CW5 6EL

Proposal: Removal of planning condition 1 (3 years) to make permission permanent to planning application 15/4060N

Applicant: Mr Thomas Hamilton

Expiry Date: 08-Aug-2018

### SUMMARY

This application seeks permission to remove condition 1 of 15/4060N to make the site permanent for a residential caravan site for eight gypsy families, each with two caravans (one mobile home and one touring caravan). The site currently has temporary permission until 3<sup>rd</sup> June 2019.

There is a need for 12 permanent Gypsy and Traveller pitch's in the borough for the next 5 years (at the base date of the updated Gypsy and Traveller Accommodation Assessment ("GTAA")), which is a significant material consideration in the decision making of this application.

The Council's has recently consulted on proposed allocations in the first draft Site Allocations and Development Policies Document ("SADPD") which would provide for a total of 13 permanent pitches and 3 travelling showperson plots. This is sufficient for 5 years site provision from the base date of the GTAA which is May 2017.

The list of sites considered through the draft Gypsy, Traveller and Travelling Showpeople Site Selection Report included sites with temporary planning permission, such as the site at New Start Park, Wettenhall. The site selection report concluded that the site at New Start Park (reference GTTS 17) was not a preferred site and is not proposed as an allocation within the First Draft SADPD. Having regards to the rural location of the site, the distance from facilities, and the absence of public transport the site is considered to be in an unsustainable location.

Although this is a steer of the intentions of the Policy, limited weight can be attributed to the consultation document at this time.

There would be a limited adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal, given it has been a permitted use of the land for almost 10 years. The proposal will have no significant harm on highway safety, or neighbouring amenity.

Therefore on balance it is considered that a further temporary permission should be granted to allow the SADPD to be progressed to adoption and allow the suitability of this site to be

considered further, against alternative sites identified which would adhere with Local and National Policy.

## **SUMMARY RECOMMENDATION**

**Temporary Approval subject to conditions**

## **REASONS FOR REFERRAL:-**

The application has been called in by Councillor Chris Green for the following reason.

*‘There is growing concern from residents and the parish council which has been raised both with myself and with The Leader. Gypsy & Traveller sites are always contentious and it is unfair to both officers and residents that decisions that create a permanent site should be delegated.*

*The site is subject to a temporary planning permission (15/4060N) which does not expire for nearly a year.*

*That temporary permission was specifically given “to allow sufficient time for the emerging Local Plan and site allocation documents to progress.”*

*The SADP is in preparation and will specifically indicate sites available for permanent Gypsy & Traveller sites. The SADP will certainly be published in draft format before the current temporary permission expires.*

*It seems premature to replace the temporary permission before the draft SADP is published.*

*Furthermore, there are several ongoing issues that have been submitted to the enforcement team at CE Council.’*

## **PROPOSAL**

The application seeks to remove Condition 1 on Application 15/4060N. The condition stated:-

*‘The use hereby permitted shall be for a limited period being the period of 3 years from the date of the decision notice. At the end of this period the use hereby permitted shall cease, all caravans, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the local planning authority’.*

The applicant is therefore seeking a permanent permission for a residential caravan site for eight gypsy families, each with two caravans (one mobile home and one touring caravan). The site currently has temporary permission until 3<sup>rd</sup> June 2019.

## **SITE DESCRIPTION**



The application site is a roughly rectangular shaped parcel of land set back from the frontage of Wettenhall Road and located within the open countryside.

### **RELEVANT HISTORY**

17/3231N - Brick building day room – Approved with conditions 13<sup>th</sup> October 2017

15/4060N - Removal of Condition 1 on Application 09/4331N to make permission permanent – Approved with the imposition of a further temporary planning condition 3<sup>rd</sup> June 2016

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

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

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

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

The National Planning Policy Framework  
Planning Policy for Traveller Sites (PPTS) 2015

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

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

PG6 - Open Countryside

SE1 – Design

SE4 - Landscape

SC7 - Gypsies and Travellers and Travelling Showpeople

#### **Saved policies of the Borough of Crewe and Nantwich Local Plan 2011**

BE.1 – Amenity

BE.3 – Access and Car Parking

BE.4 - Drainage

#### **Other relevant documents**

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

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

Cheshire East Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (August 2018)

Cheshire East Local Plan – Site Allocation and Development Policies Document – Gypsy, Traveller and Travelling Showpeople Site Selection Report – August 2018

First Draft Site Allocation and Development Policies Document (published September 2018)

### CONSULTATIONS

**Strategic Housing** - The Cheshire Gypsy, Traveller & Travelling Showpeople Accommodation Assessment (GTTSA) 2014 shows a need for 69 extra pitches in Cheshire East from 2013 to 2028. As such there is an identified need for these pitches. The GTTSA 2014 was commissioned in order to comply with the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012.

**Strategic Highway** - The site has operated satisfactorily in highway terms and there is no reason to object to the removal of Condition 1.

**Environmental Health** – No objections

**Environment Agency** – No objections

**Worleston Parish Council** – None received at time of writing this report.

### REPRESENTATIONS

6 letters of representation, (1 from the Poole Residents Group) have been received objecting to the proposal. Concerns raised include:-

- The application is premature and it is not possible to fully assess the proposal until the SADPD is published and adopted. The current permission is still valid for a further year
- Current breach of condition 4 under investigation
- Question if all conditions are being met
- The site remains unsustainable and therefore should not be permitted for permanent use
- The permitted Kingsley Fields site is still 1km away on rural roads with no pedestrian paths
- The site is still in conflict with policy SC7 of CELPS
- The visual and landscape impact of the site remains detrimental to the area,
- The Peter Brett Associates 'Gypsy, Traveller and Travelling Showpeople: Site Identification Study' discounts the site, as inappropriate location for a permanent site.
- The need for sites has lessened from the previous application
- Council need to allocate suitable sites
- The PPTS states the LPAs should very strictly limit Travellers site in the open countryside
- Scale of site would dominate the local community
- The road is unsafe for pedestrians and large vehicles

### OFFICER APPRAISAL

The key issue in the determination of this application is whether the condition is reasonable or necessary in the interests of the following matters:

- (a) Whether the site is in an appropriate location for the use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area;
- (c) Whether there is any harm and conflict with policy, there are material considerations which outweigh any identified harm and conflict with policy.

### **Principle of Development**

Policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, in rural settings, where the application proposal is located, (Open Countryside) are acceptable in principle for gypsy and traveller sites.

Whilst the need for gypsy and traveller accommodation is a material planning consideration, other development plan policies and Government guidance require, in addition, the consideration of the impact on surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessed local services. This is addressed further below.

This site has been assessed on two previous occasions as not suitable for permanent permission, and currently has permission on a temporary basis until June 2019.

### **Need**

Policy SC7 of the Cheshire East Local Plan Strategy sets out the overall need for Gypsies and Travellers and Travelling Showperson provision between 2013 - 2028 in line with the Cheshire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (March 2014).

In August 2015, revisions to the PPTS changed the definition of Travellers for planning purposes. The key change was the removal of *'those who have ceased to travel permanently'* meaning that they will now no longer fall under the planning definition of a 'Traveller' for the purposes of assessing accommodation need in the GTAA. This change in definition came after the completion of the 2014 GTAA.

The Council, in support of the preparation of the First Draft Site Allocations and Development Policies document ("FDSADPD") has updated its evidence base on a sub-regional basis, on the need for additional Gypsy and Traveller and Travelling Showperson accommodation. The updated GTAA reflects the change in definition set out in the revised PPTS and has a base date of May 2017.

The 2018 GTAA now provides updated evidence on need which reflects current national planning policy. The 2018 GTAA also covers the full Local Plan period compared to the 2014 GTAA which only covered the period up to 2028. The accommodation needs in the 2018 GTAA study, for Cheshire East, up to 2030, are shown below:

	Total
Gypsy and Traveller residential pitches	32
Transit site pitch provision	5-10
Travelling Showperson plots	5

Applying an annualised assumption for site delivery, from the base date of the GTAA, for the five year period of 2017/18 – 2021/22 there is a requirement for 12 Gypsy and Traveller Pitches and 2 Travelling Showperson Plots.

The Planning Policy for Traveller Sites states that,

*‘If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission’. (para 27)*

Therefore the need for traveller provision in the area should be given significant weight.

#### ***The First Draft Site Allocation and Development Policies Document (FDSADPD)***

The Council consulted on the FDSADPD from the 11 September until the 22 October 2018. The FDSADPD proposes further policy guidance on Gypsy, Traveller and Travelling Showperson provision (draft policy HOU 5). Three site allocations are also proposed in the Draft Plan which would address part of the accommodation needs identified in the GTAA. An exhaustive search for potential sites has been carried out. The Gypsy, Traveller and Travelling Showpeople Site Selection Report [FD 14] published in the FDSADPD document library sets out the steps that have been taken towards looking for and establishing a list of sites that can be then assessed in terms of their suitability and availability.

The three proposed site allocations, included in the FDSADPD for consultation that ended on the 22 October 2018 were:

- Site G&T 1 Land east of Railway Cottages, Nantwich for six permanent residential Gypsy and Traveller pitches;
- Site G&T 2 Land at Coppenhall Moss, Crewe for seven permanent residential Gypsy and Traveller pitches;
- Site TS1 Lorry park, off Mobberley Road, Knutsford for three Travelling Showperson plots.

The sites proposed for allocation in the draft SADPD would provide for a total of 13 permanent pitches and 3 travelling showperson plots. This is sufficient for 5 years site provision from the base date of the GTAA which is May 2017.

The list of sites considered through the draft Gypsy, Traveller and Travelling Showpeople Site Selection Report included sites with temporary planning permission, such as the site at New Start Park, Wettenhall.

The site selection report concludes, taking into account and balancing the range of factors considered that the site at New Start Park (reference GTTS 17) is **not a preferred site** and is not proposed as an allocation within the FDSADPD.

