

Southern Planning Committee Agenda

Date: Wednesday, 6th March, 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 6 February 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. 18/4879N 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 11 - 26)

To consider the above planning application.

6. 17/6233C Land Off Wheelock Street, Middlewich, Cheshire: Full planning application for the demolition of existing buildings and the erection of 35no. dwellings, a retirement living facility containing 50no. apartments and 3no. retail units for C/O Agent, Henderson Homes (UK) Ltd and McCarthy and Stone (Pages 27 - 56)

To consider the above planning application.

7. 18/3477N Sydney Cottage Farm, Herbert Street, Crewe CW1 5LZ: Outline application for residential development with matters of scale and layout included for JFH Horticultural Supplies (Pages 57 - 78)

To consider the above planning application.

8. 18/5733N Red Hall Farm, Middlewich Road, Leighton, Cheshire CW1 4QU: Erection of 2 No. additional poultry buildings on established poultry farm for Mr James Charlesworth, T J Charlesworth (Pages 79 - 88)

To consider the above planning application.

9. 19/0074N Grenson Motor Co Ltd, Middlewich Road, Minshull Vernon, Cheshire: Removal of Condition 14 on 15/1249N - Proposed construction of 10 No. Dwelling complete with access, associated parking and landscaping for Mr Sean Pattinson, Grenson Ltd (Pages 89 - 96)

To consider the above planning application.

10. **Update Report following an appeal being lodged for application 18/1250N - Full Planning for development 15 new dwellings comprising 11 4/5-bedroomed detached and 4 3-bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road at Land to the rear of Oakleaf Close, Shavington, Crewe, CW2 5SF** (Pages 97 - 102)

To consider the above report.

11. **Planning Appeals** (Pages 103 - 116)

To consider a report regarding the outcome of Planning Appeals decided between 1 July 2018 and 31 December 2018.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 6th February, 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, S Davies,
M Deakin, L Durham (Substitute), J Rhodes and B Walmsley

OFFICERS PRESENT

Sarah Baxter (Democratic Services Officer)
Andrew Goligher (Principal Development Control Officer - Highways)
Gareth Taylerson (Principal Planning Officer)
Richard Taylor (Principal Planning Officer)
James Thomas (Senior Lawyer)

49 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Bebbington and
S Pochin.

50 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 18/2413C, Councillor J Wray declared that he had
pre determined the application and therefore would vacate the Chair and
exercise his right to speak as a Ward Councillor under the public speaking
protocol prior to leaving the room.

It was noted that the majority of Members had received correspondence in
respect of application 18/4879N.

51 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 9 January 2019 be approved as a
correct record and signed by the Chairman.

52 PUBLIC SPEAKING**RESOLVED**

That the public speaking procedure be noted.

(Prior to consideration of the following item, Councillor J Wray vacated the Chair and Councillor A Kolker took his place as Chairman for that item).

- 53 **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**

Consideration was given to the above application.

(Councillor J Wray, the Ward Councillor, Parish Councillor Alan Holder, representing Moston Parish Council, Mr A Roscoe, an objector and Mrs Smith, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for the following reasons:-

- (1) Consultation response required from National Grid regarding impacts to human health to be obtained.
- (2) For further information regarding the surrounding appeal sites including what the results were and when they were heard.
- (3) Further information on the Planning Policy for Traveller sites (PPTS) to consider if the scale of the development dominates the nearest settlement.
- (4) Further information on the impact of the intensification of the site on the local infrastructure such as school places given the number of children who would occupy 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 Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(The meeting was adjourned for a short break. Prior to consideration of the following item, Councillor J Wray retook the Chair from Councillor A Kolker).

- 54 **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**

Consideration was given to the above application.

Councillor S Brookfield, the Ward Councillor, Keith McKinney, representing the applicant and Mel Kenyon, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for the following reasons:-

1. For the Environmental Health Officer to be present at Committee when the application is next heard.
2. For further information as to whether or not the suggested noise condition could be enforced and who would enforce it.
3. For further information clarifying the restriction of working hours (consider no working on Sundays and reduced hours on Saturdays)
4. For further information on the impact of the proposal on adjacent equestrian business.

It was noted that deferral would not prejudice full reconsideration of the application by the Committee.

(The meeting was adjourned for a short break).

55 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

Consideration was given to the above application.

(Councillor D Hough, the neighbouring Ward Councillor and Town Councillor Sue Helliwell, representing Alsager Town Council attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

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 contributions towards affordable housing & education 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. The NPPF also states 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, which in this instance is not considered to be outweighed by the overall dis-benefits of the scheme.

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% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan.
Education	Contribution of £32,685 towards secondary provision	100% prior to occupation of the 10 th dwelling

- 56 **WITHDRAWN 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**

This application was withdrawn prior to the meeting.

- 57 **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 CLA

Consideration was given to the above application.

(Colin Williams, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

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
20. Jodrell bank electromagnetic mitigation

Full

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- 13. FRA
- 14. LMP
- 15. Turning facility
- 16. Landscape implementation
- 17. Piling
- 18. Unexpected land contamination
- 19. Jodrell bank electromagnetic mitigation

The meeting commenced at 10.00 am and concluded at 12.43 pm

Councillor J Wray (Chairman)

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: 07-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 (NMP) 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. Whilst, Planning officers have concerns about the enforceability of the actions within the NMP other conditions have also now been agreed which are considered to be enforceable, clear, relevant and precise that would satisfactorily safeguard the neighbouring residents' amenity.

In these circumstances, it is considered that the proposal can be supported.

RECOMMENDATION:

Approve subject to conditions

BACKGROUND

The update report produced for this application, when previously considered at the 6 February 2019 Committee changed the original recommendation from one of refusal to one of approval subject to the following conditions -

1. The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 40 dBA L90 [35 dBA L90 on Saturdays] by more than 5 dB between 08:00hrs and 18:00hrs Monday to Saturday. The noise levels shall be determined at the site boundary. The measurements and assessment shall be made according to BS 4142:2014.

Reason: To safeguard the amenity of neighbours having specific regard to noise and disturbance

2 The premises shall operate, including deliveries to and goods being despatched from the premises, only between the hours 08.00 hrs to 18.00 hours on Monday to Saturday. The premises shall not operate at all on Sundays and Bank Holidays for the use hereby granted.

Reason: To safeguard the amenity of neighbours having specific regard to noise

3. The use hereby permitted is temporary. It shall discontinue on or before 5 February 2020 unless in the meantime a further application has been submitted to and approved by the Local Planning Authority.

Reason: To enable continued control and appraisal of the development proposed having regard to the particular circumstances and nature of the development.

4. The recommendations of the Noise Management Plan submitted with regard to the operational practises of the Applicant shall be implemented immediately upon the grant of permission. The recommendations requiring the filling of holes, the installation of cladding to the premises and use of acoustic screens shall be fully implemented with 2 months of the date of this permission, in accordance with a scheme of improvements to be submitted and approved within 14 days of the date of this permission

Reason: To safeguard the amenity of neighbours having specific regard to noise and to define the permission

Members will recall that the Noise Consultant acting for the Applicant stated that condition no 1 above was unenforceable because the noise level stipulated was unachievable at the southern boundary of the site. The southern boundary is the boundary adjoining the open countryside on the other side of the premises away from the boundary with the residents.

PREVIOUS DEFERRAL

The application was deferred on the Southern Planning Committee on 6 February 2019 for the following reasons:

- To require the attendance of the EHO to advise committee
- Further consideration/justification as to whether or not the suggested noise condition could be enforced and who would monitor noise levels
- Condition further restricting working hours (consider no working on Sundays and reduced hours on Saturdays)
- Consideration of impact upon adjoining livery

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 which has been submitted and conditions have been suggested. Hours of operation are being sought by the Applicant are 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 a 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 Diary 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 manege also adjoins this boundary, which is operated on a mixed commercial/ancillary residential basis by an adjoining resident of Oak Tree Barn.

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
- 170 Enhancing the natural and local environment
- 180 New Development appropriate for its location taking into account likely effects
- 182 Effective integration of new development

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 comments 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. There was never any reason to complain to the Environmental Health Department at the council about the dairy.
- Amongst other business, Pegasus makes 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. Residents 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 unsafe and has not been assessed or investigated, no highways reports are included in the submitted plans. It is not considered that 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. Residents 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. 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? Concerns over where the spray paint is being drained to?
- The Noise Consultant retained by the neighbours consider that the noise data submitted by the applicant is not reliable, is erroneous, only measured for 1 hour at a time (0.816-09.16) when traffic noise was high and makes no allowance for the tonality/impulsivity and random nature of the noise at the site.

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 in 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 and conditions 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 presently at the premises although there were previously more stated to be employed when the previous application was under consideration. The building is 1,100 sq. metre in floorspace within the site of 1 hectare so has capacity to employ more staff as business demands. 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 (1 st)	Fork Lift Truck Only (Rear Yard)	Shot Blasting (New Building)	Simultaneous Level – All Equipment (Revisit)
LAeq, 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.

As a result of concerns about the vagueness in planning terms of these measures a further Noise Statement was requested and submitted which puts forward the noise reduction levels the Applicant's retained Noise Consultant considers can 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
LAeq,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 and the tonal nature of the noise nuisance they have advised is emanating from the site.

However, the Applicant in response to this criticism in the previous report concerning this has now stated that he is willing to not utilise the northern yard for loading or unloading. An enforceable condition could be imposed in this regard.

The NMP submitted refers to the Site Manager as being responsible for monitoring noise levels, and gives an undertaking to engage with the neighbours with regard to complaints. The

following extract from the NMP details the Applicants' proposals for monitoring of noise levels and complaints;

9 Complaints

The following procedure shall be followed for all noise complaints:

1. All noise complaints should be immediately directed to the Site Manager.
2. As soon as the complaint is received it will be recorded.
3. An initial response will be made and recorded. Depending on the nature of the complaint the initial response could be to immediately cease the activity pending investigation. However, in some cases it might not be practicable to provide immediate relief. The complainant will be informed of actions taken. Contact details for the council will be retained on site in case consultation with the Environmental Health Department is necessary.
4. Where the initial response does not address the complaint, further investigation, corrective action and follow-up monitoring shall be undertaken as appropriate. The complainant and council will be informed of actions taken.
5. All actions will be recorded, and the complaint will then be closed.

10 Documentation

10.1 File

A noise management file will be established. This document will be updated to identify who manages it and where the file is retained. The construction noise management file will contain:

- o Site survey summary sheet
- o Subjective survey reports
- o Specialist contact details
- o This *Noise Management Plan* and any revisions.
- o Noise survey results by specialists as applicable
- o Complaints

These measures are considered acceptable by the EHO. The onus is clearly on the applicant to comply with their stated NMP actions and procedures and also planning conditions imposed should permission be granted.

The enforcement of any planning condition is a matter for the Local Planning Authority, which in terms of measuring noise on the land adjacent would rely upon the technical noise monitoring to be undertaken by the EHO. The EHO would however need to be granted access to private property by the neighbours to undertake such monitoring.

Planning Officers are of the view that an absolute noise level condition at the boundary with the manege is clear, precise, measurable and therefore enforceable in planning terms. Such a condition therefore passed the tests in National Planning Guidance (NPG). However, this does rely upon the Applicant to comply with the conditions.

Clearly there is a dispute between Noise Consultants appointed to represent both parties with Noise Consultant appointed by the neighbours disputing the noise level reductions achievable

by implementing the actions within the NMP. Members will recall the Noise Consultant appointed by the applicant disputing the conclusions made by the neighbours consultant at the last Committee.

The Council's EHO is, independent of these interpretations, and is of the view that on the basis of the satisfactory implementation of the measures in the Noise Management Plan (NMP), the noise level stipulated at the joint boundary can be achieved. However she also advises that a 12 month temporary permission is acceptable, to ensure adequate implementation of those measures.

She has further commented that the absolute noise level suggested at the residential boundary suggested by Planning officers is achievable and measurable and advises that the conditions now suggested are acceptable.

The boundary is clearly defined and does not inhibit the Applicant in utilising the other larger yard on the other side of the building for their loading and unloading activities.

The Applicant has, having noted the concern about the adjoining yard in the previous report, has now also offered a condition to not use the yard to the northern side of the premises adjacent to the residents for any loading or unloading.

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). However, in the light of the fact that the Applicant now has advised they are willing to not use the northern yard for any loading/unloading, there appears no reason why the roller shutter door on the northern elevation is needed to be open at all.

A condition requiring the roller door to be permanently fixed shut is clear and precise, and together with measures in the NMP about insulating the building will reduce noise escaping from the confines of the building in the first instance. This is considered a further safeguard which are considered to reduce the noise levels, particularly with regard to the sudden bangs of metal.

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.

The Environmental Health Officer has not requested specific hours of operation in this case. However, following Committees' previous debate, working hours of 09:00 to 14:00 hrs on Saturdays have been put to the Applicant as being reasonable hours which would demonstrate courtesy to the neighbours. If Committee are minded to accept this recommendation, a revised hours of operation condition is therefore suggested.

Conclusion – The Planning Balance

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. Whilst Planning Officers were initially concerned that the measures were not enforceable, the conditions concerning noise levels at the affected boundary are considered achievable, reasonable and necessary to safeguard the amenity of residents, including the residential enjoyment of the ménage.

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. Likewise the NPPF (Para 182), as material consideration, advises that existing businesses should not have unreasonable restrictions placed upon them as a result of developments undertaken after they were established

A non compatible land use is non conforming use when it causes harm to interests of acknowledged importance, in this case, by causing a loss of amenity for the neighbours.

Subject to the very stringent planning conditions as detailed in this report, enforceable planning conditions can be imposed with the specific intention of safeguarding the amenity of the neighbours.

On this basis, whilst this is finely balanced and the onus will be placed on the Applicant to comply with the suggested conditions, it is recommended that a temporary permission is granted.

RECOMMENDATION

APPROVE subject to following conditions

- 1. The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 40 dBA L90 [35 dBA L90 on Saturdays] by more than 5 dB between 08:00hrs and 18:00hrs Monday to Saturday. The noise levels shall be determined at the site boundary where it adjoins the manege at Oak Tree Farm as identified on the plan attached to this decision notice. The measurements and assessment shall be made according to BS 4142:2014.**

Reason: To safeguard the amenity of neighbours having specific regard to noise and disturbance.

2. The premises shall operate, including deliveries to and goods being despatched from the premises, only between the hours 08.00 hrs to 18.00 hours on Monday to Fridays and 09.00 hrs to 14.00 hrs on Saturdays. The premises shall not operate at all on Sundays and Bank Holidays for the use hereby granted.

Reason: To safeguard the amenity of neighbours having specific regard to noise

3. The use hereby permitted is temporary. It shall discontinue on or before 5 March 2020 unless in the meantime a further application has been submitted to and approved by the Local Planning Authority. Any future application shall be supported by a noise survey at the northern boundary shared with the adjacent residential premises, the durations, location and timings of which shall be agreed with the Council Environmental Health Officer and the Local Planning Authority prior to submission

Reason: To enable continued control and appraisal of the development proposed having regard to the particular circumstances and nature of the development.

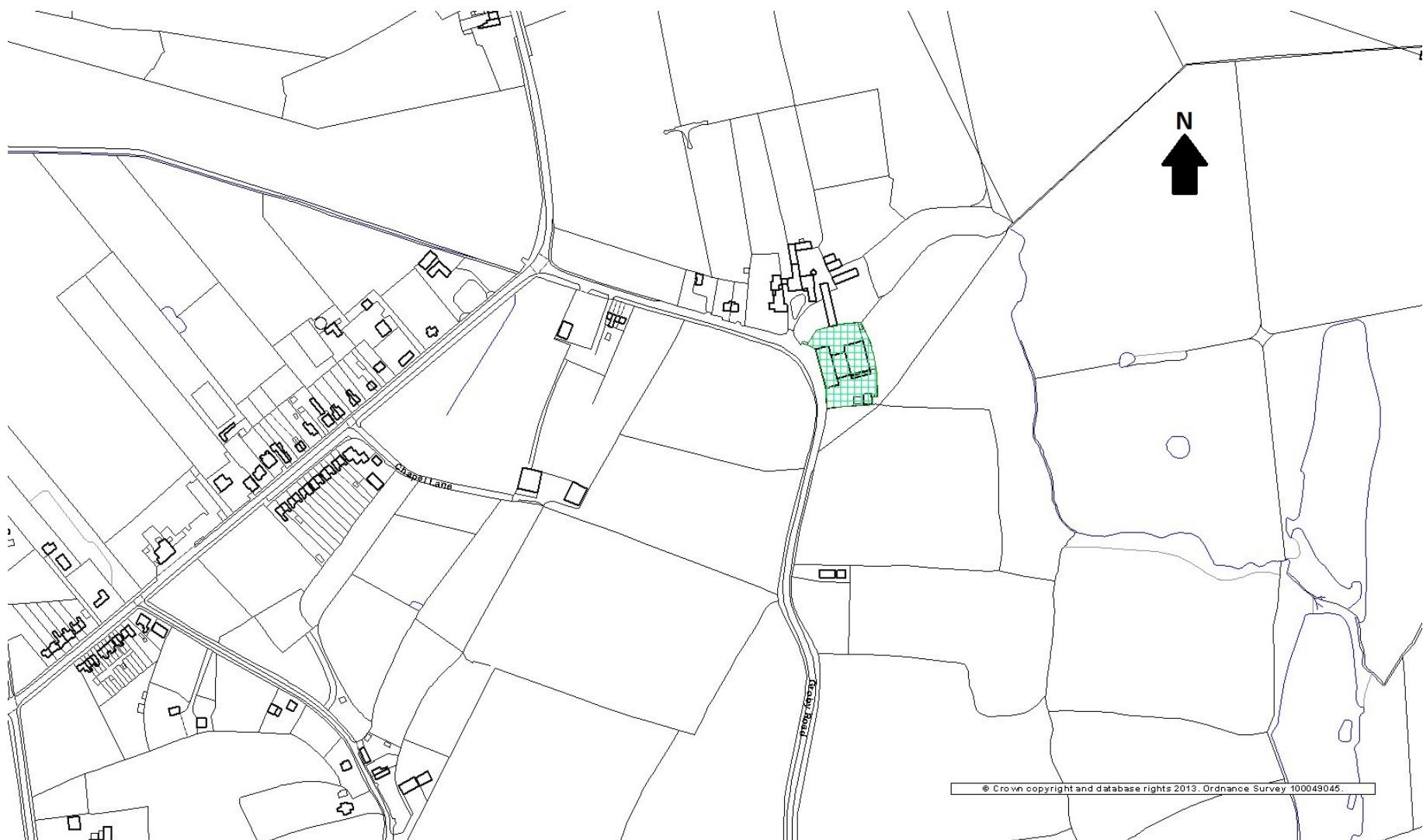
4. The recommendations of the Noise Management Plan submitted with regard to the operational practises of the Applicant shall be implemented immediately upon the grant of permission. The recommendations requiring the filing of holes, the installation of cladding to the premises and use of acoustic screens shall be fully implemented with 2 months of the date of this permission, in accordance with a scheme of improvements which shall be submitted and approved within 14 days of the date of this permission. The scheme of improvements to be submitted for the Local Planning Authority approval shall also contain measures to permanently fix shut the roller shut door on the northern face of the premises and shall be fully implemented with 2 months of the date of this permission.

