

Southern Planning Committee

Agenda

Date: Wednesday, 6th February, 2019
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

3. **Minutes of Previous Meeting** (Pages 5 - 10)

To approve the minutes of the meeting held on 9 January 2019.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information

Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

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

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

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

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

5. **18/2413C Land Adjoining Meadowview Park, Dragons Lane, Moston: Change of use of land from agricultural land for stationing of caravans for residential purposes by 1 gypsy-traveller family including utility building, hard standing, septic tank, fencing & gates, and shed/dog kennel, part retrospective for Ms D S Smith (Pages 11 - 26)**

To consider the above planning application.

6. **18/4879N Northern Dairies, Groby Road, Crewe CW1 4PE: Change of use from Milk Dairy Storage and Distribution (B8) to metal fabrication company with associated workshops, offices and yard (B2) (re-submission of 18/1270N) for Mr Paul Carruthers, Pegasus Mechanical Installations Limited (Pages 27 - 42)**

To consider the above planning application.

7. **18/1725C Land Adjacent To 68, Close Lane, Alsager: Proposed residential development of 16 no. dwellings with access and layout applied for, as a re-submission of application 16/2993N for Pembroke Homes Ltd & Nichola Jane Beach (Pages 43 - 62)**

To consider the above planning application.

8. **17/6363N Land South of Sandfield House, Station Road, Wrenbury CW5 8EX: Proposed construction of 45 dwelling houses, access, open space and associated infrastructure for Mrs Louise Davies, Sovini Homes Ltd (Pages 63 - 86)**

To consider the above planning application.

9. **18/4283C Manor Point Business Park, Manor Lane, Holmes Chapel CW4 8AG: Hybrid Planning Application for redevelopment of former Manor Lane Business Park site for mixed uses, comprising: (1) Full planning permission for site access and erection of Block A creating 2238 sqm for flexible use purposes within Use Classes B1, B2 and B8, and trade counter uses; together with associated car parking, servicing and external works including creation of flood defence/ecological wetland area and associated landscaping. (2) Outline planning consent for erection Blocks B and C creating a combined 3792 sqm for flexible use purposes within Use Classes B1, B2, B8, & trade counter uses; and erection of Blocks D, E, F and G for flexible uses within Use Classes B1, B2, B8, D1, D2, & trade counter uses (2251 sqm), together with associated car parking, servicing, and landscaping and external works (appearance and landscaping to be reserved for later approval). (All uses to be permitted within the terms of Class V, Part 3, Schedule 2 of the General Permitted Development Order 2015) for Aus-Bore Estates Ltd (Pages 87 - 98)**

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, 9th January, 2019 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Flude and B Roberts

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Andrew Goligher (Principal Development Control Officer - Highways)
Richard Taylor (Principal Planning Officer)
James Thomas (Senior Lawyer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and S Davies

43 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received
correspondence with regard to application number 18/5040N.

With regard to application number 18/5040N, Councillor J Clowes declared
that she had no association with Clowes Developments (North West)
Limited.

44 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 28 November 2018
be approved as a correct record and signed by the Chairman.

- 45 **18/5040N LAND AT MILL STREET AND, LOCKITT STREET, CREWE: HYBRID PLANNING APPLICATION COMPRISING (1) FULL PLANNING APPLICATION FOR THE ERECTION OF TWO CLASS A1 RETAIL UNITS AND ONE CLASS A1/A3 UNIT WITH ASSOCIATED CAR PARKING AND SERVICING AREAS, ACCESS, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING RELOCATION OF ELECTRICITY SUB-STATION, FOLLOWING DEMOLITION OF EXISTING STRUCTURES AND (2) OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR THE ERECTION OF UP TO 70 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE FOR M FREEMAN, CLOWES DEVELOPMENTS (NORTH WEST) LIMITED**

Note: Councillor D Flude (Ward Councillor), Councillor B Roberts (Neighbouring Ward Councillor), Ms E Rawsthorne (objector), Ms H Faddes (supporter) and Mr R Hepwood (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr C Smith had registered his intention to address the Committee on behalf of the applicant but did not speak.

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

RESOLVED

- (a) That, contrary to the planning officer’s recommendation for refusal, the application be APPROVED for the following reasons:

On the planning balance, there are material considerations which outweigh policies SE1, LPS1, SD1, SD2, SE6 and C04 of the Cheshire East Local Plan, Saved Policy S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, the Crewe Rail Gateway Adopted Development Brief and the NPPF, which include employment generation, economic benefit and the proposed development being in a sustainable location.

Taking all this into account, including all other material considerations, the Committee finds that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against policies of the Cheshire East Local Plan and the NPPF.

- (b) That approval be subject to the completion of a S106 Agreement to secure the following Heads of Terms:

S106	Amount	Triggers
Affordable Housing	Mix and tenure to be agreed with CEC Housing.	In accordance with phasing plan.
Health	Contribution to support the development of Millcroft and Earnswood Medical Centres using the below formula:	50% Prior to first occupation 50% at occupation of

	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit	35th dwelling
	Size of Unit 1 bed unit 2 bed unit 3 bed unit 4 bed unit 5 bed unit	1.4 persons 2.0 persons 2.8 persons 3.5 persons 4.8 persons	£504 per 1 bed unit £720 per 2 bed unit £1,008 per 3 bed unit £1,260 per 4 bed unit £1,728 per 5 bed unit
Public Open Space	Provision of Public Open Space of 40m2 per dwelling combined amenity green space and children and young person provision for off site provision for recreational facilities for young people and access improvements on Westminster Street as follows; £3,000 per family dwelling £1,500 per bed space in apartments for off site provision.		50% Prior to first occupation 50% at occupation of 35th dwelling
Education	Contribution to support school provision using the below formula: 12 x £11,919 x 0.91 = £130,155 (primary) 11 x £17,959 x 0.91 = £179,770 (secondary) 1 x £50,000 x 0.91 = £45,500 (SEN)		50% Prior to first occupation 50% at occupation of 35th dwelling
Highways	£7,000 highways contribution towards TRO on Lockitt Street		

(c) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to agree conditions, including the following:

- Landscaping scheme to include additional tree planting
- A scheme for the provision of POS and a LEAP on the site
- A scheme to recognise the site history
- Details of a safe pedestrian/cycle route linking Crewe Station and the Town Centre
- Further details of the access in and out of the site.

46 18/4879N NORTHERN DAIRIES, GROBY ROAD, CREWE CW1 4PE: CHANGE OF USE FROM MILK DAIRY STORAGE AND DISTRIBUTION (B8) TO METAL FABRICATION COMPANY WITH ASSOCIATED WORKSHOPS, OFFICES AND YARD (B2) (RE-SUBMISSION OF 18/1270N) FOR MR PAUL CARRUTHERS, PEGASUS MECHANICAL INSTALLATIONS LIMITED

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

**47 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**

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:

1. Time (3 years)
2. Plans
3. Materials as per application (including timber windows)
4. Removal of PD (A-E)
5. Boundary treatment pre occupation
6. Construction Management Plan
7. Access to be hardstanding
8. Breeding birds
9. Ecological enhancement
10. Land contamination
11. Verification Report re: Remediation Strategy
12. Electric vehicle charging
13. Soil importation
14. Construction Amendment Plan

(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.

**48 17/4974N LAND OFF CREWE ROAD, HASLINGTON CW1 5RT:
RESERVED MATTERS APPLICATION FOR DETAILS RELATING TO
APPEARANCE, LAYOUT, SCALE AND LANDSCAPING FOR 13 NEW
RESIDENTIAL DWELLINGS FOLLOWING OUTLINE APPROVAL
APPLICATION REFERENCE 13/5248N FOR C/O TRAFFORD HOUSING
TRUST DEVELOPMENTS LTD**

Note: Prior to consideration of this application, the meeting was adjourned for a short break.

Mr M Riley (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Accordance with the conditions on the outline permission
 2. Approved plans
 3. Details of materials to be submitted
 4. Compliance with the landscape planting proposals drawing
 5. Compliance with the drainage strategy
 6. Incorporation of features suitable for House Sparrow
 7. Ecological mitigation measures
 8. Submission and approval of levels
 9. Remove PD for extensions and outbuildings on certain plots (authority is DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to agree the plot numbers)
- (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.

The meeting commenced at 10.00 am and concluded at 12.11 pm

Councillor J Wray (Chairman)

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Application No: 18/2413C

Location: Land Adjoining Meadowview Park, DRAGONS LANE, MOSTON

Proposal: Change of use of land from agricultural land for stationing of caravans for residential purposes by 1 gypsy-traveller family including utility building, hard standing, septic tank, fencing & gates, and shed/dog kennel, part retrospective.

Applicant: Ms D S Smith

Expiry Date: 16-Aug-2018

SUMMARY

The proposal seeks permission for the change of use of land from agricultural to the stationing of caravans for residential purposes for 1 gypsy-traveller family (1 pitch).

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is still not considered to be in an accessibly sustainable location. This weighs against granting planning permission for this development.

Recognising these shortcomings, the Council's site identification study (August 2018) recommended that the site was not allocated for Gypsy and Traveller pitch provision in the First Draft of the Site Allocations and Development Policies document ("SADPD") at that time.

Balanced against this is the identified need for accommodation for Gypsies and Travellers in the Borough. 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 draft SADPD includes 3 allocated sites, which amount to 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. However, given the very early stage of the SADPD, very limited weight can be given to this provision.

The provision of needed Gypsy and Traveller accommodation is a clear social benefit of the proposal. However, whilst the requirement for sites and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm.

This site is currently occupied, and the applicant has submitted personal circumstances which indicate, a need for permanent accommodation, and a desire to live in the local area to access public services, such as health care and education. They also have family links with a number of Gypsy and Traveller families in the area. It is therefore considered that in this instance, although permanent permission would not be appropriate, as there is an outstanding need in the Borough, and no clear indication of alternative allocated sites until the SADPD is adopted, it would be reasonable to allow temporary permission until 28th February 2021 (in line with the adjoining sites). This would allow the draft SADPD to be examined and adopted with the inclusion of allocated Gypsy and Traveller sites.

SUMMARY RECOMMENDATION:

Temporary approval subject to conditions

REASON FOR REFERRAL

This level of application would normally be a delegated application, however in this instance the application has been called into Southern Planning committee by Cllr Wray for the following reason.

'Significant local public concerns relating the effects on the character and amenity of the open countryside...dominance of G&T sites in the Moston area ...adjacent to HI PRESSURE GAS PIPELINE...the site is part of a larger parcel of land which is being sub divided into smaller plots and sold to travellers with no connection to the area, so there is therefore no cogent reason to grant planning permission for any alleged unmet need or requirements'

PROPOSAL

The proposal seeks part retrospective permission for the change of use of land for stationing of caravans for residential purposes by 1 gypsy-traveller family with facilitation development (utility building, hard standing, septic tank, fencing and gates, shed and Dog Kennel).

SITE DESCRIPTION

The application site was originally an open greenfield site located within the Open Countryside as identified by the Congleton Borough Local Plan First Review. However the site is now surfaced with hardstanding and houses a Static Caravan and two tourers (at the time of the planning officer's site visit), and utilises the access off Dragons Lane, with the adjoining site.

RELEVANT HISTORY

No relevant planning history.

It should be noted that there have been a number of applications on neighbouring sites within the same field for gypsy and traveller sites.

NATIONAL & LOCAL POLICY

National Policy

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

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

Cheshire East Local Plan Strategy (CELPS)

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land
SE4 The Landscape
SC7 Gypsies and Travellers and Travelling Showpeople
CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
PG6 Open Countryside
IN 1 Infrastructure

Saved policies of the Congleton Borough Local Plan First Review 2005

GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR9 (Accessibility, Servicing and Parking Provision)
GR17 (Car Parking)
GR20 (Public Utilities)
PS8 (Open Countryside)
H7 (Residential Caravans and Mobile Homes)

Moston Neighbourhood Plan – Regulation 18

HOU1 – Location of New Homes
HOU2 – Housing mix and type
LCD1 – Design and Landscape setting
LCD2 – Dark Skies
INF3 – Surface water management
ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity
ENV2 – Trees, Hedgerows and Watercourses

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:

Natural England – No objections

Strategic Infrastructure Manager – No Objections.

Cheshire Brine – No objections, subject to a condition if foundations are required.

HSE – Do not advice against, however National Grid should be consulted

National Grid – Holding Objection – crosses a High Pressure Gas Pipeline – Feeder

Environmental Protection – No comments to make

Moston Parish Council – Object to the proposal (full version available to view on the website)

- There are in principle policy objections to this site,
- The site is within the open countryside and unsustainable location,
- No permanent permission can be granted on this site, in line with many previous applications on the surrounding sites,
- The accumulations of sites is creating an urbanisation of the location,
- Peter Brett Associates were appointed by the Cheshire East Council to undertake a 'Gypsy, Traveller and Travelling Showpeople: Site Identification Study' – site discounted as suitable for permanent or any additional development,
- There is no policy support for a permanent or temporary pitch in this locality,
- Site does not accord with SC7 of the Cheshire East Local Plan Strategy,
- Drainage issues on the site,
- Concerns raised over proximity of the site to a High Pressure Gas Governor and development would further increase risk of explosion – this is shown by the holding objection from Cadent Gas,
- Impact on highway safety,
- Application states there will be 2 parking spaces but there is at least 4 cars parked on site,
- Lack of contaminated land report
- Lack of ecology report and impact on protected species

- The development has caused discernible harm to the character and appearance of the countryside undermining the general effectiveness of countryside protection policies,
- The development is in direct conflict with Local Plan Strategy PG6 and saved policies H8, GR1, and GR2 of the Congleton Borough Local Plan and the Planning Policy for Traveller Sites,

REPRESENTATIONS

Approximately 90 letters of representation from neighbouring households, have been received, including a letter from Fiona Bruce MP, objecting to the proposal on the following grounds:

- Impact on health of occupants due to location near to proximity an animal incinerator and grave yard,
- The proposal crosses the National Grids High Pressure Gas Pipe – potential for extreme danger to the applicant and other people in the vicinity
- Site not allocated in the Peter Brett report as suitable – document which the Council spent a lot of money commissioning
- Adjacent site recently refused
- Impact on open countryside and result in visual harm to this open rural area,
- Cumulative affect of numerous applications on this area of land is unacceptable
- Cumulative affect is having an urbanising impact on the site,
- Unacceptable development of a greenfield site
- Severe impact on light and noise pollution from temporary pitches,
- Site appears to be slowly eroded to a large residential development, turning the land into brownfield,
- Question if the applicants are Gypsies as defined within the PPTS 2015,
- Lack of detailed information relating to the personal circumstances of the applicants
- Site is contrast to Policy H8 (Gypsy Caravan Sites),
- Site remains an unsustainable location
- Concerns the site will become akin to Dale Farm
- Contrary to Policy H of the Planning Policy Traveller Sites
- Impact on listed buildings
- Site is unsuitable for a septic tank
- Support concerns raised by Moston Parish council
- Lack of enforcement action on the site has encouraged further applications
- Impact on ecology/wildlife
- Adjacent sites only permitted temporary due to need for 5 land supply, not considered suitable for permanent siting
- Noise and Light pollution
- Ownership certificate not complete – Who is the applicant?
- This is another attempt to override the planning system by simply developing, moving in and claiming gypsy traveller status, which is not good enough and has caused resentment within the local settled community,

- Concerns over contaminated water entering the local water course,
- Planning Policy for Traveller Sites, CLG March 2012 states that “local planning authorities should ensure that the scale of ... sites does not dominate the nearest settled community” (para 12). Although the number of traveller dwellings may currently be small, the constant applications, breaches of planning, noise and pollution does dominate this small rural community
- The applicants do not have a Need to live in Moston, simply a desire
- Lack of contaminated land report – known site for fly tipping in the recent past
- If permission was granted would only set a precedent for further applications which would escalate into a large residential development
- Other plots have been refused, and only permitted on temporary basis
- Article 4 direction should be imposed on the site
- Moston has 7 licenced gypsy sites, most are permanent, the 2 in this field only temporary, over 13% of the parish housing stock is made up of non permanent structures,
- Former Leader of the Council, Micheal Jones, stated that other permanent sites will be allocated for gypsies and travellers
- Impact on highway safety
- Significantly more vehicles have been using Dragons Lane and the canal bridge which has the 3 tonne weight limit,
- The naïve view of the Planning Inspector in 2012 allowing a temporary permission for one single pitch, *‘I give little weight to fears that a grant of planning permission in this case would set a precedent for the provision of further gyps/traveller pitches in the locality’* has amounted to 12/15 applications on this field
- The area is not suitable for permanent residential development as set out by various planning officers, Committee Members and Planning Inspectors.

OFFICER APPRAISAL

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 specific site has not previously been assessed, however the adjoining sites (5 other sites in total) has been assessed on a previous occasions as not suitable for permanent permission. Two of the adjacent sites on the same area of land, fronting Dragons Lane, have been assessed and have been granted temporary permission until 2021 due to the personal circumstances of the occupiers and the lack of a 5 year supply of alternative site. .

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 adjacent sites at Thimswarra Farm, Dragons Lane, and Meadowview, South of Dragons Lane.

The site selection report concludes, taking into account and balancing the range of factors considered that the site at Thimswarra Farm, Dragons Lane (reference GTTS 16) is **not a preferred site** and is not proposed as an allocation within the FDSADPD.

The site selection report concludes, taking into account and balancing the range of factors considered that the site at Meadowview, South of Dragons Lane (reference GTTS 18) is **not a preferred site** and is not proposed as an allocation within the FDSADPD.

Both the sites above, lie adjacent to the application site are considered to lack accessibility to services, facilities and public transport and would have a detrimental impact on the open countryside.

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 this site in Moston.

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 Local Development Scheme 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.