In general terms, the list of sites that have been collated do not perform particularly well in terms of their planning suitability. Most are located in the open countryside and services and facilities are not readily accessible to them by foot, cycle or public transport. This is also true of the site at New Start Park, Wettenhall.

As such the Council, alongside the consultation on the FDSADPD, has made a further call for sites for Gypsy and Traveller and Travelling Showperson sites. This will assist in ensuring that every reasonable effort has been made to identify other sites that may prove to be more suitable.

Following the consultation on the FDSADPD and call for sites, further work will be undertaken to assess the suitability of sites for allocation before the Council consults on the publication version of the SADPD.

The publication version of the SADPD will be a full, final draft of the document the Council intends to submit for examination. This will be consulted on for six weeks before being submitted for public examination. The LDS anticipates the submission of the SADPD for independent examination in the 3rd Quarter of 2019 with adoption in the 1st Quarter of 2020.

Therefore given the very early stage of the FDSADPD very limited weight can be given to the allocations proposed at this stage. Therefore although the draft SADPD shows a clear indication of the LPA's intention in relation to allocating site provision in the next 5 year years, there is still currently an outstanding need of for Gypsy and Traveller provision.

It is therefore considered that although the removal of the condition would be unacceptable i.e., making the site permanent; as there is an outstanding need in the Borough, it would be reasonable to extend the temporary permission until June 2021, to allow the draft SADPD to be examined and adopted.

### **Character and appearance**

The Planning Policy for traveller sites considers that Local Planning Authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. Policy SC 7 states that sites should be sustainable and acceptable in terms of location and design, and amongst other things should have an acceptable impact on the character and appearance of the surrounding area.

The original scheme was permitted by an Inspector on a temporary basis. In his decision letter, the Inspector identified that the visual impact of the development was *"to a large extent reduced by the fact that it is sited within an enclosed field set back beyond the frontage grassland field fronting Wettenhall Road."*

He concluded that *“any visual harm or physical encroachment that might harm the character of the countryside would be small and, with the benefits of additional planting, could be absorbed into the landscape structure with little impact.”*

Therefore the impact of the proposal on existing visual amenities of the area and surrounding open countryside has already been accepted.

### **Accessibility**

Policy SC7 states that to ensure proposal for gypsy and traveller accommodation is sustainable and acceptable in terms of location and design (inter alia) the following should be taken into account;

- (i) The proximity of the site to location services and facilities;
- (ii) Access to Public Transport
- (iii) Safe pedestrian, cycle and vehicular access on to the site

The CELPS policy SC7 and the PPTS do not provide any guidance on acceptable distances between traveller sites and local facilities.

The Inspector concluded as part of the overall balance that *“the location of the site still has serious shortcomings in relation to accessibility”* and that *“the site is a generally unsustainable location for the scale of the use proposed.”*

When producing the list of preferred sites for the SADPD, Spatial Planning Department considered through the draft Gypsy, Traveller and Travelling Showpeople Site Selection Report sites with temporary permission, such as the site at New Start Park, Wettenhall.

The site selection report considers that, that the site scores a red rating in respect of access to services and facilities and public transport. A foot and cycle access path at Reaseheath College has now been diverted. The delivery of site LPS 46 Kingsley Fields Nantwich, as an allocated site in the Local Plan Strategy, has the potential to provide for a primary school and provide for retailing to meet local needs, however this is some time off yet, and not currently available for use.

Therefore the site is still in conflict with local and national planning policy in relation to its accessibility to services.

### **Amenity**

No significant impact upon the living conditions of neighbours were identified at the time of the previous appeal under 09/4331N, and renewal application 15/4060N and it is considered that the presence of a permanent site of the scale proposed would not have a significantly adverse impact upon the living conditions of neighbours in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Local Plan 2011.

### **Highways**

The Head of Strategic Infrastructure raised no objections to the original proposal, and raises no objection to the removal of condition 1 (to make the site permeant). The Inspector was also satisfied that access and parking arrangements would be adequate and additional traffic generated by the

proposed use would have a negligible impact on highway safety, subject to further information regarding the sites access arrangements. The proposal was considered to be in accordance with Policy BE.3 of the Borough of Crewe and Nantwich Local Plan 2011. The removal of the condition would have no significant impact upon the traffic generation for the site.

### **Social sustainability**

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

### **Conditions**

The applicant states that condition 1 (Temporary Permission) should be deleted as it restricts the time period of the use, and in doing so condition 10 (Reinstatement of land) should also be deleted. As noted below the proposal to allow the site to be permanent is not considered to be acceptable and therefore a further temporary permission is proposed for an additional 2 years, until 3<sup>rd</sup> June 2021, which will allow the SADPD to be adopted and the allocated sites brought forward to meet the need.

Conditions 2 (Occupation), Condition 3 (Number of pitches), Condition 4 (Restriction of vehicles), Condition 5 (No commercial activities) and Condition 11 (approved plans) remain unchanged and will be attached to the permission again.

Condition 6 (Environmental Improvement) and Condition 7 (Environmental Improvement Implementation) have been discharged as part of the original permission. Furthermore, condition 8 required the landscaping to be implemented in accordance with the approved details. Condition 9 (Remediation Measures) is no longer relevant to the permission and therefore can be removed.

### **Human Rights**

The Planning Authority is required, under section 149 of the Public Sector Equality Act 2010, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty to have regard to the three aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

## **CONCLUSION AND PLANNING BALANCE**

This application seeks permission to remove condition 1 of 15/4060N to make the site permanent.

Having regards to the rural location of the site, the distance from facilities, and the absence of public transport the site is considered to be in an unsustainable location.

There would be a limited adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal, given it has been a permitted use of the land for almost 10 years.

There is a need of 12 Gypsy and Traveller pitch's in the area for the next 5 year, which is a significant material consideration in the decision making of this application.

The Council's has recently consulted on proposed allocations in the draft SADPD which would provide for a total of 13 permanent pitches and 3 travelling showperson plots. This is sufficient for 5 years site provision from the base date of the GTAA which is May 2017.

The list of sites considered through the draft Gypsy, Traveller and Travelling Showpeople Site Selection Report included sites with temporary planning permission, such as the site at New Start Park, Wettenhall. The site selection report concluded, that the site at New Start Park (reference GTTS 17) was not a preferred site and is not proposed as an allocation within the FDSADPD. Although this is a steer of the intentions of the Policy, limited weight can be attributed to the consultation document at this time.

Therefore on balance it is considered that a further temporary permission should be granted to allow the SADPD to be progressed to adoption, and allow the suitability of this site to be considered further and against any alternative sites brought forward which adhere with Local and National Policy.

The definition of sustainable development set out in the Framework includes more than an assessment of the proximity of the site to shops, services and facilities. It should be viewed in environmental, social and economic terms. The Inspector's conclusions on the original application identified that the positive factors in favour of the appeal did not outweigh the harm identified.



However, given the Council could not demonstrate a 5 year supply of deliverable sites during the determination of the appeal, a temporary 5 year permission for the site was considered to be appropriate, given new sites would likely become available at the end of the temporary period.

In this respect, the positive factors in favour of the appeal when considered on the basis of a 5 year temporary permission were considered to outweigh the harm identified and justified the development for a limited period. This conclusion remains, given the unmet need for gypsy and traveller pitch provision in Cheshire East.

As such, the situation is similar to that considered by the Inspector in 2009 with the Council working towards delivering site allocations as part of the development plan. Therefore, due to the far from ideal location of the site, the limited harm to the character of the area, the PPTS advice to “very strictly limit” new traveller site development in the open countryside, and the stage of the local plan and site allocation process, the permanent occupation of the site is not considered to be justified.

However, in order for the Council to be given the opportunity to provide these site allocations on suitable sites, and to cater for the site owner’s short term needs, it is recommended that permission should be granted for a further temporary period. The existing permission expires on 3<sup>rd</sup> June 2019, and it is recommended that an additional two years is given (on top of the remaining 6 months), until the 3<sup>rd</sup> June 2021.