Reason: To safeguard the amenity of neighbours having specific regard to noise and to define the permission.

5. There shall be no loading or unloading of any goods or equipment within the yard adjoining the residential northern boundary of the site.

Reason: To safeguard the amenity of neighbours having specific regard to noise and to define the permission.

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



Application No: 17/6233C

Location: LAND OFF, WHEELOCK STREET, MIDDLEWICH, CHESHIRE

Proposal: Full planning application for the demolition of existing buildings and the erection of 35no. dwellings, a retirement living facility containing 50no. apartments and 3no. retail units

Applicant: C/O Agent, Henderson Homes (UK) Ltd and McCarthy an

Expiry Date: 31-Jan-2019

SUMMARY

The benefits in this case are:

- The development would provide 50 flats for over 55's and 35 family houses/flats ranging from 1 and 2 bed flats to 2 and 3 bedroom houses
- The older persons accommodation would provide a type of accommodation for which there is a known need
- The development would bring forward an allocated site broadly in accordance within the Draft Neighbourhood Plan.
- The development would provide economic benefits through the provision of employment during the construction phase, 3 new retail units to the Wheelock St frontage at the ground floor of the McCarthy and Stone building, new residential units and benefits for local businesses in Middlewich by virtue of the economic activity associated with the new residents of the flats and houses
- The revised layout and design of the development is considered to be acceptable. It is considered that the proposal detailed design/layout/ scale and massing safeguards the setting of adjacent listed buildings and respects the character and appearance of the Wheelock Street Conservation Area and the surrounding area.
- The proposals would remove an eyesore site that is subject to anti-social behaviour and is detrimental to the amenity of the area

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

- The impact upon protected species and trees
- There is not considered to be any drainage implications raised by this development that could not be resolved by condition
- The development would not raise any significant highways issues subject to the provision of the car parking as indicated. Whilst there is some under-provision within the family housing, the Highways Manager advises that this will not result in displaced parking on the surrounding streets and given the town centre location such under provision is acceptable
- The development will mitigate for its impacts upon education and health via contributions

The adverse impacts of the development would be:

-There is no on site provision of affordable housing. In this case the developer has raised viability issues which have been independently assessed by the Council's own viability consultant. A financial contribution of £366,000 has been assessed by the Independent Consultant retained by the Council as being fair and reasonable in this case.

On balance, it is considered that the benefits of the proposal outweigh the dis-benefits in planning terms

Recommendation

Approve subject to conditions and a S106 Agreement

DESCRIPTION OF SITE AND CONTEXT

The application site is 2.5 hectares in size and is located wholly within the Middlewich Settlement Zone Line, an Area of Archaeological Potential, the Town Centre boundary and a Principal Shopping Area to the south of Wheelock Street, Middlewich.

The site has frontages on to Wheelock Street, the main shopping street, Darlington Street, a residential street and Southway and contains a number of residential and commercial buildings, all of which would be demolished as part of this proposal. The rear elevation of the Tesco supermarket is on the other side of Southway, which forms a walkway access from Wheelock Street to Newton Heath.

On the site there are a variety of vacant houses, single storey garages and a unit known as the Pace Centre (vacant former adult education centre Class D1), many of which are in disrepair and the subject of anti social behaviour.

No 8 Southway (abuts the north part of the site) is a Grade II listed building. The large villa known as the Poplars on Southway also set in extensive, tree lined grounds is also considered to contribute to the setting of the Conservation Area. The Wheelock Street Conservation Area abuts the site.

The site also contains a large number of very mature trees. Southway is a pedestrian link to the centre from Newton Heath. Vehicular access is currently taken from Wheelock Street, Darlington Street and Newton Heath. The site rises up from Wheelock Street with a change in levels across the site of approximately 6 metres toward Newton Heath.

The prevailing scale and grain of the area is 2-3 storeys, but predominantly 2 storey within the immediate context of the site. The surrounding area is mixed residential and commercial in nature.

The site abuts the Wheelock Street Conservation Area, with some encroachment into the conservation area (northern part of the site). Wheelock Street Conservation Area is identified as being at risk on the National Heritage At Risk Register. This is in part due to the uncertainty surrounding the development of this site, which plays a significant part within the setting of the CA, and due to the relatively recent loss of buildings on the Wheelock Street frontage in the north western part of the site.

DETAILS OF PROPOSAL

The application is submitted by 2 developers, each working in a different market and is twofold in nature. It involves the demolition of numerous houses at Stonemasons Court, Darlington Street and various large derelict detached villas on Southway (Ivy Cottage, Barclay House, The Poplars) to make way for the Henderson Homes Development) together with the demolition of 2 vacant commercial units at 63/ 65 Wheelock Street (known as the Pace Centre) and various single storey garage buildings to Darlington Street to make way for the McCarthy and Stone proposal.

The elements are:

McCarthy and Stone propose a 3 storey block of purpose built accommodation for the over 55's comprising a total of 50 flats 25 x 1 bed and 25 x 2 bed); 3 x Class A1 units to the ground floor fronting Wheelock St (total 174sqm internal floor space), together with 40 car parking spaces accessed from Darlington Street and a communal garden for the sole use of McCarthy and Stone residents (circa 600sqm).

The vehicle entrance is to Darlington Street which provides access to a 40 space secure gated car park.

The Henderson Homes part of the site was initially submitted comprising 29 dwellings and has been the subject of extensive negotiation between the Applicant and Officers. This resulted in extensive revision of this part of the site and an increased number of units (now 35 in total). The density of development that is more akin to the neighbourhood within which the site is located.

The residential mix of the Henderson Homes part of the site is -

4no 2 bed apartments
14no 2 bed houses
17no 3 bed houses

This element of the proposal is accessed via a new vehicular and pedestrian access off St Ann's Street, with additional pedestrian access to Southway and Wheelock Street. The scheme allows for pedestrian access from Southway through both sites to Darlington Street.

A viability appraisal has been submitted by the Applicants. Originally the Appraisal indicated that the development could sustain no financial contributions or make any provision of on site affordable housing. Following negotiations, however, the Applicants' have offered a financial contribution of £366,000.

RELEVANT HISTORY

11/3737C Proposed Foodstore Development With Associated Parking, Servicing And Landscaping, And Additional A1, A2 And A3 Units (Including Demolition Of Existing Buildings) - Approved subject to S106. Not implemented and now time expired. The current site formed the car parking and additional A1,A2/A3 units and all the proposed houses to be

demolished as part of the current application were also approved to be demolished as part of this permission. This has now lapsed.

09/1686C - Approval for foodstore with associated parking, servicing, landscaping and additional A1, A2 and A3 retail units. Not implemented

09/1739C - Approval for change of use from residential to A1, A2, A3 and B1

POLICIES

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC4 - Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 the Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development

SE 13 Flood Risk and Water Management

EG5 - Town Centre First approach to retail and commerce

IN1 – Infrastructure

IN2 – Developer Contributions

Saved Policies Congleton Local Plan 2005

PS4	Towns
GR6 & GR7	Amenity & Health
GR9 & GR10	Accessibility, Servicing and Parking Provision
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
NR2	Statutory Sites
NR3	Habitats
NR4	Non-Statutory Sites
BH4	Listed Buildings
BH9	Conservation Areas

DP4	Retail Sites
DP7 & DP9	Development Requirements (Middlewich Town Centre)

Middlewich Neighbourhood Plan - Regulation 18 reached - moderate weight to be attached

TC1 Enhancing Vitality and Viability
TC2 Shop fronts, Security Measures and Advertising
TC3 Improving Quality of Place in the Town Centre
OS1 Town Centre Opportunity Sites
TC5 Land off Wheelock Street
DH1 Design Principles
DH2 Sustainable Design
H1 Housing Strategy
H2 Housing Types
Policy DH3: Conservation Area Design in the Historic Core
ECHW2 General Principles
ECHW5 Open Spaces

Supplementary Planning Documents:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections subject to conditions

Environmental Health – No objections, subject to conditions relating to environmental health matters

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

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

Strategic Housing Manager: No objection to the provision of a commuted sum of £223,591 in lieu of on site affordable housing provision

(Children's Services) Education: The proposal will have an impact upon secondary education provision. Request a contribution of £65,371.00 to secondary education.

NHS South Cheshire Clinical Commissioning Group (CCG) - Both Doctors surgeries in Middlewich are at capacity. Older people are known to place greater demand on health care. Request a financial contribution of £60,696 to be used to develop existing infrastructure in the town which are operating at capacity

Playspace and Amenity Open Space - No objection

VIEWS OF THE PARISH/TOWN COUNCIL

Middlewich Town Council: Objects on the following grounds

- The Public Open Space provision is inadequate;
- The design of the houses is not in keeping with the area, particularly bearing in mind the site's proximity to the conservation area;
- Concern regarding current infrastructure and capacity of current schools and medical services to cope;
- The retail units are small with lack of storage and services.

Should the application be approved then the Town Council requests the following:

- A contribution of £65,000 towards education provision;
- Preference given to Middlewich businesses for the retail units;
- The provision of 2 x pedestrian crossings on St Anne's Road;
- A contribution towards additional CCTV to cover Southway;
- Protection for residents parking.

OTHER REPRESENTATIONS

Original Consultation to scheme as originally submitted

Most representations received make general comments without support or objection.

General Comments made in these representations are –

- (With regard to Darlington Street existing parking congestion issues) 40 parking spaces for 50 flats is not enough. Request mitigation for on street parking
- Request crossing on St Annes Road
- 2 parking spaces per dwelling seems inadequate
- Requests funds from the New Homes Bonus to be spent locally
- The traffic is also a concern with Darlington Street being turned into an even bigger rat run if the road is reversed.
- Newton Heath is used by people to park and they don't live in the Street which is very annoying for the people who do. Where will construction workers park?
- In support of the plans I feel it will be a genuine improvement and a lot more attractive environment. The derelict site is an eyesore and also a danger, only last week the houses on the site were set on fire and it could have been a danger to all of us if it wasn't for the quickness of residents phoning the fire brigade so the sooner they are flattened the better.
- Originally this land was earmarked for development to help improve the local town; however this plan only earmarks 3 retail units. As much as I prefer not to see another big Supermarket going in (as this would bring tenfold more traffic to the area than a housing development) I would like to see a few more units made available or a contribution to the existing ones especially along the frontage of Wheelock Street or

an area given over as an area for green space/park facilities for the local population to use (more so than is on the current plan). Or a contribution to the expansion of the local health centers, both of which are currently at capacity (ref: NHS England's comments) to help with the influx of residents.

- The plans are in the older part of Middlewich, there needs to be something put there that is sympathetic to the look and feel of the area.
- if the bypass around town created 1st then the reuse of the site would have positive benefits
- If the traffic situation is not addressed the site will create massive problems and deteriorate the access routes even faster than they already do perish, increase pollution, chemical and noise, due to unsatisfactory traffic calming measures and similarly hugely increase risk to children and residents living around the school areas.

9 objections were received to the scheme raising the following issues:

- Current parking congestion/ area is already congestion proposal will make it worse
- Middlewich does not have the infrastructure to cope with new housing
- The proposed site entrance is too near to existing road junctions of Newton heath and Southway and newton court.
- Parking congestion on St Annes Road
- Traffic data used is over 9 years old
- Noise and disruption during building works
- This residential development is too near to the town centre which should instead be developed for affordable retail businesses.
- This area should be kept for future retail area for the town centre
- The scheme comprises 2 separate proposals which appear separate
- Site should be developed for retail purposes
- The proposal is contrary to the local Plan allocation and Neighbourhood Plan and will have an adverse impact upon the town centre retail function and the visitor economy
- Design and layout poor to Southway/houses presenting rear elevations/no passive surveillance/ plans don't enhance the design of the route
- Damage to other property during building process
- Impact upon infrastructure, schools and doctors etc are already full to capacity and these additional houses will only make it worse
- The siting of the communal open space to the rear of Wheelock St lacks surveillance and will result in anti social behaviour
- Light and Noise Pollution – The increased number of properties on the road and car parking facilities will also increase the amount of noise and light pollution on Darlington Street. There will be an increase in light on Darlington Street resulting from additional street lights and lighting on the site such as car parking and walkways, headlights from cars, noise from cars entering and leaving the street etc. This will directly affect the residents of Darlington Street
- It is requested that a residents parking scheme is setup for both Newton Heath and Darlington Street, this could be part of the planning conditions on McCarthy and Stone that they allocate monies (perhaps from S106) to ensure that residents do not suffer increased parking issues as a result of this development, again failure to act now will mean a failure of the council to protect the residents.

5 representations of support received from neighbours on grounds that the site is subject to anti social behaviour/ vacant properties on site subject to 3 fires in past year and attracts vermin.

Revised Scheme incorporating 35 units and minor elevational changes to the McCarthy and Stone building

4 general observations have been received;

- The general arrangement of the more recent application by Henderson Homes seems to be more acceptable. However, there are some reservations about this project. The design of the properties is of concern. They appear to be very high and have the potential to dominate the skyline. It would have been helpful to have been shown a sketch of the visual impact
- This residential development will increase the existing shortfall in school places and spaces on GP registers so why is the town not receiving additional funding to plug these gaps? With an extra 2000 homes in the pipeline and no CIL where will funding come from for the obvious shortfall in services?
- It would seem a very good opportunity to try to create a small town square of some sort, ideally where the current Barclay house is currently situated to link in with the current high street
- Occupier wants to see buff bricks on gable adjoining 45 Newton Heath

6 objections have been received to the revised scheme on the following grounds:

- St Ann's Road and Middlewich Roads in general cannot support any more traffic, this area is gridlocked when the M6 is shut. The doctors and dentists are full and the schools are full or nearing capacity. This is the last piece of usable land next to the town centre and it should be used to benefit the community not line the pockets of developers.
- St Ann's Road and adjacent streets are the principal access ways to local schools and despite the variable speed limit of 20 mph and outdated speed bumps is already dangerous at present traffic levels. Not just the obvious dangers, speeding motorists, motorists with extreme road rage, uncontrolled and limited on road parking, no safe pickup for children at school times, motorists using the road as a cut through to avoid the traffic congestion on the main roads and no maximum vehicle weights for the roads. Plus the unseen dangers of increased pollution, noise and vibrations causing damage to adjacent properties and their residents. And that's just the access for those that already utilise / live in the area without another 91 dwellings plus retail properties. At best I think it is reasonable to assume an additional 91 vehicles using/parking in the area once the development is complete, at worst this could be closer to 200. The area cannot support this and until the council sees fit to address years and years of concerns noted in writing and on many occasions by the many residents in the area this proposal cannot reasonably be approved
- The neighbourhood plan for Middlewich town centre aspires to deliver "a place where people actively choose to spend their leisure time". It will be "a busy, focussed place with plenty to offer for both residents and visitors." A residential cul-de-sac will not deliver either of these aspirations.

- The proposed houses and retail units are undersized. The proposal fails sustainability criteria
- There is already a public right of way for pedestrians down the side of Tesco, so another one on to Wheelock Street is not needed.
- The site is yet another cul-de-sac, again not acceptable. Either access needs to be a connective road from St Anne's onto Wheelock street. Or the cul-de-sac entrance and exit needs to come from Wheelock street, with only pedestrian access to St Anne's. St Anne's is a very busy and narrow street, with a school just down the road. Therefore traffic should be directed towards roads that are under utilised.
- Original scheme was greener and the McCarthy and Stone block is too close to properties on Wheelock St
- The number of houses planned seems to be excessive for the area. Some of these should also be affordable housing supply.
- This area is not in the local plan, and the neighbourhood plan has yet to be agreed by residents, so any referencing to the neighbourhood plan is premature

OFFICER APPRAISAL

Principal of Development

Policy PG2 of the CELPS identifies Middlewich as a Key Service Centre. Within such locations, development of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported to maintain the vitality and viability. Policy PG7 of the CELPS states that Key Service Centres are expected to accommodate 24 hectares of employment land and 4,150 new homes over the plan period (2010-2030).

Saved Congleton Local Plan Policy DP4(M1) allocates the site for general retail use. This allocation responded to retail requirements identified in the early 2000s for the period up to 2011. This is now out of date. The site has not been promoted for food retail development through the Part 2 Local Plan process, specifically through the 'call for sites' exercise that was carried out in 2017.

The Council has previously accepted the use of this site (with the exception of the approved retail, two storey A1 and A3 units; that were located as standalone buildings to Wheelock Street/Darlington Street frontage) as a car park for the (then) proposed redeveloped Tesco store. That development never occurred and the use of this site as a car park supported the redevelopment of the existing Tesco store, which in itself was retail led redevelopment.

The Wheelock Street frontage falls within a Principal Shopping Area as defined by Policy S4 of the CBLP which does not support non-retail uses at ground-floor level in such locations. This scheme complies with Retail uses at ground floor fronting on to Wheelock Street within the McCarthy and Stone block

Draft Policy TC5 of the Middlewich Neighbourhood Plan (which has reached Reg 18 stage with the Examiners report published) can be afforded moderate weight in the determination of this application.

The Examiner has revised the manifesto wording of the policy, of which the most significant revision is the requirement within the policy wording to restore Barclay House rather than to 'welcome' the retention of Barclay House as part of any redevelopment.

Draft Policy TC5 allocates the site for a suitable mix of uses comprising, retail, and residential and community facilities. The policy requires residential development to include a mix of 2 to 3 bedroomed housing, 1 and 2 bed apartments, with affordable housing in accordance with Policy SC5 of the CELPS. Schemes should be well designed which respond to the local context and character of the townscape and Conservation Area. The frontage on to Wheelock Street should be the focus for a sensitively designed retail scheme which contributes to the local offer and enhance the vitality of the town centre. The site should be permeable with new pedestrian routes and cycle routes created to link existing residential areas to the town centre. Landscaping schemes should take into consideration existing mature trees and shrubs on site and a proportion of the site should provide an area of public open space, in the form of a small park.

Whilst a public park is not provided and Barclay House is demolished as part of the proposals, it is considered that the proposals comply with the broad intentions of Policy TC5 of the Draft Neighbourhood Plan.

Policy SC5 of the CELPS requires on site provision of affordable housing. However the policy does allow a financial contribution in lieu of on site provision, in exceptional circumstances and where justified. In this case, the viability of the proposal is a material planning consideration and a rigorous examination of the Applicants' viability appraisal by the Council's appointed consultant indicates a commuted sum is justified

Housing Land Supply

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 85 no. dwellings, including those for the older person for which there is a known need, within the plan period in a sustainable location within the settlement boundary of one of the Key Town Centres for the Borough.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will provide 85 units to housing land supply, provide employment within the 3 proposed retail units and a warden/support workers within the McCarthy and Stone Scheme which will deliver direct and indirect economic benefits to Middlewich including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The additional residents would also have the ability to add economic activity within Middlewich by working and shopping locally.

SOCIAL SUSTAINABILITY

Open Space/Children Play Space

Policy SE6 of the Cheshire East Local Plan Strategy seeks to deliver a good quality and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. There is an existing quantity deficit of amenity green space within the local area.

This application should provide 20m² per unit of amenity greenspace totalling 1,700m².

