

Strategic Planning Board

Agenda

Date:	Wednesday, 20th November, 2019
Time:	10.00 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the minutes of the meeting held on 23 October 2019 as a correct record.

4. **Public Speaking**

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

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

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

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

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

5. **16/3724C-Reserved Matters application on Outline application 08/0492/OUT for appearance, landscaping, layout and scale with respect to 138 dwellings. (Revised Description), Victoria Mills, Macclesfield Road, Holmes for Mr Matthew Tudor-Owen, Anwyl Homes (Pages 13 - 32)**

To consider the above application.

6. **18/1182C-Hybrid Planning Application for the construction and operation of 8 No. B2/B8 Units (total GIA 22.918 M2) comprising two phases :Phase 1 - An application for Full planning permission for site re-profiling, new site access off Pochin Way and construction of 2 B2/B8 Units totalling 9.266M2 (GIA) floorspace with associated infrastructure (including hard and soft landscaping); and Phase 2 - An application for Outline planning permission (with All Matters Reserved) for site re-profiling and construction of 6 No. B2/B8 Units totalling 13.652M2 with associated infrastructure (including hard and soft landscaping), Plot 36, Midpoint 18, Holmes Chapel Road, Middlewich for Total Developments (NW) Ltd (Pages 33 - 46)**

To consider the above application.

7. **WITHDRAWN BY OFFICERS-19/2202M-Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 217 dwellings, landscaping, public open space, internal access roads, garages. car parking, and associated infrastructure, Land Between Clay Lane and Sagars Road, Handforth for Alex Wigfield, Anwyl Homes (Pages 47 - 72)**

To consider the above application.

8. **Proposed Article 4 Directions for Small Houses in Multiple Occupation (Pages 73 - 144)**

To consider a report inviting the Strategic Planning Board to recommend to Cabinet that three non-immediate Article 4 Directions to withdraw permitted development rights for the conversion of individual dwellings (Use Class C3) to small Houses in Multiple Occupation (HMOs) (Use Class C4) are made in parts of Crewe.

Membership: Councillors S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, B Roberts, J Weatherill and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 23rd October, 2019 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor M Hunter (Chairman)
Councillor S Gardiner (Vice-Chairman)

Councillors S Edgar, A Farrall, P Groves, S Hogben, D Jefferay, R Moreton,
P Redstone, B Roberts, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Ms S Dillon (Planning Lawyer), Mr N Hulland (Principal Planning Officer), Mr P Hurdus (Principal Development Manager), Mr D Malcolm (Acting Head of Planning), Mr P Reeves (Flood Risk Manager), Mr P Wakefield (Principal Planning Officer) and Miss N Wise-Ford (Principal Planning Officer)

37 APOLOGIES FOR ABSENCE

None.

38 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 19/1392M, Councillor S Gardiner declared that all of the speakers were known to him because of the application being in his Ward, because he was a member of Knutsford Town Council and due to his involvement in the Knutsford Neighbourhood Plan. He had not been involved in any discussion involving the application.

In the interest of openness in respect of application 17/6471M, Councillor S Gardiner declared that he knew Councillor Q Abel who was speaking on the application.

In the interest of openness in respect of application 19/3420M, Councillor D Jefferay declared that he was the Ward Councillor and that he was known to a number of the objectors including Residents of Wilmslow of which he was a member and that he knew the Ward Councillor and Town Councillor who were both speaking on the application. Furthermore he had submitted objections to development on that site in his own name for the Residents of Wilmslow. In addition when he was a member of Wilmslow Town Council he was involved in preparing a submission for the Local Plan. He had spoken against the principle of development on that site as part of the Local Plan hearings however all this had been on the

basis it was land in the Green Belt at that time. Whilst he had a leaning one way he had not pre determined the application.

In the interest of openness in respect of application 17/6471M, Councillor D Jefferay declared that he knew Councillor Q Abel who was speaking on the application.

In the interest of openness in respect of applications 17/6471M and 19/1392M, Councillor S Hogben declared that he was a Director of ANSA who were a consultee on the applications, however he had not made any comments nor discussed the applications.

In the interest of openness in respect of application 17/6471M, Councillor M Hunter declared that he knew Alvan Ikoku who was speaking as an objector by virtue of the fact that Mr Ikoku used to teach him.

39 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 25 September 2019 be approved as a correct record and signed by the Chairman.

40 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

41 17/6471M LAND OFF HAZELBADGE ROAD, POYNTON, CHESHIRE: FULL PLANNING APPLICATION FOR 134 DWELLINGS ON LAND OFF HAZELBADGE ROAD WITH ASSOCIATED ACCESS IMPROVEMENTS, LANDSCAPING AND PUBLIC OPEN SPACE FOR MR SEAN MCBRIDE, PERSIMMON HOMES (NORTH WEST)

Consideration was given to the above application.

(Councillor M Sewart, the Ward Councillor, Town Councillor Lawrence Clarke, representing Poynton Town Council, Alvan Ikoku, an objector, Mr Coulson, an objector and Adele Jacques, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the written and verbal update to the Board the application be approved subject to the completion of a Section 106 agreement securing the following:-

	Requirement	Triggers
Affordable	30% (40 units) of total	No more than 80% open

Housing	dwellings to be provided (65% (26 units) Affordable Rent / 35% (14 units) Intermediate)	market occupied prior to affordable provision within each phase
Off site Ecological Mitigation	£46,137 towards Kerridge Hill Nature Reserve	Prior to commencement
Open Space	a) Open space scheme to be submitted b) Management scheme to be submitted (those schemes to include an option regarding the transfer of the staff car park into education management and control for the sum of £1).	Prior to commencement Prior to occupation
Indoor Sports Contribution	£22,500 towards Poynton Leisure Centre	Prior to occupation
Recreation & Outdoor Sports Contribution	£96,000 towards Deva Close Playing Fields, Poynton	Prior to commencement
Allotments & Community Gardens Contribution	£61,875 towards existing facilities and new opportunities in Poynton	Prior to commencement
Education	Primary £260,311 Secondary £310,511 SEN £91,000	50% Prior to first occupation 50% at occupation of 67 th dwelling
Healthcare	£132,336 towards development of Priorsleigh Medical Centre and McIlvride Medical Centre	50% Prior to first occupation 50% at occupation of 67 th dwelling
Poynton Relief Road Contribution	£731,500 towards Poynton Relief Road	50% Prior to first occupation 50% at occupation of 67 th dwelling
Traffic regulation Order Contribution	£7,000 to fund the required traffic regulation order for works on Hazelbadge Road	Prior to occupation
Bus Stop	£5,000 to facilitate the	Prior to occupation

Contribution	provision of a bus stop opposite Hilton Grove	
Cycle Lane Contribution	£10,000	Prior to occupation

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of details of building materials
4. Landscaping - submission of details-To include landscaping out of the North spur of the road
5. Landscaping (implementation)
6. Tree retention
7. Tree protection
8. Construction specification/method statement for access road serving Plots 1-4 and for footpath adjacent to trees T24- T46
9. Arboricultural method statement
10. Levels details to be submitted which provides for the retention of trees on the site
11. Service / drainage layout which provides for the long term retention of the trees to be submitted
12. Implementation of noise mitigation measures
13. Electric vehicle infrastructure to be provided
14. Anti idling signage to be provided
15. Remediation Strategy to be submitted
16. Verification report to be submitted
17. Testing of any imported soil
18. Reporting of any unforeseen contamination
19. Implementation of Highway improvements-(Parking spaces to be constructed prior to first occupation)
20. Construction management plan to be submitted-Plan to include hours of deliveries
21. Amended travel plan to be submitted
22. No infiltration of surface water drainage into the ground is permitted
23. Development to be carried out with GCN mitigation strategy (to include 5m buffer zone to north of site)
24. Implementation of the reasonable avoidance measures detailed within section 6.8 of the Ecological Assessment Report (bats)
25. Development to be carried out in accordance with the submitted badger mitigation strategy (TEP, January 2018).
26. Nesting birds survey to be submitted
27. Implementation of Reptile Reasonable Avoidance Measures (TEP, 04/01/2018)
28. Details of proposed external lighting scheme to be submitted
29. Foul and surface water shall be drained on separate systems.
30. Surface water drainage scheme to be submitted

31. Development to be carried out in accordance with submitted Flood Risk Assessment
32. Obscure glazing to be provided
33. Construction Environmental Management Plan to be submitted
34. Details of railings to western boundary of site to be submitted. Railings to be retained in perpetuity.
35. Construction Management Plan to demonstrate out how any indirect adverse impact on Poynton Brook will be avoided to be submitted

(The meeting was adjourned for a short break).