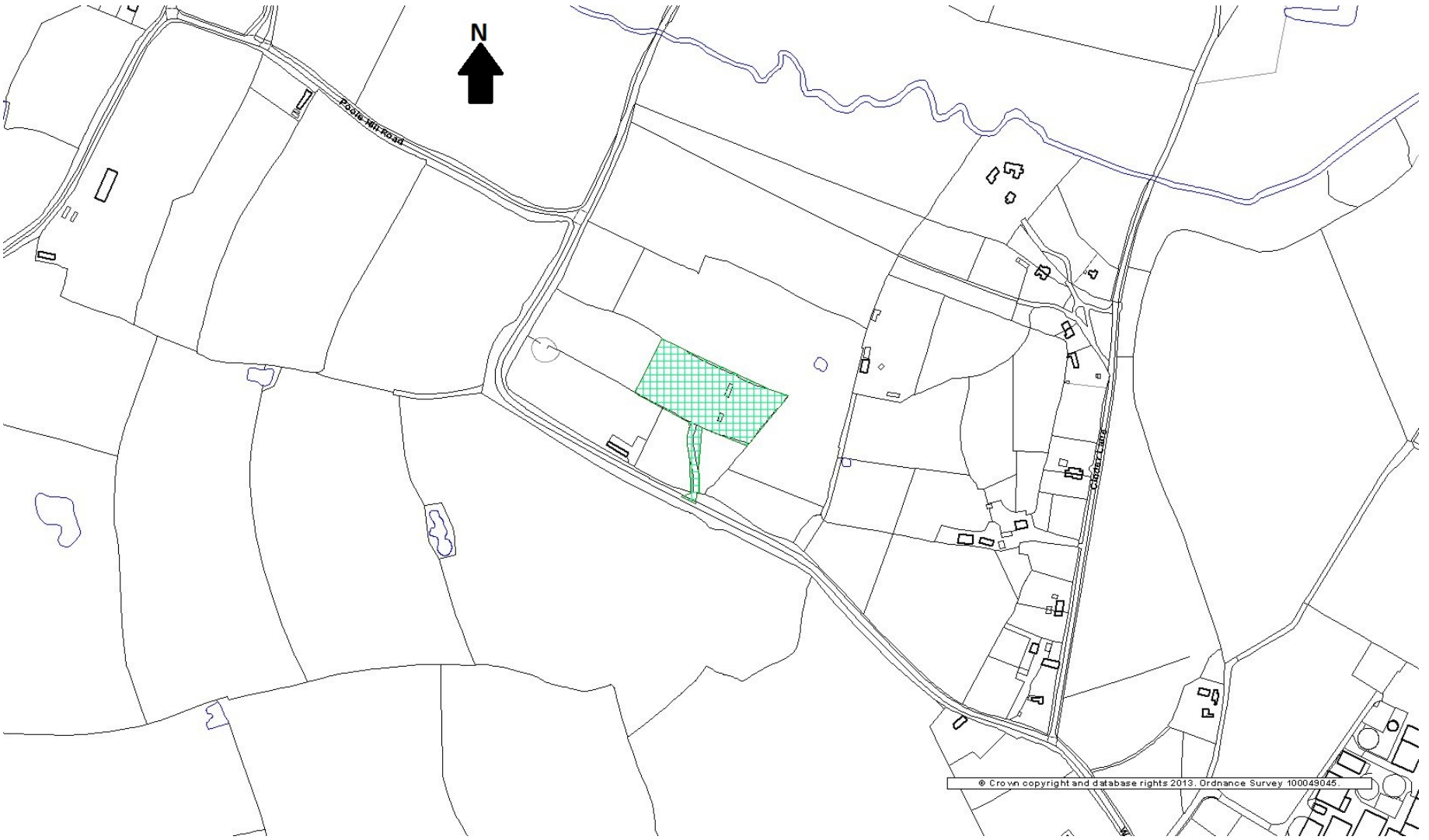
It is acknowledged that the National Planning Practice Guidance (NPPG) advises that it will be rarely justifiable to grant a second temporary permission. However, given the particular circumstances of this case, and the stage of the local plan process which is relied on to provide the site allocations for further gypsy and traveller site provision, it is considered to be the most reasonable approach in this case. It is expected that the planning circumstances would change at the end of the temporary period, which is a specific situation where the NPPG advises a temporary permission is appropriate.

### **RECOMMENDATION**

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

- 1) Temporary Time period – 3<sup>rd</sup> June 2021**
- 2) Occupation of the site**
- 3) Amount of pitches**
- 4) Vehicle tonnage**
- 5) Commercial activities**
- 6) Reinstatement of Land when use ends**

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



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Application No: 18/4123N

Location: Weston Hall, commercial complex, MAIN ROAD, WESTON

Proposal: Change of use of buildings and areas of hardstanding to B8 (Storage & Distribution) use, replacement of redundant buildings and erection of new buildings and areas of hardstanding for B8 (Storage & Distribution) use, ancillary offices, and associated works

Applicant: c/o Indigo Planning

Expiry Date: 30-Nov-2018

#### **SUMMARY**

The site is located within the open countryside and outside of any settlement boundary. This full application relates to the expansion of B8 employment use at the Weston Hall commercial complex.

The principle of development accords with the permitted exceptions set out by CELPS Policy PG 6 for employment development within the open countryside which relates to the re-use of rural buildings for commercial use, the provision of replacement buildings and warehouse development to meet the needs of the existing commercial operator at the site.

The proposals also accord with the objectives of CELPS Policies SD1 and SE2 with regard to the redevelopment/ re-use of previously developed land and buildings. The proposals are further supported under CELPS Policy EG2 and Saved Policy NE.13 in relation to the expansion of the existing business and creation of jobs in support of the rural economy.

It is considered that the proposals are of acceptable siting and design. As the site is effectively enclosed, being screened by existing woodland and planting, it would not constitute an unacceptable feature within the landscape nor detract from the appearance of the locality.

In view of anticipated traffic movements from the development and B8 use of the site, the proposals would not have harmful impact on the local highway network in terms of traffic congestion or increased risks to highway safety.

The development will not have an adverse impact on residential amenity, in terms of noise or disturbance, subject to conditions governing its future operation. The development would have a neutral impact upon ecology and trees.

The impact upon air quality has been assessed as part of this application, and subject to the imposition of a planning condition the development would comply with Policy SE 12 point 1.

The proposals are therefore considered to be a sustainable form of development in accordance with the Development Plan and national policy.

**RECOMMENDATION:**

**APPROVE Subject to conditions**

**DESCRIPTION OF SITE AND CONTEXT**

The site comprises the Weston Hall Commercial Complex which extends to approximately 2.7 hectares, and is accessed from Main Road (A531).

It accommodates existing buildings with a combined gross floor area of 4,519sq m, grain silos and drying facilities associated with the previous use of the site. The site also includes areas of hardstanding that have been used for external storage, parking and service yards.

An extensive belt of woodland lies alongside Basford Brook beyond the western site boundary. The site is bound by agricultural land to the north, whilst the eastern site boundary is adjoined by the residential curtilage of The Cottage and the former grounds of Weston Hall which was burnt down several years ago. Dense areas of tree planting lie between the southern boundaries of the site with Newcastle Road and Main Road.

Pair of semi-detached houses (1 & 2 Weston Hall Cottages) which are tenanted farm workers dwellings are located to the south of the complex.

**DETAILS OF PROPOSAL**

During the course of the application the proposals have been revised with the originally proposed B2 use (general industrial use) being omitted. The site is now proposed for solely Class B8 use (storage and distribution).

The existing building accommodating units 3A, 3B and 4A located within the centre of the complex will be retained for B8 use as already permitted under planning approval P06/0206. In addition, it is proposed that buildings 3B, 4B, 5, 6 and 10, and associated hardstanding areas, will be used for storage/distribution (Use Class B8), but do not require any alteration or refurbishment.

Existing buildings (7, 8 and 9) located in the north western part of the site will be demolished and replaced with a purpose-built B8 warehouse unit (Building 1). A further purpose-built warehouse building is sited within the undeveloped south west part of the site and is referred to as Building 2. Office space ancillary will be located in the first floor roof space.

Warehouse Buildings 1 and 2 are of conventional design and appearance and will be faced with trapezoidal wall panels coloured in three distinct tones of grey. The new buildings will each have pitched roofs. Building 1 will have a ridge height 9m and eaves of 7m. Building 2 will have a ridge height of 9.5m and eaves levels of 7m.

Service yards and open storage areas will be provided between buildings 1 and 2. These areas will be defined and secured by 2.4m high fencing and gates.

The existing access to the complex from Main Road will be utilised to serve the development. A total of 52 parking spaces and parking bays for 18 no. HGVs are proposed throughout the site. In addition 20 No. covered cycle parking spaces will be split evenly and provided adjacent to the two new build warehouses.

### **RELEVANT HISTORY**

P03/0369 - Change of Use From Agricultural Storage to General Storage/Distribution. Approved 28 August 2003

P06/0203 - Change of Use from Agricultural Storage to General Storage/Distribution. Approved 20 April 2006

### **POLICIES**

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

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy SE 1 - Design

SE2 - Efficient use of land

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE12 - Pollution, Land Contamination and Land Instability

SE 13- Flood Risk and Water Management

PG6 - Open countryside

PG7 - Spatial distribution of development

EG1 - Economic Prosperity

EG2 - Rural economy

CO1 - Sustainable travel and transport

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

#### **Crewe and Nantwich Replacement Local Plan**

The relevant Saved Policies are: -

NE5 (Nature conservation)

NE.9 (Protected Species)  
NE13 (Rural diversification)  
NE.15 (Re-use and adaptation of a rural building for a Commercial, Industrial or recreational use)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)

### **Weston and Basford Neighbourhood Plan**

The Weston and Basford Neighbourhood Plan was Made on the 16 November 2017. The relevant Policies are;

E1 – New Business  
E3 – Use of Rural Buildings  
LC2 – Landscape Quality, Countryside and Open Views  
LC3 – Woodland, Trees, Hedgerows and Walls  
LC6 – Weston and Basford's Wildlife Corridors  
LC8 – Biodiversity  
D2 – Environmental Sustainability of Buildings  
D3 – Employment Development  
D5 – Adapting to Climate Change  
T2 – Traffic Congestion  
T3 – Improving Air Quality

### **Other Considerations:**

National Planning Policy Framework (NPPF)

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

**Environmental Health** - No objection subject to conditions in relation to contamination, provision of electric vehicle charging points, provision of noise mitigation and operating hours.

**Highways** - No objection

**LLFA** - No objection subject to conditions.

**United Utilities** - No objection subject to a surface water drainage condition.

**HS2** - No comments received at time of writing report.

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

**Weston Parish Council** - No comments received.

**Hough & Chorlton Parish Council** - Object;

*IN SUMMARY, Hough & Chorlton OBJECTS to this application and asks that it be REFUSED*

- 1. The Traffic Statement is not fit for purpose. It is based on inaccurate and non-comparable data and fails to give an accurate picture of future traffic generation in the absence of any clarification of the site's future 'end-uses'.*
- 2. The Application is based on assumptions regarding land classifications that have not been implemented in full for a significant period of time.*
- 3. The Land Use classifications need to be fully and properly reconsidered in the light of their impact on significant residential developments at Wychwood Village, Wychwood Park and Weston Village since the site was last fully used for these purposes.*
- 4. Neither the Applicant nor the Highways report has investigated the cumulative traffic implications for the local road network in this area incurred by HS2a construction, housing developments in the area (either completed or for which planning permission has been granted) or in the context of higher levels of employee parking that will be required as a result of 'sustainable transport constraints' in this area.*
- 5. If approved, in the light of the cumulative road network impacts of this and other developments in the area,*
  - This site must NOT be used for B2 use.*
  - ALL site traffic (including employee vehicles) must only access and egress the site from the A500 and A531*
  - NO traffic from this site must access or egress the site onto Main Road, Weston.*
  - NO traffic from this site must access from, nor egress the site to the Newcastle Road westwards through Hough Village (There will also be constraints on this route for 4 years as the road is closed off and a new bridge re-built).*
- 4. NO decision must be made until the proposed end-uses of the site are identified.*

## **REPRESENTATIONS**

3 representations have been received from the residents of neighbouring properties.