Conclusion

It is therefore considered that although there is an outstanding need for Gypsy and Traveller provision in Borough, this site has been acknowledged as unsuitable in a number of respects in terms of a permanent permission.

This site is currently occupied, and the applicant has submitted personal circumstances which indicate a need for a permanent pitch, and a desire to live in the local area to access public services, such as health care and education. They also have family links with a number of Gypsy and Traveller families in the area. This has limited weight in the consideration of the application. However, although the site would not be suitable for permanent permission, as there is an outstanding need in the Borough, and no clear indication of alternative allocated sites (at this time), it would be reasonable to allow temporary permission until June 2021 (in line with the adjoining sites), to allow the draft SADPD to be examined and adopted, and a more suitable site found/allocated.

Sustainability

The PPTS (August 2015) states that travellers sites should be sustainable economically, socially and environmentally and states that Local Authority planning policies should;

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;

- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

The PPTS has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges 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 within the development plan'* (paragraph 25). However, it does not state that gypsy/traveller sites cannot be located within the Open Countryside.

The document 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. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. 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 encampment. Furthermore, the application site should not be located in an area at high risk of flooding. These are all matters to be considered in the round when considering issues of sustainability.

The Inspectors who considered the appeals on the adjacent sites identified that most facilities are beyond the 1.6kms specified in the local plan (which was specified in Policy H8 of CBLP – now deleted), however, that most journeys to and from the site would be by private vehicle, but that these journeys would be relatively short and limited in number. Policy SC7 of the CELPS does not specify a distance but states that in considering applications, *'(i) Proximity of the site to local services and facilities'* should be taken account of.

As such, overall it is considered that the site is in an unsustainable location.

Impact on the Character and Appearance of the Open Countryside

There is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS (para 25).

Paragraph 26 of the PPTS requires local authorities to attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land;
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) Not enclosing with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Whilst the principle of caravans in the countryside is not unduly out of keeping, the associated development including hardstanding, utility building, shed/dog kennel, fencing and gates in addition to the proposed caravans, vehicles and existing development, will result in some urbanisation and visual harm to this open rural area. However, of greater concern is the positioning of the development.

In this case there are two permitted separate existing traveller sites located adjacent to the field boundary with Dragons Lane, to the west of the application site. The application site is positioned adjacent to the Site at Meadowview, which has 4 pitches. This site extends the development to the east along Dragons Lane, by one pitch, with the Gas Governor buildings to the east. The proposal extends no further into the site than the existing development. The site is partly surrounded by vegetation, with a roadside hedge and trees, but is currently open to the south/agricultural land.

Subject to the planting of the hedge along the southern boundary to soften the edge of the site with the agricultural field, the proposal is not considered to have any further impact on the open countryside than the existing two sites which are also positioned directly off Dragons Lane.

Amenity

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

The siting of the caravans within a relatively central position within the application site would ensure that the development would not have a detrimental impact on neighbouring amenity. The existing Gypsy and Traveller site to the west is approximately 30m away and the closest neighbouring dwellinghouse is similar over 100m from the site, and therefore considered unlikely to have any increased impact on neighbouring amenity than the existing situation.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principle, and note that the site, if permitted, will require a Site Licence under the Mobile Homes Act 2013 (this site outside of planning legislation).

It is considered to ensure the amenity of the neighbours is safeguarded conditions relating to external lighting plans, shall be included.

Highway Safety

The Strategic Infrastructure Manager notes that this is a full planning application for the change of use of land, to use as a residential caravan site for one family with two caravans on land located off Dragons Lane in Moston. The proposal will utilise an existing access onto Dragons Lane which has been deemed acceptable, and this proposal will result in a minor uplift in traffic generation.

There is adequate space for off-road parking. Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

As such, no objections on highway safety grounds are raised.

Ecology

The nature conservation officer has considered the application and does not anticipate there would be any significant ecological issues with the proposed development, subject to consultation with Natural England in relation to the impact on the SSSI impact zone, and a condition for safeguarding breeding birds.

Natural England have raised no objections with the proposal and therefore it is not anticipated that the proposed development would have a detrimental impact on protected species.

Health and Safety

Bullet point III) of policy GR7 of the Congleton Borough Local Plan states that development will not be permitted which would be likely to expose more members of the public to unacceptable risk either in areas subject to significant hazards or where it is probable that such hazards may increase.

The proposal will be located adjacent to National Grid's High-Pressure Gas Pipeline – 21 Feeder. National Grid exercised its right to place a Holding Objection to the proposal. The site is situated 20m + from the pipe line, and is for one single pitch. A further consultation response is outstanding on this matter and will be updated to the Southern Committee.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. Their planning advice is that they do not advise against this form of development as shown on the proposed block plan on safety grounds against the granting of planning permission in this instance.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

An update on this matter will follow on this matter.

HUMAN RIGHTS AND SAFEGUARDING CHILDREN

Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is

necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the judgment of the Supreme Court in ZH (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Furthermore, 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.

Based on the information provided, no significant issues are raised in this regard.

Conclusion and recommendation

The proposal seeks permission for the change of use of land from agricultural to the stationing of caravans for residential purposes for 1 gypsy-traveller family (1 pitch).

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is still not considered to be in an accessibly sustainable location. This weighs against granting planning permission for this development.

Recognising these shortcomings, the Council's site identification study (August 2018) recommended that the site was not allocated for Gypsy and Traveller pitch provision in the First Draft of the Site Allocations and Development Policies document ("SADPD") at that time.

Balanced against this is the identified need for accommodation for Gypsies and Travellers in the Borough. 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 draft SADPD includes 3 allocated sites, which amount to 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. However, given the very early stage of the SADPD, very limited weight can be given to this provision.

The provision of needed Gypsy and Traveller accommodation is a clear social benefit of the proposal. However, whilst the requirement for sites and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm.

This site is currently occupied, and the applicant has submitted personal circumstances which indicate, a need for permanent accommodation, and a desire to live in the local area to access public services, such as health care and education. They also have family links with a number of Gypsy and Traveller families in the area. It is therefore considered that in this instance, although permanent permission would not be appropriate, as there is an outstanding need in the Borough, and no clear indication of alternative allocated sites until the SADPD is adopted, it would be reasonable to allow temporary permission until 28th February 2021 (in line with the adjoining sites). This would allow the draft SADPD to be examined and adopted with the inclusion of allocated Gypsy and Traveller sites.

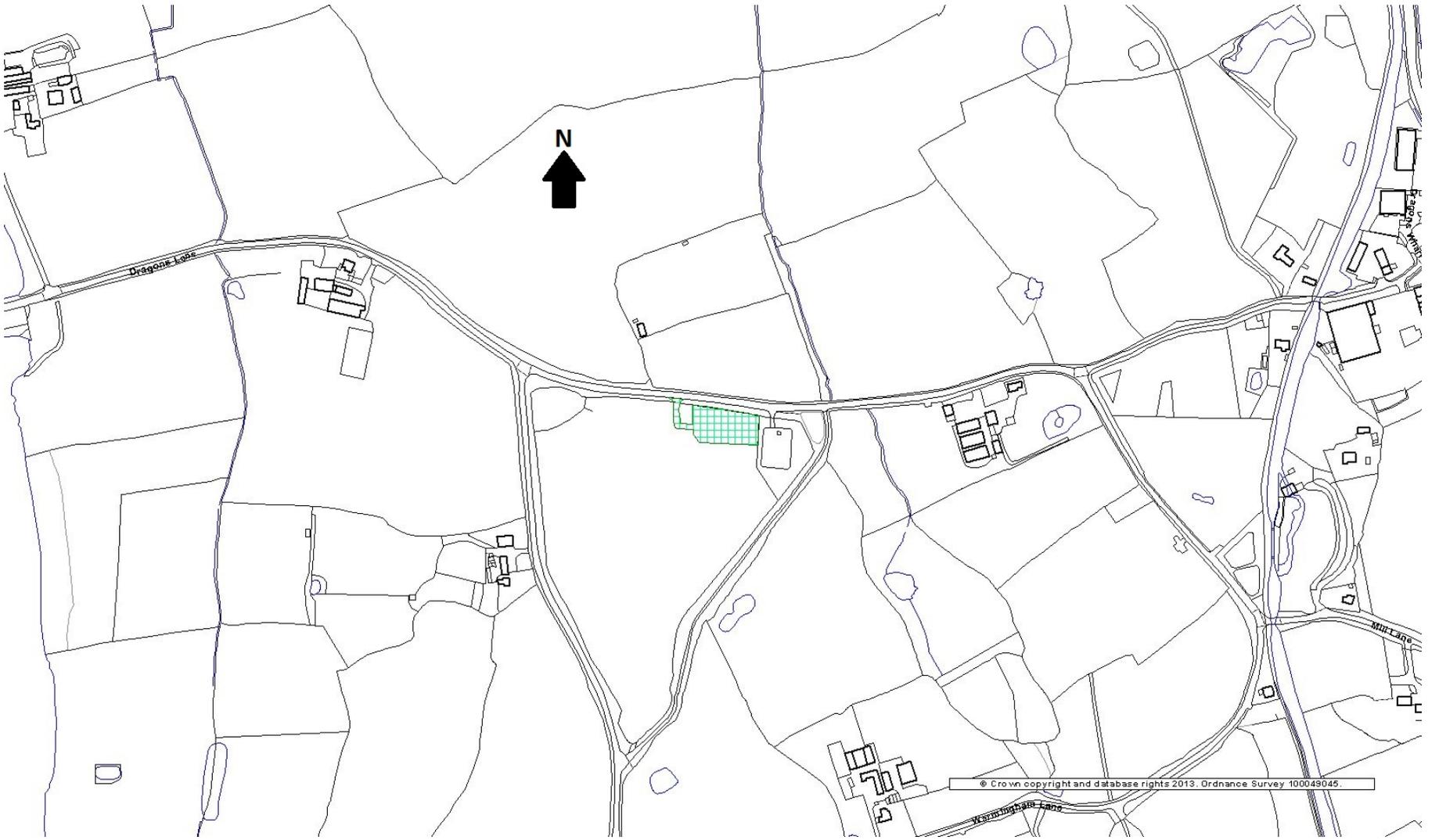
OFFICER RECOMMENDATION:

APPROVED WITH CONDITIONS;

- 1. Temporary permission until 28th February 2021**
- 2. Approved plans**
- 3. The site shall not be occupied by any persons other than Gypsies and Travellers as defined by the Planning Policy for Traveller Sites**
- 4. Approved plans**
- 5. Landscaping scheme to be submitted**
- 6. Landscape Scheme to be implemented**
- 7. No more than 1 pitches, with 2 caravans and no more than 1 static caravans**
- 8. No external lighting installed unless first approved in writing**
- 9. Submission of details for the utility block**
- 10. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site**

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: 18/4879N

Location: NORTHERN DAIRIES, GROBY ROAD, CREWE, CW1 4PE

Proposal: Change of use from Milk Dairy Storage and Distribution (B8) to metal fabrication company with associated workshops, offices and yard (B2) (re-submission of 18/1270N)

Applicant: Mr Paul Carruthers, Pegasus Mechanical Installations Limited

Expiry Date: 01-Mar-2019

SUMMARY

This is a retrospective application on a 'brownfield' site within open countryside for a business involved in the fabrication of steel platforms.

The site is 1 hectare in area located set on a bend on Groby Road. The site has extensive hardstanding to the front and has a 1950's style single storey; single skinned industrial building with attached (brick built) office. An unauthorised extension is located to the rear of the premises, adjoining open agricultural land. There are 2 yards which are laid to hardstanding, one of which adjoins the residential boundary/ménage associated with one of the houses.

The change of use from milk depot (Class B8 Storage and Distribution) to steel fabrication (Class B2) is the subject of numerous complaints from neighbours concerning noise, and is the subject of on going enforcement investigation.

From an economic sustainability perspective, the scheme will provide employment opportunities in the local area and other economic spending benefits in the economy that would derive from that employment provision.

From an environmental perspective the proposal is considered to be acceptable in terms of the impact upon parking, highway safety and traffic generation, particularly having regard to the likely levels of activity associated with the milk depot use.

The Noise Management Plan submitted relies upon the roller shutter door within the premises adjoining the residential elevation being kept shut 'except for access'. The Environmental Health Officer suggests a 12 month temporary permission to enable the recommendations within the Noise Management Plan to be implemented, it is considered that enforceable planning conditions could not be imposed that would satisfactorily safeguard the neighbouring residents' amenity.

In these circumstances, the benefits of the development in terms of employment and economic activity do not outweigh the harm to the amenity of neighbouring residents by virtue of the increased noise and disturbance in planning terms.

RECOMMENDATION:

REFUSE

PROPOSAL

This application is a 'free go' re-submission of an identical application, previously refused by this Committee in September 2018. Some additional mitigation is suggested via a Noise Management Plan is submitted. Hours of operation are being sought as 08.00 hours to 18.00 hours Monday to Saturday.

The proposal is for a retrospective change of use from the former Northern Diaries milk depot (Class B8), to a steel fabrication premises within Class B2 (general industrial) and B8 (storage and distribution) use.

The building within which the steel fabrication occurs is a single skinned steel framed building with commercial sized openings of both end elevations. Large steel platforms to be used in the automotive industry are welded and fabricated within the building.

The unauthorised change of use commenced in March 2015.

SITE DESCRIPTION

The application site is 10,000sq.m compound located on Groby Road on the outskirts of Crewe. The site is secured by 2m high security fencing and contains numerous buildings including the depot building, front office, various outbuildings that were originally cold stores associated with the former Dairy depot and now used for storage.

It would appear that the unauthorised HMO use of part of the front office, the subject of application 18/1770N has ceased since the determination of that application. The rear extension, the subject of refusal under 18/1769N, remains in situ, but is not the subject of this application.

Adjoining the site to the north is a small complex of dwellings/barn conversions in separate residential occupations. A menage also adjoins this boundary, which is operated on a mixed commercial/ancillary residential basis by an adjoining resident of one of the barns...

RELEVANT HISTORY

18/1270N - Change of Use from Milk Dairy Storage and Distribution (B8) to Metal Fabrication Company with associated workshops, offices and yards (B2). Refused 6 September 2018 for the following reason;

The retention of the use of the premises as a steel fabrication premises (Class B2), by virtue of the unacceptable increased noise levels and disturbance would be detrimental to the amenity of the area and neighbours contrary to Policy EG2 of the Cheshire East Local Plan Strategy and saved policies BE.1 Amenity, NE15 Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use and NE.17 Pollution of the Crewe and Nantwich Replacement Borough Local Plan 2011.

18/1769N - Retrospective erection of a steel framed building to the rear of the main workshop - Refused 6 September 2018

18/1770N - Change of use of part of premises to a 9 bedroom HMO with shared kitchen and bathroom facilities - Refused 6 September 2018

Land Adjoining

15/5559N - New Stable Block Comprising 8 Stables (2 for Commercial Livery), a Storage Room, Tack Room and Ménage (40m x 20m) and Rebuild Existing Garage/Workshop for Use as Commercial Livery Yard and Own Horses - granted 2/02/2016- Implemented

NATIONAL & LOCAL POLICY

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

Cheshire East Local Plan Strategy 2010-2030 July 2017

PG 2 Settlement Hierarchy
PG6 Open Countryside
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 2 Efficient Use of Land
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
PG 1 Overall Development Strategy
PG6 Open Countryside
EG 1 Economic Prosperity
EG 2 Rural Economy
EG 3 Existing and Allocated Employment Sites

Borough of Crewe and Nantwich Adopted Local Plan 2011 (Saved Policies)

BE.1: Amenity
BE.4: Drainage, Utilities and Resources
NE15: Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use
NE.17: Pollution Control

National Policy:

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development
80-82 Delivering a strong and competitive economy
83. Supporting a prosperous rural economy

CONSULTATIONS:

Crewe Town Council: Objection on grounds of the continuing noise complaints nuisance and do not consider application to be materially different from the previous application.

Highways: No objections.

Environmental Protection: No objection. A 12 months temporary permission is suggested to assess whether the mitigations within the Noise Management report are sufficient to address the adverse noise levels identified in the Noise report.

Cheshire Brine Board: No objection.

REPRESENTATIONS:

Councillor Bratherton objects to the application on the grounds that the proposals have not addressed any of the reasons for the previous refusal

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

Objections received from 4 neighbours and a commercial planning agent representing one neighbour/owner of the adjacent ménage on the following grounds -

- Previous objections maintained about noise and disturbance during unsociable hours
- The disturbances caused by the industrial levels of activity carried out by the company called Pegasus continue as before and during unsociable hours as on previous occasions.
- Revised hours of operation conflict with the hours of the commercial livery. This will place unreasonable restrictions upon a business established prior to Pegasus. This is contrary to Para 182 of the NPPF where existing businesses should not have unreasonable restriction imposed upon them as a result new development
- This resubmission application claims that there is minimal noise is not true. Much is made of the machinery noise but it is also the very loud banging noise that affects us. To claim that the workers will be asked to put down equipment and tools gently is obviously unworkable and to ask that the neighbours call the manager when it's noisy is unacceptable. The building is not insulated for sound and the noise of workers banging to manipulate steel and huge steel beams being dropped on concrete is very loud and highly obtrusive. It is easy for Pegasus to say and promise they will be quiet to try and get planning permission, but the history of them working is that they are noisy and the business by its very nature makes a lot of noise.
- The previous business was milk warehousing and distribution. The milk was distributed by electric milk floats and therefore was quiet. The site was a dairy and therefore in keeping with the countryside and farming. We NEVER had any reason to complain to the Environmental Health Dept at the council about the dairy.
- Amongst other business, Pegasus make very large platforms for the automotive industry. This means working with huge metal girders and metal fabrication is heavy industry in terms of the investment in the business and machinery and the large structures produced for the car industry.