42 19/1392M LAND NORTH OF NORTHWICH ROAD, KNUTSFORD: RESERVED MATTERS IN RELATION TO SCALE, APPEARANCE, LANDSCAPE AND LAYOUT FOR THE ERECTION OF 190 DWELLINGS INCLUDING ALLOTMENTS, COMMUNITY ORCHARD, PLAYING PITCH, LANDSCAPING, OPEN SPACE, CAR AND CYCLE PARKING, DRAINAGE AND ASSOCIATED WORKS PURSUANT TO OUTLINE APPLICATION 17/3853M FOR MICHAEL BLACKHURST, REDROW

Consideration was given to the above application.

(Councillor Quentin Abel, the Ward Councillor, Town Councillor James McCulloch, representing Knutsford Town Council, Brian Chaplin, speaking on behalf of Residents Groups in Knutsford, Debbie Jamison, a supporter and Paul Sinclair, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred to allow officers to work with the applicant's agents in consultation with Knutsford Town Council and Nether Ward Community Group to address the concerns raised about the scheme, which are; lack of local distinctiveness, in particular a lack of some truly bespoke property house types, a lack of true corner turning property designs, insufficient housing mix with regards to size of dwellings including further bungalow provision and affordable housing location, along with the policies in the Knutsford Neighbourhood Plan and Knutsford Design Guide.

(The meeting was adjourned for a short break. Councillor S Gardiner left the meeting and did not return).

43 19/3420M LAND EAST OF ROYAL LONDON HOUSE, ALDERLEY ROAD, WILMSLOW: OUTLINE PLANNING APPLICATION FOR UP TO 17,000SQM OF NEW OFFICE DEVELOPMENT (USE CLASS B1) AND UP TO 1,100 ASSOCIATED CAR PARKING SPACES; ACCESS IMPROVEMENTS FOR VEHICLES AND CREATION OF NEW PEDESTRIAN AND CYCLE ROUTES; AND THE ENHANCEMENT OF

EXISTING AND PROVISION OF NEW LANDSCAPING (RENEWAL OF 16/2314M) FOR THE ROYAL LONDON, MUTUAL INSURANCE SOCIETY LIMITED

Consideration was given to the above application.

(Councillor Mark Goldsmith, a neighbouring Ward Councillor, Town Councillor John Newell, representing Wilmslow Town Council and Gary Halman, 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 and in the written and verbal update to the Board, the application be approved subject to the following conditions:-

1. Time Limit
2. Development in accord with approved plan
3. Submission of reserved matters
4. Tree protection scheme
5. Construction Specification/Method Statement for trees
6. Arboricultural Method Statement
7. As part of reserved matters application Existing and proposed levels, contours and cross sections
8. Visual appraisal and/or visualisations from agreed viewpoints.
9. As part of reserved matters landscape masterplan plus full hard and soft landscape details and boundary treatments for the employment area, the landscape buffer zone and the Alderley Road frontage.
10. Landscape implementation and 5 year replacement
11. A phasing plan for the implementation of landscape works, ideally with advance planting of screen buffers where feasible.
12. A long-term (25 year) Landscape and Habitat Management Plan to ensure existing and proposed trees and woodland provide long-term screening and enhancement, and other habitats are properly managed.
13. Access available for use before occupation
14. Details of pedestrian/cycle routes
15. Limitation on use (B1) removal of permitted development class I Part 3 (change to B8)
16. Site investigation/remediation strategy
17. Verification Plan – completion of remediation
18. Low emission boilers to be installed
19. Electric Vehicle Charging Points 5% new parking rapid charging.
20. Details of new sound sources, details to be submitted.
21. Noise impact assessment to be carried out
22. Importation of soil
23. Unexpected contamination
24. Refuse storage facilities to be approved
25. Details of cycle storage/parking

26. Submission of materials
27. Travel Plan
28. Ecological mitigation and enhancement strategy
29. Details of lighting
30. Submission of detailed design of any bridges and culverts with reserved matters application.
31. Submission of Ecological Mitigation and enhancement strategy with each reserved matters application.
32. Updated badger survey and mitigation measures to be submitted with each reserved matters application.
33. Submission and implementation of 25 year habitat management plan with reserved matters application.
34. Drainage Scheme
35. Foul and surface water to be drained on separate systems
36. Restriction of floorspace to 17,000 square metres
37. The development permitted by this planning permission shall be carried out in accordance with the approved FRA (3583/FS&DS/DAE/NAK - prepaid by ROC Consulting) dated May 2019 and the following points are to be included within the FRA:

- Surface water runoff from the site will be restricted to existing greenfield Qbar rates (6.7 l/s Maximum (2.87 l/s/ha).
- Surface water drainage strategy will be designed up to 1 in 100 year + 40% CC.

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

The meeting commenced at 10.00 am and concluded at 3.37 pm

Councillor M Hunter (Chairman)

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Application No: 16/3724C

Location: Victoria Mills, Macclesfield Road, Holmes Chapel, CW4 7PA

Proposal: Reserved Matters application on Outline application 08/0492/OUT for appearance, landscaping, layout and scale with respect to 138 dwellings. (Revised Description)

Applicant: Mr Matthew Tudor-Owen, Anwyl Homes

Expiry Date: 21-Nov-2019

Summary

08/0492/OUT granted outline permission in August 2012 subject to 26 conditions and a S106 Agreement for the residential development of up to 160 units on this site. The permission was approved in part to subsidise the relocation of the existing commercial tenant (Fine Décor) within Borough.

The principle of the proposed development has therefore already been approved and cannot be revisited as part of this application which can only assess the matters reserved; namely the external appearance, layout, landscaping and scale of the development. The access was approved at outline stage.

Social Sustainability

The development will not have a detrimental impact upon residential amenity. The relationship with existing properties on Eastgate Road has been revised during the course of the application. The relationship complies with the privacy standards and bungalows have been introduced to the Eastgate Road boundary where the privacy standard is not met.

Children's play and open space is provided in accordance with the terms of the outline permission. The affordable housing provision is in accordance with the outline permission as varied by subsequent Deed of Variations to the S106 Agreement.

By virtue of ongoing contamination clearance costs and the fact that the planning permission subsidises the relocation of the current commercial occupier of the site (Fine Décor) to suitable alternative premises (now to be in Congleton) there is a 5% contribution to affordable housing.

The impact upon infrastructure/social benefits were deemed acceptable at outline stage and cannot be revisited as part of this application.

Environmental Sustainability

The proposed layout is considered to be appropriate and to comply with the parameters as set out in the outline permission. Details of the proposed landscaping are considered to be acceptable.

The River Croco is culverted under the site. The drainage/flood risk implications for this proposed development are considered to be acceptable and mitigated by the various drainage conditions imposed on the outline permission.