One letter has raised the following issues and concerns;

- The general improvements to the site and repairs to the existing buildings is welcome after many years of neglect and vandalism
- The proposed one-way traffic system and new concrete yard seem likely to move the main operations further away from the boundary with The cottage could be beneficial
- Noise remains a major concern and the noise report appears to rely on assumptions that may not prove correct as activity levels over the past year have varied hugely
- HGVs often arrive during the night
- Noise from fork-lift trucks and 'white-noise' reversing warnings.
- Open ended wording of B2 General Industrial use allows for unlimited further changes of use which could raise noise levels significantly as well as many other possible environmental impacts (dust, smell etc)
- The routing of main operations further from The Cottage is supported
- Proposed car parking space face directly onto boundary with The cottage and overlook property
- Increased highway safety problems as Main Road, Weston is not suitable for heavy HGV use
- The site adjoins formerly listed Weston Hall (less than 20 metres from west wall of the original Hall which burnt down in 2005).
- Should permission be granted the following conditions should be imposed;

- No B2 use
- Restriction of operation to day time hours with no HGV movement or unloading operations outside approved hours
- All engines to be switched off when vehicles are not moving
- Prohibition of audible reversing warnings
- Adequate screening (eg solid fence or hedge) to avoid car parking spaces looking directly onto the Weston Hall land.
- Any HGVs accessing the site are not routed via Main Road through the centre of Weston Village.

Two representations have been received in support of the proposals on the following grounds;

- Site well screening from all sides
- No adverse affect on the amenities of neighbouring properties
- Re-occupation of the redundant buildings and construction of new high quality buildings is preferable to the partially occupied site attracting anti-social behaviour and vandalism.
- The proposal will provide employment opportunities in the area

## **APPRAISAL**

### **Background**

The application site has a longstanding history of commercial use. Until 2002, the site was operated by the Co-op as a central grain processing facility (drying, storage and distribution) for around 6,000 acres of arable land. The applicant states that this facility did not just service agricultural land at Weston Hall, but also farmland of the wider local area.

Since 2002, the applicant's supporting information sets out that vacant buildings within the site were rented out for other commercial uses. Significantly, full planning approval was granted in 2006 (P06/0203) for the change of use a large building (1145 sq. m) at the centre of the site to industrial storage use (Class B8). The updated accommodation schedule submitted by the applicant sets out that this building ( units 3A, 3B and 4A), has been occupied on a reasonably continuous basis by several companies since planning approval was granted, including a supplier of modular buildings and for the maintenance, storage and distribution of industrial generators .

The current occupier of the site since April 2018 is Van Merksteijn Fencing Uk Ltd for operations relating to the storage and distribution of security fencing. However, the applicant has advised that Van Merksteijn has reached its operational capacity at the site. The site as existing is constraining its commercial operation due to a lack of B8 warehouse floorspace and hardstanding. The increased B8 floor space and hardstanding, and particularly the creation of fit-for-purpose B8 warehousing are therefore critical in meeting their immediate needs and longer-term needs.

Hough & Chorlton Parish Council have raised concerns regarding the originally proposed B2/B8 use of the site, given issues arising from the operation of the Basford Creamery premises located nearby. However, there is no proposed interrelationship or operational connection between the



application site and the Basford Creamery premises, particularly given that proposals have been amended for solely B8 storage and distribution uses to meet the needs of the existing occupier (security fencing supplier). As a result, issues at Basford Creamery have no bearing on the consideration of this application, which should be assessed on its own individual merits.

### **Principle of Development**

The site is located within the open countryside and outside of any settlement boundary. The proposals essentially relate to the re-use of existing buildings and warehouse development associated with the expansion of B8 employment use at the Weston Hall commercial complex.

CELPS Policy PG 6 restricts the forms of development to those considered to be ordinarily acceptable within the open countryside, but exceptions may be made with regard to the re-use and adaption of rural buildings for a commercial use and the provision of employment development, subject to the compliance with the following criteria;

- for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension
- for the replacement of existing buildings by new buildings not materially larger than the buildings they replace;
- for development that is essential for the expansion or redevelopment of an existing business

The existing buildings to be retained require a change of use only. No external or internal alterations are required to utilise these buildings for proposed B8 uses. The proposed replacement building (building 1) would not be materially larger than those being replaced, and is of a scale and appearance consistent with the existing buildings at the site. In addition, the proposed development is also required to meet the essential needs of the existing occupier of the site which requires additional floor space to accommodate its operations. Thereby building on the existing concentration of commercial activity and infrastructure in place at Weston Hall commercial complex.

Following on from PG.6, CELPS Policy EG.2 (Rural Economy) encourages the retention and expansion of existing business, particularly through the conversion of existing buildings. However, any development has to be well designed to preserve the character and quality of the landscape and built form (this is echoed in Policy D3 of the W&BNP). Further to this, there should not be any conflict with other relevant Local Plan Policies.

In addition CELPS Policies SD1 and SE2 encourage the redevelopment/ re-use of previously developed land and buildings. It also states that development should build upon existing concentrations of activities and existing infrastructure. In this case the proposals, by virtue of retaining existing buildings and hardstanding and whilst replacing obsolete buildings with “fit-for-purpose” warehousing seeks to make best use of previously developed land and existing buildings at this commercial site.

The principle of development is further supported by Saved Policy NE.13 (Rural Diversification) permits development which assists with diversification of the rural economy, providing that the development adheres to the following:

- Creates or maintains employment; or Involves the diversification of a farm business; and

- Lies in or adjacent to an existing farm or commercial complex;
- Does not detract from the visual character of the landscape and recognises wider environmental concerns of acknowledged importance.

Supporting information provided by the applicant indicates that the proposed development will result in the creation of up to 40 full-time jobs at the site and constitute an expansion of employment use within and adjacent to an existing commercial complex. As set out in the report below, the proposed development will not have an adverse environmental impact or have a detrimental visual effect on the character of the surrounding landscape.

It is also considered that the proposals accord with the criteria of Saved Policy NE.15 concerning the re-use and adaptation of a rural building for commercial or industrial use. The buildings which will be retained within this commercial site are of substantial construction requiring no external alteration to facilitate B8 use.

The proposed development also accords with Policy E1 (New Business) and Policy E3 (Use of rural buildings) of the Weston and Basford Neighbourhood Plan. Policy E1 states;

*"Proposals which extend existing, or promote new, small scale employment and tourism opportunities within the plan area will be supported where it can be demonstrated that the development will positively benefit the local economy and provides the opportunity for local employment and training."*

The proposed development will expand an existing business activity with an existing commercial site and create new employment opportunities within the Weston area.

Policy E3 (Use of Rural Buildings) supports *"the re-use, conversion and adaptation of permanent, structurally sound, rural buildings of substantial construction for small business, farm diversification, recreation or tourism"*. Policy E3 is consistent with CELPS Policy PG6 and Saved policy NE.15 as addressed above.

In summary, it is considered that the proposed development and B8 use of the site is acceptable in principle. Issues including the impact of the proposals on the local highway network, residential amenity and the appearance of the areas are addressed in the report below.

### Highways

The Council's Highway Engineer has assessed the Transport Assessment accompanying the application and is satisfied with its methodology and analysis. Notwithstanding, the concerns raised by the Hough & Chorlton Parish Council as regards aspects of historic and more recent uses of the site referred to by the TA, the Trics assessment of vehicular movement is correctly based on proposed new development trip generation.

The existing access from Main Road is to be retained and is of an appropriate standard of design to accommodate HGV vehicle movements. An assessment of the increase in vehicle trips has been undertaken and this results in a highest AM peak generation of 60 trips. The Highway Engineer considers that given the location of the site, this level of generation can be accommodated on the local highway network without causing capacity problems.

Concerns have been raised by local residents that Main Road through Weston is not suitable for heavy HGV use. However, the applicant has stated that HGV drivers will be instructed to enter the site by turning left off Main Road and exit the site by turning right (signage will be installed) onto Main Road, therefore avoiding travelling through the village of Weston. Also all HGV drivers will be advised of the access and egress requirements for the site in advance of journeys to the site. These details will be provided in a Site Management Plan (including site signage), and it is recommended that this is secured by condition.

In relation to accessibility, there are no pedestrian links to the site and there is a limited bus service on Main Road. As a result this will be a car borne development given the rural location of the site and the sustainability of the site will need to be considered as to its acceptability. However, as this an existing commercial site, which already includes permitted B8 uses, it is not considered that a sufficient change in circumstances is proposed to warrant a reason for refusal on accessibility.

A total of 52 car parking spaces will be provided on the site, and although below the recommended standard, is considered by the Highway Engineer to be acceptable for the proposed B8 use.

Given the modest traffic generation of the site, the Highway Engineer has advised that the development would not have a severe impact in regards to capacity on local road network which would warrant planning approval being withheld on highway safety or traffic management grounds.

### **HS2**

The site is located outside the safeguarded zone for HS2 (phase 2A) which extends to the western bank of Basford Brook.

Concerns have nevertheless been raised by Hough & Chorlton Parish Council regarding the impact works of HS2 will have on the highway infrastructure around the site, including the resulting cumulative traffic implications of HS2 construction, housing and other development such as that proposed by this application on the local road network.

However, as HS2 construction is projected to take place well into the future, and over several years, the extent of such cumulative traffic or highway impact cannot as yet be accurately quantified. In these circumstances, this would not therefore be a reasonable basis on which to withhold approval of these proposals.

Nevertheless in view of the concerns raised by the Parish Council, a precautionary approach has been adopted in the consideration of this application given the proximity of the site to the safeguarded zone and operational areas of the HS2 project. HS2 have been formally consulted in with regard to this application, although to date no comments have been received from HS2.