This type of business should be operated on business parks and away from residential properties. This is a rural area not suited to a large loud steel fabrication business

- Adverse impact upon residential amenity (stress anxiety, loss of sleep) due to noise disturbance from the industrial processes going on in the unit.
- The level of industry at the site to be excessive for this rural location. The impact on the residential properties next door is widespread. The level of noise generated by heavy machinery is disruptive. I have suffered sleep deprivation and regular disturbance from the operations at Pegasus. The workers on site have not been considerate or co operative in regards to the noise. In fact they have been the opposite, the threatening behaviour displayed towards my wife had been reported to authorities several times.
- In addition to this the level of traffic is in my opinion unsafe and has not been assessed or investigated, no highways reports are included in the submitted plans. I do not believe the parking is adequate for workers or deliveries often resulting in cars being blocked in by each other, then car horns are beeped and engines are revved like boy racers.
- The character and design of the site does not reflect its countryside setting. No design statements are submitted. The addition of more buildings and large metal fences is an intrusion on the landscape. The buildings are overcrowded and squashed onto a very small footprint showing that the operations have outgrown the plot. Pegasus already have other premises in Crewe and perhaps the operations on Groby road would be better suited to an industrial park or similar location.
- The outlook by neighbouring properties is impacted by the developments and storage on site. We have also lost privacy by having such a business operating in front of our home. The level of deliveries and visitors has tarnished the once quiet location.
- The application does not give detail about the level and nature of work currently being undertaken by Pegasus. I can assure you that the activity on site is constant. The relentless noise is draining, we are forced to keep windows closed in the summer and can still hear the banging and clanging.
- The operations involve the cutting and spraying of steel, no mention of soundproofing or prevention of air pollution are made? I would also like to raise concerns over where the spray paint is being drained to?

APPRAISAL

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

Principle of Development

The site is the former Express Diaries Milk Depot site which is an existing brownfield site, with substantial industrial premises set in a sizeable yard on Groby Road. The site is within Open Countryside in the Crewe and Nantwich Replacement Local Plan. The Building is of substantial construction.

The former use was as a milk depot involved milk storage and distribution (considered to be Class B8 use). There is no permitted change of use from Class B8 to Class B2 (General Industrial) without planning permission.

Policy EG2 (Rural Economy) of the CELPS states that outside Key and Local Service Centres developments that (amongst other things) provide opportunities for local rural employment development that supports the vitality of rural settlements will be supported where;

- i. Meets sustainable development objectives as set out in policies MP1,SD1 and SD2 of the Local Plan Strategy
- ii. Supports the rural economy and could not reasonably be expected to locate within a designated centre by reason of the products sold. The majority of goods sold should be produced on site....
- iii Would not undermine the delivery of strategic employment allocations
- iv Is supported by adequate infrastructure
- v. Is consistent in scale with its location and does not adversely effect nearby buildings and the surrounding area or detract from residential amenity.
- vi Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape
- vii Does not conflict with Policies PG3,PG4,PG5,PG6, SE3,SE4,SE5,SE6 and SE7 of the Local Plan Strategy

Policy EG2 seeks to ensure that economic activity in such areas is not undertaken at the cost to the amenity of neighbouring residents or area.

Accordingly, in terms of this application, the issue is whether the proposed mitigation put forward in the Noise Mitigation Plan would safeguard the amenity of the residential neighbours/adjoining uses to address the previous reason for refusal in planning terms. This is addressed in the amenity section of this report.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'

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

an 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

These roles should not be undertaken in isolation, because they are mutually dependent. Any assessment should look at sustainable development as a whole.

Economic Sustainability

It is clear that the Government requires the planning system to do everything it can to support sustainable economic growth and to encourage not impede sustainable growth in rural areas.

There are 8 employees at the premises; the building is 1100 sq. metre in floorspace within the site of 1 hectare. The use contributes to the economic objective of sustainability by virtue of the employment generated within the site and the supply chain as a result of the metal products fabricated into steel platforms.

ENVIRONMENTAL SUSTAINABILITY

Highways

The Head of Strategic Infrastructure (HSI) has assessed the application previously and raised no objection to it. This is due to the fact that the site was previously a milk depot and therefore the change of use would be unlikely to lead to an increase in vehicle movements. This is considered unlikely to change in the case of this re-submitted application.

The HSI previously considered that the visibility at the access is acceptable and does not cause detriment to highway safety. There is adequate parking provision within the site to ensure that on-street parking is not generated from the site.

On this basis, it is considered that the proposal does not create any highways harm and the parking of HGV's and other vehicles associated with the use can be adequately stored within the site itself.

Noise

The main issue in this case is noise and disturbance for adjoining residents.

The same noise report which formed the basis of the previous refusal has been re-submitted with this application. This formally submitted assessment has been undertaken with the roller shutter doors on the side of the premises on the residential elevation of the premises in the closed position.

The mains results can be seen in the following table -

3.2 BS4142 (From Source Levels – workshop equipment and fork lift truck)

Table 8 – Plant and Activities (dBA) – Daytime – Levels at Houses

BS4142 (1-hour reference period) dBA	Range of levels from Individual Equipment	Simultaneous Level – All Equipment (1st)	Fork Lift Truck Only (Rear Yard)	Shot Blasting (New Building)	Simultaneous Level – All Equipment (Revisit)
L _{Aeq,T} dB Levels	19-34	42	36	22-24	38-39
Tonal Character Correction	2	2	0	2	2
Impulsive Sound Characteristics	3	0	3	3	0
Other Sound Characteristics	0	0	0	0	0
Intermittency Correction	0	0	0	3	0
Rating Level	24-39	44	39	32	41-42
Background Noise Level LA90 dB (Weekday)	40	40	40	40	40
Background Noise Level LA90 dB (Saturday morning)	35	35	35	35	35
Excess over Background [Rating – Background] dB (Weekday)	-16 to -1	+4	-1	-8	+1 to +2
Excess over Background [Rating – Background] dB (Saturday morning)	-11 to +4	+9	+4	-3	+6 to +7
Weekday	"Low Impact"	"Adverse Impact"	"Low Impact"	"Low Impact"	"Adverse Impact"
Saturday Morning	"Low Impact" to "Adverse Impact"	"Adverse Impact"	"Adverse Impact"	"Low Impact"	"Adverse Impact"

Additions for characteristics applied for internal plant but as noted are not likely to be audible at the receptors. General addition made of +3dB for fork lift trucks to cover any impact noise. Addition for tone, impulsive sound and intermittency added for the shot blaster. For other equipment, working continuously for the worst case calculation, an addition has been added for tone.

The Noise Consultant suggests mitigation to seek to mitigate for the identified 'adverse impact' which his report identifies. This is suggested as being -

1. Filling gaps/holes in the fabric of the building
2. Plastic internal curtain walling
3. Having the existing openings shut when the premises are operational

The Applicant, for the purposes of this current application, has put forward the following recommendations in a Noise Management Plan;

The following general noise control measures have been identified:

Equipment/process	General noise control measures
Roller doors and pedestrian doors	We will keep doors well-sealed and free from gaps and closed at all times when the site is in operation - except for access
Vertical cladding on façade facing the sensitive receptors	In the interim we will seal any gaps and holes and in the long-term we will consider improving the sound insulation on this façade with absorbent material / secondary cladding
Powered hand tools e.g. grinders	We will use acoustic screens close to these activities to reduce the level of noise propagating from work benches to the façade of the building facing the sensitive receptors
Mobile and fixed plant	We will only use the required power and size of equipment
	We will fit engine exhausts with silencers
	We will operate equipment in a quiet and efficient manner
	We will not leave equipment idling unnecessarily
	We will regularly inspect and maintain equipment
	We will endeavor to sequence work to provide respite periods
	We will schedule particularly noisy activities as late as possible in the morning and during hours when residents who work can be expected to be at work. We will identify any particularly sensitive times for residents during consultation.
	We will use quiet reversing alarms/methods. "White Noise" reversing alarms will be used – "Shh-shhh" instead of "beep-beep" type.
	We will prevent shouting and raised voices in external areas – we will fix signs inside and outside reminding staff to keep noise levels to a minimum and to consider our neighbours.
	We will train our staff in regard to environmental noise and the importance of considering our neighbours.

On the basis of this Noise Management Plan (NMP), the Environmental Health Officer is of the view that a 12 month temporary permission is now acceptable to that Division to allow the recommendations within Noise Management Plan to be implemented.

As a result of concerns about the vagueness in planning terms of these measures a further Noise Statement has been requested and submitted which puts forward the noise reductions that could be achieved if the actions within the NMP are implemented.

This additional report puts forward the following reductions which are based on the authors experience rather than any on site measurement of noise;

	Simultaneous Level – All Equipment	Simultaneous Level – All Equipment ex. Fork Lift
L _{Aeq,T} Levels	39	36
Tonal Character	2	2
Impulsive Character	0	0
Other Character	0	0
Intermittency	0	0
Rating Level	41	38
Background Weekday	40	40
Background Sat	35	35
Excess over Background - Weekday	+1	-2
Excess over Background - Saturday	+6	+3
BS4142:2014 Impact Assessment – Depending on Context		
Weekday	Less than “Adverse”	“Low Impact”
Saturday	“Adverse” but not “Significant Adverse”	Less than “Adverse”

Table 1: Reworked version of SBM Table 8 with Noise Control

The Noise Consultant employed to undertake the review of the NMP considers that the roller shutter door to the elevation facing the residential properties can be shut and that with other items such as filling gaps/no longer using very noisy machinery/ noise screens can reduce the noise levels as detailed in the table above.

No assessment has been provided of the noise generated by the loading of 44 tonnes steel platforms which according to information submitted is the maximum size of platforms fabricated. This is unlikely to be placed on the trailer via fork lift truck without noise. In this regard neighbours have complained about the sudden, unexpected sharp noise of banging metal.

The information submitted is that the loading will occur on 2 occasions in the week. The Noise Management Plan refers to the doors being shut 'except for access'. In this respect, it is considered likely that the noise of banging metal will not be controlled adequately. Notwithstanding that the business could easily expand from present levels of employment and activity. It is considered that it would be very difficult to enforce any planning condition to limit the numbers of times the door is opened.

In addition, the information submitted also indicates that the use of the fork lift truck will have an adverse in technical noise terms on Saturdays. Again it is not considered that an enforceable planning condition could be imposed to not permit the use of the fork lift truck on Saturdays

No noise measurement has ever been received of the noise levels within the adjoining residential gardens/premises or ménage with the roller shutter in the open position and the forklift truck entering/egressing through the door to load/unload metal products/materials off the trailer.

The updated Noise Impacts Report of the NMP also does not make any comment about the likely impacts on the noise environment of the roller shutter door when open.

The NMP states that the roller shutter will be kept closed 'except for access' to the yard. There is no definition of exactly what 'except for access' means within the context of this NMP

However, further information has been provided by the Applicant that -

1. The roller door to the north of the site is only required to be open when loading or unloading a trailer.
2. The roller door is open, on average, once every 2 days.
3. On average it takes about 30 minutes to load a trailer.
4. When loading or unloading the trailer (i.e. when the rolling shutter is open) no machinery will be operated in the building. The Applicant says they can arrange to do the loading/unloading during break times or towards the end of the day. The trailer is loaded in the yard using a forklift truck from within the premises, the structural steel platforms loaded are maximum weight of 44 tonnes.
5. The door is electronic and takes approximately 10 second to open or close. Because it is electronic there are sensors that mean that it cannot be slammed
6. There is minimal noise from the door opening and closing (and in any event the machinery will not be operated when the door is being opened/closed).
7. Pegasus intends to fit a lock to the door and the key needs to be signed out by management. This means that the door cannot be opened without management's consent and management can ensure that all machinery is switched off before it is open. They advise they are working at capacity and can not expand at this site

Whilst the Environmental Health Officer is looking at issues of statutory nuisance and her suggested temporary permission is noted, it is not binding upon the Planning Authority. A planning assessment considers matters of noise and disturbance for the neighbours in both their properties and their gardens and the ménage adjacent in respect of their amenity, rather than whether or not a nuisance is occurring.

Members may recall the application to retain the car valet use for a site in Union Street Sandbach (application 17/5999C), whereby upon the receipt of a Noise Assessment, the EHO raised no objection to that use subject to mitigation. The application was recommended positively on that basis.

Notwithstanding the recommendation of Officers in that case, Members refused the application to retain the car valeting business on the basis that the use would be detrimental to the amenities of neighbours by virtue of noise and disturbance (amongst other matters).

The Noise report submitted in that case recommended that roller shutter doors could be closed when power washers were in use. The Inspector, in dismissing the appeal on grounds of the adverse impact upon the amenity of neighbours in their gardens opined;

..'The Noise Assessment also suggests that all roller shutter doors could be kept closed when the power washers are in use, or if this proved to be impractical, automatic high speed doors could be installed. However, it is not clear how opening/closing the roller shutters after each arrival would affect the operation of the business, or how much noise this process would generate. In addition little detail has been submitted regarding the automatic high speed doors, and it is also not clear how practical a solution this would be, or how much noise these doors would generate. Moreover, it is unclear how much noise would escape when either the shutters or doors were opened/closed.....it is not clear that these measures are capable of providing a satisfactory or appropriate solution...'

Para 11 Appeal ref APP/R0660/W/18/3202283

The Applicant in this case considers that a condition could be imposed to require the roller shutter door on the elevation adjacent to the residents to be kept closed. Whilst they have clarified that the door is presently opened for 2 occasions, this cannot reasonably be enforced in planning terms, particularly if the business expands.

The NPPF requires conditions to be precise and enforceable. A condition could not be phrased to protect the amenity of neighbours when the door is opened and it would be impossible to define what constitutes access and how long that should take (ie notwithstanding the information submitted in terms of the NMP and the intention to fit a lock to the door, this can not be enforced). The Applicant has confirmed that they don't intend to remove the door because they require it for access. This is therefore contrary to National Planning Guidance.

It also has to be borne in mind that the use of the premises is essentially a non conforming use in close proximity to numerous residential uses and that the previous activities undertaken at the site were within Class B8 (Storage and Distribution) which is an entirely different use to a General Industrial and Manufacturing use within Class B2. The neighbours have already noted in their comments on this application that they had no issue with the former use/operation of milk floats and they continue to be disturbed by the sudden unexpected sound of crashing metal. Whilst the NMP may improve the situation, the suggestion to only load/unload the trailer of large steel platforms that need a minimum of 30 minutes to be loaded on to a trailer cannot be enforced in planning terms.

On this basis the proposal is considered to be detrimental to the living conditions/enjoyment of outside space of the neighbours and the adjoining ménage.

Social Sustainability

Paragraph 92 of the Framework, which concerns the promotion of healthy and safe community, requires that amongst other things planning decisions should ensure an integrated approach to considering the location of housing and economic uses.

Objections have been previously received from local residents expressing concerns about the impact on their amenity, by virtue of the noise created by the use and the activity at weekends, early mornings and late evenings.

Previously, neighbours complained of the noisy activities occurred very early in the morning and as late as 8pm at night. The Applicant now seeks to operate from 08.00 hrs to 18.00 hours for 6 days a week. This only excludes Sunday. The further assessment of the NMP undertaken refers to adverse effects on a Saturday, a day in the week when residents could reasonably expect to use their garden/ménage.

Accordingly, the proposal, by virtue of the noise and disturbance created for the adjoining residential occupiers is considered detrimental to the amenity of the neighbours. It is further considered that conditions could not be imposed that would safeguard amenity for the neighbours.

Saved Policies BE1, NE15 and NE17 of the Crewe and Nantwich Replacement Local Plan requires developments to be compatible with surrounding land uses, not to result in a loss of amenity for neighbours/sensitive occupiers of adjacent or lead to an increase in noise pollution which can not be mitigated by planning condition. This use is a non compatible industrial land use with heavy steel fabrication occurring within a building which was originally utilised as a storage and distribution depot.

Accordingly, the dis-benefits are considered to outweigh the benefits of the proposal to the economy and no conditions could reasonably be imposed that would adequately mitigate the 'adverse' harm to the amenity of neighbouring residents identified in the Applicant's own noise report.

Conclusion – The Planning Balance

From an economic sustainability perspective, the scheme will provide employment opportunities in the local area and other economic benefits that would derive from that employment provision.

This is a retrospective application on a 'brownfield' site, for a business providing employment. Further to the previous refusal, the Applicant has provided a Noise Management Plan and further clarification of the use to address the previous reason for refusal. The recommendations of this Noise Management Plan are not considered to be enforceable in planning terms. It is considered that the use of the premises sought is incompatible with the sensitive nature of the residential uses adjoining and on this basis the proposal comprises harm to interests of acknowledged importance.

From an environmental and social perspective the proposal is considered to be unacceptable. The increased noise disturbance will have an adverse impact upon the amenity of neighbours. This is considered to outweigh the benefits to the economy/employment generated by the proposal.

The proposal is therefore considered to be an unsustainable form of development which is contrary to local planning policy and national planning guidance.