Due to the age of the premises the existing industrial use is not controlled in terms of hours/days of use and the associated traffic that could be generated if the site was used to capacity. The removal of the use from the site and the redevelopment including remediation is considered to be of significant benefit to the locality and local amenity.

Economic Sustainability

The development of the site would provide a number of economic benefits by virtue of the economic activity generated by the future residents of the houses in Holmes Chapel and beyond. The fact that the existing industrial user is relocating to more modern, suitable premises within Congleton as a consequence of this scheme will safeguard existing jobs as well as provide greater certainty for Fine Décor to invest in their future growth in the Borough, with the added economic activity that their growth will bring to the Borough.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

Approve with conditions

PROPOSAL

This is a reserved matters application for the residential development of the Victoria Mills site. The matters sought in this case are for the external appearance, design, layout, landscaping of the site. The access was previously approved at outline stage.

This application was submitted on 29 July 2016 and is therefore within the lawful time limit for the submission of the reserved matters for the original outline permission granted in August 2012.

The detailed mix is as follows:

Unit type	No
1 bed apts	4
2 bed Bungalows	5
2 bed Houses	20

3 bed Houses	46
4 bed Houses	63
TOTAL UNITS	138

SITE DESCRIPTION

This site is a 4.1 hectare industrial site which contains various existing Mills and factory buildings, some of which have been vacant for some time. It fronts onto Macclesfield Road to the north and is bounded by existing residential development to the west and the Manchester – Crewe Railway Line to the east.

Fine Décor (a Wallpaper manufacturer) occupiers the site but has been seeking alternative premises more suited to their process for a number of years. Alternative premises have been found on the Eaton Bank Industrial Estate in Congleton.

The site contains a variety of other industrial/office buildings of varying sizes and heights, including a sizeable 4 storey block previously occupied by Fads (office type block located close to the boundary with Eastgate Road where a (closed off) ginnel is sited).

RELEVANT HISTORY:

08/0492/OUT - Outline application for residential development including means of access. Granted 30 August 2012 subject to conditions and a Section 106 Agreement dated 5th July 2012. The S106 Agreement contained (amongst other obligations) a requirement to provide affordable housing at 15%, and required the relocation of the manufacturing tenant (Fine Decor) of the site to be inside the Borough.

The reduced affordable housing requirement was permitted to subsidise the relocation of Fine Décor and having regard for the levels of contamination on site and the costs of remediation

A Deed of Variation (DOV) to the S106 Agreement attached to 08/0492/OUT was completed on 19th June 2014. The DOV allowed for the relocation of Fine decor either within the borough of Cheshire East or within 15 miles of the Application site.

A Deed of Variation (DOV) to the S106 Agreement attached to 08/0492/OUT was completed on 27 July 2017. The DOV allowed for the relocation of Fine decor either within the borough of Cheshire East or within the boundary of Cheshire West. It also allowed for the reduction in affordable housing provision on the site to 10% (from the original 15%).

A further Deed of Variation (DOV) to the S106 Agreement attached to 08/0492/OUT is currently in progress and is anticipated being sealed prior to the Committee meeting for this application. This DOV allows for the relocation of Fine Decor within the Borough of Cheshire East as premises have been identified and are acceptable to Fine Decor. This also allows for the reduction in affordable housing provision on the site to 5% to fund that relocation.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Cheshire East Local Plan Strategy

PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
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
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
PG 1 Overall Development Strategy
EG 1 Economic Prosperity

Saved Policies in the Congleton Local Plan

GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR23	Provision of Services and Facilities
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

Holmes Chapel Neighbourhood Plan

H01 (Housing Type and Mix),
H02 (Low Energy Design Principles for Homes),
H03 (Sustainable Development of Housing and Infrastructure),
H04 (Size, Scale and Density of New Developments),
H05 (Early Consultations),
H06 (Affordable Homes),
CW1 (Outdoor Play and Recreational Areas),
CE1 (Footpaths and Cycleways),
CE2 (Connectivity Links around the Village),

CE3 (Open Spaces)
CE4 (Trees),
CE5 (Character and Design),
CE7 (Water Management on New Developments),
ES1 (Maintain the Commercial Heart of the Village Centre),
ES2 (Encourage Greater Employment Opportunities),
TT1 (Promoting Sustainable Transport),
TT2 (Congestion and Highway Safety),
TT3 (Parking)

National Policy:

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

Of particular relevance are paragraphs:

124-132. Achieving well designed places

CONSULTATIONS:

Environment Agency: No objection

Network Rail : No Objection

CEC Environmental Health: Conditions on the original outline retained

CEC Head of Strategic Infrastructure: No objection

CEC Strategic Housing Manager: No objection- the level of affordable housing provision is acceptable

Jodrell Bank Observatory (JBO): No reply

VIEWS OF THE PARISH/TOWN COUNCIL

Holmes Chapel Parish Council: Objection to the following aspects of the development:

1. It has been noted that the application for the entrance to the housing development has been withdrawn (ref 19/3972C). Council does not see how this current application can be agreed without clear information about how the estate will be accessed. Council would like to consider an application for the entrance to the estate prior to this application being decided.
2. Now that application ref 19/3972C has been withdrawn this provides the opportunity for a realistic look at installing a mini roundabout at the top of Hermitage Drive. This would provide access into the site with the added benefit of reducing the speed of traffic on Macclesfield Road, which is a known problem and allowing safer access/egress to the primary school on Hermitage Drive.

3. The footpaths onto the estate have gone down from two to one. The Parish Council would like to see the re-instatement of both footpaths; one from Eastgate Road as proposed and the other entering the development from Sycamore Close, at the rear of no.17 Eastgate Road.

4. The single access point into the site is being questioned by the Council, as it is in contradiction to the CE Design Guide, which recommends two-way access into housing developments.

5. It has long been the desire of the Parish Council to provide additional long stay car parking in Holmes Chapel, within walking distance of the village centre. Some space within the site for this would be a great benefit for Holmes Chapel. The current access area to the Victoria Mills site is presently used for car parking for:

- a. the Hermitage Primary School, for drop off and collection of children
- b. the Catholic Church, for the congregation on Sundays
- c. For users of the Catholic Church hall during the week, e.g. sport and youth organisations

This parking space will be lost for the community of Holmes Chapel when this development is built, with no alternative in the area for parking.

6. Very limited car parking is provided for visitors to the residences on the development, again with no alternative parking available.

7. The pedestrian route from the proposed development to the shops and facilities on Manor Lane is presently poor – the footpath on Macclesfield Road needs to be widened and improved to allow safe pedestrian access to these facilities. Consideration should also be made of introducing railings where the pavement becomes very narrow on top of the bridge to protect pedestrians. Council would also like the creation of a pedestrian bridge over the railway line to be considered.

8. A controlled crossing point across Macclesfield Road for those accessing the primary school on Hermitage Drive would be essential.

9. The layout of the site for dwellings alongside the railway line is not best designed to mitigate noise from the railway. The site plan appears to show trees along this boundary. There is no formal tree planting plan so the type of trees is unknown and it is likely that Network Rail may have some comments about the close proximity of trees to the railway line. Other mitigation measures for noise abatement would be preferred.

10. The reduction in the number of affordable homes on the site is disappointing.

11. The Parish Council would have liked more bungalows and 3-bedroom homes in the housing mix, in accordance with its Neighbourhood Plan Policy HO1D

REPRESENTATIONS

There have been 2 main rounds of publicity with this application. The 1st was in 2016 and comprised a layout that has been extensively and comprehensively altered by the current submitted scheme.