### **Residential Amenity**

Residential properties are located adjacent to the site access from Main Road (1 & 2 Weston Hall Cottages) and also adjoin the western site boundary (The Cottage).

An acoustic report has been submitted in support of the application. The Environmental Health Officer has advised that impact of the noise from the proposed development has been assessed in

accordance with 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 nearby properties are not adversely affected by noise from the development. To ensure the noise levels from the site are kept to a minimum, the following mitigation measures are proposed in respect of effective site management;

- HGV engines switched off when not in operation;
- Reversing alarms disabled during the night-time period, or replaced with an alternative, low-noise model;
- Whilst unloading/loading operations are taking place, the service bays/dock leveller furthest from the receptors should be used, where practicable, i.e. when only one HGV is present;
- Signage installed along the perimeter of the yard reminding HGV drivers and yard operatives to keep noise levels to a minimum particularly during the night-time period;
- Staff and operatives who work in the yard area should be informed, as part of on-going inductions and on-going training to keep noise levels to a minimum.

The Environmental Health Officer has confirmed that the conclusions of the acoustic report and methodology used are acceptable. This is particularly when taking account of the site having been previously used as a central grain processing facility. Given the anticipated nature and extent of traffic movements generated by these proposals, as set out in the Transport Assessment, it is not considered that this will result in noise impact which would adversely affect the amenities of nearby properties.

However to safeguard amenities of neighbouring properties, and in accordance with the recommendations of the acoustic report, a condition is required to secure the following;

- The mitigation recommended in the acoustic report by REC reference AC105005-1R3 dated the 3<sup>rd</sup> August 2018 shall be implemented in full prior to the occupation of the development.
- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

Furthermore a condition is also necessary to restrict operations on site, including deliveries, to the following hours:

Monday – Friday	07.30 hrs	until	19.00 hrs
Saturday	08.00 hrs	until	17.00 hrs
Sunday	08.00 hrs	until	17.00 hrs

Given existing screening alongside the site boundary with 1 Weston Hall Cottages and retention of a grassed buffer area, the siting of new buildings and hardstandings will have not adverse affect on these residential properties in terms of visual intrusion, loss of light or overbearing impact. Furthermore an amended site plan has been submitted which includes the provision of 2 m high fencing alongside the north eastern site boundary to prevent overlooking from car parking spaces of the adjoining property (The Cottage).

### **Visual Impact**

The proposed buildings will be of a design consistent with the appearance and scale of existing structures at the Weston Hall commercial complex.

Areas of dense woodland lie immediately west of the site alongside Basford Brook and substantial areas of maturing planting lies alongside Newcastle Road and Main road. This ensures that development site is effectively enclosed from the wider landscape and proposed new buildings, hardstandings and storage areas will not constitute unduly prominent features which would and adversely affect the appearance of the locality either from local highways or nearby dwellings, including those of Wychwood Park to the south of the Newcastle Road.

### **Trees**

The proposed development footprint is set in from the site boundary to ensure a natural buffer is retained with areas of woodland particularly alongside and beyond the western site boundary.

The Council's Tree Officer has been raised no objections to the proposals. Most of the development is in excess of 20 metres from the woodland edge and it is not considered that any significant harm will result from the positioning of the proposed development to off-site trees. A condition is recommended requiring a condition to be imposed to control any potential impact during construction.

### **Nature Conservation**

An Ecological Appraisal has accompanied the application and has been assessed by the Councils Ecologist and its findings are accepted. There is no objection in terms of the ecological designations within the W&BNP and covered by Policies LC6 and LC8.

#### Great Crested Newts and Bats

Surveys were carried out on ponds near the site and buildings on site, and no great crested newts or signs of a bat roost were identified. As such, the Council's Ecologist has advised that great crested newts and bats are not considered to pose a potential conflict to this proposed development.

#### Other Protected Species

Some field signs of other protected species were observed during the initial ecology survey, though no setts were identified. A condition is recommended requiring an updated survey prior to the commencement of works on the site to ensure the continued absence of other protected species.

#### Breeding Birds

The Councils Ecologist recommends standard conditions are imposed for the protection of nesting birds and the incorporation of features within the development suitable for use by breeding birds including house sparrows.

### **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 181 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. The Council's Environmental Protection officer considers that the assessment is satisfactory and accepts its conclusions that the impact of the development will be not significant with regards to both NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. None of the receptors are predicted to experience greater than a 1% increase relative to the AQAL.

However, 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 this case, it is advised that the provision of an electric vehicle charging point shall be provided for each unit, will be sufficient to mitigate the impact on local air quality. A revised site plan has been submitted which identifies five parking spaces suitable to accommodate charging for electric vehicles.

### **Flood Risk**

The Council's Flood Risk Officer has advised that the overall findings of the Flood Risk Assessment (FRA) relating to the development and drainage of the site to be acceptable in principle. Conditions are recommended to ensure that the development is undertaken in accordance with the FRA, and full details of the design of the surface water drainage system are submitted prior to the commencement of development.

### **Energy Efficient Development**

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

*“non-residential development over 1,000 square metres will be expected to secure at least 10 per cent 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.”*

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

### **PLANNING BALANCE**

The principle of development accords with the permitted exceptions set out by Policy PG 6 for employment development (use class B8) within the open countryside in relation to the re-use of rural buildings for commercial use, the provision of replacement buildings and that the development will meet the needs of the existing commercial operator on the site.

The proposals also accord with the objectives of CELPS Policies SD1 and SE2 with regard to the redevelopment/ re-use of previously developed land and buildings. The proposals are supported under Policy EG2 in relation to the retention and expansion of existing business in support of the rural economy and Saved Policy NE.13 which supports development which assists with the diversification of the rural economy through maintaining employment or creating new jobs, within or adjacent to an existing commercial complex.

It is considered that the amended proposals are of acceptable siting and design. Given that site is effectively enclosed, being screened by existing woodland and planting, it would not constitute an unacceptable feature within the landscape nor detract from the appearance of the locality.

In view of the anticipated traffic movements resulting from the development and B8 use of the site, the proposals would not have harmful impact on the local highway network in terms of traffic congestion or increased risks highway safety. Furthermore, the potential cumulative impact that HS2 construction and other development may have on the local highway network in the future, is not a reasonable basis on which to withhold planning approval for this employment scheme.

The development will not have an adverse impact on residential amenity, in terms of noise or disturbance, subject to conditions governing its future operation. The development would have a neutral impact upon ecology and trees, and not result in increased flood risk.

The impact upon air quality has been assessed as part of this application, and subject to the imposition of a planning condition the development would comply with Policy SE 12 point 1.

The proposals are therefore considered to be a sustainable form of development in accordance with the Development Plan and national policy.