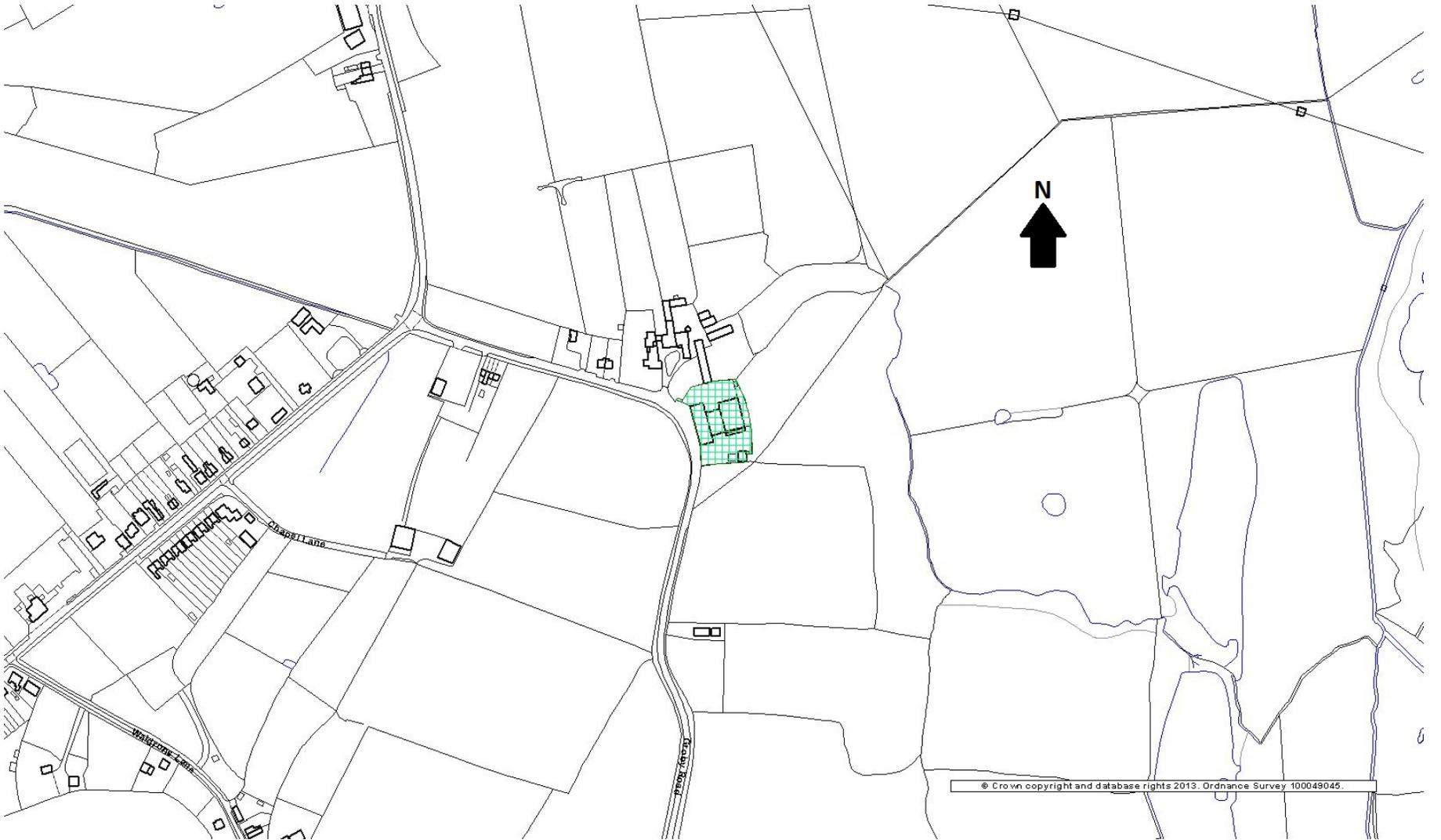
RECOMMENDATION

REFUSE for the following reason:

1. The retention of the use of the premises as a steel fabrication premises (Class B2), by virtue of unacceptable noise and disturbance would be detrimental to the amenity of the area and neighbours contrary to Policy EG2 of the Cheshire East Local Plan Strategy and

saved policies BE.1 Amenity, NE15 Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use and NE.17 Pollution of the Crewe and Nantwich Replacement Borough Local Plan 2011.

In order to give proper effect to the Board`s/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: 18/1725C

Location: LAND ADJACENT TO, 68, CLOSE LANE, ALSAGER

Proposal: Proposed residential development of 16 no. dwellings with access and layout applied for, as a re-submission of application 16/2993N.

Applicant: __, Pembroke Homes Ltd & Nichola Jane Beach

Expiry Date: 06-Feb-2019

SUMMARY

The proposal would be contrary to Policy PG6 (open countryside) of the CELPS & PS8 (open countryside) of the Congleton Borough Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan. The proposal would also be contrary to Policies IN1 (Infrastructure) & IN2 (Developer Contributions) of the CELPS as it would not provide the full affordable housing contributions.

The benefits of the proposal would be the provision of open market housing and the limited economic benefits during construction.

The development would have a neutral impact upon, education, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside and the shortfall in x2 affordable units.

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks outline consent for the proposed residential development of 16 dwellings with access and layout applied for, as a re-submission of application 16/2993N.

Appearance, landscaping and scale are reserved matters.

SITE DESCRIPTION

The application site comprises part of the garden area serving No.68 Close Lane and the open field to the rear.

The area consists of predominantly residential properties to the north, east and west, with this side of the road being a row of ribbon development. Open countryside lies to the west.

The nearest residential properties are sited immediately to the north and south of the site.

No significant variation in land levels noted on this site. The site has an existing vehicular access taken off Close Lane.

The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence. There are large trees sited on the north-western, south-eastern and south-western boundaries.

The site is located in the Open Countryside as per the Local Plan and contains trees covered by Tree Preservation Order to the North-western boundary.

RELEVANT HISTORY

16/2993N – Proposed outline residential development of 16 no. dwellings with access and layout applied for – Approved 19-Mar-2018

7/08028 – 5 detached houses with garages – Refused 31-Mar-1981 for the following reasons:

- 1) The site is not allocated for any development of the approved development plan which means that it is the local authorities intention that the existing use of land shall remain for the most part undisturbed
- 2) The local authorities policy has been to allow limited infilling of the various gaps in the otherwise built up frontage on the western side of Close Lane but the present proposal consisting of residential development in depth behind the frontage properties, does not constitute infilling and a such would be poorly related to the existing pattern of development along Close Lane
- 3) The local planning authority are not satisfied on the evidence available to them that adequate foul and surface water drainage of the site can be achieved having regarding to the shallow depth of the available sewer in Close Lane and to the fact that soakaways are not considered to be satisfactory means of surface water disposal in this area
- 4) There is insufficient frontage available to the county highway which to form access with visibility splays and necessary standards

DIFFERENCE TO THE APPROVED SCHEME

Application 16/2993N was approved subject to 106 agreement requiring a contribution of £65,224 towards primary and secondary education and 5 affordable units.

The current proposal seeks for the same number of dwellings, on the same site with the same design and layout as per the 16/2993N approval. However this application seeks to demonstrate that the scheme is unable to provide all of the required contributions.

ADOPTED PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable 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
SE7 – The Historic Environment
SE9 - Energy Efficient Development
SE12 - Pollution, Land Contamination and Land Instability
IN1 – Infrastructure
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 - Residential Mix
IN2 – Developer Contributions

Congleton Borough Local Plan (CBLP) Saved Policies:

PS8 – Open Countryside
GR6 – Amenity and Health
GR9 – Accessibility, Servicing and Parking Provision
GR20 – Public Utilities
NR2 – Wildlife and Nature Conservation (Statutory sites)
NR3 – Wildlife and Nature Conservation (Habitats)
NR4 - Wildlife and Nature Conservation (Non-statutory sites)

Alsager Neighbourhood Plan (ANP) Regulation 14 Stage therefore carries limited weight

H1 Type and mix of new housing
H2 Climate change and housing
H3 Infrastructure and sustainable housing development
H4 Size, scale and density of new housing developments
H5 Early consultation
H6 Affordable housing
H7 Housing design
NBE1 Open space and recreation
NBE2 Landscape quality, countryside and open views
NBE4 Woodlands, trees and hedgerows
NBE5 Wildlife and housing
TTS2 Congestion and highway safety

TTS3 Parking and electric charging points
TTS9 Infrastructure
TTS12 Drainage – SUDS design and management
TTS13 Surface water

Haslington Neighbourhood Plan (HNP)

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

- 11. Presumption in favour of sustainable development
- 57. Planning Conditions and Obligations
- 59. Delivering a Sufficient Supply of Homes
- 124-132. Achieving well-designed places

PPG Viability

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to condition regarding the provision of the visibility splays as shown on the plans

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; travel information pack, electric vehicle charging points, low emission boilers and contaminated land

CEC Flood Risk – No objection subject to conditions regarding detailed proposals for disposal of surface water and detailed drainage calculations

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

CEC Open Space (ANSA) – No comments received at the time of writing the report

CEC Housing – Objection as the proposal requires provision of 5 affordable units

CEC Public Rights of Way (PROW) – No objection

United Utilities - No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme

Town/Parish Council –

Haslington Parish Council – Objection on the following grounds:

- The local infrastructure is not sustainable and cannot cope with additional housing.
- The extra vehicles will create traffic problems as the highways are not of a fit and appropriate carriageway construction.
- The local education offer does not have enough space to accommodate the proposed family units.
- The local plan has identified that sufficient housing is available in Alsager and Haslington so there is no need for more development.

Alsager Town Council – Objection of the following grounds:

- The land is not in the Cheshire East Council Local Plan allocated for housing
- Cheshire East Council has a 5-year housing supply
- Overdevelopment
- Highway concerns – dangerous access.

Ward Councillor – No comments received at the time of writing the report

REPRESENTATIONS

Letters of objection received from 14 households raising the following points;

- Impact on sewers/flood risk
- Impact on ecology/wild life
- Loss of greenfield site
- Number of existing development in Alsager
- Not providing education contribution
- Various factual errors in the submission
- The site is not needed to meet the Council 5 year housing land target
- No mention of previous refusal on the site
- Highways safety
- Air quality
- Locationally un sustainable
- Over head power cables
- Harm to landscape/countryside
- Impact on infrastructure

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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

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

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th 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 6th 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.

Housing Mix

Paragraph 61 of the Framework states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with

disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes’.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses.

A condition could be imposed to secure a mix of house types at the reserved matters stage.

Affordable Housing

This is an outline application for 16 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council’s Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings.

The current number of those on the Cheshire Homechoice waiting list with Alsager as their first choice is 293. This can be broken down to 142 x 1 bedroom, 96 x 2 bedroom, 46 x 3 bedroom and 9 x 4+ bedroom dwellings.

The SHMA 2013 shows the majority of the house type demand annually up to and including 2018 in Alsager is for 38 x 2 bedroom, 15 x 3 bedroom and 2 x 4 bedroom dwellings for general needs with 5 x 1 bedroom for older persons via flats, cottage style flats, bungalows and lifetime standard homes.

On this site therefore, a mix of 1, 2 and 3 bedroom dwellings with older person provision would be acceptable. This is also using the Completion and Projections data housing have for the housing types in Alsager.

In light of the above 3 units should be provided as Affordable rent and 2 units as Intermediate tenure.

This would be secured as part of a S106 Agreement.

Education

An application of 16 dwellings is expected to generate 2 secondary aged children.

The development is expected to impact on 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 primary and secondary school places still remains. No contribution is sought towards primary or SEN.

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

$2 \times £17,959 \times 0.91 = £32,685$

Total £32,685

This would be secured as part of a S106 Agreement.

Viability/Previous planning permission

History/current state play

Planning permission has already been granted on the site for 16 dwellings dated 06-Apr-2018 subject to 106 for education and affordable housing contributions which were to be met in full. This extant scheme therefore carries weight in the decision making process. The current proposal is a re-submission of this scheme but seeking to justify that it is no longer able to deliver all contributions towards education and affordable housing. As such a viability case has been put forward by the applicant.

What is required to be policy compliant

As noted above to be policy compliant the current proposal requires a contribution of £32,685 to off-set the impact on education and also requires the provision of 5 affordable units to be provided on site.

Viability case

The application has been supported by a viability statement prepared by Stanny Brook which concludes that the scheme cannot support any financial contributions. The table below shows the conclusions based on the 3 scenarios as shown. This suggests that even with no contributions the proposal would have a deficit of £-295,500.

Appraisal Assumptions	RLV	Benchmark Land Value	Surplus/Deficit
Full S106 Contributions	Nil	£432,500	Significant ¹
Affordable Housing Only	Nil	£432,500	Significant ²
No S106 Contributions	£137,000	£432,500	-£295,500

The Council has had the applicants viability assessed by an independent consultant (Geraldeve) who concluded that the scheme could provide a contribution of £30,286 and x5 affordable units on site. Thus the council consider that this shows that the scheme is more viable than has been suggested.

In response the applicant provided a revised viability report with further evidence/justification, under taken by Grasscroft, which concluded that whilst viability remains an issue the applicant proposes to provide 3 affordable units.

This report was then re-assessed by Geraldeve who conclude that a number of material inputs are not compliant with guidance, including Benchmark Land Value and Abnormal Costs and advise that further evidence in the form of adequate comparable evidence and cost report are provided to justify these inputs as per guidance.

However they also advise that having regard to low level of profit produced by the scheme, they are of the opinion that even in the instance abnormal costs are substantially lowered the scheme is incapable of meeting the Benchmark Profit level.

As such Gerardeve are of the view that the proposed scheme is unable to provide any further contributions in addition to the 3 affordable units previously offered whilst remaining financially viable.

Current offer

The applicant has also since confirmed that they would be willing to provide the full education contribution of £32,685 and 3 affordable units. With this in mind the overall shortfall is therefore x2 affordable units.

Conclusion

Given the findings of the Gerardeve appraisal, the Council do not contest the viability case put forward by the applicant. However the bottom line is that even with the revised offer from the applicant to provide 3 units and the full education contribution, the proposal would not be policy compliant as it would not provide the relevant contributions towards affordable housing (2 less units than required). Therefore this weighs against the proposal.

Open Space

As the proposal is below 20 dwellings there is no formal requirement to provide formal open space. However each plot has more than the minimum level of garden area as noted in the SPG.

Health

In this case there has been no request for a contribution from the NHS and on this basis the impact upon health care provision is considered to be acceptable.

Location of the site

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that the some local amenities are available within the immediate location.

The site was also deemed to locationally sustainable through approval of the previous application and the development to the south-west. As such a refusal on these grounds could not be sustained.

Residential Amenity

The main residential properties affected by this development are 66, 68 and 70 Close Lane.

No.68 Close Lane

Plot 1 would be sited 13m to the side elevation at the closest point serving bathroom and kitchen windows, which are not considered to serve habitable rooms. Plot 1 would also sited slightly angled away thus preventing a direct relationship with these windows therefore this separation distance would be sufficient to prevent significant harm to living conditions. No elevation plans have been provided to indicate the room layout/location of side facing windows however this would be addressed at reserved stage to prevent overlooking/loss of privacy from any side facing windows.

Plot 16 would be sited 27m away from the rear elevation windows and 10 from the shared boundary. These separation distances are considered sufficient to prevent significant harm to living conditions.

The proposed garage is likely to be single storey in height and therefore would be viewed against any boundary treatments.

No.66 Close Lane

Plot 16 would be sited 31m away from the rear elevation windows of No.66 and would also be set 12m from the shared boundary. These separation distances are considered sufficient to prevent significant harm to living conditions.

The proposed garage is likely to be single storey in height and therefore would be viewed against any boundary treatments.

No.70 Close Lane

Plot 1 would be sited 8m to the side elevation windows. This distance would be shy of the 13m separation distance recommended in the relevant SPD however it does stipulate that this is a figure is a guide only and should be amended to reflect site specific circumstances. In this instance no elevation plans have been provided to indicate the room layout/location of side facing windows however this would be addressed at reserved stage to prevent overlooking/loss of privacy from any side facing windows. It is also noted that plot 1 has been set back from the front of No.70 by approximately 8m and would be set to the middle of the existing garage at No.70 which would ensure that outlook would remain from the middle and left hand side of the side facing windows (it is also considered unreasonable to rely on outlook from 3rd party land). There is potential for loss of sun light for a part of the afternoon however light would already appear restricted to the ground floor windows by the existing garage and No.70 has a substantial rear garden area therefore any overshadowing will be limited to the small section immediately adjacent to the boundary which will already suffer from an element of overshadowing from the boundary treatment. Therefore on balance it is not considered that there will be any significant harm to living conditions.

Environmental Protection have also raised no objections subject to a number of conditions/informatives including; travel information pack, electric vehicle charging points, low emission boilers and contaminated land

The plots would also provide either up to or more than the minimum 50sqm of private amenity space as noted in the SPD.

As a result it is not considered that the proposal would cause significant harm to living conditions of neighbouring properties.

Contaminated Land

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

Highways

The site is located on the west side of Close Lane; given the scale of development proposed the submission of a Transport Statement is not required to support the application.

The site plan indicates a new road to be constructed between two existing properties this is shown as 5.0m wide with two 2.0m footways. It is clear that the boundary hedge will need to be removed to accommodate the access.

In regards to traffic impact, there have been numerous residential planning applications approved in the vicinity of this site and the cumulative traffic impact of all the dwellings coming forward is a material consideration. However, it is not considered that a refusal reason for 16 dwellings solely on traffic impact could be justified as a recent refusal on the cumulative traffic impact for a much larger development off Close Lane has been allowed at appeal. This is a material consideration which carries significant weight.

The internal layout submitted is a standard design with a turning facility at the end of the road and this is an acceptable design.

As a result the highway engineer has raised no objections therefore it is not considered that the proposal would pose any significant harm to the existing highway network.

Landscape

This is an outline application for 16 dwellings with access. The application is located on the western edge of Alsager and covers an area of approximately 0.7 hectares. The application site is to the east by Close Lane; there are residential properties along both sides of Close lane adjacent to the proposed site access, beyond these are areas of open countryside. To the south of the site is White Moss Quarry, which has planning approval for residential development. The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence. A group of trees located along the western site boundary are subject to a group TPO order. The topography of the site is relatively flat, varying between 80-85M AOD. There are no landscape designation on the application site. The Landscape and Visual Appraisal refers to the Borough of Crewe and Nantwich Replacement Plan and Policy NE2 – Open Countryside, however, the Local Plan Strategy was adopted in July 2017 and Policy PG6 is the current Open Countryside Policy.