The revised layout provides approximately 600m² private open space within the McCarthy scheme and 500m² of public open space (POS) within the housing scheme, in a linear configuration adjoining Southway.

The on site quantum therefore it does not comply with Policy SE6, however the revised scheme POS is in an improved location making it less susceptible to possible anti-social behaviour. The Greenspace Manager considers this to be a positive within the scheme

Fountain Fields is the main town park providing the closest POS provision to the application site. The Park underwent a major refurbishment during 2018 increasing the quality in terms of play therefore it should cater for the additional burden placed upon it by the application.

It is impossible to increase the quantity of amenity greenspace or enhance the quality due to the refurbishment recently completed in Fountain Fields and therefore on this occasion commuted sums are not sought by the Greenspace Manager.

Health

The South Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that both local medical centres are operating at capacity and therefore to accommodate the future residents put forward, both Waters Edge and Oaklands Medical Practises will need to be developed to support their ability to provide the expected level of primary care facilities in Middlewich.

The mitigation requested is £60,696, based on the following formula

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

Based on a proposed 85 dwellings with a varying housing mix and following the above formula, an estimate is as follows:

Market Housing:

1 bed unit x 25	£12,600
2 bed unit x 43	£30,960
3 bed unit x 17	£17,136
Total: 85 units	£60,696

The requested mitigation can be provided as part of the overall financial contributions offered. On this basis the proposal mitigates for its impacts

Education

The education impact is another element of the social sustainability of the scheme to be assessed within the overall planning balance. In this case, the impact results from the Henderson Homes element of the proposal which seeks 35 family sized dwellings.

The development of 35 (2 bed +) dwellings is expected to generate

7 primary children (35×0.19)
5 secondary children (35×0.15)
0 SEN children ($35 \times 0.51 \times 0.023\%$)

The analysis undertaken by the Education Manager has identified that a shortfall of secondary school places are available in the area. The development is not forecast to impact primary school or SEN provision.

A contribution of £81,713.00 is sought in this case to provide the 5 secondary school places attributable to the development.

The requested mitigation can be provided as part of the overall financial contributions offered. On this basis the proposal mitigates for its impacts.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The Cheshire East Local Plan Strategy (CELPS) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 85 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 26 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in Middlewich PER YEAR up to and including 2018 is for 26 x one bedroom, 22 x two bedroom and 8 x four bedroom dwellings for General Needs. The SHMA is also showing a need again per year for 4 x one bedroom and 4 x two bedroom dwellings for Older Persons, these can be via Flats, Bungalows or Cottage Style Flats.

The current number of those on the Cheshire Homechoice waiting list with Middlewich as their first choice is 410. This can be broken down to 177 x one bedroom, 135 x two bedroom, 61 x three bedroom and 37 x four+ bedroom dwellings, therefore a mix of 1, 2, 3 and 4 bedroom dwellings for General Needs and 1 and 2 bedroom dwellings for Older Persons on this site would be acceptable.

17 units should be provided as Affordable/Social rent and 9 units as Intermediate tenure.

As this application has two applicants the policy requirements for each shown below:

Henderson Homes 35 dwellings:-

30% = 11 dwellings with 7 Social/Affordable Rent and 4 Intermediate Tenure (65%/35%).

McCarthy and Stone 50 Apartments:-

30% = 15 apartments with 10 Social/Affordable Rent and 5 Intermediate Tenure (65%/35%).

In this instance no affordable units are to be provided on site as part of the application by either developer citing viability grounds. The Councils Interim Planning Statement: Affordable Housing and Policy CS5 requires affordable housing to be provided on-site, however there may be circumstances where on-site provision would not be practicable or desirable. In this instance, the applicant is seeking to justify that the scheme is unable to deliver either on site provision or financial contribution.

Middlewich has a clearly proven need for housing from the SHMA 2013 as this is showing a Net need for 65 Units per year being required and with the Cheshire Homechoice showing a total of 248 people on the register in need of housing.

Since the SHMA 2013 was produced and including year 17/18 Quarter 1 there have been 20 Affordable Houses completed in the period of this current SHMA 2013.

With the amount of people on the register minus the currently completed sites this still leaves 228 people still on the register. This combined with the 65 units PER YEAR required in the SHMA until 2018 results in 293 units still needed.

With other Retirement Living developments it has been accepted that a commuted sum in lieu of the on site provision is appropriate. This is on the basis of a Viability Study showing that the onsite provision is not possible.

The Viability Appraisal submitted by the Applicants offered no mitigation in terms of any contribution at all. The Council appointed Gerald Eve to peer review this Appraisal and the development and in the light of this review the development is considered to generate a surplus of £223,591 in lieu of affordable housing, which is equivalent to the provision of 2 on site affordable units. The Applicant has agreed to provide this as a commuted sum.

Need for older persons housing

The Government's formally adopted National Planning Practice Guidance (NPPG) states under Housing and Economic Development Needs Assessments paragraph 21:

'Housing for older people, advises as follows:

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

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

ENVIRONMENTAL SUSTAINABILITY

Amenity of existing and future residents

For housing proposals, Saved Policy GR6 of the Congleton Local Plan requires consideration to be given to the occupiers of both neighbouring properties and the future occupants of the site with regards to privacy, loss of light, visual intrusion and pollution. Supplementary guidance in the Congleton Local Plan also indicates that a minimum distance of 13.8m from main room windows to a gable elevation should be achieved. The policy also requires 21.5m between principal elevations

Where this comprises flat developments of 3 storeys or more the minimum distance is normally increased. In this case, the gable elevation to the junction of Wheelock Street and Darlington Street is a 3 storey block of retirement flats, with secondary windows to that elevation, and is 11.1m tall opposite the principal room windows of a property in use as individual bed-sits, with numerous principal room windows looking out on to Darlington Street.

The scale and proximity of the McCarthy and Stone gable elevation has been revised marginally, including the removal of a decorative chimney and the incorporation of obscured

glazing to the gable overlooking 2 Darlington Street. The windows to this elevation are also to be obscurely glazed.

There is a 12m interface from the blank gable at Plot 1 of the Henderson scheme to the rear elevation of 45 and 45a Newton Heath, whilst this is slightly below the 13.8m policy standard, given the greater height of the existing dwellings at no 45 and the inner urban nature of the locality and scheme design, this is considered acceptable in this case.

Overall, it is considered that the amenity of existing residents can be safeguarded in this case.

Air Quality

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

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site a condition will be imposed to secure electric vehicle infrastructure provision on the site.

Design considerations

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'

This is supported by the Cheshire East Design Guide SPD and Policy SE1 of the CELPS.

Policy SE7 of the Cheshire East Local Plan advises that development proposals shall be assessed and the historic environment actively managed in order to contribute to the significance of the asset and local distinctiveness. Saved Policy BH9 of the Congleton Local Plan states that permission will not be granted when a proposal would have a detrimental effect upon the existing special architectural and historic interest of a conservation area and the historic built environment inappropriate development. The building is also a non-designated asset. The NPPF sets out at para 133 that "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent., unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site;

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant funding or some form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefit of bringing the site back into use'

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

The Cheshire East Design Guide identifies that Middlewich is located within the Salt and Engineering Towns character area and this includes the following design cues;

- Canals heavily influence towns character
- Archetypes ranges from Georgian, Victorian, Edwardian through to 20 and 21st centuries
- Building set back to pavement on Wheelock St
- Terraces dominate the town centre with semi-detached and detached on fringes
- Late 17th century properties feature camber-arched doorways and window
- Large Bay windows and timber frame detailing

The McCarthy and Stone part of the site sits adjacent to the Wheelock Street Conservation Area on Wheelock Street. The Conservation Area is at risk, partly as a result of the uncertainty surrounding the redevelopment of this site (known as the Tesco site).

The proposed McCarthy and Stone would be three-stories in height and from the front elevation facing Henderson Street turning the corner on to Wheelock Street and be 2 storeys to the rear block. Pedestrian access is from Wheelock Street, which also contains 3 shopfronts.

The McCarthy Stone frontage increases in height on Wheelock Street from 10.4m to 11.8m at the junction of Darlington Street. The Wheelock Street part of the site is within the Conservation Area which itself contains 3 storey development which is set back away from the Darlington Street frontage within landscaped grounds

The Henderson scheme has been extensively revised as part of the application and now comprises 35 units within a terraced street layout accessed from St Annes Road, with mainly courtyard parking behind buildings. The materials to be utilised comprise red brick/grey tile and render all of which can be found in the area.

Working with the site and its context – McCarthy and Stone

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

There is a 5m slope from Wheelock Street up to Newton Heath. Existing terraced housing to the Newton Heath area is at a higher land level and provides a significant backdrop. Generally the buildings within both elements of the site utilise the slope wells. The buildings present forward facing elevations to street frontage. A link has been provided through the site from Southway to Darlington Street and from the housing scheme to Wheelock Street. Most trees, however, are removed to facilitate the development.

Working with the site and its context - Henderson Homes scheme

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

The proposed layout is outward looking to Southway and St Annes Road. The main area of POS is located to Southway and is well over-looked.

There are numerous losses of trees that contribute as part of a backdrop within the setting of the conservation area and the loss of Poplars a non designated heritage asset. Some trees that are shown to be retained will have poor social relationships at plots 22/24/32/35.

Creating well defined streets and spaces – both Developers

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

The proposed development as revised has active frontages to all frontages. It is considered that this test has been met.

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

The proposed development would accommodate 50 retirement living apartments (25 x one bed units and 25 x two bed units) and 35 residential units (4 x one bed, 14 x two bed and 17 x 3 bed). Given the scale of the development the housing mix is considered to be acceptable.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

The proposed car-parking would be located to the western boundary of the site and although it would be visible from the PROW and POS it is considered that this is the most appropriate location to serve the development.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

The proposed development would sit comfortably within the site. Whilst gardens are small, this is not uncommon in inner urban living. It is considered that this test has been met.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

The submitted plan shows that all units on the proposed development would provide an internal refuse and scooter store to serve the proposed McCarthy and Stone building and the Henderson Scheme comprises adequate bin and cycle storage to gardens. It is considered that this test has been met.

On the basis of the above assessment it is considered that the proposed development represents an acceptable design solution and that the proposed development would comply with Policies SE1 and SD2 of the Local Plan Strategy, the advice within the NPPF concerning non designated heritage assets and achieving good quality design. This proposal is therefore environmentally sustainable in terms of the impact upon the character and appearance of the area.

Heritage Considerations

Some of the existing curtilage of no 8 Southway has been reduced to accommodate the development. This would have a negative impact on the setting of the heritage asset. As the building and most of the curtilage would be retained, this harm would be less than substantial.

No 8 Southway and 28 Wheelock Street are grade II listed buildings. The issues are therefore the impact of the proposal upon No 8 Southway and on the setting of No 28 Wheelock Street and the proposals effect the setting of the adjacent Middlewich Conservation Area.

The NPPF advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

The NPPF also advises that where a proposal would cause less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The proposed scheme would cause the loss of only part of the curtilage of the listed building.

The public benefits of the scheme in heritage terms would be the redeveloping of a derelict site, which currently detracts from the heritage significance of the setting of the Middlewich Conservation Area and the setting of the listed building No 8 Southway.

The existing site is unsightly and although there are some old buildings of some interest, they are in a poor condition. The proposed scheme removes these late C20 buildings and the fence screening. It will replace this with a new development

Subject to the careful use and selection of materials and finishes, careful landscaping and street finishes, a reveal depth to the fenestration and the addition of chimneys on the roof, the Conservation Officer is of the view that the proposal will improve the site

On this basis, the proposed development would not adversely harm the heritage significance of the locality or the setting of the conservation area. The 'less than substantial' harm judged due to the loss of part of the garden within the curtilage No 8 Southway is outweighed by the public benefit of the redevelopment this derelict site.

Highway Safety and Parking

The Strategic Highways Manager considers that the proposals are within a very sustainable location and will not result in a severe impact on the road network capacity.

Access points to both elements of the proposals

Both access points are priority junctions with sufficient visibility splays provided in accordance with the speed limit. Both of the accesses can accommodate a refuse vehicle that can enter and turn within the turning areas provided within the site. It is proposed that the retirement vehicle access be gated for security reasons. A pedestrian through route through both sites from Southway to Darlington Street is proposed, however, gates are proposed to the McCarthy & Stone boundaries. A condition is needed to ensure this through route is not locked

Car Parking

The car parking provision for the 35 residential units in the Henderson Homes proposal is 51 spaces which is at 75% of the parking standard requirement (66 spaces) which although somewhat below CEC car parking standards, does not result in any objection from the Strategic Highways Manager. The sustainable town centre location, together with the fact that the development comprises a mix of 1/2/3 beds only, is considered to be an important material consideration to allow flexibility concerning parking in this case. The Strategic Highways Manager is satisfied that the proposal will not increase parking on surrounding streets

The parking provision for the 50 retirement units is 40 spaces; the applicant has submitted information on the operation of other McCarthy & Stone to indicate that the parking demand is lower than open market residential apartments. It is considered that the 40 spaces provided for the 50 units is not unreasonable level of parking and is higher than other approved similar retirement developments, not in town centre, accessible locations, such as this site.

Retirement Living - Peak Parking Demand

Development	<bapartments< b=""></bapartments<>	Date of Survey	Peak Parking Demand	Peak Parking demand Spaces per Apartment
Haven Court, Hythe	36	28 April 2015	24	0.667
Hanna Court, Wilmslow	40	1 August 2016	14	0.350
Eadholm Court, Edenbridge	34	29 April 2015	23	0.676
Pagham Court, Bognor	36	8 July 2015	20	0.556
Lauder Court, Hamilton	64	29 July 2016	21	0.328
Middleton Court, Porthcawl	60	26 July 2016	26	0.433
Totals	270		128	0.474

The McCarthy & Stone element provides for 80% parking which exceeds any peak demand as demonstrated in the table above. Given the likely average age of potential residents and the reduced levels of driving in this age group (late 70's) in comparison to the normal population, it is considered that the parking level is acceptable.

Traffic impact

The trip generation overall in the peak hours from both the developments are likely to be lower than 30 trips and this is split between two access points. Clearly, this is not a high level of generation that would warrant an objection on traffic impact grounds. It also worth noting that the previous Tesco redevelopment had significantly greater impact upon the local streets in terms of traffic generation.

The Strategic Highways Manager notes many of the comments/objects from neighbours concerning parking congestion in the locality. However, much of this area is subject to traffic control and the problems are pre-existing. It is therefore a matter for the police/parking enforcement operatives. It is not considered that this proposal will further exacerbate existing problems in this area.

As a result, it is considered that the proposed development adheres with saved Policy GR9 and GR10 of the Congleton Local Plan.

Ecology

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

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

(b) no satisfactory alternative and

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

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

Congleton saved Local Plan Policy NE. 3 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- Facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

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

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

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative

- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding public Interest

The site is a eye-sore and blighted site, within the existing built up area, it is the subject of anti-social behaviour, which is causing harm to the amenity of neighbours and increases fear of crime. Its development will assist in It is therefore considered that its development is of overriding public interest. With regard to the second test, the choice of alternative sites are not as sustainably located on the edge of the existing town.

The proposed mitigation and compensation is acceptable and is likely to maintain the favourable conservation status of the species.

No satisfactory alternative

Alternative sites are not as sustainably located and would not deliver the improvements to the eye sore site

Maintaining the favourable conservation status

In order to compensate for the loss of bat roosts on site the applicant is proposing the provision of a number bat boxes and features for bats be incorporated into the development demolition works would be undertaken in accordance with a Natural England license. A condition is necessary in this regard. This is considered adequate to maintain the favourable conservation status of the bat species on this site

Trees

There is extensive tree cover present on and adjacent to the site provide green canopy cover in an otherwise built up area. The trees are visible from outside the site boundaries.

There are no Tree Preservation Orders currently in force although some of the trees lie within the Middlewich Conservation Area

Trees shown for retention within the McCarthy and Stone layout are considered to be capable of retention and the tree officer has no concerns.

The proposals involve widespread tree losses throughout the site to accommodate the proposals and it is likely that social proximity issues will result due to the proximity of plots 22/24/32 and 35 within the Henderson scheme.

The tree officer does not consider the Sycamore trees in question to be worthy of formal protection and considers that a good quality scheme of replacement trees would be less likely to result in trees removals due to poor social proximity.

There are a group of Lime trees fronting plots 30 and 31 which are identified for retention and pollarding, however, the tree officer is of the opinion that to resolve building dominance and shading issues, the trees would be likely to be managed as pollards in perpetuity.

Overall, it is considered that appropriate replacement tree planting will satisfactorily mitigate for on site tree losses and that the proposal complies with SE5 of the CELPS.

Flood Risk

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

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

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

Viability

The Viability Appraisal submitted in support of this application has been independently assessed on the behalf of the Council by Gerald Eve (GE). In the light of that independent assessment it is accepted that this scheme can not sustain all the policy standard requirements to mitigate for its impacts upon open space, health, education and affordable housing. In this case, The Council's independent consultant has advised that a total financial contribution of £366,000 is appropriate in this case. The Applicant accepts this figure at this stage.

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

'Where up to date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the Applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances of 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. All viability assessments should reflect the recommended approach in national planning guidance...'

In terms of the requests for S106 contributions these have come from education, the NHS and an affordable housing requirement for 30% on-site provision and /or a commuted sum in lieu where appropriate.

Accordingly, whilst the provision of market dwellings and flats for the elderly contributes to social sustainability that contribution is diminished by the fact that no social housing will be provided and other costs such as the education contribution and health impacts that this development would generate will have a social cost to the local area, given that limited mitigation of £366,000 can only be achieved.

CIL Regulations

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

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

The proposal would result in a requirement for the provision of 26 affordable units. However after the submission and assessment of a viability report and further negotiation, the applicants' have committed to provide a total commuted sum of £366000.

If utilised entirely for affordable housing this amount would help to deliver circa 4 units in the local area (2 x affordable rent and 2 x intermediate - 1 beds).

As discussed above there have been requests for a secondary education contribution of £81713 and a NHS contribution £60,696.

It is clear that a full amount cannot be provided for a policy compliant level of affordable housing following the completion of a viability report from the applicants which has been appraised by the Councils own viability consultant. It is for the decision maker to decide where the sum is spent. In this case the officer considers that the impacts upon education and health can be fully mitigated, however, this results in a left over amount of £223,591, which would go some way to mitigate that impact.

The proposal would result in a requirement for the provision of secondary education which would be provided as a commuted sum of £81,713 towards the impact that the proposal has upon secondary education in the locality. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for NHS provision in Middlewich where there is limited spare capacity in the 2 existing surgeries. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. 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

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality/highways access/parking and contaminated land.

Subject to conditions it is considered that the impact of the development upon trees and ecology.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable. The development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing, health and education. In this case the developer has raised viability issues which have been independently assessed by the Council's own viability consultant. On this basis it is considered that the development could provide a contribution to mitigate the full impact upon health and education but only a limited financial contribution in lieu of on site affordable housing .