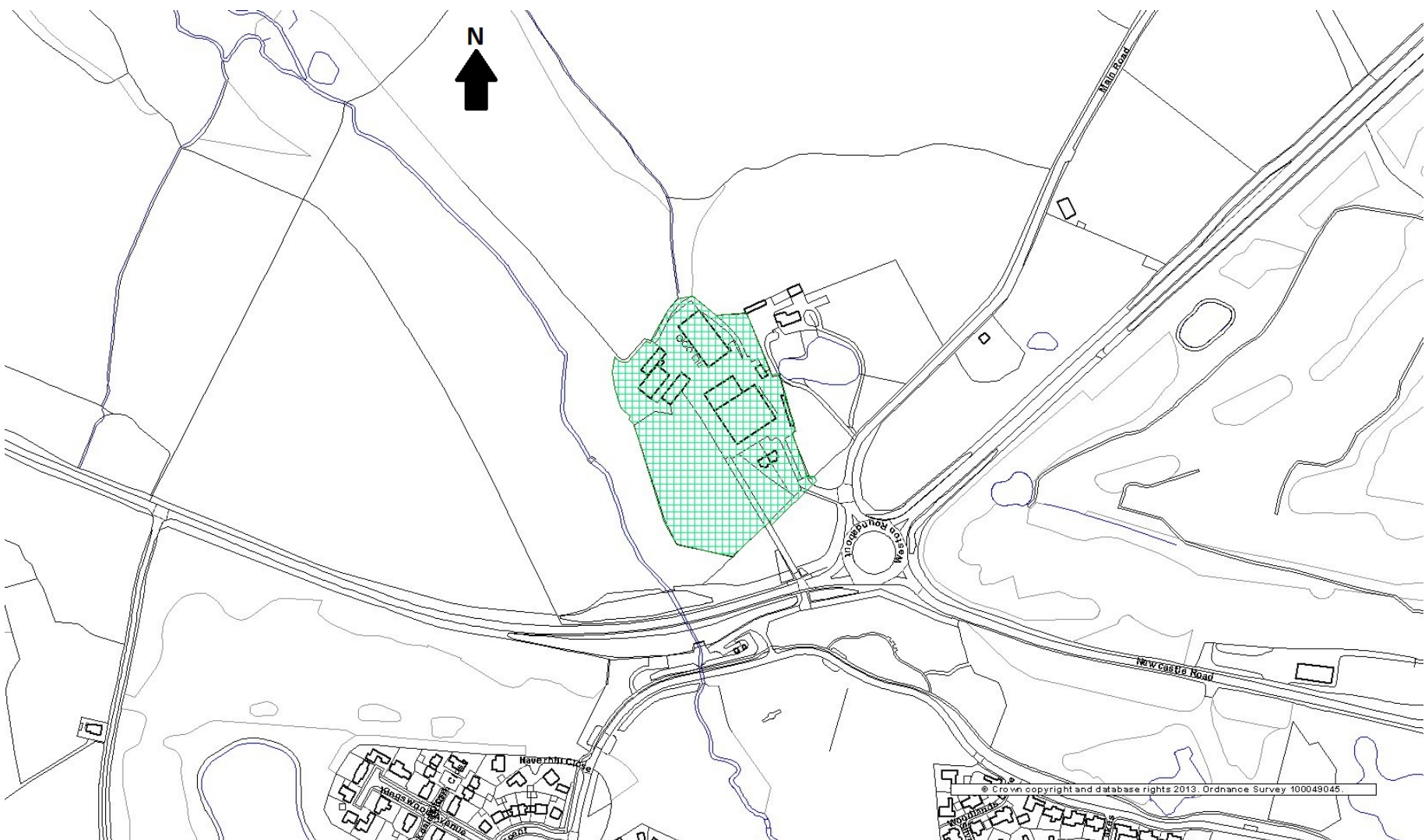
### **RECOMMENDATION:**

#### **APPROVE Subject to the following conditions;**

- 1. Standard**
- 2. Approved plans**
- 3. Details of materials**
- 4. Contaminated land - submission of a remediation strategy**
- 5. Contaminated land - submission of a verification report**
- 6. Contaminated land – importation of soil**
- 7. Contaminated land - works to stop if further unknown contaminated land is uncovered**
- 8. Provision of noise mitigation**
- 9. Hours of operation**
- 10. Electric Vehicle Charging Provision**
- 11. Provision of cycle parking**
- 12. Protection of nesting birds**
- 13. Inclusion of features for breeding birds**
- 14. Updated badger Survey**
- 15. Compliance with FRA**
- 16. Details of Surface water drainage**
- 17. Landscaping details**
- 18. Implementation of landscaping**
- 19. Tree protection scheme**
- 20. Submission of Site Management Plan**
- 21. Prior to occupation details of how each unit will secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources**

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





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Application No: 18/4558N

Location: The Stables, 95 Cobbs Lane, Hough, Crewe, CW2 5JN

Proposal: Proposed change of use and alterations to former stables to form single dwelling.

Applicant: Mr Simon Clutton

Expiry Date: 06-Nov-2018

**SUMMARY**

The application is a stable building located within the open countryside.

Policies PG.6 (Open Countryside) of the Cheshire East Local Plan and NE.16 (Re-use and Adaptation of a Rural Building for Residential Use) of the Crewe and Nantwich Replacement local Plan 2011 allow for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.

The existing building is within the Open Countryside and is of a sound breeze block and brick construction and will not require extensive works to facilitate a residential conversion. Therefore, the proposed development is considered to be in accordance with the above policies.

Access will be via the existing highways arrangements and sufficient parking space is achievable within the confines of the site.

The proposal is considered to be an acceptable form of development, and therefore a recommendation of approval with conditions is made.

**SUMMARY RECOMMENDATION**

## REASON FOR REFERRAL

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

1. The site lies outside the Hough Settlement Boundary (and outside the Settlement and Infill Boundary currently proposed in the SADPD emerging policy FD06).

2. This site does not comply with any of the rural exception site criteria as set put in the CELP.

3. This site is situated adjacent to the NE boundary of Hough Common. This is an important area of Public Open Space and woodland managed by the Parish Council for Hough residents.

Already in 2018 planning permission has been granted for a total of 8 dwellings on three 'brownfield' sites to the East and South of Hough Common requiring a single lane track (Birch Lane) as access for what were two dwellings and a dog kennels business. (18/2288N, 18/1251N, 17/6335N)

The 'Stables' application currently under consideration (also technically a 'brownfield site') requires a single lane track as access that is also a well-used PROW to the West of Hough Common.

This represents a significant increase in housing stock in a rural setting that is outside the settlement boundary and will inevitably create an urbanisation of the setting of the common that the Parish Council is deeply concerned about.

4. The Parish Council is also concerned that the unmade track to the stables AND the PROW has been re-engineered prior to submission of this application, without planning permission and to the detriment of users of the PROW. (These issues were reported to the CE PROW Team and Planning Enforcement earlier this year), effectively creating a road alongside the Common which again has served to 'urbanise' part of the woodland walk system managed by PROW and the Parish Council.

5. The site still has historic (and primarily under-utilised) land-use classifications on the site and on land owned by the applicant beyond. It is proposed that this land is to be accessed from the same access point used by the dwelling.

## DETAILS OF PROPOSAL

This application seeks planning permission the conversion of the existing stable building to form a single dwelling and will include a single storey extension which previously formed part of an extant permission. Other than this there will be minimal external alterations other than the introduction of bi-fold doors to the south east and south west elevations, a single window to the south east gable of the proposed extension and an enlargement of a window opening to house a door to the North east elevation.

It is proposed that the building be finished with oak cladding.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a stable building situated within the Open Countryside as defined by the Local Plan Proposals Map.

The overall site is laid to hardstanding with other equestrian/agricultural buildings close to the application building and on neighbouring land. Access is found along a private unadopted track off Cobbs Lane that serves the application site and a handful of other properties.

## **RELEVANT HISTORY**

10/2594N - Lawful development certificate - Storage of Building Materials, Equipment/Cabins/Containers - positive certificate

10/2592N - Lawful development certificate - Engineering Operations to Form Ramps/Mounds for Use in Association with Motor Sport and Equestrian Activities - Negative certificate

P03/0779 - Alterations and Change of Use from Stables to Offices - withdrawn

P95/0224 - Calf rearing unit including mobile homes - approved with conditions 1995

7/20199 - Use of land for the stabling of horses and erection of stables and hay barn - approved with conditions 1991

## **POLICIES**

### **Neighbourhood Plan**

Wybunbury and Combined Parishes - not yet reached reg 14 stage (reg 7). No weight can be given

National Planning Policy Framework (NPPF)

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

PG6 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

### **Local Plan policy**

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

NE.5 Nature Conservation and Habitats

NE.9 Protected Species

NE.16 Re-use and Adaptation of a Rural Building for Residential Use

BE.1 Amenity  
BE.3 Access and Parking  
BE.4 Drainage, Utilities and Resources  
BE.5 Infrastructure  
RES.5 Housing in the Open Countryside

## **National policy**

NPPF

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

**Public Rights of Way** - No objection

**Environmental Protection** - No objection

**Ecology** - No objection

## **VIEWS OF LOCAL TOWN/PARISH COUNCIL:**

Hough Parish Council:

Whilst this application may technically comply with recent changes in planning policy allowing the conversion of an agricultural building into a dwelling they have the following concerns:-

1. The site lies outside the Hough Settlement Boundary (and outside the Settlement and Infill Boundary currently proposed in the SADPD emerging policy FD06).

2. This site does not comply with any of the rural exception site criteria as set out in the CELP.

3. This site is situated adjacent to the NE boundary of Hough Common. This is an important area of Public Open Space and woodland managed by the Parish Council for Hough residents.

Already in 2018 planning permission has been granted for a total of 8 dwellings on three 'brownfield' sites to the East and South of Hough Common requiring a single lane track (Birch Lane) as access for what were two dwellings and a dog kennels business. (18/2288N, 18/1251N, 17/6335N)

The 'Stables' application currently under consideration (also technically a 'brownfield site') requires a single lane track as access that is also a well-used PROW to the West of Hough Common.

This represents a significant increase in housing stock in a rural setting that is outside the settlement boundary and will inevitably create an urbanisation of the setting of the common that the Parish Council is deeply concerned about.

4. The Parish Council is also concerned that the unmade track to the stables AND the PROW has been re-engineered prior to submission of this application, without planning permission and to the detriment of users of the PROW. (These issues were reported to the CE PROW

Team and Planning Enforcement earlier this year), effectively creating a road alongside the Common which again has served to 'urbanise' part of the woodland walk system managed by PROW and the Parish Council.

5. The site still has historic (and primarily under-utilised) land-use classifications on the site and on land owned by the applicant beyond. It is proposed that this land is to be accessed from the same access point used by the dwelling.

10/2594N/1 Mixed use: non-commercial riding stables (Use Class D2: Assembly and Leisure) and the storage of surplus materials and equipment associated with the operation of construction business (Use Class B8: Storage and Distribution)

The Parish Council therefore requests that this application is REFUSED

However should it be approved, the Parish Council request that

Condition 1: the Class D2 use is rescinded

(REASON: for the removal of doubt: the stable and its environs now become a dwelling and as such this classification is obsolete).

Condition 2: the Class B8 use is removed

(REASON: Any B8 activity; (construction, storage and distribution), is incompatible situated adjacent to the new dwelling and where such activity is reliant on a single, SHARED access, where both domestic and B8 activities are reliant on a narrow track to access the site, that is also a well-used PROW, is the main access of two other householders and adjacent to Public Open Space. This represents a conflict of 'Neighbouring Uses' and is contrary to the retained CNBC Policy BE1).

Condition 3: That all Permitted Development rights on the new dwelling are removed.

(REASON: (3i) To respect the original footprints of the stable and extant permission for the calf-rearing shed and retain its rural design and character in keeping with its position in the Open Countryside.

(3ii) to prevent over-massing on a site that is constrained in size and where constrained access is a material factor.

In addition, all conditions as proposed by other statutory consultees shall be applied.

The application of these conditions will thus protect the rural character of this site, outside the settlement boundary. They will provide reasonable, commensurate and enforceable protections in regard to the PROW and Public Open Space thus preventing conflict of 'Neighbouring Uses' in this constrained area.

## **OTHER REPRESENTATIONS:**

Three letters of representation have been received from the occupiers of neighboring properties which support the proposal.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Open Countryside where Policy PG.6 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan which restricts development and seeks to protect the Open Countryside for its own sake. Policy NE.16 allows for the conversion of rural buildings, subject to a number of criteria. This includes exploring the potential for alternative uses first. However, this latter point is not consistent with the NPPF which allows for the re-use of redundant and disused rural buildings for residential purposes. The conversion of buildings within the Open Countryside for residential purposes is therefore considered to be acceptable as a matter of principle, subject to satisfying the other criteria of Policy NE.16, design, amenity, highways and ecology matters.

Criterion 3 (ii) of PG.6 of the Cheshire East Local Plan allows for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.