In respect of the 2016 layout objections were received from 8 adjoining or nearby residents on grounds of:

- The plans are not compatible with the site, far too many houses / flats, inappropriate size and height of buildings, increases in traffic, unwelcome pedestrian access and it removes one of the few employment sites there are in the village – against the wishes of the parish council
- 3 storey dwellings, which would be out of character in the village
- The ginnel should not be opened up

The current proposal have been re-advertised, including site notices and newspaper advertising and has resulted in representations from 40 addresses, including adjacent neighbours and from other addresses in Holmes Chapel raising following matters as areas of general observation and 16 objections and 29 general observations on the following grounds:

- Principle of the development
- Good idea 10 years ago but not now given all development that has occurred in the village
- Increased traffic generation
- The building of these houses must be done in conjunction with a robust impact assessment with a robust plan that will eliminate or reduce the risks presented.
- This development would significantly impinge upon existing residents support services, yet it offers nothing. Further, as the Parish council says, this development would indeed deplete Employment acreage.
We have objected before. Please refer to previous objection.
- Adding further homes in this area is only going to increase the volume of traffic and pedestrians on Macclesfield road, leading to further problems and potential accidents.
If this is to go ahead consideration needs to be made as to how we can walk safely from Saltersford Gardens to the village and also access the primary schools.
- Not enough infrastructure and contrary to the Village Plan
- Sub Station could be situated more central to the estate it is supplying not adjoining boundary with Eastgate road
- too much traffic on over-prescribed road
- Macclesfield Road from Holly Close to the village is incredibly narrow, especially with a pushchair.
- Cars fly across the incredibly flat 'roundabout' at the corner of Manor Lane and Macclesfield Road and there needs to be something to prevent an accident here.
- lighting needs to be improved along this stretch into the village.
- House too close to 55 Eastgate Road
- Pavement on Macclesfield Road should be improved / widened– a pedestrian bridge is requested
- Its vital the footpaths and pedestrian ways throughout the village are addressed before a serious accident occurs. It is already extremely dangerous without adding more houses and traffic to the village.
- the doctors surgery and local infrastructure cannot cope with the already built or being built new housing.

- There needs to be consideration given to double yellow lines running both sides of Macclesfield Road. The bottom entrance also needs to be considered being so close to the Hermitage Dr junction and no crossings (especially with school children accessing
- Better traffic calming measures and also a wider pathway and barriers up and over the railway bridge are necessary
- Due consideration is needed regarding parking facilities within the village
- The alleyway between No.53 and No.55 Eastgate Road is not a public right of way. The gate here has been permanently closed since Fads head office closed. Opening this point of access will be detrimental to the immediate properties here, and also the safe, secure nature of Eastgate Road and the 2 culs-de-sac in the vicinity. Cut throughs, restricted width accesses and dark alleyways are magnets for unsociable behaviour. I believe this single element of the proposal has the potential to bring the most negative consequences to the neighbours of the development. Without this access the self contained development would be an improvement to the local area, and once complete, a more attractive proposition for the residents of Eastgate Road to back on to.
- Concerns are expressed about existing contamination of the industrial site and the lack plans and risk assessments for the clearing of the site prior to building work commencing?
- More green space is what Holmes Chapel needs for all ages

One representation of support on the following grounds:

- I am wholeheartedly in support of this application and have been since it first passed planning ten years ago. This is the one site in the village that needed development as it has been an eyesore for a number of years now. I believe housing will be a huge improvement to the site and upgrade this side of the village immensely. However I agree the road would benefit from speed control and a further crossing point. This site has been approved for housing for a number of years and it would be a great shame if it did not come to fruition.

APPRAISAL

The principle of the development for has already been accepted following the approval of the outline scheme. The outline permission is extant.

The original outline permission 08/0492/OUT allowed for up to 160 units indicatively (60 of these were intended to be within apartments, 18 no. 2 bed houses, 42 no 3 bed houses, 27 no. 3/4 storey houses, 10 no 4 bed houses and 3 no 5 bed houses).

The main and emergency access as approved at outline stage are unchanged by this proposal and must be provided in accordance with details approved at outline stage (condition 14 attached to 08/0492/OUT requires the access to be provided).

This application relates to the approval of the appearance, landscaping, layout and scale of the development for 138 units ranging from 1 bed apartments to 5 bed houses. The scheme also includes 5 bungalows, 2 storey terraced and semi detached dwellings and 2 and a half storey town houses

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

Unit type	No
1 bed apts	4(all affordable)
2 bed Bungalows	5
2 bed Houses	20 (3 affordable)
3 bed Houses	46
4 bed Houses	63

All of the proposed dwellings would be two stories in height apart from the Hawarden house type which is a bungalow (total of 5 units) and the Euxton and Snowdon units which are two and a half stories in height (total of 36 units).

Policy H01 of the Holmes Chapel Neighbourhood Plan (HCNP) requires a mix of house types with a third (33.3%) of properties being detached 2 and 3 storey properties, with the remainder being flats, bungalows, terraced and semi- detached property unless viability or other material considerations justify a different mix.

In this case the detached dwellings (3 and 4 bedroom) comprise 25% of the total units on this site and semi- detached units/town house type mews and bungalow development comprise the remainder of the site. Whilst this is 8% less than is required by Policy H01 of the HCNP, the mix and layout is considered to result in an adequate range of units catering for all need in a layout that is compliant with the Residential Design Guide. It is therefore considered that there are design justifications for a different mix in this case which satisfies the requirement of Policy H01 of the HCNP.

Policy SC4 requires an adequate mix but does not prescribe what that mix should be. The proposed development comprises houses of different size and style including 5 bungalows which would be provide a sufficient range and mix and would comply with Policy SC4 of the CELPS.

Affordable Housing

As a result of various Deed of Variations the s106 agreement attached to the outline permission details that an Affordable Housing Scheme shall include an affordable housing provision of 5% (7 units) on this site, all of which are of intermediate tenure. This reserved matters proposal scheme complies with that requirement.

The Strategic Housing Manager has advised that he is satisfied with the 4 no cottage style flats and 3 no two bed terraced houses that are provided in this regard.

Highways Implications

The wider traffic issues in the locality and the point of access were considered as part of the outline application. The access was approved and fixed at outline stage.

The level of car parking provision across the site is in conformity with adopted parking standards.

The Strategic Highways Manager raises no objection to the scheme.

Drainage

The River Croco (a designated Main River) is culverted through the site. The Environment Agency have been consulted and raised no objection.

Conditions are imposed on the outline permission concerning drainage. The developer will need to comply with the conditions imposed. No reply has been received from the Lead Flood Risk Agency, however, it will be incumbent upon the developer to comply with the drainage condition on the outline permission.

Landscape Impact/Trees and Hedgerows

Numerous trees are indicated for removal to facilitate this development including the belt to the rear of the existing houses on Eastgate Road, none of which are regarded as being good specimens by the Tree Officer. The Tree Officer is satisfied that the proposals which involve compensatory planting are acceptable and raises no objections to the proposals.

Soft Landscaping proposals include planting to the POS and LEAP area as well as general landscaping to front gardens and the streets.

Hard landscaping comprises extensive areas of block paving to define the hierarchy of streets within the site. Some frontage car parking is also to be of block paving construction. Other frontage parking spaces are delineated by granite setts set within tarmac.

Some minor additional planting within the streets and small changes to the hard landscaping would benefit this proposal. Revisions are being prepared at the time of writing this report. Conditions are required in this regard.

Design

The application is a Reserved Matters application for the residential layout of the site comprising 138 houses set within 3 character areas within the site and comprising a range of bungalows, 2 storey detached and semi detached dwellings, terraced houses of 2 and 2.5 storey and cottage style block of flats (2 storey). The main and secondary access points on Macclesfield Road were fixed at outline stage and can not be changed by this application.