In this case it is acknowledged that due to the viability of the scheme it is not possible to mitigate the full impact upon affordable housing. However viability is a matter planning consideration and the benefits of this type of specialist accommodation (both in terms of meeting a particular need and freeing up other housing stock in the Borough) together with the redevelopment of a blighted site, are factors that outweigh the lack of full affordable housing contributions, particularly as a robustly tested viability position have been undertaken by the Council's appointed consultant.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement to secure the following

S106	Amount	Triggers
Affordable Housing	£223,591	50% upon 1 st occupation of 50% at occupation of the 43rd unit
Health	£60,696	50% Prior to first occupation of any part of the development 50% at occupation of the 43rd unit
Education	£81,713	50% Prior to first occupation of any house within the Henderson scheme 50% at occupation of the

		18th dwelling.
Retention of retail units to Wheelock St for retail uses (A1 to A5)		Upon 1 st occupation of any part of the McCarthy and Stone development
Private Management scheme for all POS on site.		Occupation of 17 th house within the Henderson scheme

And the following conditions:

- 1. Standard Time**
- 2. Plans**
- 3. Tree Protection**
- 4. Tree Pruning/Felling Specification**
- 5. Service/Drainage Layout to be submitted**
- 6. Pedestrian link through site from Southway to Darlington Street to be un-gated and re-routed through McCarthy & Stone car park**
- 7. Prior to the use of any facing or roofing materials details/ samples shall be submitted and approved**
- 8. Notwithstanding the approved plans boundary treatment details shall be submitted and approved prior to commencement**
- 9. Submission, approval and implementation of a Construction Management Plan- prior to commencement**
- 10. Arboricultural Management Scheme – prior to commencement**
- 11. Site specific Engineer designed specifications for any foundation or area of hard surfacing within the root protection area of retained trees have been submitted to and approved- prior to commencement**
- 12. Levels to be submitted and approved prior to commencement**
- 13. Provision of Electric Vehicle infrastructure**
- 14. Contaminated land – submission of a phase 2 report - prior to commencement**
- 15. Contaminated land – submission of a verification report**
- 16. Contaminated land – works to stop if any unexpected contamination is discovered on site**
- 17. Contaminated land imported garden soil**
- 17. Breeding birds – mitigation measures**
- 18. Breeding Birds – timing of works**
- 19. Submission of external lighting details**
- 20. In respect of the dwellings - Removal of permitted development rights for all extensions/outbuildings Class(es) A-E of Part 1 and fence/ any means of enclosure forward of any building line Class B of Part 2 Schedule 2 of the Order**
- 21. Piling**
- 22. Notwithstanding submitted plans details of the hard and soft landscaping and car parking layouts to be submitted and approved**

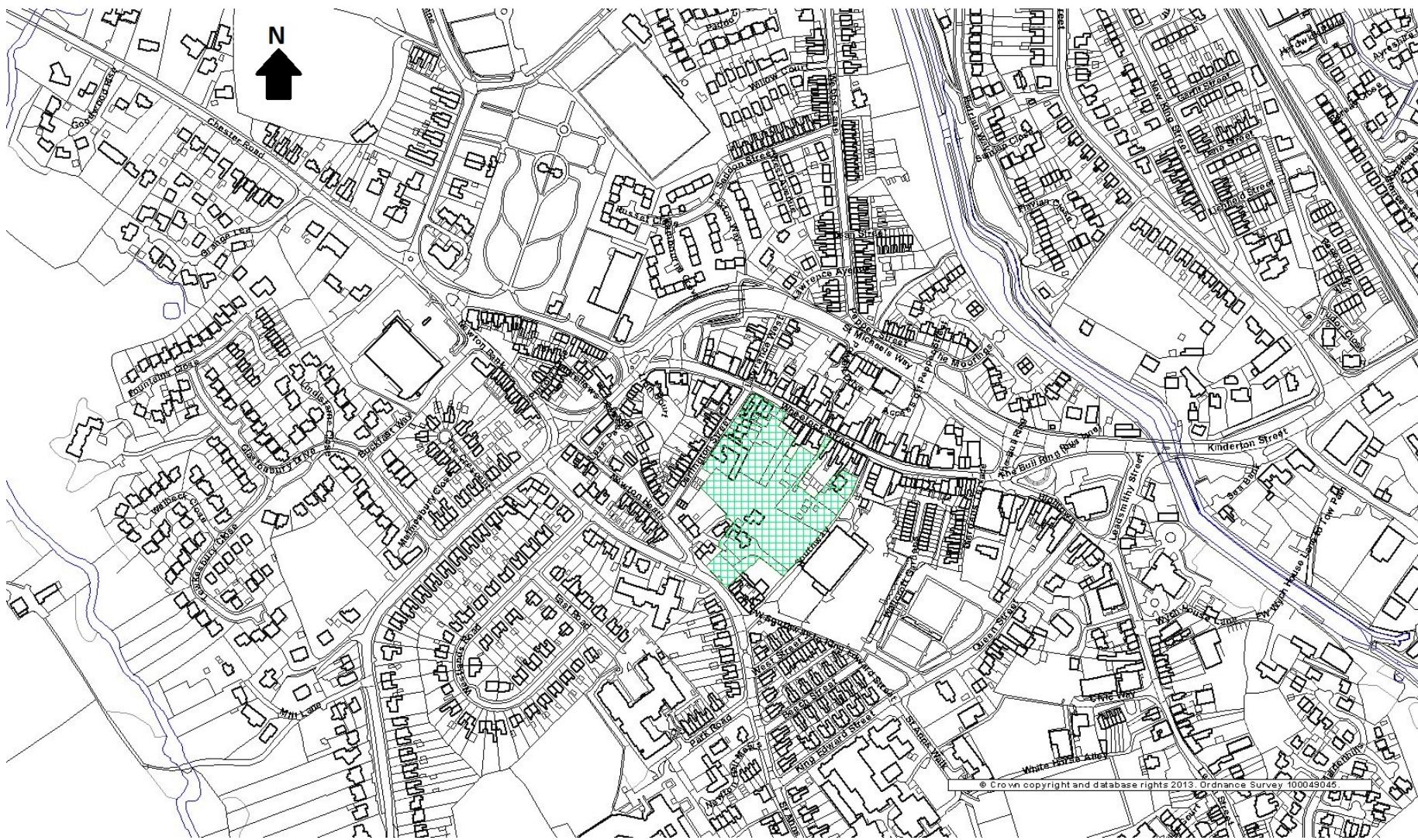
23. Implementation of the landscaping scheme
 24. The car-parking layout approved as part of condition 22 shall be implemented prior to first occupation
 25. Development to be undertaken in accordance with *submitted Bat Mitigation Strategy prepared by SLR dated January 2019 unless varied by a subsequent Natural England license*
 26. Residents' Sustainable Travel Information Pack
 27. Programme of archaeological work
 28. Detailed design and associated management and maintenance plan of surface water drainage (SUDS)
 29. Existing/proposed and Finished Floor Levels
 30. Windows on side elevation overlooking 2 Darlington St to be obscured/not opening

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 this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following:

S106	Amount	Triggers
Affordable Housing	£223,591	50% upon 1 st occupation of 50% at occupation of the 43rd unit
Health	£60,696	50% Prior to first occupation of any part of the development 50% at occupation of the 43rd unit
Education	£81,713	50% Prior to first occupation of any house within the Henderson scheme 50% at occupation of the 18th dwelling.
Retention of retail units to Wheelock St for retail uses (A1 to A5)		Upon 1 st occupation of any part of the McCarthy and Stone development
Private Management		Occupation of 17 th house

scheme for all POS on site.		within the Henderson scheme
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Application No: 18/3477N

Location: Sydney Cottage Farm, HERBERT STREET, CREWE, CW1 5LZ

Proposal: Outline application for residential development with matters of scale and layout included.

Applicant: JFH Horticultural Supplies

Expiry Date: 08-Mar-2019

SUMMARY

The application site falls within the Crewe/Haslington Strategic Green Gap which is also subject to Open Countryside policy PG6 within the CELPS. It is considered that the proposed development would erode the physical gap between Crewe and Haslington, failing to adhere with this aspect of Policy PC5 of the CELPS. Furthermore, the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, given the minor nature of erosion of the green gap as a result of the development in conjunction with the sites previously development land status the re-development of which carries significant weight in favour of the proposal within both adopted local policy and national policy, and its sustainable location, the material considerations are deemed to outweigh the primacy of the development plan in this instance. The principle of the proposal is therefore supported.

No objections to the development are raised in relation to; trees and hedgerows, ecology, design, flood risk and drainage, amenity, highway safety, public rights of way, affordable housing, education or open space, subject to a conditions or a S106 legal agreement where deemed necessary.

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

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure; 30% on-site affordable housing provision; a financial contribution towards primary education and on site Public Open Space provision and associated management and conditions.

REASON FOR REFERRAL

The application has been referred to Southern Planning Committee as it represents a departure from policy which is recommended for approval.

SITE DESCRIPTION

The application site is located on the south-eastern side of Herbert Street, Crewe within the Crewe/Haslington Strategic Green Gap. The current established use of the land is B8 (storage and distribution). The land is in shape extending approximately 1.06 hectares.

The site comprises of a larger storage building and some lighter weight temporary buildings. The majority of the site is covered by hardstanding which is being used for external storage.

A Public Right of Way passes through the centre of the site.

PROPOSAL

Outline planning permission is sought for up to 12 dwellings, including matters of Layout and Scale

Matters of; Access, Appearance and Landscaping are not sought for permission as part of this application.

The original submission sought permission for the erection of 15 dwellings with all matters reserved. Revised plans and a revised application form was received during the application process reducing the number of dwellings down to 12 and updating the scope of the application to include matters of Layout and Scale at the request of the Local Planning Authority (LPA). A re-consultation exercise was undertaken on the amendments.

RELEVANT HISTORY

17/3244C - Lawful Development Certificate Application for an Existing B8 Use (Supply of Sundries to the Horticultural Industry) – Positive Certificate 3rd August 2017

P94/0953 - Erection of 3 No. polytunnels, 1 green house, agricultural building and portakabin - Approved 12th January 1995

7/13258 - Use of land for grazing/stabling of horses - Approved 31st July 1986

7/04755 - Residential development and access roads - Refused 14th December 1978

ADOPTED PLANNING POLICY

Adopted Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 (Presumption in Favour of Sustainable Development)

PG2 (Settlement Hierarchy)

PG5 (Strategic Green Gaps)

PG6 (Open Countryside)

PG7 (Spatial Distribution of Development)

SC4 (Residential Mix), SC5 (Affordable Homes)

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)
SE9 (Energy Efficient Development)
SE12 (Pollution, Land Contamination and Land Instability)
SE13 (Flood Risk and Water Management)
C01 (Sustainable Transport and Travel)
C04 (Travel Plans and Transport Assessments)
IN1 (Infrastructure)
IN2 (Developer Contributions)

'Cheshire East Council Design Guide' Supplementary Planning Document (SPD)

Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 (CNLP)

NE4 (Green Gaps)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
E4 (Development on Existing Employment Areas)
RES.2 (Unallocated Housing Sites)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

'Backland Development' Supplementary Planning Document (SPD)

Other material policy considerations

National Planning Policy Framework (The Framework)

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

Of particular relevance are paragraphs:

7-14 (Sustainable Development)
24-27 (Maintaining effective cooperation)
38-58 (Decision Making)

59-72 – (Delivering a sufficient supply of homes)
77-79 (Rural Housing)
102-111 (Promoting Sustainable Transport)
124-132 (Achieving well-designed places)
155-165 (Planning and Flood Risk)
170-183 (Conserving and enhancing the natural environment)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to amendment to service strip which has since been amended and agreed

Environmental Protection – No objections, subject to a number of conditions including; prior submission/approval of a piling method statement, prior submission/approval of an environmental management plan, prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval that any gas boiler installations proposed are to a certain emission standard, the prior submission/approval of a phase 1 contaminated land report, the submission/approval of a verification report, the submission/approval of a soil verification report, works to stop if contamination is identified.

PROW Officer – No objections subject to a condition requiring the prior submission/approval of a PROW Scheme of management and the diverted line of the PROW should be marked out prior to commencement of development

Strategic Housing Manager – No objections, agent has agreed to the required 30% on-site provision (4 units)

Education (Cheshire East Council) – Require the submission of £21,693 towards primary education provision

ANSA (Open Space) – No objections, accept the Open Space provision provided, subject to the landscaping being secured at Reserved Matters stage

NHS - No comments received relating to the revised proposals

United Utilities – No objections, subject to the following conditions; that the proposal proceed in accordance with the detail within the Flood Risk Assessment and the prior submission/approval of a drainage water maintenance and management plan. It has also been advised that a public sewer crosses the site so it may not be possible to permit building over it. This should be added as an informative in the event of approval.

Flood Risk Manager – No objections, subject to a condition requiring the implementation of the FRA and a condition requiring the prior submission/approval of a detailed strategy/design limiting surface water run-off and an associated management and maintenance plan

Cheshire Brine Subsidence Board – Recommend the use of re-enforced foundations and the incorporation of flexibility with regards to the superstructure and services

Crewe Town Council – Request that the proposals;

- Protect the safety of road users, pedestrians and cyclists on Herbert Street with regards to the access arrangements
- Provide an element of affordable housing

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected in relation to the original proposals (based on 15 dwellings and an application for outline planning permission with all matters reserved). Letters of representation were received from 4 local residents. The main objections raised included;

- Flood Risk – Impact of development upon water table
- Amenity – Loss of privacy/overlooking, visual intrusion
- Highways – Resulting increase in traffic, adequacy of parking (including visitor parking), turning and loading
- Procedural matters – certain neighbours have not been notified
- PROW – Impact of development upon footpaths

Matters were also raised that are not material planning considerations such as property values and loss of views.

A second set of neighbour notification letters were sent to all adjacent occupants to consult on the revised plans and revised scope of the application. In response, 1 letter of representation was received. The main points raised included;

- Highways – Request that a Construction Management Plan be conditioned in the event of approval so the following matters can be controlled
 - Plans for the controlled disruption to local residence,
 - Parking facilities for contractors/site visitors
 - Wheel wash facilities
 - Plan for public highway (to Haslington)
 - Noise control
 - Damage to highways due to turning circles in the area.

OFFICER APPRAISAL

Principle of Development

The application site falls within the Haslington / Crewe 'Green Gap' as defined by Figure 8.3 of the CELPS. Policy PG5 of the CELPS state that in such locations (Strategic Green Gaps), permission will not be granted for the construction of new buildings which would; result in the erosion of the physical gap between any of the settlements, adversely affect the visual character of the landscape, significantly affect the undeveloped character of the Green Gap, or lead to the coalesce between existing settlements. Furthermore, such proposals should also adhere to the relevant policy aspects of Policy PG6 (Open Countryside) of the CELPS.

The applicant, within paragraph 5.5 of their Planning Statement state that '*given the layout of the existing surrounding residential development, this [the development proposals] will not extend the built form of the urban area any closer to Haslington as it currently is.*'

In response, the application site lies immediately adjacent to the Crewe Settlement Boundary on two sides of the site (north and west). Adjacent to the site beyond said boundaries is existing residential development. The settlement boundary of Crewe extends beyond the application site to the north-east.

Beyond the site to the east and south are open fields with occasional, sporadic development beyond. Approximately half way between the application site and Haslington is Bradeley Hall Farm.

At present, the built form on the application site is predominantly located to the south and west of the site. The proposal seeks the erection of dwellings across the majority of the application site, including to the east and south-east where there is currently no built form, the part of the site closest to Haslington.

As such, it is considered that the proposal introduce built form closer to Haslington than it does at present. As such, it is deemed to fail parts 4 (i) of Policy PG5.

However, it is considered that the level of erosion of the gap between Crewe and Haslington would be limited when consideration is given to the fact that the site lies hard up against the existing settlement boundary on two sides, the other sides of which the settlement boundary extends further to the south and east into the countryside than the extent of the application site. In addition, Bradeley Farm lies directly between the application site and Haslington.

Although limited, it is nonetheless considered that the proposals would result in the erosion of the physical gap between settlements due to the introduction of built form closer to Haslington than the existing built form on site. Therefore, the proposal would be contrary to Policy PG5 of the CELPS in this regard.

With regards to the landscape, the Council's Landscape Officer has reviewed the proposals and advised that she has no objections with regards to the impact of the development upon the wider landscape. The proposal would not lead to the coalescence between existing settlements. The proposal is therefore deemed to adhere with Parts 4 (ii) and 4 (iii) of Policy PG5.

However, as already referred to, because the development would extend the built form of Crewe closer to Haslington, the proposal would be deemed contrary to Part 4 (i) of Policy PG5 of the CELPS and as would fail to adhere with Policy PG5 as a result.

Turning to Policy PG6 of the CELPS, this policy only supports new development or a change of use of sites in certain instances. One such instance is; for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace (Part 3 (iii)). Another exception is for development that is essential for the expansion or redevelopment of an existing business (Part 3 (v)).

In response, even without existing floor plans and elevations, it is clear that the erection of 12 dwellings on this site, including garages, would exceed the volume and footprint of the existing

buildings on site. As such, it is considered that the proposal would also fail adhere with the ‘replacement of existing buildings’ policy exception (Part 3 (iii)).

With regards to the redevelopment of an existing business, it is considered that this exception is intended to support the re-development of such sites for alternative business proposals, not housing development. This interpretation has been verified by the Council’s Spatial Planning Team.

As such, the proposals would also not adhere with the requirements of Policy PG6 of the CELPS. Indeed the applicant appears to accept a breach of this policy within paragraph 6.15 of their original Planning Statement advising *‘Our view is that any conflict with Policy PG6 is limited.’*

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the Strategic Green Gap or 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; this is considered as part of the assessment below.

Material considerations

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, unless material considerations indicate otherwise. 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;
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

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 a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

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.

As such, while the provision of additional housing does represent a planning benefit as the 5-year supply is a minimum, there is no pressing need to release sites which are deemed to cause harm in other regards. As such, this is afforded limited weight.

Previously Development Land (PDL)

On the 3rd August 2017 a Certificate of Lawful Existing Use was granted for the entire application site to establish the lawful use as B8 (Storage or Distribution). Consideration therefore, needs to be given to the site being Previously Developed Land (PDL).

Policy SD1 of the CELPS and the Framework encourages development on previously developed land. Previously Developed Land (often referred to as brownfield land) is defined within Annex 2 of the NPPF and states;

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

It is considered that the application proposal falls within this category, so its re-development would be supported in this regard by Policy SD1 (Part 15) of the CELPS and the Framework.

Part 1 of Policy SE2 (Efficient Use of Land), states that the Council will encourage the redevelopment/re-use of previously developed land and buildings. The proposal is also deemed to adhere with this aspect of development plan policy.

Paragraph 84 of the NPPF states that '*The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*'

Paragraph 117 of the NPPF states that '*planning policies and decisions should promote an effective use of land....in a way that makes as much use as possible of previously-developed or 'Brownfield' land.*'

As such, this aspect of development would adhere with both adopted development policy and national planning policy.

It should be noted that there is no suggestion that there are any planning benefits in cleaning up the site from a contaminated land perspective. Nonetheless, it is afforded significant weight in this instance as a result of the strong local and national policy support the re-development of such sites.