The existing stable building as it stands is constructed of breeze block with a facing brick outer skin, the roof is also of substantial construction. The proposed extension is relatively small in scale and forms part of a previously approved development which has commenced and is, therefore, extant. As such, the proposed extension of the stable could be carried out at any point regardless of the current application.

Given the above, it is considered that the existing stable building will not require extensive alteration, rebuilding or extension to facilitate the proposed residential conversion.

Policy NE.16 of the Crewe and Nantwich Local Plan echoes the above along with requirements that:

- The form, bulk and general design of the building is in keeping with the surroundings
- Any conversion work respects the local building styles and materials
- The traffic generated by the new use can be safely accommodated by the site access and the local road system
- There is sufficient room within the curtilage of the building to park the vehicles of those who will live or visit there without detriment to the visual amenity of the countryside
- No new fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it will be erected if they would harm the visual amenity of the countryside.

With the above in mind, the proposed development will keep the overall bulk and general design of the existing building and the work will respect the locality.

Therefore, it is considered that the proposed development accords with the requirements of Policy NE.16 of the Crewe and Nantwich Replacement Local Plan 2011.

### **Design Considerations**

#### *Impact on Open Countryside and Landscape*

Stable buildings are an acceptable form of development within the Open Countryside, the proposed development will retain much of this style and character. The proposed extension is



part of an extant permission and can be constructed at any time, further to this it is of a size and design that is sympathetic to the host building.

The proposed external changes, other than the proposed extension, to the existing building will be minimal and will not drastically change the appearance from the present.

The proposed extension is single storey and considered to be appropriate in terms of scale, bulk and mass to the host building. It will remain subordinate and will not be readily visible from public viewpoints due to the existing boundary treatments, buildings and surrounding vegetation.

In terms of boundary treatments there will be no change to the existing mix of fencing and hedgerow.

Hough Common is located to the south of the application site, however given the nature of the proposed development, and the existing access arrangements, it is not considered that there will be any significant harm caused.

Overall it is considered that the proposed development is in keeping with the locality in respect of style and materials. Furthermore, the form, bulk and mass of the building, as extended, will be sympathetic to the Open Countryside and will not lead to any significant visual harm.

### **Public Right of Way**

The Council's Definitive Map Officer of the Public Rights of Way Team has been consulted. No objections have been raised subject to a number of conditions and informatives.

The Public Right of Way is currently used to access the existing properties as well as the application site. Therefore, there will not be any real change to the existing situation. Furthermore, this access is beyond the extent of the red edge of the application and cannot be controlled by the LPA.

Notwithstanding the above, no change to the surface of the right of way can be approved without consultation with the PROW Unit. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. However, as this is outside of the application site and subject to separate legislation, it is a matter under the control of the PROW Unit.

In line with this, conditions as recommended by the Definitive Map Officer will be attached to any permission.

### **Impact on Residential Amenity**

In terms of neighbouring residential amenity there are several dwellings close to the application. However, given the separation distances being well in excess of 50 metres to the nearest property and the existing substantial boundary treatments it is not considered that the proposed development will have any detrimental impact on residential amenity.

### **Impact on Highway Safety**

The proposed development will be accessed from an existing track that leads from Cobbs Lane serving the application site and other properties. There will be no change to this.

The access to the application site will not change from the existing arrangements. The Cheshire East Local Plan Appendix C: Parking Standards recommend that a two bedroom dwelling has two car parking spaces. The proposal includes sufficient room within the site to accommodate the recommended parking spaces.

The issues raised regarding the 're-engineering' of the access track is a separate matter not relevant to this application and has been dealt with separately.

### **Impact on Biodiversity**

The council's Ecologist has been consulted and has raised no objections in terms of the proposed developments impact on protected species. This is subject to a condition requiring the existing hedgerows to be retained and enhanced as part of the development.

### **Other Matters**

It is acknowledged that small scale housing developments have recently been approved on sites close to the application site, however each application is determined on its own individual merits having regard to adopted planning policy and any other material consideration. Other permissions locally do not form material planning considerations to be considered during the determination of this application.

### **Summary**

The application proposals are considered to be acceptable in land use planning principle terms. The scheme is of an acceptable design and would not result in a significant impact on the character and appearance of the open countryside. The impact on residential amenity, highway safety and biodiversity is considered to be acceptable.

### **RECOMMENDATIONS**

#### **APPROVE with conditions**

- 1. Time limit for commencement of development (3 years)**
- 2. Approved Plans**
- 3. Materials as per application**

4. Scheme of landscaping to be submitted and approved by the LPA- inc hedgerows to be retained
5. Boundary treatments to be submitted and approved by the LPA
6. Drainage scheme be submitted and approved by the LPA
7. Removal of PD (extensions/alterations, gates, walls, fences, enclosures)
8. Submission of piling method statement (if applicable)
9. Submission of scheme to minimise dust emissions
10. Provision of electric vehicle infrastructure
11. Contaminated land
12. Breeding bird survey (1<sup>st</sup> March – 31<sup>st</sup> August) prior to removal of vegetation or conversion of building
13. No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
14. Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way
15. The safety of members of the public using the right of way is ensured at all times

**Informatives:**

1. NPPF



Application No: 18/0775N

Location: The Rookery, 125 Hospital Street, Nantwich, Cheshire, CW5 5RU

Proposal: 2no New build dwellings located within the yard/out building area(s)

Applicant: Mr Craig Odams

Expiry Date: 15-Jun-2018

**SUMMARY**

The principle of residential development within the Nantwich Settlement Boundary is acceptable. The proposed development as amended, is now considered to be of an acceptable scale and design and would not harm the setting of this Grade II Listed Building or the character of the wider Conservation Area.

The development as amended would not harm the amenities of the surrounding residential properties and is considered to be acceptable in terms of its impact upon the highway network, the TPO trees and protected species.

The proposal is therefore considered to comprise a sustainable form of development due to the provision of housing within a sustainable location and the bringing back into use, of a previously derelict Listed Building, which will help to safe guard it's special interest.

The proposal is therefore recommended for approval.

**SUMMARY RECOMMENDATION**

**Approve with conditions**

**REASON FOR REFERRAL**

This size of application proposal would normally be dealt with under delegated powers, however Cllr Peter Groves has called the application into Southern Planning Committee for the following reason.

*'The development does not provide sufficient car parking spaces for the whole site and that there will be demonstrable harm to the amenities enjoyed by the occupier of 5 Rookery Close by reason of overlooking and also it will have an impact on air quality also enjoyed by the occupier of 5 Rookery Close because of its proximity to 4 car parking spaces. directly beneath the bedroom window of 5 Rookery Close.'*

## DESCRIPTION OF SITE AND CONTEXT

The application site is located at the junction of Hospital Street and Millstone Lane. The site is located within the Nantwich Settlement Boundary and Conservation Area. The Rookery is a Grade II Listed Building which has a symmetrical frontage with projecting wings to each side. The building is two-storeys in height with a red-brick finish. To the north of the main building is a recently constructed two storey extension.

Vehicular access is taken from Millstone Lane and there are a group of protected trees covered by a Tree Preservation Order to the front of the site, and rear of the site.

The listing for the building states,

*'A good large mid C18 house with end to Hospital Street, and front to road junction. Probably incorporates older house at rear; symmetrical front with a projecting wing at each side; red brick; 2 storeys; 3 3-light sash windows overall, with light wood pilasters and cornice treatment; long and short quoins to angles; central entrance with 3/4 Roman Doric column pilasters, segmental pediment and imitation fanlight; old tile hipped roof. Interior has triple arched hall and good staircase'.*

The surrounding area is in mixed use with the site to the north being a modern building which accommodates Nantwich Vets. To the rear of the site are residential properties which front onto Rookery Close and Hospital Street.

## DETAILS OF PROPOSAL

The proposal seeks permission for a two storey new building, to accommodate 2no apartments located within the curtilage of the existing building, where previously a large single storey extension was sited. The building would be two storey in height.

Amended plans have been received which have amended the design and layout of the building to a thin, long building adjacent to the boundary with the Vets Practice.

## RELEVANT HISTORY

18/2770N – Variation of condition 1 (approved plans) to planning application 16/2606N - Conversion of existing offices into 5no residential units and the demolition of the side building – approved with conditions 26<sup>th</sup> September 2018

18/2748N - Listed building consent for alterations to materials used in connection with planning application 16/2607N - Conversion of existing offices into 5no residential units and the demolition of the side building – Approved with conditions 26<sup>th</sup> September 2018

16/2606N – Conversion of existing offices into 5no residential units and the demolition of the side building – approved with conditions 28<sup>th</sup> October 2016

16/2607N - Conversion of existing offices into 5no residential units and the demolition of the side building (LBC) – approve with conditions

10/4924N - Two Storey Building Comprising Two Semi Detached Houses on Land Presently Occupied by Single Storey Storage Building Plus a Two Storey Extension to the Rear Corner of the Rookery Building (Storage Building and Extension to be Demolished) and New Porch on North Elevation of the Rookery Building. – approved with conditions 5<sup>th</sup> August 2011

10/4928N - Listed Building Consent for Two Storey Building Comprising Two Semi Detached Houses on Land Presently Occupied by Single Storey Storage Building Plus a Two Storey Extension to the Rear Corner of the Rookery Building (Storage Building and Extension to be Demolished) and New Porch on North Elevation of the Rookery Building- approved with condition 5<sup>th</sup> August 2011

10/4925N - Two Storey Building Containing Two Flats on Land Presently Occupied by a Single Storey Storage Building (To Be Demolished) – approved with conditions 5<sup>th</sup> August 2011

10/4929N - Listed Building Consent for Two Storey Building Containing Two Flats on Land Presently Occupied by a Single Storey Storage Building (To Be Demolished). – approved with conditions 5<sup>th</sup> august 2011

P05/1348 - Change of Use from Office to Residential – Approved 13<sup>th</sup> December 2005

P96/0030 - Listed building consent for various advertisements - Approved 2<sup>nd</sup> May 1996

P92/0383 - Listed building consent for extension/access alterations - Refused 23<sup>rd</sup> July 1992