The outline permission requires that the layout complies with the scale parameters established at outline. The layout and distribution of building and the Public Open Space (POS) complies with those scale parameters

The importance of securing high quality design is specified within the NPPF and paragraph 127 states that inter alia planning decisions should:

- a. function well and add to the overall quality of the area, not just for the short term but over the life time of the development
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. sympathetic to local character and history, inc local landscape setting and built environment, while not preventing /discouraging innovation or change
- d. establish or maintain a strong sense of place, using arrangement of street, spaces building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. optimise site potential to sustain appropriate mix (inc green and other spaces), support local facilities and transport networks
- f. create safe, inclusive and accessible places which promote health and well being.

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

Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development was considered at the outline stage. The outline limits the maximum number of units as being 160, however, this was to include a sizeable proportion of flats, which are not now proposed in this scheme. The POS is sited centrally and contains a LEAP in accordance with the requirements of the outline permission.

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

The main vehicular access is via Macclesfield Road. A secondary emergency access is provided adjacent to 66 Macclesfield Rd which will only be accessible to emergency vehicles after no 66. This also forms a pedestrian link to Macclesfield Rd

Properties front on to Macclesfield Road in a similar set back from the main road. Numerous proposed dwellings would face the POS and offer good natural surveillance.

The proposal will re-open the ginnel adjacent to 53 Eastgate Road at the southern end of the site, which has been closed off for some years. This allows for direct access to the railway station for future residents and allows existing residents to access the town centre via Macclesfield Road. This is an important link through the site and the adjoining area.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

Holmes Chapel is a local service centre and as such provides a range of services and facilities to meet the needs of local people including those living on this site

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

Holmes Chapel is a Local Service Centre, the town centre is within walking distance on Macclesfield Road and the opening up of the ginnel to the south of the site allows for a direct pedestrian route to the railway station. There are also bus routes on Manor Road, Macclesfield Road.

Meeting local housing requirements

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

As discussed above the development would provide the following mix;

1 bed apartments	4(all affordable)
2 bed Bungalows	5
2 bed Houses	20 (3 affordable)
3 bed Houses	46
4 bed Houses	63

All of the proposed dwellings, including the cottage style flats would be two storeys in height apart from the Hawarden house type which is a bungalow (total of 5 units) and the Euxton and Snowden units which are two and a half stories in height (total of 36 units).

Given the scale of the development the housing mix is considered to be acceptable.

Character

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

Holmes Chapel is located within the North Cheshire Fringe area and the design cues for this are include the following:

- Significant mid to late 20th century expansion has resulted in a wide mix of housing types and styles
- Most of the older buildings are located to the radial routes into the village and around The Square
- Buildings are mainly brick or rendered with a few isolated half timbered houses such as Cotton Hall
- Many brick houses have stone detailing to the windows. Bricks are generally mixed shades of red, typical of 'Cheshire Bricks'
- Most housing is between 1 and 2 storey
- The railway is an important factor in the development of the village with a number of finely detailed railway cottages around the station

There is a variation of house-types in the immediate area with two storey 1960's/70's detached and semi-detached dwellings mainly adjoining the site on Eastgate Road. The other side of Eastgate Road comprises a mix of bungalows and 2 storey houses of the same style/age.

Macclesfield Road housing adjacent and opposite is mainly 2 storey interwar red brick semis, set back from the main road. Two pairs of semi-detached Victorian houses, a half timbered house and a bungalow immediately adjoin the application site on Macclesfield Road.

The surrounding dwellings have a mix of gabled and hipped roofs with a mix of materials (red brick and render/some boarding to 1st floor and grey tiled roofs). The dwellings in the locality of the site include a number of design features such as projecting gables, bay windows, window header and sill details (stone and brick, arched and flat-topped), brick banding (decorative red brick), brick quoins to the semis on Macclesfield Road, and chimneys. The materials in the locality are a mix of red brick and render and tiled roofs (a mix grey moderns to Eastgate Road and red rosemarys/ grey slate to Macclesfield Road).

The proposed dwellings would vary from bungalows to two and a half storey units and would have a gabled roof design. The roof heights vary across the development which would add some interest. The height variation from bungalows to two stories is consistent with the wider locality in this part of Holmes Chapel and is considered to be acceptable. Although there are no noticeable two and a half storey units visible in the locality the provision of such units is considered to be acceptable and would not detract from the character and appearance of the area. These units create visual interest and none adjoin any existing residential boundary of the site.

The design has been the subject of extensive negotiation with the Council's Urban Design Officer and it is considered that the proposed development respects this character of the area. Many of the design cues within this location are incorporated into the development with features such as half and full render, projecting gables, dormers, window header and sill details, brick banding, porch detailing, chimneys.

The properties fronting on to Macclesfield Road will incorporate red roof tiles as well as grey and a mix of red bricks, together with three rendered units. The 3 character areas incorporate different coloured windows within each area to create that character zone (mainly white, with a smaller zone and green and black coloured windows). Part render and render is also used are key points through the site

The application includes a schedule of proposed materials which are considered to be acceptable in this location.

The boundary treatment for prominent side boundaries would include a brick wall with piers, Cheshire railing to the main entrance, 1.8m high close boarded fences on the units adjoin the railway line. The frontages remain open. The proposed boundary treatments are considered to be acceptable.

Working with the site and its context

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

The existing industrial development is removed, including the 4 storey Fads building adjacent to the Eastgate road elevation. Given the historic use of the site, there is significant contamination which is remediated. The removal of a non-conforming and un-controlled industrial site within a mainly residential area will result in a development which works within its context.

Creating well defined streets and spaces

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 includes a central access route and an emergency access route adjacent to existing 66 Macclesfield Road (as the retained access for no 66. The emergency access is bollarded after no 66 and is a pedestrian route on to Macclesfield Road. The majority of the open space would be to the central zone, as per the scale parameters approved at outline stage

The proposed dwellings would be sited to ensure that they overlook the proposed highway network and the open space to the central zone. The development would use corner-turning units on the all of the corner plots.

Internally within the site the proposed development would be include a mix of car-parking solutions. The majority of car parking is provided to front, which is not ideal, however, these have been softened by use of different blocks and materials at key points. There would also be parking in the form of rear courtyard to certain plots. It is considered that on balance the parking solution is acceptable

In terms of the landscaping within the development this is discussed elsewhere within the report, however, a small number additional street trees a key points have been requested by the Principal Urban Design Officer to further improve the street scene. A condition is suggested.

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

The site is well connected internally and it would be easy to navigate throughout the development.

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

It is considered that the proposed highways design is appropriate and on the whole avoids large straight stretches which would encourage speeding. The surfacing materials are considered to be in accordance with the Design Guide.

Car parking

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

Internally within the site the proposed development would be include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings is unfortunate with long runs of frontage car parking to terraced and semi-detached houses, however, it has to be remembered that this application significantly pre-dates the adopting of the Design Guide. Planting has been used to soften this in places, however, it is considered that the parking

spaces should not be predominately black tarmac and the use of blocks would further improve the hardscape character of the site. A condition will be necessary. There would also be parking in the form of rear courtyards and parking courts to certain plots.

Public and private spaces

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

The open space is within the site and this would be well-overlooked. It is considered that the development would create an attractive and safe area of public open space and safe routes through the site.

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 have private amenity space with rear access. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

The proposed cottage style flats would have a shared refuse store and cycle store. This should be sufficient to store 4 bikes and bins including refuse/recycling adequate for 4 households.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development represents an acceptable design solution.