As part of the application a Landscape and Visual Impact Appraisal has been submitted, this refers to the National Characters Areas, as defined in natural England's Character Assessment, as well as the Cheshire Landscape Character Assessment, in this case the application site is located within the Mosslands Character Type and specifically the Oakhanger Character Type M3.

Based on the Proposed Site layout, Drawing No. 1190-PL-03E the landscape and Visual Appraisal indicates that the landscape impacts for the study area the sensitivity is low-medium and that there will be a will be slight adverse landscape effect, and that for the site the sensitivity is low-medium and that the proposals will have a moderate adverse landscape effect. The visual assessment identifies seven receptors and indicates that there will be a moderate-substantial adverse visual impact for residents adjacent to the site to the east (view 1); moderate adverse to residential properties facing the site further to the north (view 2); negligible for users of FP3 to the west (viewpoint 3); moderate – substantial adverse for users of FP 49 to the south (viewpoint 4); substantial adverse for users of FP37 to the north (viewpoint 5); moderate-substantial adverse for users of FP37 further to the north (viewpoint 6) and moderate adverse for users of FP20 to the north west of the site (viewpoint 7).

The councils landscape officer has considered the proposal and would broadly agree with the appraisal that has been submitted, although this is based on the outline Proposed site layout drawing, which can only be considered as being indicative; this indicates that there will be moderate-substantial adverse visual effects on a number of receptors. The appraisal identifies that the site is located within the open countryside, Policy PG 6 – Open Countryside seeks to protect open countryside from urbanising development. Policy PG6 recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 17 of the Framework. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. Since the submitted appraisal identifies that there will be a slight adverse effect as well as moderate-substantial visual effects on a number of receptors, it is not clear how the proposed development will either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside.

However as permission has already been granted for housing on this site, it is not considered that a refusal on landscape grounds could be sustained.

Trees

The application is supported by a Tree Survey Report. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The proposed development site is bounded by trees on all sides except the northern boundary and the area associated with the existing dwelling. Seven of the mature Oaks standing on the western boundary aspect are protected by a 1996 Tree Preservation Order, with the group identified as G22 located on the southern and groups G23, G25 and G26 on the eastern boundary. These groups are mainly formed by early mature Pines Beech and Spruce.

The development proposals identify the loss of three individual trees (T6, T12 & T24) and four groups of trees (G23, G25, G26 & G29) along with a section of hedge (H30).

All three individual trees are considered to be insignificant within the landscape and categorised as low value category C specimens. The three groups which form the eastern boundary to the site are relatively young in terms of age classification, and appear to have received minimal management since planting, forming closely spaced groups. Their removal is required to facilitate both the proposed access road and plots 14 and 15. Two electricity wires presently extend across the site, significant reduction and pruning has compromised the retention of G25 and the southern aspect of G26, ongoing pruning will also be required in respect of the southern aspect of G23 and the northern leading edge of G22 to satisfy safety and line clearance requirements. All three groups of trees are clearly visible from the adjacent public foot path Haslington FP49 to the east and as part of filtered views between and over properties.

The value of all three groups located on the eastern boundary is associated with their collective presence rather than as individual specimens, this has been predicated by the absence of formal management; it would be difficult to retain isolated trees from within the groups where there are no direct construction implications, the loss of mutual protection would reasonable increase the likelihood of failure in relation to

any retained trees. Their value has been down graded to moderate (Cat B BS5837:2012). The Council's arborist concurs with this designation. The loss of G25 is accepted, any value has been removed as a result of historic line clearance pruning, the removal of both G23 and G26 will have an identifiable impact on the amenity of the immediate area, and the wider landscape.

The proposed development respects the Root Protection Areas of the retained trees including those protected as part of the 1996 Tree Preservation Order. An acceptable tree protection scheme has been submitted which accords with the requirements of current best practice BS5837:2012.

However the Council's Arborist raised initial concerns that whilst there are no direct implications for retained trees a number of plots establish a poor social proximity and indirect problems are anticipated in relation to light attenuation and shading and an absence of utilisable external space, inevitable leading to pressure for additional works including trees protected by the 1996 TPO. The shade diagrams provided by the applicant's arboriculturalist support this view with plots 12 – 14 in almost full shade for the majority of the day, and other rear gardens impacted significantly.

The outline application as presented with access and layout applied for clearly has direct indirect implications for trees, the majority of which are visible from public vantage points.

As a result of these concerns the site plan has been amended which has resulted in plots 12-14 and the garden areas being re-positioned 3m further north to move the dwellings further away from the shaded areas reduce the part of garden area locating in the shading zone. This amendment has also resulted in the trees being located outside of the garden areas. The applicant has also confirmed that the trees will be retained in the ownership of a management company who will restrict works to the trees.

This has been re-assessed by the Council's Arborist who considers that whilst an element of shading of the garden areas will remain, a condition could be used to secure the management agreement to limit pruning works to ensure protection of the trees.

The arborist has also recommended a specimen landscape scheme to mitigate the loss of trees from the eastern boundary.

Design

The locality contains a mixture of property types ranging from regular 2 storey properties, link-detached/town houses, bungalows and dormer bungalow properties both detached and semi-detached and with mixed design. Whilst the property types have not been confirmed at this stage given the mix of property types it is considered that a mixture of property types could be accommodated in the street scene without causing significant harm to the existing pattern of built form.

The layout plan suggests that the most forward facing dwelling (plot 1) would be set back from the road by 25.5m and would be set behind the existing built line of No.68 & 70 Close Lane by 10m. As a result the property will not be overly prominent in the street scene. The remaining properties would be sited even further back and would also be unobtrusive when viewed from the street frontage.

At this stage the heights and design of the properties has not been detailed as this is a matter to be considered at reserved matters stage. However it is considered that the heights should be no more than 2 storey to respect the existing pattern of built form. The material type in the locality is predominantly

red/orange brick and tiled roofs, therefore it is suggested that a continuation of these would be acceptable and would be addressed at reserved matters stage.

The plot fill and garden areas would also be comparable with other properties in the locality. The site plan suggests that property frontages would range between 6.7m-9m which again would be consistent with the mix of property frontages in the street scene.

As a result it is not considered that the proposal would cause significant harm to the character/appearance of the area.

Ecology

Designated sites

The proposed development is not likely to result in any adverse effects on non-statutory wildlife sites.

The proposed development is not of a type that has been identified by Natural England as being likely to have an adverse impact on statutory designated sites at this location. No further action is therefore required.

Great Crested Newts

The Great Crested Newt survey report submitted in support of the 2016 application was constrained due to a lack of access permission to survey the ponds within White Moss Quarry. No evidence of Great Crested Newts has however been recorded during previous surveys undertaken of the quarry and no evidence of the species was recorded at the four ponds surveyed as part of the latest assessment.

The Councils Ecologist therefore advises that this species is not reasonable likely to be present or affected by the proposed development.

Bats and Trees

The submitted ecological report advises that the boundary trees on site have the potential to support roosting bats. A further survey by a licensed bat worker in 2016 identified only one tree (within group 29) to be removed with LOW potential to support a bat roost. The updated survey has confirmed that the tree continues to offer LOW potential.

Ponds

Ponds are a local priority habitat and hence material consideration. A small shallow pond is present on this site that would be lost as a result of the proposed development. A replacement pond is shown on the submitted layout plan.

It should however be confirmed that the replacement pond is not within the garden of unit 16.

Other protected species (OPS)

No OPS setts are present on site, some evidence of OPS activity was recorded during the submitted survey. The Councils Ecologist advises that the proposed development will have a minor localised impact on this species as a result of the loss of potential foraging habitat, however this is not likely to be significant.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted The Councils Ecologist recommends that the following condition be attached for a reserved matters application to include proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed.

Nesting Birds

If planning consent is granted The Councils Ecologist has requested condition requiring a bird surveys should works take place between 1st March and 31st August in any year and the reserved matters application to include feature for breeding birds.

The above conditions are considered both reasonable and necessary and shall be added to any decision notice. As a result it would appear that any impact to ecology can be suitably mitigated by conditions.

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 scheme does not require an air quality impact assessment. 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 particular the impact of transport related emissions on Local Air Quality.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps and the site is less than 1 hectare. As a result there is no need for a Flood Risk Assessment to be provided.

However a Preliminary Flood Risk Assessment (PFRA) has been provided. The FRA concludes that a number of measures are proposing regarding ground contamination.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice.

The Councils Flood Risk Team has also been consulted and have advised that they have no objection subject to the following conditions:

- 1) Management and maintenance plan of surface water drainage for the site
- 2) Scheme for the management of overland flow from surcharging of the site's surface water drainage system
- 3) Timing/phasing arrangements embodied within the scheme
- 4) Scheme for the provision and implementation of a surface water regulation system
- 5) Ground levels and finished floor levels (FFLs) to be approved

The above conditions are considered both reasonable and necessary and will be added to any decision notice.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

Economic

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits to Alsager including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Agricultural Land Quality

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

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

In this instance no assessment regarding the agricultural land quality has been provided. However the principle of the loss of this land for agricultural purposes was accepted as part of the initial application.

Therefore a refusal on these grounds could not be sustained.

CIL Compliance

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

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

The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution of £32,685 towards secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

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

PLANNING BALANCE

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

The proposal would be contrary to Policy PG6 of the CELPS & PS8 of the Congleton Borough Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan. The proposal would also be contrary to Policies IN1 (Infrastructure) & IN2 (Developer Contributions) of the CELPS as it would not provide the full affordable housing contributions.

The proposal would also be contrary to Policies H3 (Infrastructure and sustainable housing development) & H6 (Affordable housing) of the Alsager Neighbourhood Plan given the shortfall in affordable housing however given the stage of the Neighbourhood Plan (Regulation 14) it is not considered that these policies can be attributed significant weight at this time.

The benefits of the proposal would be the provision of open market housing and the limited economic benefits during construction.

The development would have a neutral impact upon, education, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside and the shortfall in x2 affordable units.

Whilst the extant approval is a material consideration, the Council have to re-evaluate the benefits and dis-benefits of the current proposal. It is therefore worth pointing out that the extant scheme was approved at a time when the Council were not able to demonstrate a 5 year housing land supply and thus the tilted balance of the NPPF was engaged which required the Council to approve development which constituted sustainable development. The extant scheme also sought to provide its full contributions towards

education and affordable housing. As a result on balance it was considered to constitute sustainable development and was approved.

However the circumstances surrounding the current proposal have changed. Firstly the Council now has a 5 year housing land supply and consequently the tilted balance of the NPPF no longer applies. Therefore the Council needs to give significant weight to policies which protect the open countryside and given the Councils proven housing land supply, the development of this open countryside site is not needed to meet its housing land target. The proposal would also see a shortfall in affordable housing provision by 2 units. As a result the proposal would not be policy compliant.

Paragraph 57 of the NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

This does not mean that the Council are disregarding the viability issue but have weighed this in the overall planning balance, which in this instance means that the proposal is no longer considered to constitute sustainable development given that its full impacts will be unmitigated and thus contrary to policy.

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

REFUSE for the following reasons:

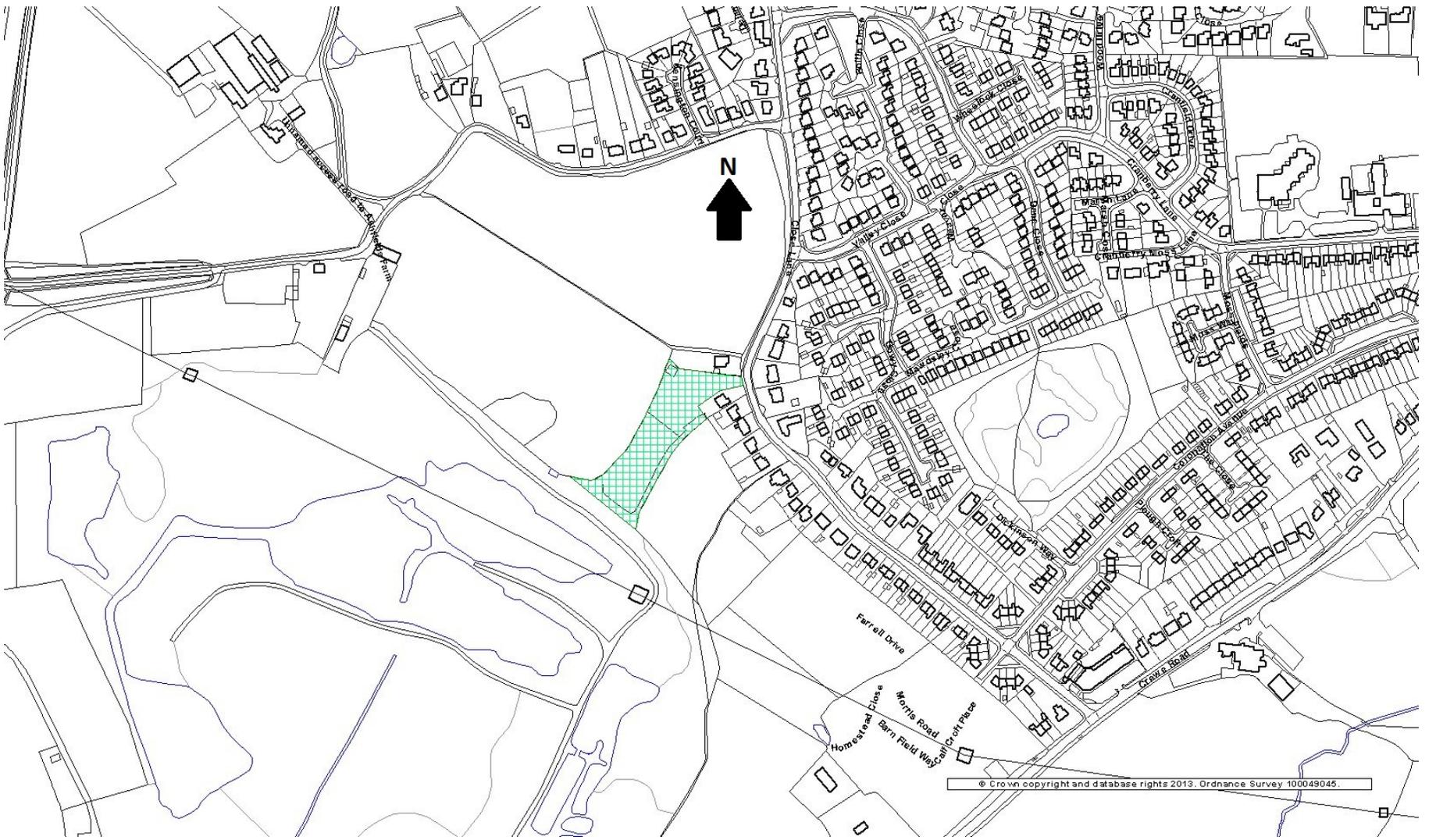
- 1. The proposed development is unsustainable because it is located within the Open Countryside, would result in an adverse impact on appearance and character of the area and would not meet its full affordable housing contribution contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), IN1 (Infrastructure), IN2 (Developer Contributions), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, saved Policy PS8 (Housing in the Open Countryside) of the Congleton Borough 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.**

In order to give proper effect to the Board`s/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.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	30%	In accordance with phasing p

	(65% Affordable Rent / 35% Intermediate)	
Education	Contribution of £32,685 secondary school provision	100% prior to occupation of dwelling



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Application No: 17/6363N

Location: Land South of Sandfield House, STATION ROAD, WRENBURY, CW5 8EX

Proposal: Proposed construction of 45 dwelling houses, access, open space and associated infrastructure

Applicant: Mrs Louise Davies, Sovini Homes Ltd

Expiry Date: 08-Feb-2019

SUMMARY

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The proposal would be contrary to Policy PG6 of the CELPS and RES5 of the Crewe and Nantwich Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing (although below standard), POS and the limited economic benefits during construction.

The development would have a neutral impact upon, flooding, air quality and contaminated land, and the loss of Agricultural Land.

The dis-benefits would be the loss of open countryside/landscape harm, ecology, trees, and impact on living conditions of the existing and future occupiers of the area.

Whilst it is acknowledged that the site has 2 extant outline permissions, for the same number of units, 45 no dwellings, it is considered that on balance, this full application deviates away from the layout proposed indicatively and has led to an overly car dominant scheme which appears overly dense, as a consequence the development

does not relate well to the existing settlement or its landscape context, has below standard amenity issues and has a negative impact on protected trees, the proposal would therefore lead to a character and quality of development that does not meet the necessary quality standard for the area.

The proposed development is contrary to the Development Plan, and there are no material considerations to indicate otherwise and is therefore recommended for refusal.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks full planning permission for the erection of 45 dwellings on land off Station Road, Wrenbury, with associated access, open space and associated infrastructure.

SITE DESCRIPTION

The proposal site is situated on the edge of the Wrenbury settlement boundary, within the open countryside with the River Weaver to the south of the application site, however is wholly within the Open Countryside.

Proposal site is two rectangular pieces of land surrounded by trees to the south, garages to the west, and residential properties to the north.

There area group of TPO trees on the boundary frontage of the site with Sandfield House.

RELEVANT HISTORY

18/3056N – Reserved Matters approval for the appearance, landscaping, layout and the layout of footpaths and associated works following approval 14/5260N - Outline application for residential development of up to 18 dwellings to include means of access – Not determined

16/0953N – Erection of 27 dwellings and associated infrastructure. – Approved subject to a legal agreement 27th September 2016

14/5260N - Residential development of up to 18 dwellings to include means of access – Refused 25th February 2015, allowed at appeal 23rd June 2015

ADOPTED PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Green Infrastructure
SE7 – The Historic Environment
SE9 – Energy Efficient Development,
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 – Residential Mix
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions

Saved policies of the Crewe and Nantwich Local Plan 2011 (CNLP);

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Development on Backland and Gardens SPD (2008)

Wrenbury Neighbourhood Plan (WNP) (Regulation 18 – referendum due to be held on the 31st January 2019)

HOU1 – Housing Allocation
HOU2 – Location of new residential development
HOU3 – Housing mix and Type
LC1 – Character and Design
LC2 – Landscape Character
LC3 – Natural Environment and Biodiversity

TR2 – Sustainable Transport
TR3 – Vehicular access to the through the Parish
INF1 – Broadband and Telecommunications
INF2 – Renewable Energy

National Planning Policy Framework (NPPF)

The relevant paragraphs include;

11. Presumption in favour of sustainable development.
59. Delivering a Sufficient Supply of Homes
124-132. Achieving well-designed places

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
National Planning Practice Guidance

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to condition and informative.