P92/0382 - Extensions/access alterations – Refused 23<sup>rd</sup> July 1992

P92/0032 - Listed building consent for extension to offices and rear entrance gates - Refused 17<sup>th</sup> August 1992

P92/0031 - Extension to offices and new rear entrance gates – Refused 17<sup>th</sup> August 1992

## **POLICIES**

### **Local Plan policy**

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

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 7 The Historic Environment

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

PG 1 Overall Development Strategy

PG 2 Settlement Hierarchy

EG 1 Economic Prosperity  
CO 1 Sustainable Travel and Transport

### **Crewe and Nantwich Replacement Local Plan**

NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.7 – Conservation Areas  
BE.9 – Listed Buildings: Alterations and Extensions  
BE.11 – Demolition of Listed Buildings  
BE.16 – Development and Archaeology

### **National Planning Policy**

National Planning Policy Framework  
National Planning Policy Guidance

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

**Environmental Health:** No objection conditions requested in relation to soil importation, unexpected contaminated land, Electric vehicle infrastructure, and informatives for hours of operation and contaminated land

**United Utilities:** No objections

**Archaeology:** No objection, subject to a condition for the implementation of a programme of archaeological work

**Strategic Highways:** No objections subject to a conditions for amended access and kerb line plans

**Nantwich Civic Society:** Support the proposal, subject to sufficient parking provision being provided, provision of electric charging points, overlooking of neighbour addressed

**VIEWS OF THE NANTWICH TOWN COUNCIL –** The application proposes two parking spaces for the apartments resulting in a total of seven car parking spaces and four visitor spaces to serve a total of seven dwellings. The total provision for the site is therefore lacking. There is therefore potential for the visitor spaces to be used by the occupants displacing visitor cars to on street parking spaces off site. In this area on street parking is at a premium and further demand will only add to the potential highway safety issues experienced on South Crofts, Crewe Road and London Road.

The access to the site has restricted visibility and an increased level of traffic could cause problems of highway safety.



The site has limited space for parking and open space, an additional two dwellings will lead to cramming of development.

The development will have an adverse impact on the setting of the listed building.

### **OTHER REPRESENTATIONS**

3 letters of representation have been received from local residence. The issues raised are;

- Lack of parking provision
- Parking provision proposed under tree canopies
- Developer has not accorded with the approved plans during the conversion scheme
- Neighbouring house numbers are incorrect on site plan
- Impact on neighbouring amenity by means of over looking
- Impact on light on rear patio area of neighbours garden
- Impact on protected tree
- Impact on amenity of parking proposed to the rear of the site on neighbour
- Over development within the curtilage of listed building
- Impact on air quality in the area

### **OFFICER APPRAISAL**

#### **Principle of Development**

The application site is located within the Nantwich Settlement Boundary where the principle of residential development is acceptable. However the site is located within the Nantwich Conservation Area where any new building must harmonise with its setting by being sympathetic in scale, form and materials to the characteristic built form of the area. Furthermore The Rookery is a Grade II Listed Building and any development should not harm the setting of the Listed Building.

The site has permission for the use of the Listed Building as residential, and therefore the principle of the use has previously been accepted on the site. An extension has also, previously been accepted in the same position and therefore the principle of an extension has also previously been accepted.

It is therefore considered that as the principle of development has already been accepted; the main issues are, the design, impact on the listed building and conservation area, highway safety, neighbouring amenity, and impact on protected trees, in relation to all other relevant policies of the Development Plan.

#### **Design and Impact upon the Conservation Area and the setting of the Grade II Listed Building**

The proposal seeks permission for a two storey extension within the curtilage of the Grade II listed building, The Rookery. Previously there was an extension to the building, which was a later addition, and did not form part of the listed description and which was removed as part of the previous conversion application.

The Historical Maps (1843 – 1893) show an extended building on the plot which indicates that there appears to have been a building located at a right angle to the Rookery with a linking structure. This formed an L-shaped structure adjacent to The Rookery.

The amended plans show a much simpler building than the previous schemes. The building will be set back 2m from the front of the listed building and its simple plain design will appear as a subservient outbuilding within the curtilage of the listed building. The elevations facing the road and the neighbours to the rear have no windows and this will create a more subservient proposal adjacent to the Listed Building. This is similar to a previous approval in 2010, however since that approval an extension to the Listed Building was approved as part of the conversion works in 2016.

The dwelling would replace ancillary buildings which were demolished recently, and therefore the Conservation Officer has raised no objections to the amended scheme subject to conditions for, Permitted Development rights to be removed, external materials to be approved, rain water good to be black metal, window details and garden fences to be low to ensure the curtilage of the listed building is still read as one area. These conditions are considered to be reasonable and are largely in line with the conditions attached to the conversion of the Listed Building.

Given there has been various buildings and extension to this Listed Building in this position previously, it is considered that the proposal as amended would not have a harmful impact on the setting of the listed building or the conservation area.

### **Amenity**

The main properties affected by the development would be the properties on Rookery Close to the rear of the site, the Vet Surgery and the future occupiers of The Rookery.

The proposed extension will have a separation distance of 13.5m from the rear elevation of No.5 Rookery Close (incorrectly numbered No.6 on the site plan). The neighbour has several principal windows on the rear elevation of their dwelling. There are no windows on the rear elevation of the amended plans and therefore the separation distance of 13.5m is considered acceptable and inline with the Council's separation distances for principle to blank elevations. Furthermore the proposed building has no windows on the north elevation which face towards the neighbours garden and therefore would not create any overlooking of the garden area. The building would also not be any closer to the neighbours rear elevation than their outbuilding to the rear of the site.

The proposed habitable windows are all positioned on the side elevations of the proposal, akin to an agricultural building. The windows largely face towards the vets surgery which over look a parking area, or towards the side elevation of Unit 5 of the Rookery. There are two windows which serve the kitchen/living room area of both flats which face towards the side elevation of the Unit 5, however they do not directly overlook the building and therefore are not considered to have a significantly detrimental impact on future occupier amenity.

There appears to be a suitable amount of communal amenity space within the site to accommodate the development, given the central location of the site within the town centre of Nantwich.

It is therefore considered that the proposed development will not have a significantly detrimental impact on neighbouring amenity or the future occupiers of the site.

### **Highways**

The access is located within close proximity to a round-about and a pedestrian crossing at the junction of Millstone Lane and Hospital Street. The original access point was not wide enough to allow vehicles to pass.

The Strategic Highways Manager has considered the proposal and notes that in addition to the 5 units recently approved on the site, the proposal is for 2 additional 1 bedroom apartments which will continue to use the same vehicle access onto Millstone Lane.

The access is acceptable in principle but given the increase in the number of units on site, amendments to the access have been asked for, these include widening the access within the site and amending the kerb line of the footway to align with the site access. This will be controlled by condition.

The proposal includes 12 spaces for the whole development of 7 apartments. This level is considered to be acceptable given that the site is located in a sustainable location within easy walking distance of Nantwich town centre, and public transport and facilities. The Strategic Highways Officer has raised no objections in relation to the parking provision.

### **Trees**

There are several trees on the site which are protected by the Crewe and Nantwich (The Rookery, Hospital Street Nantwich) TPO 1981. It appears that some of the trees originally protected are no longer present as noted in the previous application in 2010.

The proposal has been amended, and now the building is positioned 2m further away from the protected Copper Beach. The Forestry Officer has confirmed that the amended proposal are a positive improvement from an Arboricultural perspective in terms of the trees social and spatial proximity to the proposed building, and have therefore overcome the initial recommendation for refusal of the scheme.

The Forestry Officer has requested updated information in relation to a revised pruning schedule; details of an engineer designed no dig hard surface construction of the proposed parking bays and materials and details of any services. Ideally this information would be preferably submitted upfront but could be conditioned. An update to committee will follow in this regard.

### **Ecology**

There are not considered to be any ecological impact caused by the development.

### **Other Matters**

In order to protect the residential amenities of the adjacent residential properties and the future occupant's conditions will be attached in relation to a dust management scheme.

A number of the issues raised by the Town Council and neighbours were made prior to the amended scheme being received. The amended plans reduce the impact on the listed building and conservation area, as noted above. The plans have been amended to reduce the impact on neighbouring amenity.

The neighbours have raised concerns over the conversion development being carried out in variance to the approved plan. The extension to the Listed Building was built too high, but this has since been reduced and all works have been regularised through the planning and listed building consents 18/2748N and 18/2770N.

### **CONCLUSIONS**

The principle of residential development within the Nantwich Settlement Boundary is acceptable. The proposed development as amended is considered to be of an acceptable scale and design and would not harm the setting of this Grade II Listed Building or the character of the wider Conservation Area.

The development as amended would not harm the amenities of the surrounding residential properties and is considered to be acceptable in terms of its impact upon the highway network, the TPO trees and protected species.

The proposal is therefore considered on balance to be a positive planning benefit in the provision of housing within a sustainable location and bringing the use of a previously derelict Listed Building back into a use, which will safe guard it for several more decades.

The proposal is therefore recommended for approval.

### **RECOMMENDATIONS**

**Approve subject to the following conditions;**

- 1. Development in accordance with the approved plans**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. All windows to be timber – details to be submitted and approved**
- 4. Window reveal of 50mm to be provided**
- 5. Black metal rainwater goods to be provided**
- 6. Remove PD rights for extensions/outbuildings/fencing**
- 7. Internal curtilage fencing to be restricted to 1m**
- 8. Landscaping scheme to be implemented**
- 9. Tree Survey / Pruning schedule**
- 10. Tree protection measures**
- 11. Surfacing materials**
- 12. Soil importation**
- 13. Unexpected contaminated land**
- 14. Details of any external lighting**
- 15. Dust management plan**

- 16. Cycle storage**
- 17. Bin storage**
- 18. Electrical Vehicle infrastructure**
- 19. Archaeological programme of works**
- 20. Amended access and kerb arrangement**

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