Overall Environmental Conclusion

Subject to the numerous conditions and S106 requirements as detailed in the Outline permission, which carry forward as part of this development, and the conditions suggested this scheme would not create any significant issues in relation to landscape, trees or the character and appearance of the locality. Indeed the removal of the present uncontrolled industrial use of this site will be of significant benefit to the locality. On this basis the housing layout is considered to comprise an environmentally sustainable form of development

SOCIAL ROLE

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

Emerging policy HOU11 in the SAPDP (very limited weight at this stage in the adoption process) indicates that residential privacy distances should be 18m front to front and 21m back to back (for 1 or 2 storey). Whilst this layout mainly complies with this policy, there are instances where it does not.

These are considered to be plot 38 (bungalow) adjoins 37 Eastgate Road (2 storey with rear extension 17m from rear building façade of plot 38.) However, it is the proposed bungalow that is looked upon rather than the existing 2 storey house. Permitted development rights are recommended to be removed for this plot to protect the privacy of the existing resident.

All other interfaces with Eastgate Road are in compliance with the privacy standards, however, the proposed houses are just in compliance and further permitted development to the rear of the proposed houses would contravene the privacy standard. Plots 30-47 adjacent to Eastgate Road therefore require their permitted development rights removing for extensions to the rear, given the proximity to the existing houses and the generous tolerances that permitted development rights can allow, which have potential to be detrimental to the amenity of existing Eastgate Road residents.

Within the site itself there are various instances where the inner urban and courtyard design of the development results in narrower street pattern, e.g. plots 39 and 40 are 16m from the front of plots 115 and 116. Given the location of the site, the scale parameters that were accepted at outline stage, this is considered to be appropriate.

With regard to land contamination, dust and noise it is considered that the conditions attached at outline stage would satisfactorily safeguard future living conditions.

Public Open Space and Play Space

The outline permission requires a minimum of 0.35 hectares of public open space to be provided. A LEAP comprising 5 pieces of equipment was secured on this site via the S106 Agreement attached to the outline permission. This will be maintained by the Council. The Applicant will still need to comply with the exact wording of the S106 regarding the drainage/grading/landscaping and details of the LEAP.

The LEAP has been revised to be sited at least 20m from the closest property, however, the equipment as proposed needs to be amended to comply with the requirements of the Greenspace Officer. A condition is necessary in terms of the equipment design.

Jodrell Bank

Jodrell Bank has not replied to the consultation, however, the principle of development of the site for up to 160 dwellings has already been accepted by virtue of the outline permission. On this basis it is considered that the impact of this proposed layout of 138 households upon the operations of the telescope is neutral.

A planning condition for Jodrell Bank materials insulation for facades facing the telescope is required.

Overall Social Conclusion

The development, subject to conditions, will not have a detrimental impact upon residential amenity of the locality. Indeed, the removal of the non-conforming, uncontrolled 4.1 hectare industrial site, whereby any number of industrial occupiers may be located, will have potential to significantly reduce noise and activity, including HGV's to this site

The impact upon infrastructure has already been assessed at outline stage when the principle of the development of this site for up to 160 units was considered to be acceptable. Whilst this decision was taken some years ago, this permission is extant and the education/health requirements/social infrastructure impacts were deemed acceptable when permission was granted and can not now be re-visited.

PLANNING BALANCE

The principle of development of this site has already been accepted as part of the outline approval on this site. This assessment therefore considers the matters of detailed external appearance, layout and landscaping matters previously reserved

The scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

The development will not have a detrimental impact upon residential amenity. The impact upon infrastructure would be neutral as the issue was assessed at outline stage.

The design, layout and landscaping of the scheme is considered to be of sufficient quality subject to minor revisions to the landscaping. The scheme is in accordance with the general parameters and design principles set out at outline stage, although there are considerably less flats than put forward in 2008, this is not considered to be of detriment to the overall scheme.

Drainage/flood risk issues, land contamination, noise amenity re the railway are also conditioned by the outline approval. These conditions form part of the permission and will need to be complied with

The proposed access point is as previously approved and required by condition and can not be changed by this proposal. The traffic impact as part of this development has already been assessed and accepted when the outline proposals were resolved to be approved by Congleton Borough Council, ultimately resulting in the outline permission being granted in 2012. In any event this permission

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways)

Accordingly, the scheme is deemed to acceptable and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Jodrell Bank Materials**
- 3. Revised boundary treatments (1.8m high close boarded fence to all rear garden boundaries)**
- 4. Scheme of hedgehog gaps in boundary fences/walls**
- 5. Facing/ Hard surfacing Materials to be approved – notwithstanding submitted details**
- 6. Elevations/layout of bin/bike store for apartments/ electricity sub-station to be provided**
- 7. Materials for frontage car parking to be approved/revised**
- 8. Removal of permitted development rights for affordable units PLOTS 65-67(class A); PLOT 8 (class A), plots 30-47 (classes A and B) and for all dwellings re walls/means of enclosure forward of front building line (open plan estate)**
- 9. LEAP equipment specification to be approved**
- 10. Additional tree planting scheme in key positions in street scene**



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Application No: 18/1182C

Location: PLOT 63, Midpoint 18, HOLMES CHAPEL ROAD, MIDDLEWICH

Proposal: Hybrid Planning Application for the construction and operation of 8 No. B2/B8 Units (total GIA 22.918 M2) comprising two phases :-

Phase 1 - An application for Full planning permission for site re-profiling, new site access off Pochin Way and construction of 2 B2/B8 Units totalling 9.266M2 (GIA) floorspace with associated infrastructure (including hard and soft landscaping); and

Phase 2 - An application for Outline planning permission (with All Matters Reserved) for site re-profiling and construction of 6 No. B2/B8 Units totalling 13.652M2 with associated infrastructure (including hard and soft landscaping).

Applicant: Total Developments (NW) Ltd

Expiry Date: 22-Nov-2019

SUMMARY:

The application was previously considered by Strategic Planning Board in October 2018, when it was resolved to approve the application subject to several conditions and a contribution of £687,540.00 to the Middlewich Eastern Bypass.

It was considered that the proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses. It was considered to be compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity was not considered to be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to a contribution to the Middlewich Eastern by-Pass.

The ecological impacts of the development can be satisfactorily mitigated. Issues of air quality and contaminated land can be controlled by conditions. Subject to the provision of the financial contribution to the Middlewich Eastern Bypass the proposal was formerly found to be economically, socially and environmentally sustainable.

The applicant is unwilling to provide the required financial contribution. It is clear in Policy IN2 that developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development. It is also clear in LPS44 that contributions to the Middlewich Eastern Bypass will be required for developments on Midpoint 18.

As the developer is unwilling to provide the required contribution, that is policy compliant and meets the requirements of the Community Infrastructure Levy Regulations (CIL) 2010, being necessary, directly related to the development and fairly and reasonably related in scale and kind to the development, the recommendation is that the application be refused for the following reason:

Recommendation: Refuse

REASON FOR ADDITIONAL REPORT

This application was put before Strategic Planning Board on 24th October 2018, when it resolved to approve the application subject to conditions and the completion of a S106 Agreement requiring the provision of £687,540.00 to mitigate highway impacts. The minutes of that meeting are set out below:

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 agreement for the contribution of £687,540.00 to the Middlewich Eastern Bypass in priority and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane, with two x50% payment triggers before first occupation under the detailed and before occupation of phase 2.

The requirement for this contribution was set out in the original report and was not questioned by the developer prior to the resolution to approve being made. In addition pre-application advice was given to the developer and this set out clearly that a contribution would be required and how it would be calculated. Subsequently the developer contacted the case officer questioning the need for the contribution and putting forward the argument that the contribution is not necessary.

It is clear in Policy IN2 that developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development.

It is also clear in LPS44 that contributions to the Middlewich Eastern Bypass will be required for developments on Midpoint 18.