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; piling, dust, environmental management plan, travel information pack, electric vehicle charging points, dust control, low emission boilers and contaminated land.

CEC Flood Risk – No objection in principle, subject to conditions for disposal of surface water and regulated discharge, detailed calculation of rainfall and all habitable structures are constructed within flood risk zone 1.

CEC Education – No objection subject to developer contribution of £159,899.00.

CEC Open Space (ANSA) – Objection regarding usability of the proposed open space, and require contribution for Outdoor Sports of £45,000 towards Wrenbury Recreational Ground.

CEC Housing – Object, requirement for 9 units of affordable/social rent, and 5 units for intermediate tenure, 14 dwellings in total, only 13 shown on plan. .

Environment Agency – No objection in principle.

United Utilities – No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme.

Wrenbury-cum-Frith Parish Council [17th August 2018] – Following the submission of the revised plans and on the receipt of further information, the Wrenbury-cum-Frith Parish Council would like to submit an objection on the following grounds –

There is concern about the proximity of the properties to Sandfield House and the potential adverse effect on the trees which are subject to a Tree Preservation Order, indeed the plans show that these trees will overhang the majority of the rear gardens and are almost touching the houses. Clearly any occupiers of these houses will seek to undertake works to these trees therefore there is concern about damage to the health and aesthetic qualities of these trees. There may also be damage to these trees during the construction phase.

The Council would also challenge that these trees are Category B according to the applicant's tree survey as an independent expert has advised that they are in very good condition and thus we consider they should be identified as Category A. The Council would recommend that the Borough Council's Arboriculturist considers the impact of the development on these trees.

Having these houses so close to the boundary will have an adverse effect on the privacy for the residents of Sandfield House and the enjoyment of the garden. In addition, there is not enough room to enable standard permitted development rights on these houses.

One of the conditions of the outline approval was an area of open space in Phase 1, however, this has been included in Phase 2.

The design and layout of the houses is not in keeping with the design guide as set out in the emerging Wrenbury-cum-Frith Neighbourhood Plan. By having the two houses so close the Station Road will have a detrimental effect on the street scene as it brings the building line forward on Station Road compared to any other part of Station Road.

There is concern about the narrow width of the road particularly as it bends to move into Phase 2 and questions whether this will provide the necessary visibility splays, although the requirement for two footpaths at this point is questioned.

This application has reduced the visibility from Nos 30 and 32 Oakfield Avenue compared to the previous plans.

The Council also notes that the revised plans include an increase in the number of dwellings as it appears that the gardens are being made smaller to 'cram in more housing', to the detriment of the street scene.

The Parish Council recommends that this application be refused.

REPRESENTATIONS

Letters of objection have been received from 9 households. The main issues raised are;

- Impact on the River Weaver
- Impact on Flood Risk – development is within the Flood Risk Zones 2 and 3
- Erosion of banks of the river may impact on the usability of the rear gardens
- Concerns over terracing garden features
- Light Pollution
- Impact on neighbouring amenity, construction noise, visual intrusion, overlooking, and impact on astronomy

- Out of keeping with the village
- Full application should be assessed on its own merits and refused as unacceptable residential development in the open countryside,
- Impact protected trees
- Houses on frontage, out of keeping with the streetscene
- Raise concerns over cost of open space on Cheshire East Council
- Impact on drainage in the area
- Impact on schools, local school already full
- Impact on protected species/wildlife
- Proposed planting is wrong species for the area
- Housing mix does not achieve that set out in the NP
- Houses not needed, Bovis site is struggling to sell
- The full application should have included the details required as part of the reserved matters applications

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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

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

Planning History

The principle of residential development on site has already been accepted at outline application stage which is a material consideration of this development. The site was split into two outline applications, the first approved at appeal 14/5260N for 18 dwellings and 16/0953N approved for 27 dwellings. This application is a full application for 45 dwellings; however the red edge of the site is larger than the previous indicative outlines. Both outline applications are extant and therefore this is a significant material consideration in the determination of this development. Furthermore, the site is shown as a commitment in the draft Wrenbury Neighbourhood Plan (WRP). It is therefore considered that the principle of residential development on the site has previously been accepted.

Housing Land Supply

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that "I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years".

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered 'recently adopted' until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

Housing Mix

Paragraph 61 of the Framework states that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes".

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the draft WNP Policies HOU3 (Housing Mix and Type) which states new homes in developments of 10 or more should be limited to one-third detached properties (unless up – to date evidence or other material considerations for a different mix are accepted), with the remainder (both affordable and market dwellings) provided for smaller homes, bungalows, apartments, terraced or semi-detached and provide for changing needs of an ageing population.

The amended plans indicate a generally good mix of dwellings proposed, with 6 bungalows, 25no semi-detached properties, and 14no two storey detached properties. The mix includes 2, 3 and 4 bed properties, 13no of which are proposed to be affordable units. The proposed 14no detached two storey dwellings, which equates to one third of the development, with the rest made up of bungalows, and largely semi-detached properties. This appears to be a mix in line with the draft WNP policy HOU3. However the provision of affordable housing is below the 30% requirement by 1 unit.

Affordable Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) state in in Local Service Centres and all other locations, we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 11 dwellings or more or larger than a combined Floor space of 1000sqm's 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 45 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 14 dwellings to be provided as affordable dwellings – [30% of 45 = 13.5 requirement. Rounded up to 14].

The SHMA shows a net requirement for 20 affordable units per annum, up to and including 2018, in the Sub Area of Wrenbury. This is broken down to 15 x 2 bedroom and 12 x 4 bedroom General Needs dwellings. The SHMA is also showing a need for 2 x 1 bedroom Older Person's dwellings. These can be via flats, bungalows, cottage style flats or Lifetime standard homes.

The current number of those on the Cheshire Homechoice waiting list with Wrenbury as their first choice is 33. This can be broken down to 12 x 1 bedroom, 12 x 2 bedroom, and 9 x 3 bedroom.

9 units should be for Affordable/Social Rent and 5 units for Intermediate Tenure. There is need for one, two and three bed affordable units.

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

The Strategic Housing Team prefer that the Affordable Housing meets the HCA's housing quality indicator (HQI) standards.

The Strategic Housing Teams preference is that the affordable housing is secured by way of a S106 agreement, which: -

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

The proposed layout shows provision for 13 affordable units, 9 for affordable rent and 4 for intermediate tenure, this is 1 unit below the requirement.

The proposal therefore provides an insufficient level of affordable housing provision and is therefore a further reason for refusal.

Open Space

The main area of public open space is located in the centre on the south side of the site where the site falls away towards the River Weaver, however the amended plans now show a further area of POS has been provided at the entrance to the development that addresses the previous shortfall.

With regards to the main area of POS, issues raised previously have not been addressed. The detention basins and changes in levels make this space restricted in terms of play. The DAS 6.4 goes on to state "close proximity of surrounding dwellings provides security of all POS areas however, Plots 20 and 21 offered little natural surveillance over the POS but did previously have one side window facing onto the area. These have now been replaced with bungalows (amended numbers now 22 and 23) which have no windows overlooking the POS.

In addition to this, the area is still highly planted with trees and shrubs with a change in levels from entering to the lowest accessible point a drop of 3m making this area quite secluded. Drawing no.17 158 SP04-3 Rev B appears to show a double gate (although not on any key) into the main POS. Although this keeps dogs out, POS should never be designed with one entrance/exit reason being if a member of the public enters and is followed by an undesirable there is a potential to be trapped. A gate would further hinder the escape route.

These points coupled with there being little to attract families may make this area attractive for anti-social behaviour with a potential to cause nuisance for the adjacent residents.

The Greenspace officer noted that however, should the committee deem this application acceptable, it is requested that further thought to attract more families is considered with attention to reducing some of the planting to give it a more open feel. It is also noted that a number of trees are to be felled on site which maybe able to be recycled and carved into tactile artwork for added value giving the area a bespoke sense of place. Wrenbury Parish has a wide range of flora and fauna. 20% of the birds on the RSPB "Red List" are known to feed in the area. Wrenbury Parish is within the designated Meres and Mosses area Landscape Partnership Scheme. Over 2,000 species of flora and fauna have been

recorded within 5km of the village centre (Draft Wrenbury NP). It is for this reason, the Greenspaces officer suggests the theme of local flora and fauna is used for any artwork.

The Proposed Landscape Layout, Dwg. 17-158-SP04-3 Rev B shows the path meandering down to the lowest point which appears grassed. This is not acceptable. An inclusive path should be a permeable resin bound gravel to encourage maximum use, to allow free drainage and to avoid muddy unusable unsightly areas. This has not been addressed in the revisions.

The key indicates a wildflower meadow however this is not translated onto the plan so is unclear if it exists, and has not been addressed. It is often considered wildflower meadow the easier and cheaper option of maintenance however this is not the case, it requires careful specific management/maintenance for it to thrive.

There is a triangular shape within a tree on the west side of the path which is not shown on the key.

A condition could be attached for the open space to be formalised through an amended Landscape condition, and a detailed maintenance and management plan should also be submitted; however it is clear that the amended scheme has not addressed the issues previously raised by the Greenspaces Officer in this regard.

Outdoor Sport

Policy SC2 – 3, states that major residential developments contribute, through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development.

The Play Pitch Strategy states there are various issues with the different sports played at Wrenbury Recreation Ground ranging from poor quality of pitches to sub standard changing facilities. This is classed as a local site with football capacity issues. Improvements to pitch quality and changing facilities are suggested through the PPS. Therefore a financial contribution of £1,000 per family dwelling or £500 per 2 bed space (or more) per apartment for off-site provision is sought. (NB. This figure may alter following the adoption of CEC SPG.)

Therefore a contribution is sought for £45,000 towards the Wrenbury Recreational Ground.

Education

An application of up to 45 dwellings is expected to generate 9 primary aged children, 7 secondary aged children and 1 SEN child.

The development is expected to impact on secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The development is not expected to impact on primary provision.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that

this is an existing concern, however the 1 child expected from the South of Sandfield house application will exacerbate the shortfall. The 1 SEN child, who is thought to be of mainstream education age, has been removed from the calculations above to avoid double counting.

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

$7 \times £17,959 \times 0.91 = £114,399.00$ (secondary)

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

Total education contribution: £159,899

This will be secured via a S106 Agreement should the application be approved.

Locational Sustainability

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

The site is on the edge of Wrenbury village which is categorised as a Local Service Centre within Policy PG 2 of the CELPS. The site was considered to be locationally sustainable within the two previous decisions, as the majority of local services are in close proximity of the site within 1km of the site, including, post box, public house, Church, Bus Stop, Post Office, Local Shop, Medical Centre, Equipped Playground, Primary School, Railway Station, Sports Ground and Social Club and Village Green.

As a result it is considered that the site would be locationally sustainable.

Residential Amenity

The main residential properties affected by this development are Sandfield House, 20-34 Oakfield Avenue, and 11-17 Oakfield Close, where the development backs onto the rear of these properties.

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principle windows and 13.5m principle windows and flank elevations or non habitable windows.

The amended plan layout generally meets the Council's separations distances externally except, the side elevation of Plot 33 is only 10.5m from the rear elevation of no.11 and 13 Oakfield Close.

The amended plans have reduced the number of units to the front of the site, which has had a lesser impact on the neighbour's front garden at Sandfield house, however the garden is only 8m in depth and therefore will still appear visually intrusive to the front garden area of the neighbour. The separation distance to the side elevation of Sandfield House is acceptable.

The Cheshire East Residential Design Guide sets out that a lower distance of 18m between frontages could be acceptable for new development. Within the site the majority of the houses meet the separation distances set out in the Design Guide, except plots 29 – 33 which are 17.5m away from the front elevations of plots 34 – 38, however the Design Guide sets out that there may be situations where a lower separation distance can be accepted down to 12m. There are a number of awkward situations where side elevations are very close to principle elevations of other properties, however the closest property is Plot 41 – 43 which are 12m from the side elevation of Plot 44.

The Council also has a standard of 50m² garden areas for future occupiers, Plot 11, Plot 30 and Plot 44 fall short of the standard, with a number of other plots only just meeting the standard. Furthermore the usability of the gardens of plots 28, plots 16 – 10 and plots 01 – 05 and plot 09 are affected by the existing vegetation which is to be retained, including Plot 9 which sits adjacent to protected trees in the neighbours ownership.

Environmental Protection have raised no objections to the proposal subject to conditions regarding piling, construction management plan, construction hours, travel plan, electric vehicle charging, dust, boilers, contaminated land.

As a result the layout is not considered to be acceptable and the density of the development is such that a number of separation standards and private amenity spaces are below the standards required for new development. Therefore would have some harm to living conditions of neighbouring properties and the future occupiers of the units, contrary to Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan and the guidance set out in the Development on Backland and Gardens SPD.

Highways

The site has previously had approval, via 2 separate outline applications, for the same number of dwellings and the principle of access has already been accepted.

The site access location and design are the same as already approved. The visibility splay is not what was shown on the previous application and doesn't appear to be drawn correctly, but nevertheless has previously been shown to be deliverable and details can be conditioned. The visibilities around the bends within the site would be acceptable by conditioning the height of landscaping/boundary treatments of some of the properties.

The carriageway width throughout the whole site is to CEC standards for a development of this size and the level of footway provision is sufficient. The Strategic Highways Officer notes that there is a lack of service strips along the shared surface part of the site and it is questionable if this will be adopted. The applicant has previously been made aware of this but has not proposed amendments, and is a matter to address post planning.

The off-road parking is to CEC standards and there is sufficient turning area for refuse vehicles. The Strategic Highways officer has raised no objections to the proposal.

Landscape

This is a full application for 45 dwellings, access, open space and associated infrastructure on land south of Sandfield House, Station Road, Wrenbury. The application site covers an area of 1.69 hectares and is currently agricultural land, but is described in the Design and Access Statement as a vacant site. The application site is bound to the north by existing residential development and to the south by the wider rural landscape. The River Weaver, and associated woodland vegetation follows a route to the south of the western part of the proposed development.

The Design and Access Statement indicates that the proposal ties in with the urban form and the visual appearance ties in with the residential context, however the submission does not include either a Landscape and Visual Assessment or Appraisal.

The Design and Access Statement indicates that reference has been made to the Cheshire Design Guide, however there appears to be a number of concerns relating to the submitted layout, which do not reflect the rural transition of the site, or the guidance offered in the Design Guide.

The Design Guide identifies that the application site is located within the Market Towns and Estate Villages Character Area, however the submitted layout does not appear to reflect the guidance on positive rural transition. The design Guide indicates that this can be achieved through properties fronting onto surrounding countryside, and with properties facing onto lanes and streets, these points do not appear to have been considered.

The Landscape Officer has considered the amended plans and considers that little has changed to address his concerns, particularly in relation to the design and layout of plots 23-28 along the southern part of the site. The additional submitted information includes sections showing the treatment at the southern end of the gardens and the transition with the River Weaver, located to the south of the application site, Masterplan Detail Sheets –Sheet 6-Retaining Terraces (Plots 21-28) (Drawing No:17-158-SP05-6) shows a plan of the proposed layout and, and Proposed Site Sections – Sheet 2 (Drawing No: 17-158-SS06 Rev B) shows cross section D-D, E-E and F-F.

The Landscape Officer remains concerned by the design along the southern part of the site, which is not a satisfactory solution, and considers the design neither contributes to or enhances local distinctiveness, as required by Policy SE4 The Landscape.

Trees

The amended layout has not been supported by an updated Arboricultural Impact Assessment which demonstrates the viability of the revised layout or addresses any of the arboricultural comments made in relation to the layout submitted in July 2018.

The layout shows an improved relationship with protected tree T22 with an area of open space indicated to the Station Road frontage and adjacent to this tree. The relationship between protected trees T21 and T20 remains largely unchanged with Plot 9. It is accepted that an increased separation of approximately 2 metres has been created between T21 and the rear elevation of the property and that the ground floor rooms are not primary aspect. However, the position of the off site trees which are out of the control of any future occupier in terms of dominance of the overhanging canopy to the rear garden space have not been addressed. BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations at section 5.2 - Constraints posed by existing trees, and 5.3 - Proximity of structures to trees, acknowledges the importance of design and the relationship of trees with new development. The standard places importance on buildings and structures being positioned in such a way that they will not dominate a property or its outdoor space in such a way as to cause apprehension which could result in pressure to prune or remove trees in the future, and these issues need to be designed out.

As stated in previous comments, the proposed easement over an existing easement also equates to an undetermined level of disturbance within the RPA of protected tree T20 and no additional information has been submitted to provide any confidence that this can be implemented without any detrimental impact to protected tree T20.

The position of Plot 28 to T12 Ash remains unchanged and comments regarding this relationship remain the same; T12 Ash is shown to be retained with some encroachment into the RPA to accommodate the retaining embankment. The relationship of the tree with Plot 28 is considered poor in terms of its dominance over the garden space taking into account the species characteristics of the tree and its overall condition. While the tree is not protected it is one of few remaining trees of any arboricultural significance located to the boundaries of the site. The re grading of levels will equate to coverage of 20% of previously unsurfaced root protection area of the tree.