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 applicant has completed the checklist within paragraph 5.11 of their Planning Statement. The accessibility of the site showed that following facilities meet the minimum recommended standard for walking distances to public facilities:

Post box (500m) – 270 metres (Herbert Street)
Post Office (1000m) – 880m (McColls, Colleridge Way)
Bank or Cash machine (1000m) – 880m (McColls, Colleridge Way)
Amenity Open Space (500m) - 300m (off Bradley Hall Road)
Outdoor Sports Facility (500m) - 300m (Bowling Green)
Public House (1000m) – 482m (Sydney Arms)
Child Care Facility (nursery or crèche) (1000m) – 644m (Kids Planet Pre-school)
Bus Stop (500 metres) – 482 metres (Sydney Arms)
Public Right Of Way (500m) – 0m (On site)

The following amenities/facilities failed the recommended standard:

Children's Playground (500m) – 730m Lansdowne Road
Primary School (1000m) - 1395m (Hungerford Road Primary Academy)
Local Meeting Place (1000m) - 2735m (Yoxall Village Hall)
Leisure Facilities (1000m) – 2092m (Total Fitness)
Pharmacy (1000m) – 1305m (Wells Pharmacy, Hungerford Road)
Railway station (2000m where geographically possible) – 2735m (Crewe Station)
Supermarket (1000m) – 2092m (M&S – town centre)
Secondary School (1000m) – 1770m (Sir William Stanier Community School)
Medical Centre (1000m) - 1305m (Hungerford Medical Centre)
Convenience Store (500m) – 880m (McColls, Colleridge Way)

This basic assessment provided by the applicant shows that the site is within the recommended distance of 9 of the 19 criteria considered (47%).

Although the site is located within the recommended distances of just less than half of the above facilities, as there is a bus stop within close proximity of the site which offers regular trips to Crewe town centre, it is deemed that the location of the site is sustainable. This consideration is afforded moderate weight.

Suitability of site for business use

The applicant has suggested on numerous occasions within their planning statement that the Council should afford weight to the incompatible use of the existing site with the surrounding land uses. More specifically;

- Paragraph 3.3 states; '*Such a residential scheme would not be incongruous within that location and would replace a non-conforming B8 use which, if intensified, has the potential to create serious residential amenity and highway safety issues.*'
- Paragraph 5.5 states; '*By re-developing the site, it brings it more in line with the existing residential development on the opposite side of the road and also removes a potentially harmful non-conforming use in the locality.*'
- Paragraph 5.7 states; '*...a well design residential scheme will be much better suited to the site and the locality than a B8 use which could become far more intensive over time to the detriment of amenity of nearby residents and also to the detriment of highway safety.*'
- Paragraph 7.1 states; '*Removal of a potentially damaging non-conforming use.*'

Whilst it is accepted that the area is characterised by either residential development or countryside, there is no evidence to suggest that the existing use is 'damaging'. As such, limited weight is afforded to this consideration.

Ecological enhancements

It is advised within paragraph 5.14 of the submitted Planning Statement that within the submitted Ecological assessment, the site '*will provide an opportunity to secure ecological enhancement for wildlife associated with residential development.*'

These enhancements appear to include the provision of nesting features for birds and bats and the retention and supplement of existing vegetation.

Although welcomed, such measures are commonly required as mitigation to alleviate any potential ecological harm. There appears to be no specific enhancements above the normal mitigation measures proposed on such schemes in such locations. As such, limited weight is afforded to this consideration.

Economic and Social benefits

The applicant has advised within paragraph 5.23 of their Planning Statement that the scheme will offer economic benefits in the form of; local employment opportunities during the construction phase

and wider economic benefits to the construction industry supply chain, new resident's spending money at local shops and services, receipt of New Homes Bonus and additional council tax.

In response, although these are recognised as benefits, they are tempered when consideration is given to the economic benefits of the existing use of the site which would be lost, be that either as the continued established use or an alternative employment use. As such, the suggested economic benefits are afforded little to no weight.

The social benefits forwarded within paragraphs 5.25-5.26 relate to the provision of housing and housing of a high standard. In response, as previously advised, whilst the provision of new housing does represent a planning benefit, given that the council are able to demonstrate a 5-year housing land supply, there is no pressing need for the housing, particularly where it will create harm. There is also no guarantee that the quality of the housing proposed will be high. As such, limited weight is afforded to this consideration.

Principle conclusions

The application site falls within the Crewe/Haslington Strategic Green Gap which is also subject to Open Countryside policy within the CELPS. It is considered that the proposed development would marginally erode the physical gap between Crewe and Haslington, failing to adhere with this aspect of Policy PC5 of the CELPS. Furthermore, the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS.

As a result, the proposals constitute 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 applicant has forwarded a number of material considerations. These include the provision of housing, the fact that the site is Previously Developed Land, the sustainability of the location, the unsuitability and potential harm of the existing use, the provision of ecological enhancements and social and economic benefits.

Of these, significant weight is afforded to the fact that the site is PDL and moderate weight is afforded to the sustainability of the location. However, limited weight is afforded to the other considerations for the reasons detailed above.

It is considered that given the limited level of erosion into the green gap as a result of the proposals in conjunction with the site being established previously developed land, the re-development of which carries significant weight in favour of the proposal within both adopted local policy and national policy, and the sustainable location of the site, it is considered that the material considerations in this instance, outweigh the principle objection.

The principle of the development is therefore deemed acceptable as a departure.

Other matters

Landscape, Trees and Hedgerows

Notwithstanding the principle concerns with the proposal, in consideration of on-site landscape considerations, the Council's Landscape Officer has raised no objections to the development in principle. Although concerns are raised about boundary treatments and shown hard surfacing materials and suggests enhancements to existing boundary hedges and on-site pond, such matters are not sought for consideration as part of the application and would be considered at Reserved Matters stage.

In consideration of tree matters, the Council's Forestry Officer has concluded that the proposals would not impact existing retained trees and subject to the conditioning that any subsequent reserved matters being supported by an updated Arboricultural Impact Assessment, no tree objections are raised.

Subject to the above, the proposals are deemed in principle to adhere with Policies SE4 (Landscape) and SE5 (Trees, Hedgerows and Woodland) of the CELPS.

Ecology

The application is supported and an Ecological Survey and Assessment. The detail of this and any other ecology matters are considered below.

Sandbach Flashes SSSI Impact Zone

The proposed development falls within Natural England's SSSI impact zone. Natural England ask that for proposed developments in this location they are consulted on the potential risk from 'Any residential development of 50 units or more'. As the current plans show 12 units, it is not necessary to consult Natural England.

Hedgerows

The hedgerows known as 1, 2 and 3 in the submitted *Ecological Survey and Assessment* report (ERAP, November 2017) are considered by the Council's Nature Conservation Officer as a priority habitat and likely to function as commuting, connective habitat for bats. As such, the Council's Nature Conservation Officer has advised that if planning consent is granted, a landscape condition should be included requiring the retention of existing hedgerow unless agreed by the LPA.

Great Crested Newts

The submitted *Ecological Survey and Assessment* report (ERAP, November 2017) assessed the pond on site as being unsuitable for Great Crested Newt breeding habitat. The Council's Nature Conservation Officer therefore advises that no further survey effort is required for this species.

Breeding Birds

If planning consent is granted, the Council's Nature Conservation Officer recommends a condition be included to protect nesting birds.

Wall Cotoneaster

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

Disturbance of soil on the site may result in increased growth of the species 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 Wall Cotoneaster 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.

This should be included as an informative.

Ecological Mitigation and Enhancement

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

Wildlife sensitive lighting

The Council's Nature Conservation Officer has advised that in the event of approval a condition should be included which requires the prior submission/approval of the LPA for external lighting. The scheme should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

Subject to the above, no significant issues with regards ecology are raised and the development would adhere to Policy SE3 (Biodiversity and Geodiversity) of the CELPS and Policy NE.9 (Protected Species) of the CNLP.

Design

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

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

The matters of design sought for consideration as part of this application are layout and scale.

The layout has been revised and included as part of the application submission at the request of the LPA due to the sensitive rural fringe location of the site. The overall number of dwellings sought for approval has been reduced from 15 to 12, also on the advice of the Council.

The proposed layout shows the provision of 12 dwellings located on a largely rectangular plot of brownfield land located within the Open Countryside. The scheme proposes a mix of 3 and 4 bedroomed properties either detached or semi-detached between 2 and 2 ½ storey's in height.

A new and improved access would extend south from Herbert Street into the site and extend in an easterly direction where it would end with a turning head.

All 12 dwellings would either address the new access road or the countryside beyond the site (or both). All properties would benefit from detached/semi-detached garages set back within the streetscene with off-street parking in front.

The applicant has accepted the LPA advice with regards to creating a design which has a reduced density, makes the most of the opportunity of the countryside adjacent to the site and the on-site tree and pond features and removes car frontage parking. For the above reasons, it is considered that the general layout would respect the character of the area and the location.

In consideration of scale, the applicant has provided scale parameters upon the LPA request. The indicative elevations show that the dwellings proposed on plots 1-3 and 11-12 would have a maximum height between 7.8 and 7.95 metres and the dwellings on plots 4-8 would have a maximum height of 8.55 metres. The taller dwellings proposed would back onto existing 3-storey development. It is considered that the scale of these dwellings will be acceptable and reflective of the surrounding development.

Matters of appearance would be considered as part of a reserved matters application in the event of approval.

In consideration of layout and scale only, it is considered that the details provided would be of an acceptable design that would comply with Policies SE1 and SD2 of the CELPS.

Amenity

Policy BE.1 of the CNLP advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance. Within the Council's Supplementary Planning Document relating to 'backland development', the recommended minimum separation standards between built form include a 21 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.5 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

According to the submitted revised layout plan, the closest neighbouring properties to the application site would be the occupiers of; 53 Herbert Street (Sydney Cottage) to the west and to the north, No's 55 Herbert Street and No's 1-6 Foxholme Court. All other neighbouring properties are either over the minimum recommended standard away from any of the proposed development or sufficiently offset.

The side elevation of No.53 Herbert Street would be between 17.2 and 22.6 metres from the front or side elevations of 3 of the dwellings proposed on plots 1, 2 and 3. Within the relevant side elevation

of No.53 Herbert Street, positioned approximately 17.2 metres from the principal elevations of the dwellings proposed on plots 1 and 2 are 3 ground floor openings, none of which appear to represent sole windows to principal habitable rooms. All other openings on this elevation are considered to be sufficiently far enough away from the development not to be impacted in terms of loss of privacy, light or visual intrusion.

The side elevation of No.55 Herbert Street to the north would be approximately 10.4 metres from the side elevation of the dwelling proposed on plot 1. Within the relevant side elevation of No.55 Herbert Street there are no openings. As such, it is not considered that the proposal would create any amenity concerns of this existing adjacent neighbour with regards to loss of privacy, light or visual intrusion.

The main rear elevations of the dwellings proposed on plots 4-7 would be between 28.1 and 28.3 metres away from the rear elevations of No's 1-4 Foxholme Court. The side elevation of the dwelling proposed on plot 8 would be approximately 26.1 metres away from the rear elevation of No.6 Foxholme Court. It is considered that given that the dwellings on Foxholme Court are 3-storey's tall and the proposed dwellings are 2 ½ storey's tall, this increased distance would be sufficient to overcome concerns with regards to loss of privacy, light or visual intrusion, possibly subject to an obscure glazing condition where appropriate at reserved matters stage when matters of appearance are considered.

Although the proposed garaging would be closer to these neighbouring dwellings than the proposed dwellings themselves, it is considered that because there are to be single storey they would not create any significant amenity concerns in principle.

For the above reasons, based on the information under consideration as part of this outline application, it is not considered that the layout or scale of the proposed development would have a detrimental impact upon neighbouring amenity.

In consideration of environmental matters, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; prior submission/approval of a piling method statement, prior submission/approval of an environmental management plan, prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval that any gas boiler installations proposed are to a certain emission standard, the prior submission/approval of a phase 1 contaminated land report, the submission/approval of a verification report, the submission/approval of a soil verification report, works to stop if contamination is identified.

With regards to the amenities of the future occupiers of the proposed dwellings themselves, subject to the careful consideration of the internal arrangements of the dwelling proposed on plot 8 when matters of appearance are determined, to ensure no loss of privacy, light or visual intrusion upon its future occupiers or the occupiers of the adjacent proposed dwellings, the proposal would not create any amenity concerns with regards to the above considerations upon the future occupiers of the proposed development.

Sufficient private amenity space could be provided for each dwelling.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the CNLP and the amenity aspect of Policy SE1 of the CELPS.

Highway safety / Access

Matters of access are not sought for consideration as part of the application proposal. Nonetheless, the Council's Head of Strategic Infrastructure (HSI) has reviewed the revised layout proposals and advised that the proposal creates no highway issues. A Construction Management Plan could be secured through the imposition of a planning condition.

The proposal is therefore considered to adhere with Policy BE.3 (Access and Parking) of the CNLP.

Flood Risk and Drainage

The application site lies entirely within a Flood Zone 1 as defined by the Environment Agency Flood Risk Maps. Flood Zone 1's are areas deemed to have a low probability of flooding. As such, no significant concerns with regards to flood risk are envisaged.

In consideration of drainage, the proposals were supported by a drainage strategy. This has been reviewed by the Council's Flood Risk Manager who has subsequently advised that he has no objections, subject to a condition requiring the implementation of the FRA and a condition requiring the prior submission/approval of a detailed strategy/design limiting surface water run-off and an associated management and maintenance plan.

United Utilities have advised that they have no objections, subject to the following conditions; that the proposal proceed in accordance with the detail within the Flood Risk Assessment and the prior submission/approval of a drainage water maintenance and management plan. It has also been advised that a public sewer crosses the site so it may not be possible to permit building over it. This should be added as an informative in the event of approval.

Subject to the above recommendations, the proposals are considered to adhere with Policy BE.4 of the CNLP and SE13 of the CELPS.

Affordable Housing

The CELPS and the Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

Although this is a proposed development of 12 dwellings, the size of the site is 0.432 hectares. Therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand annually up to and including 2018 in Crewe is for 50 x 1 bedroom, 149 x 3 bedroom and 37 x 4 bedroom dwellings for General Needs. The SHMA

is also showing an Annual need for 12 x 1 bedroom and 20 x 2 bedroom dwellings for older persons. These can be via bungalows, flats, cottage style flats or lifetime standard dwellings.

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2092. This can be broken down to 959 x 1 bedroom, 661 x 2 bedroom, 296 x 3 bedroom and 96 x 4 bedroom dwellings. On this site therefore, the Council's Strategic Housing Manager has advised that a mix of 1, 2, 3 and 4 bedroom general needs dwellings and a 1 and 2 bedroom older person provision would be acceptable.

The Council's Strategic Housing Manager has advised that 3 units should be provided as Affordable rent and 2 units as Intermediate tenure.

The agent has agreed to the provision of the 4 on-site units and the Council's Housing Officer has advised that the detail should be secured through an Affordable Housing Statement which would be submitted as part of the S106 Agreement, required to secure the provision.

Education

The proposed trigger for consideration of whether a proposal would have an impact upon the capacity of local primary, secondary and special education need schools is over 11 dwellings comprising of 2 bedrooms or more. As the proposal seeks up to 12 dwellings, all over 2-bed, this requirement is triggered.

The Council's Education Officer has advised that the development of 12 dwellings would be expected to generate;

2 Primary children
2 Secondary children
0 Special Educational Needs (SEN) children

It is advised that the service is currently in the process of creating additional capacity in the immediate area of the development at 2 primary schools, for which both projects have not yet been fully funded. It is advised that a contribution would be required to part fund one of these projects.

It is calculated that 2 Primary children x £11,949 x 0.91 = £21,693 for primary provision.

It is advised that the development is not expected to impact secondary or SEN provision.

This Primary contribution would be secured via a S106 Agreement in the event of approval. The applicant has agreed to this requirement.

Open Space

There is a small area of Public Open Space retaining an existing pond and trees. The Council's Public Open Space Officer (ANSA), considers that this area is appropriate in scale and size for the development. It is advised that this area maybe suitable for minimal seating however, at this stage it is felt this is best decided by the residents once the small community is established.

This area does not qualify for formal play.

The Open Space Officer has concluded that should committee deem this application acceptable, then full hard/soft landscaping details should be submitted at Reserved Matters stage. It is also recommended that the provision be secured as part of the S106 agreement along with its management in perpetuity by a private management company.

Public Right of Way (PROW)

The application proposal would affect Public Footpath No.5, Crewe Town as recorded on the Definitive Map and Statement in the event of approval. However, the Council's PROW Officer has advised that the proposal would have a 'direct and significant' effect of the PROW.

A proposed alternative route of the PROW is proposed. In the event of approval the applicant would be required to apply for a public footpath diversion order under s.257 of the Town and Country Planning Act 1990. It is advised that the proposed diversion as shown on the layout plan would require amendments in order to make it satisfactory. More specifically, the commencement of the path is shown away from the junction with Herbert St off a track with no public status. The Council's PROW Officer has advised that this section of path is too narrow and doesn't fit with DEFRA guidelines. It is advised that it would also require natural surveillance from adjacent properties to prevent it becoming an area likely to attract anti social behaviour; in line with Natural Surveillance or Crime Prevention through Environmental Design principles (CPTED).

The Council's PROW Officer has also advised that the connecting footpath from the south of the proposed estate road should be made up to a standard capable of carrying cycle use as it connects to a bridleway that is proposed for improvement to create an attractive link for cyclists between Crewe and Haslington. It would therefore need to have a sealed surface of 3 metres wide within a green corridor. The future status of the estate road would need to be determined.

As such, in the event of approval, the Council's PROW Officer has recommended that a condition should be imposed requiring the prior submission/approval of a PROW Scheme of Management. As part of the condition, it is also proposed that the line of the PROW be marked out on the development site prior to commencement of development.

Other matters

Despite numerous communications, the NHS Cheshire Commissioning Group declined to comment on the application with regards to the impact of the proposal upon local health provision.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need and the 30% policy provision is proposed.

A financial contribution of £21,693 is necessary to account for the increased demand upon the capacity of the local primary schools and shall be used to fund the creation of a new primary school.

In consideration of Open Space, the requirement to provide suitable onsite provision in line with development plan policy.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Conclusions

The application site falls within the Crewe/Haslington Strategic Green Gap which is also subject to Open Countryside policy within the CELPS. It is considered that the proposed development would erode the physical gap between Crewe and Haslington, failing to adhere with this aspect of Policy PC5 of the CELPS. Furthermore, the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, given the minor nature of erosion of the green gap as a result of the development in conjunction with the sites previously development land status the re-development of which carries significant weight in favour of the proposal within both adopted local policy and national policy, and its sustainable location, the material considerations are deemed to outweigh the primacy of the development plan in this instance. The principle of the proposal is therefore supported.

No objections to the development are raised in relation to; trees and hedgerows, ecology, design, flood risk and drainage, amenity, highway safety, public rights of way, affordable housing, education or open space, subject to conditions or a S106 legal agreement where deemed necessary.

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

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

S106	Amount	Triggers
Affordable Housing	30% - 65% Affordable Rent / 35% Intermediate	If any market housing, 50% open market occupied prior to affordable provision.
	Submission of Affordable Housing Statement	Prior to issuing of decision notice
Education	Primary: £21,693 Total: £21,693	Prior to 50% occupation
Public Open Space	On-site provision as shown on plan.	