As the developer is unwilling to provide the required contribution, that is policy compliant and meets the requirements of the Community Infrastructure Levy (CIL) Regulations 2010, being necessary, directly related to the development and fairly and reasonably related in scale and kind to the development, the recommendation is that the application be refused.

SITE DESCRIPTION AND CONTEXT

The application site comprises 6.10 hectares of land on the Midpoint 18 employment site in Middlewich. It is an allocated Strategic Site in the Cheshire East Local Plan Strategy (LPS 44 – Midpoint 18, Middlewich).

The site would be accessed from Pochin Way and is bounded by the railway line to the west, part of Pochin Way to the east and Cledford Lane to the south. It is a relatively flat area of land and to the north is an area safeguarded for the future construction of a railway station and associated infrastructure.

DETAILS OF PROPOSAL

This is a hybrid (part outline, part full) planning application for the construction and operation of 8 No. B2/B8 (general industrial/storage and distribution) units (total GIA 22.918sqm) comprising two phases :-

Phase 1 - An application for full planning permission for site re-profiling, new site access off Pochin Way and construction of 2 No B2/B8 units, totalling 9.266sqm (GIA) floorspace with associated infrastructure (including hard and soft landscaping); and

Phase 2 - An application for outline planning permission (with all matters reserved) for site re-profiling and construction of 6 No. B2/B8 units, totalling 13.652sqm with associated infrastructure (including hard and soft landscaping).

RELEVANT HISTORY

31584/1 – employment uses (B1, B2 and B8), open space along Sanderson's Brook and continuation of the Middlewich Eastern Bypass – approved 29th April 2002

34743/3 – Development without compliance with condition 11 of application No. 31584/1 – Approved 2nd September 2002

37737/3 - Modifications of conditions of outline planning permission 8/31584/1 – approved 12th October 2004

07/0323/OUT – Midpoint 18 Phase 3 – employment, leisure and tourism and completion of MEBP – Approved 3rd June 2008

09/0738W - Erection of energy from waste facility with associated buildings, car parking and hard standing areas – Refused 29th April 2010 – Appeal dismissed 20th July 2012

11/0899C – Extension of time to 07/0323/OUT – Approved 12th July 2011

16/2006C – Variation on conditions on Application No. 11/0899C – Approved 22nd June 2016

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELP), and the saved policies from the Congleton Borough Local Plan First Review (2005).

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG7 – Spatial Distribution of Development
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
EG3 – Existing and Allocated Employment Sites
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, Woodland
SE12 – Pollution, Land Stability and Land Contamination
SE13 – Flood Risk and Water Management
IN2 – Developer Contributions
Site LPS 44 – Midpoint 18, Middlewich

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.

Congleton Borough Local Plan First Review (CBLPFR)

PS4 Towns

GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
NR3 Habitats

The **Draft Middlewich Neighbourhood Plan** (MNP) has reached Regulation 14 Stage and therefore carries limited weight.

DH1 General Principles
DH2 Sustainable Design
T1 Middlewich Eastern Bypass
T3 Rail Station
E1 Employment Land Strategy
E2 Employment Land
E3 Midpoint 18
ECHW6 Protecting Local Biodiversity.

CONSULTATIONS:

Highways:

No objection subject to a contribution of £687,540.00 to the Middlewich Eastern Bypass.

Natural England:

No objection.

Flood Risk Management:

No objection subject to conditions.

Environmental Health:

No objection subject to conditions/informatives relating to air quality, contaminated land and noise and disruption.

Environment Agency:

No objection.

Health and Safety Executive:

No objection.

Middlewich Town Council:

None received at the time of report writing.

Network Rail:

Object on technical matters.

National Grid:

No objection.

REPRESENTATIONS:

None received at the time of report writing.

APPRAISAL:

Principle of Development

The application is in hybrid form, being partly for full planning permission and partly outline planning permission. In total it would create 22,918sqm of internal floor space.

Phase 1 is the element of the application for which full planning permission is sought and comprises the re-profiling of the site, creation of the new access from Pochin Way and the erection of 2, B2/B8 units with a total internal floor space of 9,266sqm with associated infrastructure.

Phase 2 is in outline form with all matters reserved for 6, B2/B8 units with a total internal floor space of 19,652sqm with associated infrastructure.

The site is located within an existing employment area within the Middlewich Settlement Boundary and forms part of the Cheshire Local Plan Strategy Strategic Site 'LPS 44 Midpoint 18'. In respect of this the CELPS identifies that the development will be achieved with (amongst other things) phased delivery of up to 70 hectares of employment land, including the development of existing undeveloped sites: Midpoint 18 (Phases 1 to 3).

Policy EG1 of the CELPS also states that proposals for employment development (use classes B1, B2 and B8) will be supported in principle within key service centres (which includes Middlewich) as well as on employment land allocations in the Development Plan.

At a national level the NPPF also requires Local Planning Authorities to: *“create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations including the contribution to the MEBP.

Design and Landscape

Policy SE1 of the CELP advises that the proposal should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, livability/workability and safety.

The character of the Midpoint 18 employment site is one of industrial premises of designs in keeping with their use. The buildings are uniform and utilitarian in appearance and are designed for functionality rather than form. The proposed buildings are similar in design and size to other units in the vicinity, and it is considered that it will not appear as an alien or incongruous feature within the street-scene.

Detailed landscaping plans should be controlled by condition on the part of the application for full planning permission and should form part of the reserved matters for the outline element of the site.

Amenity

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located 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.

The area is predominately industrial in character being positioned on the edge of Midpoint 18. There are no residential properties in the immediate vicinity of the site and as such, no significant adverse impacts are anticipated in respect of noise and disruption, visual intrusion and loss of daylight/sunlight or privacy subject to appropriate conditions.

A full detailed air quality assessment has been submitted in support of the application. Environmental Protection originally recommended refusal of the application due to lack of information in this regard. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2017 baseline – model verification
- 2018 – Opening year do-nothing (should the proposal not proceed)
- 2018 – Opening year do-something (should the proposal go ahead)

The assessment concludes that the impact of the future development on the chosen receptors will be **significant** with regards to NO₂ concentrations unless appropriate mitigation measures are put in place. Five of the receptors modelled are predicted to receive a moderate severe impact, whilst eight are predicting a slightly adverse impact. One of the tube locations modelled is also predicted to experience a substantial adverse impact, whilst another is predicting a moderately adverse impact. Some of these receptors are in and around the Chester Road AQMA and it is this department's opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

As mentioned above, Middleswich has an Air Quality Management Area, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

It is therefore considered that conditions should be imposed relating to electric vehicle charging points, low emission boilers and travel planning in order to offset any adverse impacts.

Highways

The proposed development is a commercial and industrial development B2 and B8, providing a total floorspace of 22,918sqm consisting of 8 units. Phase 1 is a detailed application and Phase 2 is in outline with only access to be determined.

Access

Both Phase 1 and Phase 2 is served from a single access point off Pochin Way, the access is an industrial standard 7.3m wide with 15m entry radii and adequate visibility is provided at the access point. Each individual unit would have its own access point onto the main access road that serves all the proposed units.

Car Parking

Each unit has its own car parking and HGV parking areas within the site, there are a total of 338 spaces across the site. The car parking provision is below current CEC standards for B2/B8 although the applicant has undertaken vehicle parking accumulation assessments that indicate that 338 spaces would be sufficient. It is considered that the level of car parking is sufficient for the proposal and given the location of the site any on-street parking would not cause any highway problems.

Development Traffic Impact

The predicted traffic generation arising from the development has been derived using the Trics database for both all vehicles and HGV vehicles in both am and pm peak hours 08.00 - 09.00 and 16.00 – 17.00. The peak traffic demand is in the am peak with 138 two way movements arising from the site.