The impact of the grading and terracing of the embankment in relation to tree within group G11 which comprises of a group of early mature and mature Ash, Alder, Hawthorn and Elder has still not been quantified in terms of removals or incursion into the RPA and the submitted plan does not clarify the intentions as to the definitive location of tree protection fencing as is required with a full planning application.

The development is therefore still insufficient in terms of its submission and would also result in an unsatisfactory relationship with protected trees in terms of the impact of the trees on private amenity and social proximity interests, and the long term protection of these trees would therefore be prejudiced.

Design

The proposal has been assessed using the Council's Cheshire East Design Guide, supporting a Building for Life 12 assessment. The plans submitted in July 2018 failed to meet two of the criteria (red rating), and with a number of ambers (indicated within the report). Amended plans have been received since the assessment and the final re-assessment is still awaited however, from an initial consideration of the amendments it is not considered that the fundamental issues in relation to the Character and Creating Well defined Streets and Spaces has been addressed and the development does not therefore, as set out below, achieve a high standard of design by making a positive contribution to its surroundings.

Connections (Amber rating)

The site connects onto Station Road by both pedestrian and vehicular access. There are no other points of connection in places to be a focus for antisocial activity.

The proposed layout adversely affects and urbanises the attractive approach to the village, including the setting of the TPO pine tree at the north western corner of the site. The outline showed an illustrative layout that created an area of greenspace that enabled shorter views of the trees and Sandfield House to remain unaffected and which also provided an open area in proximity to the trees. The amended plan has gone some way to address this by removing one dwelling but is still an issue.

There is an indication of buffer landscaping along the northern part of the site behind properties on Oakfield Avenue/Close.

Facilities and Services (Green)

A range of local facilities can be found within a 1km radius (approximately a 10 minute walking distance) of the site, including post box, public house, Church, Bus Stop, Post Office, Local Shop,

Medical Centre, Equipped Playground, Primary School, Railway Station , Sports Ground and Social Club and Village Green.

Public Transport (Green)

The application site benefits from a bus service, two minutes walk on Nantwich Road, and to the south 5 minutes walk outside the Wrenbury Rail way station. The bus service runs several times during the day (roughly every 2-3 hours until early evening), and hourly trains to Chester and 2 hourly to Crewe from Wrenbury Station.

Meeting Local Housing Needs (Amber)

The amended plans indicates a generally good mix of dwellings proposed, with 6no. bungalows, 25no semi-detached properties, and 14no two storey detached properties. The mix includes 2, 3 and 4 bed properties, 13no of which are proposed to be affordable units. The proposes 14no detached two storey dwellings, which equates to one third of the development, with the rest made up of bungalows, and largely semi-detached properties. This appears to be a mix in line with the draft WNP policy HOU3. However the provision of affordable housing is below the 30% requirement by 1.

Character (Red)

The layout is heavily constrained by the shape of the site, which makes it introverted and therefore it does not present a particularly positive or characterful outward edge to the Weaver valley. This could be mitigated to a degree by reinforcing existing boundary landscaping and creating new, locally relevant natural boundaries where they do not presently exist.

The entrance to the site feels cramped against the edge of Station Road. This contradicts the illustrative layout and creates a frontage that is a little alien in rural settings, where buildings are usually set further back from the street, particularly on the approaches into the village. Whilst the amended plan has softened the frontage slightly, by re-introducing a small area of open space to the frontage, it has not yet gone far enough, with plot 1 still being sited hard up to the road frontage.

Open space is not well integrated but seems to be sandwiched in at a point convenient in terms of site constraints rather than the most usable part of the site from an open space/recreation perspective. It will however enable views out over the river valley.

The density of the development is a real concern regarding whether this reflects the approach advocated in the design guide as a transitional edge between village and countryside, especially having regard to the density of the adjoining existing development. The indicative plans at outline indicated a layout more akin to that of the adjoining development, with mews properties and small pockets of housing. However the density is still a significant issues and the layout does not satisfactorily respond to the rural edge of the area.

The character of house types is generally a little better than some but there is no real evidence that they are locally derived to reinforce sense of place. The architectural detailing is problematic on some types, for example the size of windows at upper floor, weakly defined front doors, some finer architectural

detailing issues, plinths defined by just a change of brick colour and some of the material selection, particularly inclusion of a pale cream/yellow brick (which is an uncharacteristic material and would be out of context).

Within the site, in places streets will be defined by an excess of frontage parking, very heavily dependant on small areas of soft landscaping, which in areas would struggle to establish/thrive.

In short, whilst the site can only do so much to deliver a scheme with a strong character, given the acknowledged constraints, the proposal could do more than it is at the moment to achieve a better sense of place and quality.

Working with the Site and its Context (Red)

There will be loss of hedgerow and no firm commitment to provide new to compensate (based upon the Council Ecologist's comments). Much of the retained hedgerow would also form a garden boundary. This is generally discouraged in favour of designs where hedgerow would be designed into public land with associated management. This remains unchanged in the amended plans.

Having said that, some regard has to be had to the illustrative outline proposals that also had an introverted layout. Clearly the site constraints influence that.

The amended proposal will still have an adverse impact on trees in the northern part of the site, reflected in the comments made by the Council's Tree Officer.

Associated with that there will be impacts on the visual amenity provided by the protected pine tree in the north eastern corner. Notwithstanding, the development will effectively block out views of the tree from Station Road (from the south). Although the amended plan now indicates a small area of open space to the frontage of the site, a much larger area shown in the illustrative layout submitted at the outline stage identified as being open space, would have provided a far better relationship and setting for the protected trees and Sandfield House and a more positive gateway into the development (gateways in rural settings are often expressed by areas of open space rather than buildings).

The site has a relationship with the River Weaver but the housing effectively turns its back on this key landscape feature, with awkward rear garden relationships and the potential of creating a poor quality edge to the village. This approach is strongly discouraged in volume 1 of the CEC Design Guide. A more innovative approach, particularly in the south western part of the site, may be able to create parts of the site that are outward looking. In this location it may also be more appropriate to specify all bungalows.

The south western corner of the site requires infilling to create more level, larger gardens, and stepped terracing to address the severe levels issues. It is considered that this is not a suitable design solution on the edge of the river valley, as concurred by the Landscape Officers comments.

There is no evidence to explain whether passive solar capture and local microclimatic issues have been considered.

Creating Well Defined Streets and Spaces (Amber)

The layout does feel that buildings are designed around the route of the carriageway rather than streets principally designed around building position but the limitations of the site granted outline approval are noted.

A corner turner house type has been included in the layout defining key corners within the scheme. This has a strong double height bay on the side elevation, serving habitable rooms. The scheme is of modest size and therefore has a principal street with 2 courtyard spaces.

Frontage car parking is a real issue, and could well adversely affect the proportions of the street in certain areas and creates a plot with the back/garden exposed in the view from the street (plot 43).

Easy to Find Your Way Around (Amber)

The site is modest and therefore there is unlikely to be an issue about navigability through the layout. The approach to creating distinct buildings within the layout could be further refined and an improvement to the gateway would also reinforce the sense of arrival into the scheme.

Streets For All (Amber)

There is capacity for more shared surface design in the scheme, particularly the western section of the site.

At the central pinch point in the site, there seems to be a lot of the available space given over to hard surface, and it is questionable whether the verges are wide enough to support trees as indicated.

Frontage parking and a vehicle dominated feel to the street could make them feel more car dominated.

There is a lack of clarity about the materiality of the streets and the hard landscape plans are difficult to interpret. A clear drawing showing the breakdown of hard surface materials would assist in understanding the character of streets.

Car Parking (Amber)

There are areas within the site where car parking is likely to become an overly dominant aspect of the street environment. The layout is very reliant on areas of small soft landscaping to break up parking but in places these are unlikely to be generous enough to allow the landscape to flourish, and the future occupiers to retain and maintain. The parking courts need to be designed to be attractive as a space first and foremost.

Public and Private Spaces (Amber)

The public space is modest and heavily constrained by the site topography. This means that the space has limited practical use as POS. There is open space/landscape between the development zone and the river but this does not form part of the proposed open space. Whilst the levels may preclude its use

as more formal open space, the landscape could help in characterising and enclosing the development edge of the site

External Storage and Amenity Space (Amber)

Bin storage locations are identified on the layout. Require further information about the size of garages and whether these are big enough to also accommodate storage provision. The amenity space for a number of units is also on the small size.

Conclusion

Therefore although the applicant has made a number of modest changes to the layout, and housing mix, the overall density of the site is such that the layout appears cramped and overly car dominant. This has resulted in a number of awkward design solutions, such as, housing backing onto side elevations, small gardens, reduced separation distances and terracing of rear gardens adjoining the River Weaver. The scheme has an introverted rather than an outward looking character with existing landscape boundaries incorporated into private gardens (and therefore private management) and the open space associated with the site would be severely constrained by site levels and its limited extent which would restrict its usability. As a consequence the development would not relate well to the existing settlement or its landscape context and would lead to a character and quality of development that does not meet the necessary quality standard. It is therefore considered that the development is contrary to the CE Residential Design Guide and Policy SE1 Design of the CELPS.

Ecology

The application includes protected species survey, which the Council's Ecologist has considered.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site access.

The supplementary planning statement states that existing hedgerows are shown as being retained and gapped, however the Council's Ecologist advises that this is not clear from the submitted plans, and therefore is uncertain of the potential significance of the loss of hedgerow from this site.

Other Protected Species

A significant protected species habitat has been identified outside the boundary of the application. Based on the current level of activity on the site the proposed development is not likely to have a significant impact on the habitat, but would result in the localised loss of foraging habitat. The layout of the proposed development would allow access to the wider countryside and the submitted survey recommends a method statement of reasonable avoidance measures to safeguard the habitats during the construction phase.

As the status of a protected species habitat can change within a short timescale, and therefore the Council's ecologist recommends that if planning consent is granted a condition should be attached which requires the submission of an updated survey and mitigation strategy, prior to the commencement of development.

Barn Owl

This priority species was previously recorded foraging on habitat (the rough vegetation) to the south of the site. This habitat does not however appear optimal for barn owls. The Council's ecologist advises that the retention of a buffer between the proposed development and the river would retain some potential foraging habitat for this species and so partially compensate for the loss of habitat for this species.

Bats

Bat foraging activity on site, as recorded during surveys to inform the earlier application at this site, was concentrated around the south west corner of the application site close to the Ash trees in this locality and also to the south east of the site adjacent to a large Oak Tree. The Council's Ecologist states he is unsure exactly where these trees are located on site. The submitted arboricultural assessment however shows most trees being retained on site, and therefore advises that the proposed development is not likely to have a significant impact upon foraging bats.

River Weaver

The proposed development retains a buffer of roughly 3m between the proposed development and the adjacent River Weaver. The exception to this is the south western corner of the site where development is proposed immediately adjacent to the banks of the river. The river is known to support protected species.

The Council's Ecologist advises that the buffer would be insufficient to safeguard the nature conservation interest of the river, and recommends that the layout of the site be amended to ensure an undeveloped buffer of at least 8m is provided adjacent to the river, with no retaining structures or regrading works to be undertaken in this buffer.

Lighting

Whilst the application site offers limited opportunities for roosting bats, bats do commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the Local Planning Authority.

Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. The Council's Ecologist therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Conclusion

The proposal is therefore considered to be unacceptable in terms of its impact on the safe guarding of nature conservation interest of the river weaver, by means of the developed area adjacent to the river bank. The proposal is therefore considered to be unacceptable and contrary to Policy SE3 (Biodiversity and Geodiversity) of the CELPS and NPPF.

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 proposal is for the residential development of to 45 dwellings. This scheme does not require an air quality impact assessment. 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 particular the impact of transport related emissions on Local Air Quality.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Flood Risk

The application includes a submitted Flood Risk Assessment which demonstrates the proposed dwellings will be on land that is approximately 3 metres above the modelled 1 in 100 year fluvial flood level in the River weaver.

The Environmental Agency has raised no objections to the proposal, however note that the water course along the southern boundary of the site is the River Weaver, which is designated as 'main river', and therefore any works within eight meter of the top of the bank of the river may need a permit.

Furthermore, the Councils Flood Risk Officers have raised no objections subject to conditions in relation to surface water flood risk.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding implementation of the drainage scheme as set out in the FRA, foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice. The UU have also raised concerns that a public sewer crosses the site and development over it may not be permitted.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

Agricultural Land Quality

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

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

It has not been possible to ascertain whether the land is Grade 3a or 3b. However; given the limited size of the site, its location and the previous permissions it is not considered that its loss would be significantly detrimental.

CIL Compliance

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

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

The proposal would result in a requirement for the provision of 14 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

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

As explained within the main report, the area of open space is identified on the submitted plans, and this along with the maintenance of this space by means of a private management company, it is therefore necessary to secure these works and a management scheme. Furthermore the site increased the demand for outdoor sports in the area and a contribution of £45,000 towards the Wrenbury Recreational Ground is required. This is directly related to the development and is fair and reasonable.

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

PLANNING BALANCE

The proposal would be contrary to Policy PG6 of the CELPS and RES5 of the Crewe and Nantwich Local Plan as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing (although below standard), POS and the limited economic benefits during construction.

The development would have a neutral impact upon, flooding, air quality and contaminated land, and the loss of Agricultural Land.

The dis-benefits would be the loss of open countryside/landscape harm, ecology, trees, and impact on living conditions of the existing and future occupiers of the area.

Whilst it is acknowledged that the site has 2 extant outline permissions, for the same number of units, 45 no dwellings, it is considered that on balance, this full application deviates away from the layout proposed indicatively and has led to an overly car dominant scheme which appears overly dense, as a

consequence the development does not relate well to the existing settlement or its landscape context, has below standard amenity issues and has a negative impact on protected trees, the proposal would therefore lead to a character and quality of development that does not meet the necessary quality standard for the area.

The proposed development is contrary to the Development Plan, and there are no other significant material considerations to indicate otherwise and is therefore recommended for refusal.

RECOMMENDATION:

Refuse for the following reasons:

1) The proposed development by means of the overall density of the site is such that the layout appears cramped and overly car dominant, and below standards in relation to private amenity space and separation standards. As a consequence the development would not relate well to the existing settlement or its landscape context and would lead to a character and quality of development that does not meet the necessary quality standard. It is therefore considered that the development is contrary to the Cheshire East Residential Design Guide and Policy SE1 Design of the Cheshire East Local Plan Strategy, Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan.

2) The proposed development would result in an unsatisfactory relationship with trees which are the subject of the Crewe and Nantwich Borough Council (Wrenbury No.3) Tree Preservation Order 1984 in terms of the impact of the trees on private amenity and social proximity interests. The long term protection of these trees would therefore be prejudiced. Furthermore, insufficient information has been submitted with the application relating to the arboricultural implications posed by the amended layout in order to assess adequately the impact of the proposed development having regard to trees to be retained, tree protection and implementation of the design. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations. The proposed development is therefore contrary to Policy SE5 (Trees, Hedgerows and Woodland) of the Cheshire East Local Plan Strategy and NPPF.

3) The proposed development, by means of its proximity to the bank of the River Weaver, is considered unacceptable due to the potential impact on the nature conservation status of the River Weaver and is therefore contrary to Policies SE3 and SE4 of the Cheshire East Local Plan Strategy and the NPPF.

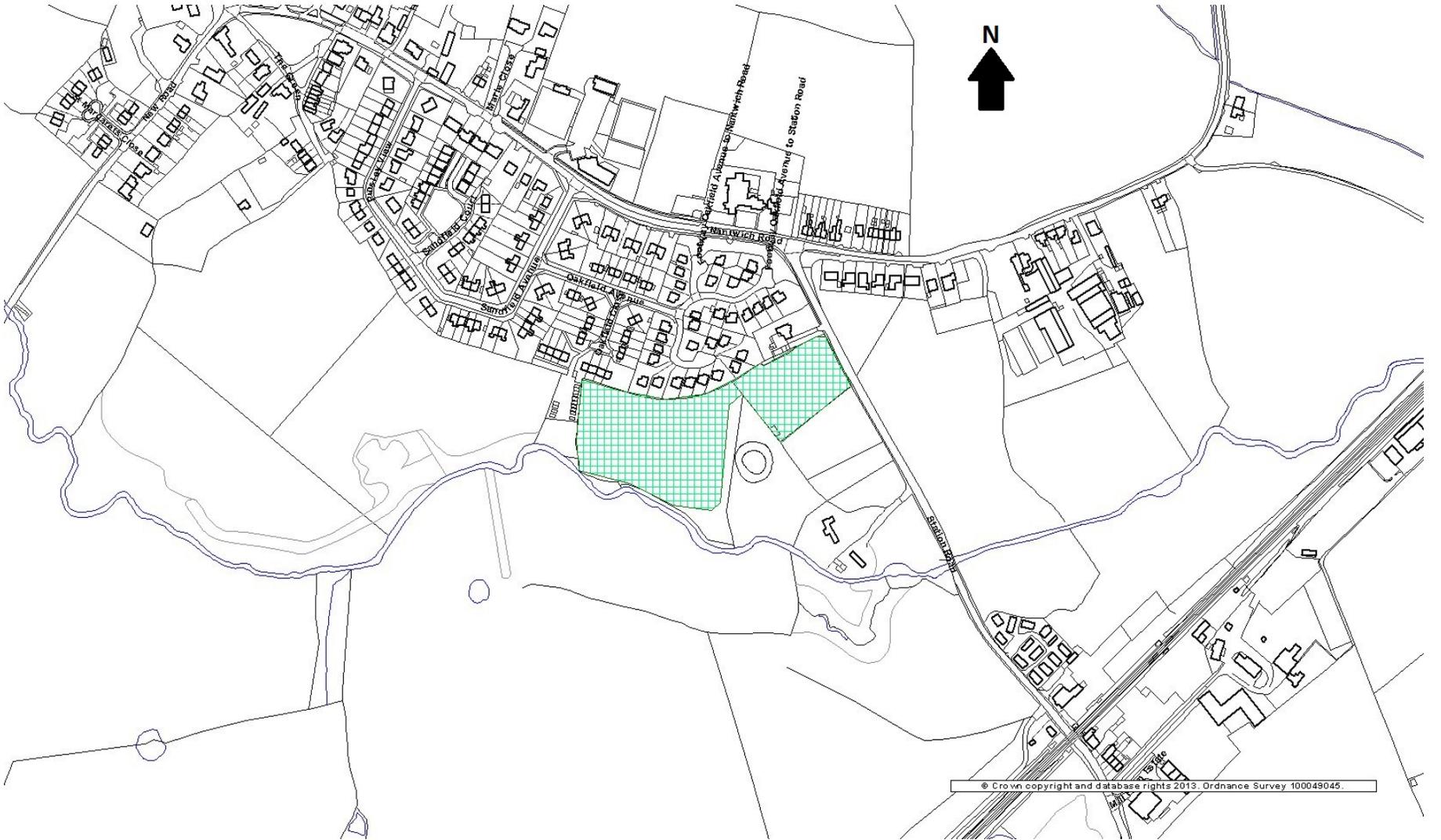
4) The Local Planning Authority requires a 30% affordable housing provision amounting to 14 dwellings (9 affordable rent / 5 intermediate). The application provides only 13 dwellings which is below the identified housing need and as a result is considered that the proposal would fail to address identified local housing need and is therefore considered to be contrary to Policy SC5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained with the NPPF.