	Submission of a Private Management Plan in perpetuity	Prior to occupation
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And the following conditions;

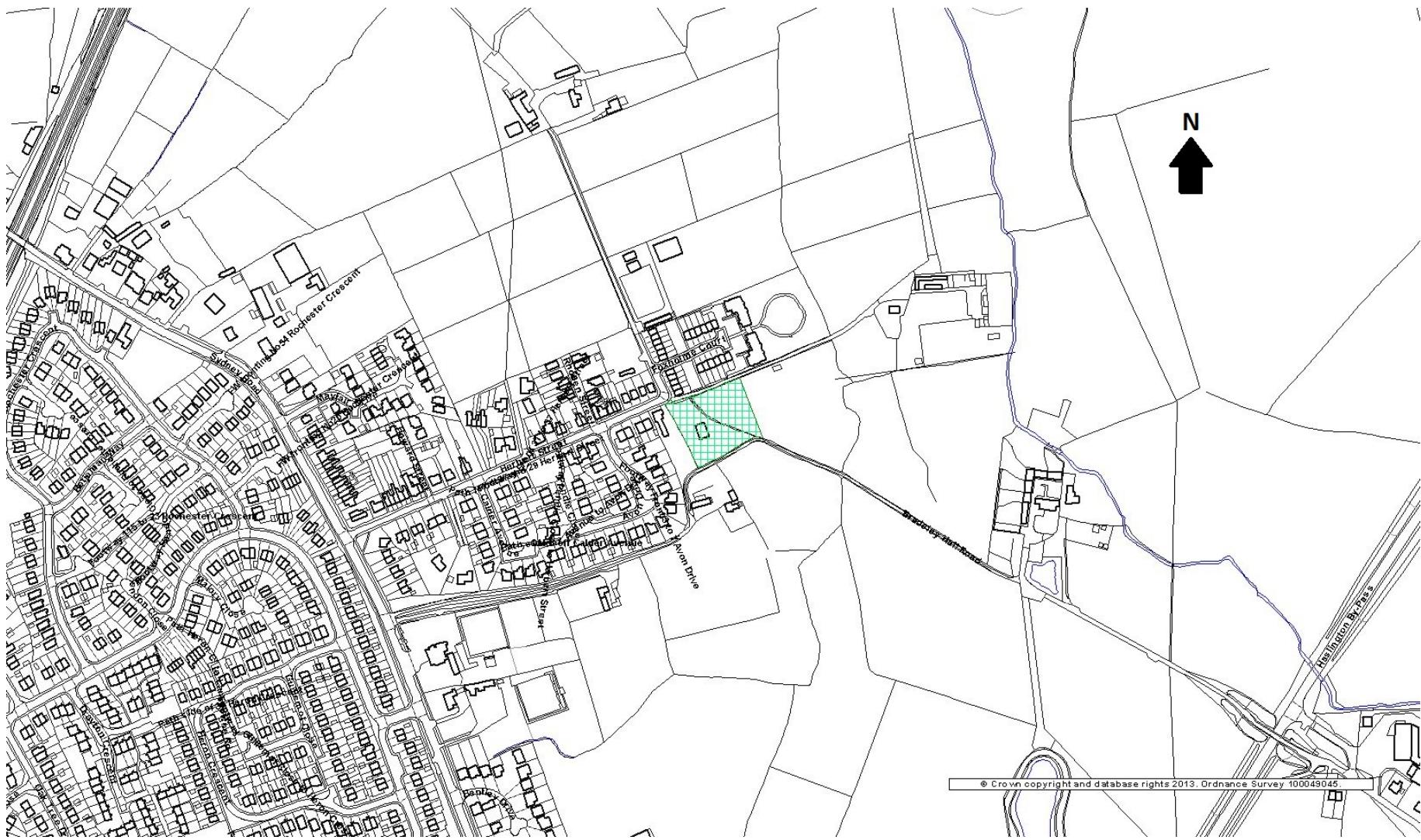
1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Prior submission/approval of levels
6. Reserved Matters scheme should be supported by an updated AIA/Tree Protection Scheme in accordance with BS 5837
7. Retention of existing hedgerow (Ecology)
8. Nesting birds
9. Prior submission of an ecological enhancement strategy
10. Prior submission/approval of the LPA for external lighting
11. Prior submission/approval of a piling method statement
12. Prior submission/approval of an Environmental Management Plan (EMP)
13. Prior submission/approval of a residents travel information pack
14. Provision of electric vehicle charging infrastructure
15. Prior submission/approval that any gas boiler installations proposed are to a certain emission standard
16. Prior submission/approval of a phase 1 contaminated land report
17. Submission/approval of a verification report
18. Submission/approval of a soil verification report
19. works to stop if contamination is identified
20. Prior submission of a surface water drainage scheme and associated management and maintenance plan
21. Implementation of Flood Risk Assessment
22. Prior submission/approval of a PROW Scheme of Management
23. Line of PROW shall be marked out on development site prior to commencement of development
24. Prior submission/approval of a Construction Management Plan

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

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

S106	Amount	Triggers
Affordable Housing	30% - 65% Affordable Rent / 35% Intermediate	If any market housing, 50% open market occupied prior to affordable provision.

	Submission of Affordable Housing Statement	Prior to issuing of decision notice
Education	Primary: £21,693 Total: £21,693	Prior to 50% occupation
Public Open Space	On-site provision as shown on plan. Submission of a Private Management Plan in perpetuity	Prior to occupation



Application No: 18/5733N

Location: RED HALL FARM, MIDDLEWICH ROAD, LEIGHTON, CHESHIRE, CW1 4QU

Proposal: Erection of 2 No. additional poultry buildings on established poultry farm.

Applicant: Mr James Charlesworth, T J Charlesworth

Expiry Date: 08-Mar-2019

SUMMARY

The application site lies entirely within the Open Countryside where Policy PG 6 (Open Countryside) of the CELPS sets out the exceptions for development in the Open Countryside which includes development which is essential for the purposes of agriculture.

The design is acceptable and the impact on the surrounding amenity, trees, ecology and the highway network will not be significant.

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

RECOMMENDATION

APPROVE with conditions

REASON FOR REFERAL

This application is referred to Southern Planning Committee as it is major development subject to an Environmental Impact Assessment for Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

PROPOSAL

This is a full planning application for the construction of two additional poultry sheds, each 100.6m by 24.7m, eaves height of 2.9m and ridge height of 6.4m. Each building will accommodate 54,000 birds, increasing the capacity of the site by 108,000 birds to a total stocking number of 484,000 birds.

The buildings are to be clad in olive green sheeting.

The application also includes an attenuation pond on the west side of the existing units.

The broiler rearing cycle operates on an “all in, all out” system, and each cycle takes 44 days (including approx. 38 days of rearing and 6 days for cleaning and preparation). They will operate with 7.5 flocks per annum.

The development includes a short access track and concrete apron, and will be served by the existing access from the A530.

The application is accompanied by an Environmental Statement, which includes reports on: flood risk and drainage, odour, Great Crested Newts and ammonia.

A design and access statement, tree report and a landscaping scheme have been submitted.

The application has been amended to reduce the size of the buildings in order to safeguard existing trees on the western boundary.

SITE DESCRIPTION

The application site comprises open land on the north side of the existing poultry farm. Access is via an existing dedicated roadway from the A530 Middlewich Road. The farm has 8 poultry buildings and currently stocks a maximum of 376,000 birds for meat production. The site is controlled by the Environment Agency under an Environmental Permit.

To the south-west of the site is Red Hall Wood, which is a Site of Biological Importance.

RELEVANT HISTORY ON SITE

14/2920N - Biomass boiler - Approved 1/8/2014

12/3049N - Agricultural farming unit - Approval not required 31/8/2012

P07/0912 - Erection of 4 poultry sheds - Approved 24/9/2007

P96/0659 - Erection of 4 poultry units - Approved 17/10/1996

LOCAL & NATIONAL POLICY

Development Plan:

Cheshire East Local Plan Strategy (CELPS) (Adopted)

MP 1 - Presumption in Favour of Sustainable Development

SD 2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 - Biodiversity

SE4 - Landscape

SE 5 - Trees, Hedgerows and Woodland

SC3 - Health and well-being

SE11 - Sustainable management of Waste
SE13 - Flood risk and water management
PG6 - Open Countryside
EG1 - Economic prosperity
EG2 - Rural Economy

Borough of Crewe and Nantwich Replacement Local Plan 2011 (Adopted)

BE.1 - Amenity
BE.3 - Access and Parking
NE5 - Nature Conservation
NE9 - Protected Species
NE10 - New woodland planting and landscaping
NE14 - Agricultural buildings

National Policy:

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

CONSULTATIONS:

Head of Strategic Infrastructure (HSI) – No objection.

Environmental Protection – No objection subject to informatics.

Natural England: No objection

Environment Agency: No objection

United Utilities: No objection subject to conditions

Flood risk officer: No objections

Public Health England: No objections

VIEWS OF THE PARISH COUNCIL:

Minshull Vernon and District Parish Council: No comments received

REPRESENTATIONS:

None received

APPRAISAL

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

Principle of Development

Policy PG 6 (Open Countryside) of the CELPS sets out the exceptions for development in the Open Countryside which includes development which is essential for the purposes of agriculture.

Policy NE14 requires the proposal should be ancillary to the use of land for agricultural purposes, be satisfactorily sited in relation to existing buildings, should be of appropriate location, scale and type, and not be detrimental to residential amenity.

As an agricultural development at an existing farm the proposal is considered to comply with policies PG6 and NE14.

Amenity and health

Policy BE.1 (Amenity) of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance or do not lead to an increase in air, noise or water pollution.

The nearest residential properties (apart from the farm dwellings), are Hoolgrave Manor, 690 metres to the north and Red Hall Cottages 850 metres to the east, with the hospital buildings 950 metres to the east.

The Environment Agency has no objection in principle to the proposed development. The existing site is permitted under the Environmental Permitting Regulations 2016, and the site operator has applied to vary the existing permit accounting for the potential increase in bird numbers associated with the proposed development.

Public Health England state that, based solely on the information contained in the application provided, PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

The EHO raises no objections and recommends informatics regarding construction hours and possible contamination.

The proposal is therefore considered to be in compliance with Policy BE.1 (Amenity) of the adopted local plan.

Design

Policy SE1 (Design) of the CELPS sets out the design criteria for new development, and states that development proposals should make a positive contribution to their surroundings.

The proposed buildings are set within a field enclosed by hedges and mature trees on three sides, with a high voltage overhead line defining the eastern boundary. Although they are set on higher ground (+1.7m) and are taller (+1.7m) than the existing poultry units to the south, the development would be seen in the context of the existing poultry farm, including buildings of a

similar height to the east. The buildings are of an appropriate design for their purpose, using appropriate materials.

Landscape and Trees

The site is located in open countryside. It has no local or national landscape designation. The location of the proposed buildings is a field currently laid to grass. An existing access from Middlewich Road would be used. The proposed attenuation pond would be in a separate narrow grassed strip to the south west.

The existing poultry complex lies to the south of the proposed buildings with general farm buildings to the east and fields to the north and west. There is a single mature Oak tree within the proposed site close to the southern boundary with a belt of screen planting on a bank separating the site from existing hard standing and buildings at a lower level. To the west there are remnant lengths of hedge with several mature hedgerow trees and to the north a track with a hedgerow beyond. The attenuation site would lie between a tree lined hedgerow and existing poultry units. Overhead electricity lines cross the site.

The nearest public footpath is Minshull Vernon FP16, which is located 800 metres to the north, with a hedge and trees located in between.

The development is subject to EIA Regulations and an Environmental Statement has been provided. The statement references landscape and visual impacts and suggests that the development would have negligible landscape and visual impact. The assessment does not follow the industry standard GLVIA guidelines.

Landscape proposals have been provided. Subject to substitution of a native wetland species in place of the ornamental species the proposals are acceptable. An implementation condition would be appropriate.

A condition to secure details of management of any spoil arising from the scheme is also recommended.

Subject to implementation of the revised layout in accordance with the tree protection measures detailed in the Arboricultural Impact Assessment and Method Statement, most of the significant mature trees could be retained. The main exception is an oak tree T34 which is category B, and adjoins the southern proposed building. It is located towards the centre of the site and would not be a significant loss in landscape terms. Its loss can be offset by new planting.

The line of the proposed drainage pipeline and its impact upon the trees to the boundary of the site would be the subject of a planning condition.

Provided the drainage can be accommodated, arboricultural conditions would be appropriate.

Ecology

Statutory Designated sites

The proposed development is located within 10km of Wybunbury Moss SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar & the West Midland Mosses Special Area of Conservation (SAC).

Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the Ramsar and SAC was designated.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

Non-statutory Designated Sites

Red Hall Wood Local Wildlife Site (LWS), which includes ancient woodland habitats is located roughly 200m from the site of the proposed development. Habitats of this type are protected by Local Plan Policy SE3.

The Local Wildlife Site would be sensitive to contamination by ammonia emissions associated with the existing and proposed poultry units. The proposed development however involves the upgrading of the ventilation of the existing units together with more modern ventilation being provided on the two proposed units. The Council's ecology officer advises that the upgrading of the existing units as part of the proposed development will deliver a significant reduction in total ammonia emissions and so be beneficial for the Local Wildlife Site.

If planning consent is granted a condition is required to ensure that the upgrading of the existing units is delivered in a timely manner.

Great Crested Newts

The application is supported by a Great Crested Newt assessment. The Council's ecology officer advises that this species is not reasonable likely to be present or affected by the proposed development.

Ecological enhancement

Local Plan Policy SE 3(5) 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.

To achieve this policy objective the proposed plan has been annotated to include proposals for the restoration of the hedgerow along the sites eastern boundary.

Highways

The proposal would result in an uplift in vehicle movements of 570 lorry movements per year, or a 30% increase. The accident data indicates that there is no existing safety concern with the

access onto Middlewich Road. Passing bays and visibility splays were secured under the previous permission.

No objection is raised on highway safety grounds.

Drainage

The site is within flood zone 1 (lowest risk) and drainage proposals are included in the application. The drainage proposals include an attenuated surface water drainage system including an attenuation pond to the west of the existing units, and a certified dirty water system. Therefore it is considered that the drainage proposals are acceptable under the terms of adopted policies.

A revised site drainage scheme will be required as a condition, as the size of the buildings has changed, and there is a need to ensure that the drainage does not adversely affect trees.

Waste disposal

At the end of each 38 day flock cycle the buildings are cleaned out and the manure removed using agricultural loaders, then loaded into trailers which are sheeted. The manure is then exported to anaerobic digester plants in the locality for disposal. The buildings are then washed out with drainage going to a sealed concrete dirty water tank, which is emptied by a tanker. The arrangement is considered to be acceptable in terms of its environmental impacts.

External Lighting

The development does not require external lighting except for a 3 day period for each cycle.

Pre-Commencement Conditions

Conditions are required regarding further information to address landscape and tree requirements which will be agreed with the agent prior to issuing of any permission, in the event of a favourable decision by the Southern Planning Committee.

Conclusion

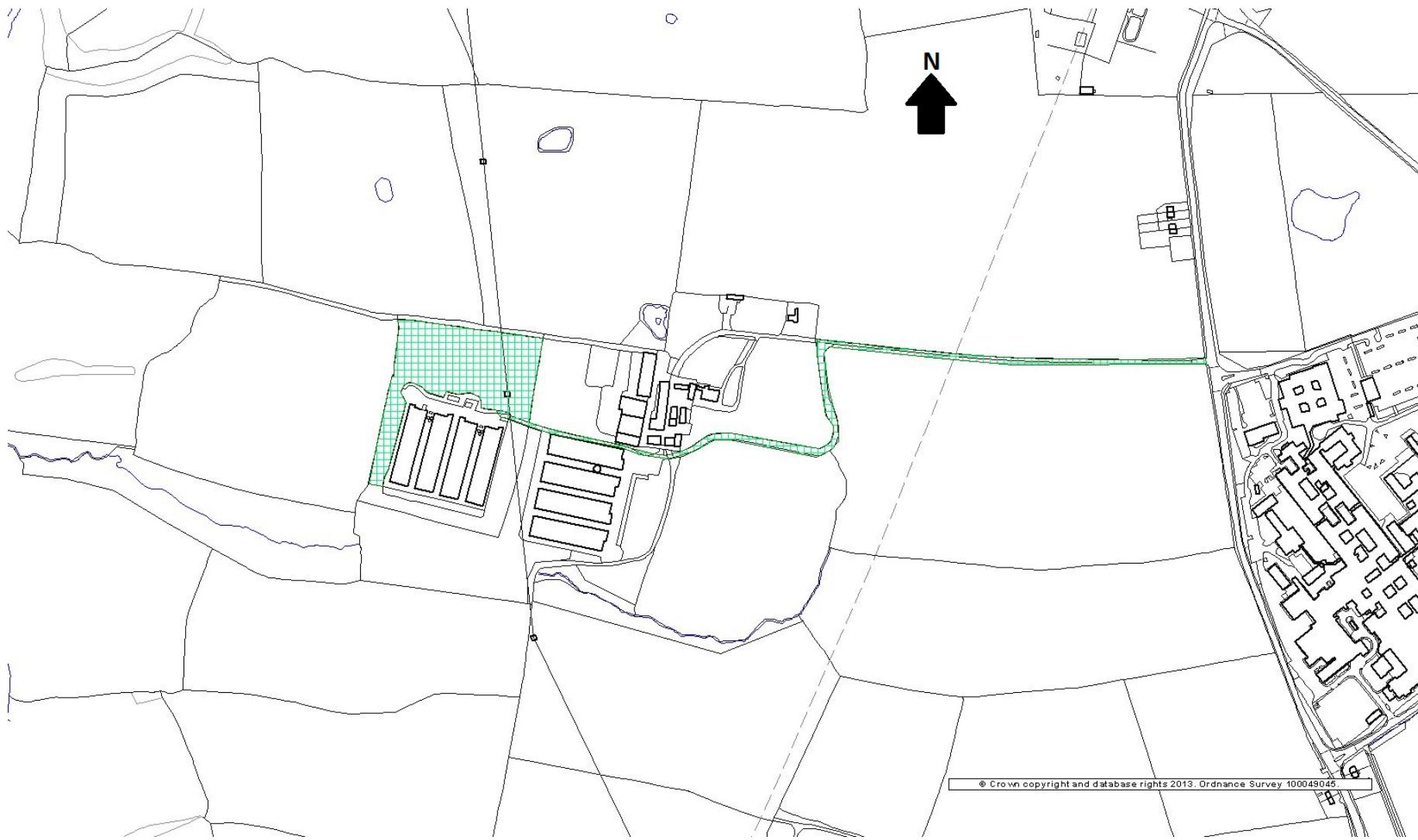
The proposed development is an expansion of an existing farm business and the proposal will be seen within the existing group of farm buildings. The proposal is in accordance with National and Local Plan Policy and the development is considered to be appropriate to its rural location. The proposed development would not cause adverse impacts upon residential amenity or highway safety, and the location of the poultry sheds and their location alongside the existing poultry complex would appear acceptable in the open countryside. The proposed development is not considered to have any adverse impacts in terms of designated habitats or protected species. As such, it is considered that the development is acceptable.

RECOMMENDATION

APPROVE subject to conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Development in accordance with EIA**
- 5. Submission of landscape scheme with amendments**
- 6. Implementation of landscape scheme**
- 7. Tree protection**
- 8. Scheme for management of spoil**
- 9. Ecology condition- upgrading of existing units**
- 10. Implementation of drainage proposals**
- 11. Further agreement of drainage works close to retained trees**

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: 19/0074N

Location: GRENSON MOTOR CO LTD, MIDDLEWICH ROAD, MINSHULL VERNON, CHESHIRE

Proposal: Removal of Condition 14 on 15/1249N - Proposed construction of 10 No. Dwelling complete with access, associated parking and landscaping.

Applicant: Mr Sean Pattinson, Grenson Ltd

Expiry Date: 04-Apr-2019

Summary

The removal of this condition would mean that the development would be more than 1,000sqm and not provide affordable housing in accordance with Policy SC5. No viability report has been submitted to support this application and the application is recommended for refusal.

SUMMARY RECOMMENDATION: REFUSE

PROPOSAL

Application 15/1249N gave outline planning permission and approval of access for the construction of 10 no. detached dwellings.

This applications seeks to remove condition 14 attached to application 15/1249N which states as follows;

The Reserved Matters application(s) shall have a maximum combined gross floorspace of no more than 1000sqm.

Reason: A development with a maximum combined gross floorspace of more than 1000sqm would require affordable housing in accordance with Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance.

SITE DESCRIPTION

The application site is a former garage and petrol station located to the western side of Middlewich Road at Bradfield Green. The site lies within the open countryside.

The garage and petrol station have since been demolished.

Dwellings lie to the north and south of the site whilst a public house lies immediately adjacent to the east. Open fields lie to the west.

RELEVANT HISTORY

15/1249N - Proposed construction of 10 No. Dwelling complete with access, associated parking and landscaping – Approved 30th June 2016

09/3251N - Demolition of Existing Garage and Petrol Station and Erection of 11no. Dwellings. Approved 25th July 2012

P08/1311 – Demolition of existing garage and petrol station and erection of 15 no. dwellings. Refused 05th February 2009

NATIONAL & LOCAL POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

Crewe and Nantwich Local Plan

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
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)

National Policy

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

Of particular relevance are paragraphs:

11 (The Presumption in Favour of Sustainable Development)
59-66 (Delivering a Sufficient Supply of Homes)

Neighbourhood Plan

There is no Neighbourhood Plan in Minshull Vernon.

Supplementary Planning Documents

Development on Backland and Gardens

CONSULTATIONS

CEC Head of Strategic Infrastructure: This is not a highways related condition.

Public Open Space: No comments received.

NHS England: No comments received.

Natural England: No comment to make on this application.

CEC Education: No comments received.

Environmental Health: No objection.

CEC Strategic Housing Manager: Object to the application because the removal of the condition would mean that the development would not be able to provide the required amount of affordable housing. This would need to be demonstrated by an assessment of the viability of the site in line with CELPS Policy SC5.

United Utilities: No comments received.

CEC Flood Risk: No comments received.

Minshull Vernon Parish Council: The Parish Council object to this application on the following grounds;

- Any increase over 1,000sqm of gross floorspace will result in an increased density of housing on a relatively small site and thus result in overdevelopment on this site; and
- This may result in the removal of the affordable housing element on the site, which is not acceptable given the demand for such housing to encourage local people to stay within the area and thus contribute to the future sustainability of the village.

The Parish Council considers that Condition 14 is key to the sustainability and suitability of the site and thus urges the planning authority to refuse this application.

REPRESENTATIONS:

No letters have been received at the time of writing this report.

APPRAISAL

Background

Planning application 15/1249N was originally referred to Southern Planning Committee on 30th March 2016 where Members resolved to approve the application subject to the completion of a S106 Agreement with the following Heads of Terms;

The reserved matters application to include the submission of an updated viability report which shall be assessed by an independent viability consultant (agreed between both parties and paid for by the applicant) which shall determine any affordable housing provision to be provided at the reserved matters stage.

The reason for this approach was that the Viability Appraisal submitted with the application had a number of issues as follows;

- As an outline application the submitted house types did not provide sufficient detail to enable the gross and net areas to be calculated. As a result appropriate build costs could not be assessed.
- The applicant's consultants and the Councils consultants were not in agreement in relation to the all in build cost with a difference of £18 per square foot.
- The Council's consultant's stated that the applicants build cost is well in excess of the BCIS mean base build rates

At the time the Councils viability consultants stated that the outline application did not provide detail of external elevation finishes or the specification of the internal fit out. As such the viability appraisal should be reviewed when the reserved matters application is submitted. This would be accompanied by more detailed plans, specification details and for clarity on the basis of the gross internal area of the proposed plans from which better information on the GDV (Gross Development Value) which can be achieved. This could also provide an up to date position on the average house prices in Cheshire East.

Following this resolution the application was returned to Southern Planning Committee on 29th June 2016 following a Court of Appeal ruling that a 2015 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing was not unlawful (Secretary of State for Communities and Local Government v West Berkshire District Council and Another [2016] EWCA Civ 441 (11 May 2016)).

Following the Court of Appeal judgement referred to above the Planning Practice Guidance was amended and this states that in the following circumstances contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development;

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)
- in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under [section 157\(1\) of the Housing Act 1985](#), which includes National Parks and Areas of Outstanding Natural Beauty
- affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

The proposed development is for 10 units or less and due to the viability concerns condition 14 was imposed to ensure that the reserved matters is limited to a maximum combined gross floorspace of no more than 1000sqm.

Appraisal

Paragraph 55 of the NPPF states that planning conditions should only be imposed where they are;

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

In this case the applicant has stated that the condition has restricted the sites ability to be brought forward since the initial approval in 2009 (it should be noted that the condition has only been imposed on application 15/1249N).

The applicant has stated the condition is no longer necessary, relevant or reasonable and that the condition is hindering the completion of the reserved matters and the applicant's ability to obtain full planning permission for a beneficial and viable architecturally designed scheme that would fit in at this location. The applicant has also provided a copy of an appeal decision at Woolpit which does not appear to be relevant to the case put forward.

The applicant has provided a Marketing Statement which is summarised as follows;

- The site was offered for sale by informal tender on behalf of the applicant on 22nd October 2018. The property was marketed at £800,000 and had 5 weeks of intensive marketing.

- A 'for sale' board was erected at the site on 27th November (no year given)
- Rightmove enquiries were received on 25th October 2018 (x2) and 26th October 2018
- The site was advertised in the Chester Chronicle in the week ending 26th October 2018
- Since 25th September 2018 the site appeared in search results 18,584 times
- No viewings have been arranged following the marketing of the site
- The tender date was on 27th November and one offer had been received (£500,000 to purchase the freehold of the site).

The application makes no reference to any affordable housing offer if condition 14 is removed and the case officer has e-mailed the agent to clarify this but has received no response.

The NPPF makes it clear that where a need for affordable housing is identified that planning policies should specify the type of affordable housing required and expect it to be met on site unless;

- Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- The agreed approach contributes to the objective of creating mixed and balanced communities.

The Cheshire East Local Plan Strategy (CELPS), Policy SC 5 Affordable Housing states that '*In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable*'.

Should the development be more than 1,000sq.m at Reserved Matters stage then the requirement would be 30% affordable (3 units). The CELPS states that the tenure split should be 65% affordable or social rent and 35% intermediate Tenure. This equates to 2 Units for Affordable rent and 1 Unit as Intermediate Tenure on this site.

The CELPS does however allow for a reduced provision of affordable housing subject to the viability of the site being agreed. Policy SC 5 states: -

'In exceptional circumstances, where scheme viability may be affected, developers will be expected to provide viability assessments to demonstrate alternative affordable housing provision. The developer will be required to submit an open book viability assessment. In such cases, the council will commission an independent review of the viability study, for which the developer will bear the cost. In cases where such alternative affordable housing provision is agreed there may be a requirement for the provision of 'overage' payments to be made. This will reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.'

It is clear that the condition meets the 6 condition tests identified above. It is supported by the Development Plan, the NPPF and PPG. It is precise, enforceable and reasonable in all other aspects.

The Strategic Housing Market Assessment (SHMA) Update 2013 shows that for the Minshull sub-area (in which the site is located) there is a requirement for 8 new affordable units per year between 2013/14 – 2017/18. The unit types required are 1 x one bed, 2 x two bed, 2 x three bed and 2 x one bed older persons accommodation.

The majority of the demand on Cheshire Homechoice is for 2 x one bedroom and 1 x two bedroom dwellings.

The applicant has not provided an updated Viability Appraisal in support of this application and there was no agreement on the previous Viability appraisal (which is now out of date). On this basis there is no reason to accept the removal of this condition. The proposed development is contrary to Policy SC5 of the CELPS and the NPPF.

Planning Balance

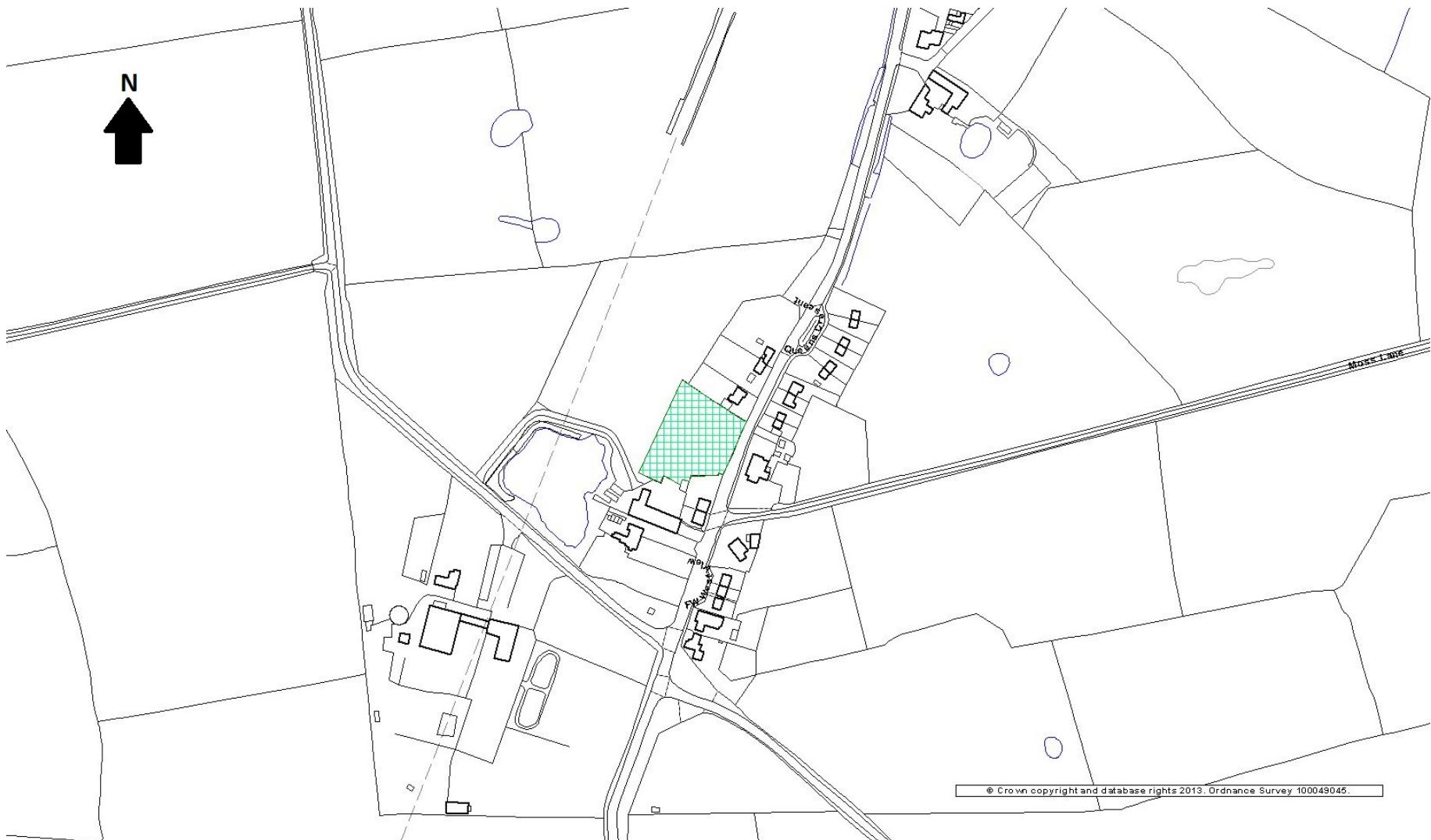
The removal of this condition would mean that the development would be more than 1,000sqm and not provide affordable housing in accordance with Policy SC5. No viability report has been submitted to support this application and the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

- 1. The removal of condition 14 could result in the development having a maximum combined gross floorspace of over 1,000 square metres and not provide any affordable housing in an area where there is an identified need. As a result the removal of condition 14 would be contrary to Policy SC 5 of the CELPS, the NPPF and the Planning Practice Guidance.**

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





Working for a brighter future together

Southern Planning Committee

Date of Meeting: 06 March 2019

Report Title: Update Report following an appeal being lodged for application 18/1250N - Full Planning for development 15 new dwellings comprising 11 4/5-bedroomed detached and 4 3-bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road at Land to the rear of Oakleaf Close, Shavington, Crewe, CW2 5SF

Senior Officer: David Malcolm, Head of Planning (Regulation)

1. Report Summary

- 1.1. An appeal has now been lodged against the refusal of application 18/1250N. The Case Officer is currently preparing his appeal statement to defend this appeal and negotiations are underway to secure a S106 Agreement should the appeal be allowed.
- 1.2. Reason for refusal 4 relates to the failure to provide a range of affordable housing units. The latest Homechoice data identifies a fairly equal need for rented units [63 x two beds, 42 x three beds]. In this case the appellant is offering 5 x three bed units only. Although the preference is for a mix of unit sizes the appellants offer would meet a need identified in the latest Homechoice data. On this basis it is recommended that reason for refusal 4 is not defended at this appeal. Reasons for refusal 1, 2, 3, and 5 will be defended as existing.

2. Recommendation/s

- 2.1. To defend the appeal in relation to reasons for refusal 1, 2, 3 and 5 as existing.
- 2.2. Not to contest reason for refusal 4 on the basis of the proposed affordable housing provision.

3. Reasons for Recommendation/s

- 3.1. Reason for refusal 4 related to a failure to address the identified local housing need for a range of housing sizes for the affordable housing provision.
- 3.2. The Housing Officer has stated that the preference would be to have both 2 and 3 beds so the development provides a mix of affordable housing on site. However the latest Homechoice data for Shavington shows a fairly equal need for rented units [63 x two beds, 42 x three beds].
- 3.3. As the latest Homechoice data is showing a need for 3 bed units, the Housing Officer has advised that the affordable housing provision as proposed (5 x 3 bedroom bungalows) is acceptable. On this basis it would not be possible to defend reason for refusal 4 due to the latest need figures contained within the Homechoice data.

4. Other Options Considered

- 4.1. The only other option available would be to defend the reason for refusal at appeal. However this would run the risk of an award of costs against the Council for unreasonable behaviour.

5. Background

- 5.1. The site of the proposed development extends to 0.9 ha and is located to the west of Crewe Road. The site is located to the north of properties which front onto Chestnut Avenue. The majority of the site is within the Open Countryside and Green Gap as defined by the Crewe and Nantwich Replacement Local Plan although the proposed access is located within the Shavington Settlement Boundary.
- 5.2. The rear portion of the site appears to include a paddock. There are a number of trees and hedgerows to the boundaries of the site. To the south of the site is residential development which fronts Chestnut Avenue. To the east of the site are residential properties fronting Crewe Road. To the north of the site is Open Countryside/Green Gap and to the east of the site is curtilage to dwellings which front Newcastle Road.
- 5.3. 18/1250N was a full planning application for the erection of 15 new dwellings. It should be noted that the description of development is not correct (as quoted in the report title). The refused plan shows the following housing mix; 9 x three bed units and 6 x four bed units.

5.4. Southern Planning Committee resolved to refuse planning application 18/1250N on 8th August 2018. The minutes from this meeting are as follows;

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

1. The Local Planning Authority considers that the proposed development is unacceptable as the application site lies within the Open Countryside which should be protected for its own sake and where there is a presumption against inappropriate forms of new development. The proposal does not meet any of the exceptions contained with Policy PG 6 (Open Countryside). The proposed development would therefore be contrary to Policy PG 6 (Open Countryside) of the Cheshire East Local Plan Strategy and the guidance contained with the NPPF.

2. In the opinion of the Local Planning Authority, the proposed development would contribute to the erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme. The development is therefore contrary to Policy PG5 (Strategic Green Gaps) of the Cheshire East Local Plan Strategy and Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.

3. The Local Planning Authority considers that the layout and design of the proposed development, by virtue of the relationship with the edge of the countryside and its detailed design and layout, does not make a positive contribution to the surrounding area and fails to achieve a sense of place that would enhance the distinctiveness and character of the area. This is contrary to Policy SE 1 (Design) of the Cheshire East Local Plan, the Cheshire East Residential Design Guide and the guidance contained with the NPPF.

4. The Local Planning Authority considers that whilst 30% affordable housing is proposed, all the affordable units are 3 bedroomed. This fails to address the identified local housing need for a range of housing sizes for affordable provision. In addition, no Affordable Housing Scheme has been provided and as a result it is considered that the proposal would fail to address identified local housing need and fails to create a sustainable, inclusive, mixed and balanced community, contrary to Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained with the NPPF.

5. The Local Planning Authority considers that insufficient information has been submitted to inform the impact of the proposed development on any protected species present (specifically the impact on Great Crested Newts, bats, water voles and bluebells) as well as the impact on grassland and hedgerow habitats. The development is therefore contrary to Policy SE 3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy, Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.

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

(c) That, should this application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. A contribution of £32,539.00 to Primary School Provision

3. Open Space/wildflower garden to be maintained by a private management company

- 5.5. Following the determination of the application an appeal has been lodged and a draft Section 106 is being prepared in line with the above. The purpose of this report is to consider the affordable housing provision in the light of a live appeal against the refusal of application 18/1250N.
- 5.6. As stated above the latest Homechoice data has identified a need for three bed affordable units. The affordable housing offer would go towards meeting this need.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The S106 would secure the affordable units should the appeal be allowed. There is a need for three bed affordable units and as such there are no legal implications.

6.2. Finance Implications

6.2.1. The risk or pursuing reason for refusal 4 is that an award of costs may be made against the Council for unreasonable behaviour.

6.3. Equality Implications

6.3.1. There are no equality implications as the latest Homechoice data shows a need for 42 three bed units in Shavington.

6.4. Human Resources Implications

6.4.1. N/A

6.5. Risk Management Implications

6.5.1. N/A

6.6. Rural Communities Implications

6.6.1. There are no direct implications for rural communities.

6.7. Implications for Children & Young People

6.7.1. There are no direct implications for children and young people.

6.8. Public Health Implications

6.8.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. The site is within the Shavington ward and Cllr Edgar has been informed.

8. Consultation & Engagement

- 8.1. Consultation has been undertaken with the Council's Housing Officer as part of the S106 Agreement negotiations.