In order to give proper effect to the Board`s/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.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1.

S106	Amount	Triggers
Affordable Housing	30% - 14 Dwellings (9 Affordable Rent / 5 Intermediate)	No more than 50% open market occupied prior to affordable provision
Education	Contribution of £1159,899. £114,399 towards secondary education and £45,5000 towards special education needs education	50% Prior to first occupation 50% at occupation of 23rd dwelling
Public Open Space	1 Provision of Public Open Space, and to be maintained by a private management company 2 Contribution of £45,000 towards the Wrenbury Recreational Ground.	Open space on site prior to first occupation Contribution – 50% Prior to first occupation 50% at occupation of 26th dwelling



Application No: 18/4283C

Location: Manor Point Business Park, Manor Lane, Holmes Chapel, CW4 8AG

Proposal: Hybrid Planning Application for redevelopment of former Manor Lane Business Park site for mixed uses, comprising: (1) Full planning permission for site access and erection of Block A creating 2238 sqm for flexible use purposes within Use Classes B1, B2 and B8, and trade counter uses; together with associated car parking, servicing and external works including creation of flood defence/ecological wetland area and associated landscaping. (2) Outline planning consent for erection Blocks B and C creating a combined 3792 sqm for flexible use purposes within Use Classes B1, B2, B8, & trade counter uses; and erection of Blocks D, E, F and G for flexible uses within Use Classes B1, B2, B8, D1, D2, & trade counter uses (2251 sqm), together with associated car parking, servicing, and landscaping and external works (appearance and landscaping to be reserved for later approval). (All uses to be permitted within the terms of Class V, Part 3, Schedule 2 of the General Permitted Development Order 2015)

Applicant: Aus-Bore Estates Ltd

Expiry Date: 10-Jan-2019

SUMMARY

The application site lies entirely within the Holmes Chapel Settlement Zone Line as designated by the CBLP as well as an area that includes existing commercial development and employment uses. Policy PG 2 (Settlement Hierarchy) and EG 3 (Existing and Allocated Employment Sites) of the CELPS, Policy PS5 (Villages in the Open Countryside and inset in the Green Belt) of the CBLP and Policy ES2 (Encourage Greater Employment Opportunities) of the NCNP all support the need for a 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. As such the principle of the development is considered to be acceptable.

The proposed development is acceptable in principle and is of a satisfactory design that would not have a detrimental impact upon neighbouring amenity, highway safety, trees, the railway, Jodrell Bank or any protected species.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the development relates to a small scale major planning application. The area of the application site is 2.5 hectares.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to an area of previously developed land that includes a large area of hardstanding and a part demolished building, located on the eastern side of Manor Lane in Holmes Chapel. The railway line is located along the western boundary of the site. To the south lies a supermarket (Aldi) and to the north lies commercial development known as Manor Business Park (comprising 6 units).

The application site lies within the Holmes Chapel settlement zone line and the Jodrell Bank Radio Telescope Consultation Zone as defined by the Local Plan and is accessed from Manor Lane.

SITE DESCRIPTION

This is a hybrid (part outline, part full) planning application for the redevelopment of former Manor Lane Business Park site for mixed uses, comprising:

- (1) Full planning permission for site access and erection of Block A creating 2238 sqm for flexible use purposes within Use Classes B1, B2 and B8, and trade counter uses; together with associated car parking, servicing and external works including creation of flood defence/ecological wetland area and associated landscaping.
- (2) Outline planning consent for erection Blocks B and C creating a combined 3792 sqm for flexible use purposes within Use Classes B1, B2, B8, & trade counter uses; and erection of Blocks D, E, F and G for flexible uses within Use Classes B1, B2, B8, D1, D2, & trade counter uses (2251 sqm), together with associated car parking, servicing, and landscaping and external works (appearance and landscaping to be reserved for later approval). (All uses to be permitted within the terms of Class V, Part 3, Schedule 2 of the General Permitted Development Order 2015).

Matters of landscaping and appearance are reserved for subsequent approval. As such, this proposal seeks to establish the principle of development, the access arrangement, the layout and the scale.

RELEVANT HISTORY

Various, most recent/relevant being;

15/4234C – Proposed demolition of existing buildings and outline planning permission for up to 65 residential dwellings to include access – refused 11th February 201

07/0604/REM - Phase 1 redevelopment of existing business park for mixed commercial use, including B1, B2, and B8 – approved 13th November 2007

06/0721/OUT - Redevelopment of existing business park for mixed commercial uses including B1, B2 & B8 – approved 19th September 2006

LOCAL & NATIONAL POLICY

Development Plan:

Cheshire East Local Plan Strategy (CELPS) (Adopted)

PG 1 – Overall Development Strategy
PG 7 – Spatial Distribution of Development
EG 1 – Economic Prosperity
EG 3 – Existing and Allocated Employment Sites
PG 2 – Settlement Hierarchy
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 12 – Pollution, Land Stability and Land Contamination
SE 13 – Flood Risk and Water Management
SE 14 – Jodrell Bank

Holmes Chapel Neighbourhood Plan (Adopted) (HCNP)

CE5 – Character and Design
CE7 – Water Management on New Developments
ES2 – Encourage Greater Employment Opportunities
TT1 – Promoting Sustainable Transport
TT3 - Parking

Congleton Borough Local Plan (Saved Policies) (CBLP)

PS5 – Villages in the Open Countryside and Inset in the Green Belt
PS10 – Jodrell Bank Radio Telescope Consultation Zone
GR6 - Amenity and Health
GR9 - Highways & Parking

National Policy:

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

CONSULTATIONS (Summary):

Network Rail – originally objected to the proposed development but have removed the objection following negotiations with the Agent.

Nature Conservation – no objection subject to conditions relating to ecological enhancement and breeding birds.

Highways – no objection subject to condition relating to details of the turning facility.

Environmental Health – no objection subject to conditions and informatives relating to piling, the submission of a construction management plan, electric vehicle charging, land contamination and soil.

Landscape – no objection.

Flood Risk and Drainage – no objection subject to a condition relating to a detailed drainage strategy.

Environment Agency – no objection subject to conditions relating to the flood risk assessment and a landscape management plan.

Jodrell Bank – no objection (verbally).

VIEWS OF THE TOWN COUNCIL:

Holmes Chapel Parish Council – no objection; comments made regarding:

1. The provision to allow future installation of a pedestrian crossing over the railway line on this development would be desirable.
2. The Parish Council notes an apparent lack of turning and manoeuvring space for large delivery vehicles on site.
3. The Parish Council notes there is insufficient overflow parking for customers. There is nowhere else for cars to park locally should spaces on site be filled. Onsite parking needs to be meet all parking requirements.

REPRESENTATIONS:

Two letters of representation have been received and are summarised below:

- Land ownership queries and boundary issue raised

The letters of representation do not include any planning considerations and the issue of boundary/ownership is a civil one.

SUPPORTING INFORMATION:

Air Quality Assessment
Ecology Report
Design and Access Statement
Phase 2 Land Contamination Report

Transport Assessment
Planning Statement
Travel Plan
Flood Risk Assessment

APPRAISAL

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

Principle of Development

The site is designated as being within the Settlement Zone Line of Holmes Chapel. Policy PG 2 (Settlement Hierarchy) designates Holmes Chapel as a Local Service Centre where;

“small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.”

Policy EG 3 (Existing and Allocated Employment Sites) sets out that 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. It is noted that the application site is not allocated within the CELPS however the site is in an area where there is existing commercial development and it is considered that the proposed use is compatible with the surrounding land uses.

Saved Policy PS5 (Villages in the Open Countryside and inset in the Green Belt) of the CBLP states that development on land which is not otherwise allocated for a particular use will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

Policy ES2 (Encourage Greater Employment Opportunities) of the HCNP sets out that proposals that retain employment land (use classes B1, B2 and B8) will be supported subject to appropriate landscaping.

The proposed development includes a range of proposed uses (B1, B2, B8, D1 and D2). The area is characterised by a mixture of uses, including but not limited to, a supermarket to the south and commercial units to the north. As such the proposed development in this location is considered to be acceptable in principle subject to the other relevant planning policies of the development plan.

Impact on Jodrell Bank

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

The Cheshire East Local Plan Strategy (SE14) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

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

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

It is accepted that commercial uses do not have a significant impact on the efficiency of operations at Jodrell Bank. Jodrell Bank have not objected to the proposed development and do not usually object to applications for commercial uses. It is understood that this is because the uses are not occupied all day everyday. The proposal is also sited in an area served by other commercial premise so any impact is not considered to be significant.

Design and Context

Policy SE1 (Design) of the CELP sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings. It is noted that the immediate area is characterised by existing commercial development.

The proposed units 8 to 14 (shown as Block A on the Proposed Site Plan) would have a maximum height of 9.6 metres (m) and would be constructed from metal cladding with a timber façade. This building would include 7 units, all with large openings at the ground floor to facilitate the proposed use. This building includes a mezzanine first floor element at the front portion of the building. The scale and design is considered acceptable and appropriate to the area.

Indicative elevations have been submitted for units 15, 16 and 17. Unit 15 would have a maximum height of 10.0 m and would be constructed from metal cladding with a timber façade. This building would include 1 unit, with large openings to facilitate the proposed use. The front of the building would include a showroom and the rear would comprise storage space. The scale and layout is considered acceptable and appropriate to the area. The proposed units 16 and 17 would have a maximum height of 9.0 m and would be constructed from metal cladding with a timber façade. This building would include 2 units, all with large openings to facilitate the proposed use. The scale is considered acceptable and appropriate to the area.

It is noted that Blocks D, E, F and G will be subject to a reserved matters application with appearance and landscaping reserved to be determined under a separate, reserved matters application. The scale and layout of these buildings is considered to acceptable and sympathetic to

the full planning application proposals as well as the existing pattern of development. The indicative design is considered to be acceptable.

The design and layout is considered to be in keeping with the character of the area and, given the context of the application site, it is considered that there would not be any significant impact on the streetscene.

The design of the proposed development is acceptable and in accordance with Policy SE 1 (Design) of the CELPS and Policy CE5 (Character and Design) of the HCNP.

Amenity

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

The nearest residential dwelling is located approximately 40 m to the south (Thomas Hodges Court on Manor Lane). The existing Aldi building/car park is located between the application site and this dwelling. Given the relationship and the surrounding development, it is not considered that the proposed development would have any significant impact on the amenity of the occupiers of any residential dwelling over and above the existing scenario.

The Agent has submitted a noise assessment report which has been produced by Acoustic & Engineering Consultants Ltd. – AEC Report : P2935/R2a/AGB dated 26th June 2018 in support of the application addressing the impact of the noise from the proposed uses on the site to the nearest sensitive receptors. The report advises as to what noise mitigation is required and; provided that the building design, fabric and acoustic fence are as detailed within the report, Environmental Protection agree with the recommendation and this can be controlled by condition.

Policy SE 12 (Pollution, Land Contamination and Land Instability) 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.

When assessing the impact of a development on Local Air Quality, Environmental Health has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017). Air Quality Impacts have been considered within the Air Quality assessment submitted in support of the application by REC Ltd. dated the July 2018, reference AQ105538r1.

The submitted 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 NO₂, PM₁₀ and PM_{2.5} impacts from additional traffic associated with this development and the cumulative impact of committed development within the area. The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to NO₂, PM₁₀ and PM_{2.5} concentrations. However, the proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The report also states that the developer should implement an adequate construction dust control plan to protect sensitive receptors from impacts during this stage

of the proposal and there has also been a Travel Plan submitted in support of the development which Environmental Protection deems acceptable.

Environmental Protection have raised no objection to the proposed development subject to a number of conditions and informatives.

As a result of the above reasons the proposal is considered to be acceptable in terms of residential amenity and in compliance with saved policies Policy GR6 (Amenity) of the Local Plan.

Highways

Development Impact

The predicted level of the trips arising from the site has been determined using data from the Trics database for business parks. The traffic generation predicted is 114 am trips and 98 pm trips, this level of generation is based upon varied employment uses on the site. The capacity assessments undertaken include for committed development and also the Aldi foodstore in Manor Lane.

Capacity assessments have been undertaken on the site access and also the nearby new roundabouts at Manor Lane/Macclesfield Road and Manor Road/Station Road, the site access will work well within capacity and the roundabouts will operate at capacity in 2025 with only modest queues on some arms.

The impact of the development on the principal junctions in Holmes Chapel that are the double mini roundabout junction at the A50/Middlewich Road and the signal junction at the A50 London Road/A54 Chester Road was raised as a concern with the applicant as these junctions have congestion problems. The applicant has not undertaken capacity assessments at these junctions but looked at the percentage impact that the development would have at these locations. The results show that the percentage impact is small, this would always be the likely outcome as the background traffic flows are high in the peak. It is the cumulative impact that the additional flows will have on the operation of the junctions that is the concern of the highway authority and in regard to this particular application the additional peak hour two way flows are low at 43 trips at worst at the double mini roundabout junction. This would not have a significant affect to warrant an objection to the application on capacity grounds.

Car Parking

The applicant has indicated that a total of 198 parking spaces will be provided on the development this level of parking is in line with CEC parking standards

Internal Layout

The existing access position is being utilised and the proposed access is suitable to serve the proposed development. However, the internal road layout is not suitable for adoption and will have to remain private. No turning facility has been provided at the end of the access road, a condition will need to be attached for the applicant to submit details of a turning facility.

Accessibility

The site is connected to the pedestrian footway network that links to Holmes Chapel centre and there is pedestrian access to the station on Station Road. There are two hourly bus services the 42 and 319 that run on Manor Lane, the existing bus stops are located close to the site.

Summary and Conclusions

The site is a former business park and there are existing business uses on the site, the proposals are for the site to remain as an employment site in various use classes. The existing site access is to be used from Manor Road to serve the site and is suitable to provide as an industrial standard of access. Accordingly, the Strategic Infrastructure Manager has no objection to the planning application subject to a condition re: details of the turning facility. It is therefore considered that the proposal will adhere with Policy GR9 (Accessibility, Servicing and Parking Provision) of the Local Plan.

Ecology

Local Plan Policy SE 3(5) (Biodiversity and Geodiversity) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with his policy. It is recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The applicant should be aware that Rhododendron and Cotoneaster are present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause these species to grow in the wild.

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

No objections are raised subject to conditions.

Trees

There are a number of trees located on the eastern boundary and a hedgerow on the northern boundary that are to be retained as part of the proposed development. It is noted that none of the trees are protected by a Tree Protection Order and that the existing site includes a large area of concrete hardstanding. The impact on trees is not considered to be significant.

Landscape

The revised landscape scheme has been reviewed by the Council's Landscape Officer and is considered acceptable. This relates to the full application and further landscaping will be considered under any reserved matters application.

Drainage

The Environment Agency and the Council's Flood Risk and Drainage team have reviewed the planning application and have no objections to the proposed development, subject to conditions relating to the drainage of the application site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site lies entirely within the Holmes Chapel Settlement Zone Line as designated by the CBLP as well as an existing area of commercial development and employment uses. Policy PG 2 (Settlement Hierarchy) and EG 3 (Existing and Allocated Employment Sites of the CELPS, Policy PS5 (Villages in the Open Countryside and inset in the Green Belt) of the CBLP and Policy ES2 (Encourage Greater Employment Opportunities) of the NCNP all support the need for a 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. As such the principle of the development is considered to be acceptable.

The proposed development is acceptable in principle and is of a satisfactory design that would not have a detrimental impact upon neighbouring amenity, highway safety, trees, the railway, Jodrell Bank or any protected species.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to conditions

Reserved Matters

1. Time
2. Reserved matters
3. Time (commencement)
4. Plans
5. Noise
6. CMP
7. Floor floating
8. EVC
9. Land contamination
10. Remediation Strategy
11. Soil
12. Ecology
13. Nesting birds
14. FRA
15. LMP
16. Turning facility
17. Drainage
18. Piling
19. Unexpected land contamination

Full

1. Time
2. Plans
3. Materials
4. Noise
5. CMP
6. Floor floating
7. EVC
8. Land contamination
9. Remediation Strategy
10. Soil
11. Ecology
12. Nesting birds
13. FRA
14. LMP
15. Turning facility
16. Landscape implementation
17. Piling
18. Unexpected land contamination

INFORMATIVES:

- 1. NPPF**
- 2. Hours of construction**
- 3. Land contamination**
- 4. Network Rail**