9. Access to Information

- 9.1. N/A

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Edward Cratchley

Job Title: Senior Planning Officer

Email: Edward.Cratchley@cheshireeast.gov.uk



Working for a brighter future together

SOUTHERN PLANNING COMMITTEE

Date of Meeting: 06 March 2019

Report Title: Planning Appeals Report

Portfolio Holder: Cllr Ainsley Arnold

Senior Officer: David Malcolm, Head of Planning (Regulation)

1. Report Summary

- 1.1. To summarise the outcome of Planning Appeals that have been decided between 1st July 2018 and 31st December 2018. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

2. Recommendation/s

- 2.1. That the report be noted.

3. Reasons for Recommendation/s

- 3.1. To learn from outcomes and to continue to improve the Council's quality of decision making on planning applications.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. All of the Council's decisions made on planning applications are subject to the right of appeal under section 78 of the Town and Country Planning Act 1990. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on an appeal rather than it being made by a Planning Inspector - this is referred to as a 'recovered appeal'.

- 5.2. Appeals can be dealt with through several different procedures: written representations; informal hearing; or public inquiry. There is also a fast-track procedure for householder and small scale commercial developments.
- 5.3. All of the Appeal Decisions referred to in this report can be viewed in full online on the planning application file using the relevant planning reference number.
- 5.4. This report relates to planning appeals and does not include appeals against Enforcement Notices or Listed Building Notices.

6. Commentary on Appeal Statistics

- 6.1. The statistics on planning appeals for the year to date are set out in Appendix 1. A full list of the appeals decided between 1st July 2018 and 31st December 2018 are set out in Appendix 2 and 3.
- 6.2. The statistics are set into different components to enable key trends to be identified:
 - Overall performance;
 - Performance by type of appeal procedure;
 - Performance on delegated decisions;
 - Performance on committee decisions;
 - Overall numbers of appeals lodged;
 - Benchmarking nationally.
- 6.3. The overall number of appeals lodged has remained consistent and averages out at approximately 120 - 140 planning appeals annually. At present, approximately 30% of decisions to refuse planning permission will result in a planning appeal.
- 6.4. In terms of the outcomes of the appeals decided, the performance is close to the national average; 33.7% of appeals have been allowed in the year to date against a national average of 30%.
- 6.5. The reduction in the number of appeals held through public inquiry has continued, which is a reflection of the adoption of the Local Plan Strategy and the subsequent reduction in major housing appeals.

- 6.6. When analysed by type of appeal, the trends also follow national average, with 40% of appeal hearings allowed and 30% of written representation appeals allowed.
- 6.7. The performance of appeals against planning decisions made under delegated powers also reflects a national picture, with 29.4% of appeals allowed.
- 6.8. The year to date has seen 12 appeals determined following decisions by planning committee. 58% of those appeals (7) have been allowed. *Note this figure includes 3 applications with a recommendation of refusal by officers.* In the year to date 9 appeals have been decided following a committee decision contrary to officer recommendation. Of those 9 decisions, 7 have proceeded to be allowed at appeal (78%) and 2 decisions have been successfully defended by the Council.
- 6.9. In the previous year (2017/18) there were 29 appeals decided following decisions contrary to officer recommendation. Despite the proportion of appeals allowed this year to date, the reduction of such appeals to 9 (in the year to date) is a potential indicator of improved decision making by the Council as a whole.
- 6.10. It should be noted that, due to the timescales of the appeals process, these figures will reflect decisions made 6 months ago and earlier.

7. Commentary on Appeal Decisions

- 7.1. Two appeal decisions have been highlighted to help with future decision making.
- 7.2. Application ref. 17/5999C was for the retrospective change of use from garage services to a hand car wash and associated development. Members disagreed with the assessment of officers and considered that the use was significantly harmful to the residential amenity of the adjoining property as a result of noise and disturbance. The appeal was successfully defended and it was dismissed due to the impact on adjoining residents.
- 7.3. Application ref. 17/2854M was for the erection of 32 residential dwellings and associated engineering works. The site formed part of a wider site allocated for housing in the Local Plan. Members resolved to refuse planning permission due to concerns over highway safety, contrary to the

advice of officers. The appeal was allowed and full costs were awarded against the Council.

- 7.4. In respect of the application for the hand car wash, this serves to highlight the importance of Members challenging officer recommendations and applying well reasoned planning judgement based on good evidence. In this case the impact on the adjoining residents' amenity was clearly the central issue with the application and it was a matter of judgment for the decision maker as to the level of significance. Whilst officers considered that the impacts could be controlled adequately by conditions there was evidence of frequent and unacceptable noise impact that was able to be used at the appeal to defend the decision.
- 7.5. In respect of the application for 32 dwellings, this serves to illustrate that the reasonable challenge to the officer recommendation can spill over into being unreasonable behaviour by the Council. The site was allocated for housing and the Council's own highways officers confirmed that the access arrangements complied with the required standards. The appellant was able to provide clear technical evidence at the appeal to demonstrate this. Despite best efforts to defend the decision, the Inspector awarded full costs against the Council stating that the reason for refusal was based on "*vague and generalised points*" and stating that "*development which should clearly have been permitted, having regard to the development plan, national policy and adopted highway standards, was delayed*".

8. Implications of the Recommendations

8.1. Legal Implications

8.1.1. None.

8.2. Finance Implications

8.2.1. None.

8.3. Policy Implications

8.3.1. None.

8.4. Equality Implications

8.4.1. None.

8.5. Human Resources Implications

8.5.1. None.

8.6. Risk Management Implications

8.6.1. None.

8.7. Rural Communities Implications

8.7.1. None.

8.8. Implications for Children & Young People

8.8.1. None.

8.9. Public Health Implications

8.9.1. None.

9. Ward Members Affected

9.1. All Wards – implications are Borough Wide

10. Consultation & Engagement

10.1. Not applicable.

11. Access to Information

11.1. Details of all of the cases referenced can be found on the Council's website.

12. Contact Information

12.1. Any questions relating to this report should be directed to the following officer:

Name: Peter Hooley

Job Title: Planning & Enforcement Manager

Email: peter.hooley@cheshireeast.gov.uk

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Appendix 1. Planning Appeal Statistics 2018/19

All Planning Appeals decided					
Q1 (1st Apr 2018 to 30th Jun 2018) Q2 (1st Jul 2018 to 30th Sept 2018) Q3 (1st Oct 2018 to 31st Dec 2018) Q4 (1st Jan 2019 to 31st Mar 2019)					
	Q1	Q2	Q3	Q4	Year to date
Number of Planning Appeals determined	30	21	29		80
Total Allowed	11	5	11		27
Total Dismissed (%)	19	16	18		53
Percentage allowed	36.7%	23.8%	37.9%		33.7%
	<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>				

Public Inquiries	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	0	0	0		0
Total Allowed	0	0	0		0
Total Dismissed	0	0	0		0
Percentage allowed	n/a	n/a	n/a		n/a

Hearings	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	2	6	2		10
Total Allowed	1	1	2		4
Total Dismissed	1	5	0		6
Percentage allowed	50%	16.7%	100%		40%

Written representations	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	19	10	24		53
Total Allowed	5	3	8		16
Total Dismissed	14	7	16		37
Percentage allowed	26%	30%	33.3%		30.2%

Quarterly Planning Appeals Report

Householder Appeal Service	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	9	5	3		17
Total Allowed	5	1	1		7
Total Dismissed	4	4	2		10
Percentage allowed	56%	20%	33.3%		41%

Appeals against Delegated Decisions

	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	26	17	25		68
Total Allowed	8	3	9		20
Total Dismissed	18	14	16		48
Percentage allowed	31%	17.6%	36%		29.4%

Appeals against Planning Committee Decisions

	Q1	Q2	Q3	Q4	YTD
Number of appeals determined	4	4	4		12
Total Allowed	3	2	2		7
Total Dismissed	1	2	2		5
Percentage allowed	75%	50%	50%		58.3%

Appeals Lodged this year

	Q1	Q2	Q3	Q4	YTD
Public Inquiries	0	0	0		0
Hearing	6	2	1		9
Written Rep	22	19	18		59
Household fast-track	3	9	3		15
Total	31	30	22		83*

*Figures are subject to future revision due to delay between date appeals lodged and start date confirmed by PINS.

Benchmarking

Latest national figures for s78 Planning Appeals

2018/19 (YTD)				
	Public Inquiry	Hearings	Written Representations	All
Number of appeals determined	162	375	6899	7436
Percentage allowed	48%	43%	29%	30%

National figures for Householder Appeal Service

2018/19 (YTD)	
	Householder
Number of appeals determined	3,475
Percentage allowed	39%

Source: Planning Inspectorate Statistics 15 Feb 2019.

Appendix 2. Appeals determined 1st July – 30th September 2018

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overtur Y/N
17/3932N	Sunnyside Stables, COOLE LANE, NEWHALL, CW5 8AY	Erection of toilet block, construction of driveway and hardstanding	Southern Planning	Written Representations	Part allowed/Part dismissed	N
17/5249M	11, MANOR PARK SOUTH, KNUTSFORD, WA16 8AD	Proposed first floor front extension and revised roof pitch	Southern Planning	Householder Appeal Service	Dismissed	N
16/3931M	MOBBERLEY RIDING SCHOOL, NEWTON HALL LANE, MOBBERLEY, WA16 7LB	Demolition of the existing buildings on site and the erection of Church Meeting	Northern Planning	Informal Hearing	Dismissed	Y
16/2096M	ENDON QUARRY, WINDMILL LANE, KERRIDGE, BOLLINGTON	Telecommunications installation and associated works (NTQ Replacement)	Northern Planning	Written Representations	Allowed	Y
17/3500M	BOWLING GREEN, INGERSLEY VALE, BOLLINGTON	Reserved matters application following outline approval 15/2354M	Northern Planning	Written Representations	Allowed	Y
17/2170C	Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY	Alterations to an existing Grade II Listed farmhouse, barn and boar house,	Delegation	Informal Hearing	Dismissed	
17/4380C	Parklands, Byley Lane, Cranage, CW4 8EL	New dwelling in lieu of existing cattery on land to the rear of Parklands.	Delegation	Written Representations	Dismissed	
17/4203M	Field off Hollin Lane, Sutton	Change of use and adaptation of existing stable building	Delegation	Written Representations	Dismissed	
17/4414N	CHAPEL VILLA, WOORE ROAD, BUERTON, CW3 0DA	Outline application for erection of single dwelling (Access only)	Delegation	Written Representations	Dismissed	
17/4850M	WOODSIDE NURSERIES, HALL LANE, MOBBERLEY, WA16 7AH	Demolition of the existing Bungalow and erection of a replacement house	Delegation	Written Representations	Allowed	
17/4852M	48, KENILWORTH ROAD, MACCLESFIELD, SK11 8UX	To create a larger family home with four bedrooms and 2 ensuite bathrooms	Delegation	Householder Appeal Service	Deemed Invalid by DoE	
17/4965N	Land adjoining 18, MILTON DRIVE, WISTASTON, CW2	New bungalow	Delegation	Written Representations	Dismissed	

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	8BS					
17/5037N	DORFOLD COTTAGE, SWANLEY LANE, BURLAND, CW5 8LP	Proposed Dwelling	Delegation	Written Representations	Dismissed	
17/2171C	Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY	Alterations to an existing Grade II Listed farmhouse, barn and boar house	Delegation	Informal Hearing	Dismissed	
17/2777M	3A MOORSIDE LANE, POTT SHRIGLEY, SK10 5RZ	Replacement dwelling, alteration to planning consent ref. 14/2798M	Delegation	Informal Hearing	Dismissed	
17/3504M	Anson Engine Museum, ANSON ROAD, POYNTON, SK12 1TD	New entrance hall and toilets and new exhibition hall	Delegation	Informal Hearing	Allowed	
17/5569M	Land between 4 and 6 Shrigley Road North, POYNTON	Outline planning permission, with all matters reserved	Delegation	Informal Hearing	Dismissed	
17/5998M	LAND AT WILLOW GROVE FARM 60, KNUTSFORD ROAD, ALDERLEY EDGE, SK9 7SF	New dwelling (in place of dwelling approved under permission 16/0545M)	Delegation	Written Representations	Dismissed	
17/6076C	Oak Leaf Barn, OAK LANE, ASTBURY, CW12 4RT	Rear single storey extension	Delegation	Householder Appeal Service	Dismissed	
17/6182M	189, WILMSLOW ROAD, HANDFORTH, SK9 3JX	1 new 4 bedroom detached dwelling	Delegation	Written Representations	Dismissed	
18/0218M	Percivals View, MOSS LANE, OLLERTON, WA16 8SW	Erection of car port	Delegation	Householder Appeal Service	Dismissed	
18/1080C	123, CREWE ROAD, SANDBACH, CW11 4PA	Two storey extension to right side of house and rear of property.	Delegation	Householder Appeal Service	Allowed	
18/1094M	34A, SUNNY BANK DRIVE, WILMSLOW, SK9 6DY	Alteration to roof profile and elevational enhancements	Delegation	Householder Appeal Service	Dismissed	

Appendix 3. Appeals determined 1st October – 31st December 2018

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overtake Y/N
17/2398N	HORSESHOE FARM, WARMINGHAM LANE, MOSTON, CW10 0HJ	Change of use of land to use as a transit caravan site for gypsies	Southern Planning	Informal Hearing	Allowed	Y
17/5999C	79, UNION STREET, SANDBACH, CW11 4BG	Retrospective change of use from garage services to hand car wash	Southern Planning	Written Representations	Dismissed	Y
17/2854M	Land off Moss Lane, Macclesfield	Erection of 32 no. residential dwellings and associated engineering works.	Northern Planning	Informal Hearing	Allowed	Y
17/6072M	Ollerton Nursery, CHELFORD ROAD, OLLERTON, WA16 8RJ	Redevelopment of former garden centre to 17no. Dwellings	Northern Planning	Written Representations	Dismissed	N
18/0513C	The Bakehouse, 3 Marsh Green Road, Sandbach, CW11 3BH	Prior Approval for a Change of Use from storage to dwellinghouse.	Delegation	Written Representations	Dismissed	
18/0769M	GWYNANT, PLUMLEY MOOR ROAD, PLUMLEY, WA16 0TR	Demolition of the existing dwelling and the erection of two semi-detached dwellings	Delegation	Written Representations	Allowed	
18/0838N	KINSAL VILLA, PADDOCK LANE, AUDLEM, CW3 0DP	Proposed dwelling	Delegation	Written Representations	Dismissed	
18/1125N	MADAMS FARM, RAVENS LANE, BURLAND, CW5 8PF	Listed building consent for the retention of two solar panels, internal pipework	Delegation	Written Representations	Dismissed	
18/1141M	HIGH LEGH GARDENS, DITCHFIELD LANE, HIGH LEGH, WA16 0QW	hand car wash and valet facility including 8m x 4m canopy	Delegation	Written Representations	Dismissed	
18/1190M	SILVER BIRCHES, MILL LANE, SNELSON, SK11 9BN	Demolition of existing single dwelling and erection of new single dwelling	Delegation	Written Representations	Dismissed	
18/1427C	Land at Bonneyfield Cottage, MOW LANE, ASTBURY, CW12 3NH	Development of stable block/storage building and manege including engineering operation	Delegation	Written Representations	Dismissed	
18/1598M	Brickyard Farm, CONGLETON ROAD, MARTON, SK11 9HG	Conversion and change of use of domestic barn / garage to dwelling	Delegation	Written Representations	Dismissed	
18/2900M	WOODSIDE, 24, TOWERS ROAD, POYNTON, SK12 1DD	2 storey side and single storey side/rear extensions	Delegation	Householder Appeal Service	Allowed	
18/3107M	58, GAWSWORTH ROAD, MACCLESFIELD, SK11 8UF	Detached garage	Delegation	Householder Appeal Service	Dismissed	

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17/3485N	Land west of Park Farm Barn, WREXHAM ROAD, RIDLEY	Proposed construction of two detached bungalows	Delegation	Written Representations	Dismissed	
17/4403M	ALDWARDEN HILL, LEGH ROAD, KNUTSFORD, WA16 8LP	Erection of orangery	Delegation	Written Representations	Allowed	
17/4404M	ALDWARDEN HILL, LEGH ROAD, KNUTSFORD, WA16 8LP	Listed Building Consent for erection of orangery	Delegation	Written Representations	Allowed	
17/4849C	MOSS NOOK, MOSS LANE, BRERETON HEATH, CW12 4SX	Conversion and extension of existing garage to form single dwelling	Delegation	Written Representations	Allowed	
17/5071M	LAND SOUTH OF 18 GASKELL AVENUE, KNUTSFORD, WA16 0DA	Construction of one pair semi-detached dwellings	Delegation	Written Representations	Dismissed	
17/5105M	Brickyard Farm, CONGLETON ROAD, MARTON, SK11 9HG	Reuse of rural buildings for business storage (B8) use	Delegation	Written Representations	Allowed	
17/5370N	Land off BARONS ROAD, WORLESTON	Prior approval for a change of use of agricultural building to two dwellings	Delegation	Written Representations	Allowed	
17/5703C	CROSSMERE FARM, DAVENPORT LANE, BRERETON HEATH, CW12 4SU	Demolition of existing livery buildings and construction of new dwellings.	Delegation	Written Representations	Dismissed	
17/5843C	COACHMANS COTTAGE, MACCLESFIELD ROAD, JODRELL BANK, CW4 8BU	Construction of a partially subterranean dwelling in the garden of Coachman's Co	Delegation	Written Representations	Dismissed	
17/5877M	WHITE LODGE, CHESTER ROAD, TABLEY, WA16 0HF	Erection of gates, gate posts, associated walls and planting	Delegation	Householder Appeal Service	Deemed Invalid by DoE	
17/2510C	YEW TREE FARM, MANOR PARK ROAD, NORTH RODE, CW12 2PF	Erection of a detached garage, and new window openings and rooflights	Delegation	Written Representations	Part allowed/Part dismissed	
17/6061M	Mottram Wood Farm, SMITHY LANE, MOTTRAM ST ANDREW, SK10 4QJ	Retention of cabin for use as guest/tourist accommodation	Delegation	Written Representations	Dismissed	
17/6172M	102, HOLLINWOOD ROAD,	First floor extension.	Delegation	Householder	Dismissed	

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	DISLEY, SK12 2EN			Appeal Service		
17/6343C	Agricultural Building, PEOVER LANE, CONGLETON	Prior approval for a change of use	Delegation	Written Representations	Allowed	
17/6419M	THE WILLOWS, HOBBS HILL LANE, HIGH LEGH, WA16 0QZ	Certificate of lawful proposed use or development - Mobile home	Delegation	Written Representations	Dismissed	
18/0077M	21, HILLSIDE ROAD, KNUTSFORD, WA16 6TH	First floor side extension, single storey rear extension and front elevation bay	Delegation	Householder Appeal Service	Part allowed/Part dismissed	
18/0189C	Land adjacent 23, Sandbach Road, Church Lawton	New Detached Residential Dwelling	Delegation	Written Representations	Allowed	
18/0327N	2, POTTER CLOSE, WILLASTON, CW5 7HQ	Extension of boundary wall to incorporate land to the side of the property	Delegation	Written Representations	Dismissed	