The applicant has undertaken only one capacity assessment on the local highway network and this has been undertaken at the roundabout junction at the A54/Pochin Way/ B5309 Centurion Way. The assessment has been undertaken in the 2018 base and also in the future year 2023 with the development flows, committed development traffic and growth added.

The results of the capacity assessment shows that the roundabout junction will operate within capacity in 2023 with some spare capacity. The operation of this roundabout as standalone junction is not the major concern of the Highway Authority; it is existing congestion in Middlewich especially at the Leadsmithy Street/Kinderton Street signal junction that has long traffic queues that needs to be addressed.

The distribution of the trips submitted has indicated the majority of vehicles will route from the east on the A54 to and from the M6 but a sizeable number 51 am and 36 pm peak hour trips will travel through Middlewich on the A54 and numerous trips over a 24hr period.

It is applicant's view that the additional development trips would have a negligible effect on the operation of the local highway network. However, it is the Council's view that congestion and queue lengths are already at significant levels and it is clear that to support further major developments such as this development, that have a direct impact on the centre of

Middlewich, mitigation measures are required either to improve the operation of the existing Leadsmithy/A54 signal junction or to remove traffic from the junction by means of the Middlewich Eastern By-pass (MEBP).

The MEBP would link Pochin Way with the A533 and will provide much improved access to Midpoint 18 and also will reduce traffic congestion levels in Middlewich. Policy LPS 44 of the CEC Local Plan has indicated that contributions to the MEBP will be required as part of development on the Midpoint 18 site and in regard to this particular application a contribution is required of £687,540 based upon the gross floor area.

In summary, this is an allocated employment site with its main access taken from Pochin Way; the site will generate significant levels of traffic throughout the day and would add to existing congestion problems in Middlewich. Therefore, a contribution to the MEBP is warranted as the by-pass will provide mitigation for the Midpoint 18 site.

The head of Strategic Infrastructure has no objections, subject to the financial contribution as detailed above, being secured in a S106 Agreement.

Ecology

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones. Natural England have been consulted and raised no objection to the proposals in respect of SSSIs. No further action in respect of statutory designated sites is therefore required.

Non-statutory Designated Sites

The application site is located adjacent to Cledford Lane Lime Beds Local Wildlife Site. It is considered that the proposed development is unlikely to have any significant long term impacts upon this locally designated site.

Grassland Habitats

An acceptable botanical survey has been undertaken of the grassland habitats on site. The grassland habitats within the red line of the application do not present a constraint on the proposed development.

Great Crested Newts

This protected species is known to occur at a number of ponds throughout Midpoint 18. A small breeding population of this species has been known to be present at the on-site pond for a number of years. The latest surveys have not recorded the species at the on-site pond; however this is likely to be due to the pond drying as a result of the lack of rain through the summer.

It is considered that in the absence of mitigation, the proposed development will have a 'Medium' magnitude adverse impact upon Great Crested Newts as a result of the loss of a significant area of low value terrestrial habitat located in close proximity to the breeding pond.

The development would also pose the risk of killing or injuring any newts present within the footprint of the development when site clearance works are undertaken.

Habitat Regulations

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

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.

Test 1: Overriding Public Interest

The impacts of the development on the GCN population have previously been considered acceptable in the grant of previous planning permissions. The development would provide social and economic benefits in the form of employment and economic development. Given these benefits the development proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside any mitigation that can be secured.

Test 2: No satisfactory alternative

The site is allocated in the local plan for employment development and therefore has been assessed as being the most appropriate place for this form of development. As such it is considered that there would be no satisfactory alternative.

Test 3: "the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range".

The current proposals would result in the retention of the existing breeding pond and the applicant's ecological consultant has recommended that an area of retained habitat be enhanced in order to compensate for that lost.

The applicant has confirmed that they have no plans at present to extend Pochin Way and that there is no intention to utilise the retained pond as part of the drainage scheme for the proposed development.

The submitted outline Great Crested Newt mitigation would be adequate to maintain the favourable conservation status of the local Great Crested Newt population.

Habitat Regulations Conclusion

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there are no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on Great Crested Newts, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

Reptiles

Reptiles are known to occur in this broad locality. It is considered that the proposed development will result in the loss of an area of low quality habitat for reptile species. The mitigation measures developed at this site in respect of Great Crested Newts would also address the impacts of the scheme on reptiles.

Badgers

Badgers are active on the site, but no setts were recorded within the red line of the application site. The submitted report however refers to a potential sett located on the adjacent railway embankment. This sett is located on the opposite side of the railway and so is unlikely to be affected by the proposed development. The proposed development will result in the localised loss of badger foraging habitat, but this is unlikely to be significant.

If planning permission is granted it is recommended that a condition be attached to ensure that an updated Badger Survey is undertaken and submitted prior to the commencement of development.

Wintering and Breeding Birds

A snipe was recorded on site during the Phase One Habitat Survey. This species was associated with a small wet depression that would be lost as a result of the proposed development. Features that support this species regularly (over a number of years) are considered to be of nature conservation value in the county context.

It is therefore recommended that a similar wetland feature be created in the ecological mitigation area or offsite to compensate for this loss.

No breeding bird surveys have been undertaken to inform this current application. Surveys undertaken a number of years ago recorded a small number of priority bird species. This included a small number of Skylark, a ground nesting bird associated with open habitats. It is recommended that this species is likely to be adversely affected by the proposed development. The applicant should provide some form of compensation to address this impact. This could take the form of offsite habitat creation to provide enhanced habitat for ground nesting birds.

Standard conditions would be required to safeguard nesting birds in the event that planning permission is granted.

Otter and Water Voles

No evidence of these protected species was recorded during the recent survey. I therefore advise that these species are unlikely to be present or affected by the proposed development.

Lighting and Bats

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

Flood Risk

The Council's Flood Risk Manager has assessed the application and is satisfied that, subject to conditions, the proposal is acceptable in flood risk terms.

Network Rail

Network Rail has submitted a holding objection to the proposal. However this relates to the developer entering into a Basic Asset Protection Agreement with Network Rail, to ensure that works are carried out correctly and that Network Rail does not have to fund boundary works that may be necessary as a result of the development. This is not a material planning consideration.

S106 contributions:

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.

In this case, the contribution to the Middlewich Eastern By-Pass is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

CONCLUSIONS

It is clear in Policy IN2 that developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development.

It is also clear in LPS44 that contributions to the Middlewich Eastern Bypass will be required for developments on Midpoint 18.

As the developer is unwilling to provide the required contribution, that is policy compliant and meets the requirements of the Community Infrastructure Levy (CIL) Regulations 2010, being necessary, directly related to the development and fairly and reasonably related in scale and kind to the development, the recommendation is that the application be refused.

RECOMMENDATION:

Refuse for the following reason:

- 1. The proposed development would fail to provide contributions to the Middlewich Eastern Bypass in priority and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane, with two x50% payment triggers before first occupation under the detailed and before occupation of phase 2. The proposal is therefore contrary to Policy IN2 and the requirements set down in LPS44 of the Cheshire East Local Plan Strategy.**

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

Should this application be the subject of an appeal, authority be delegated to the Acting Head of Planning in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



Application No: 19/2202M

Location: Land Between Clay Lane and Sagars Road, Handforth SK9 3HF

Proposal: Application for reserved matters approval (appearance, landscaping, layout and scale) for the erection of 217 dwellings, landscaping, public open space, internal access roads, garages, car parking, and associated infrastructure.

Applicant: Alex Wigfield, Anwyl Homes

Expiry Date: 25-Oct-2019

SUMMARY

The proposed development seeks to provide a residential development of 217 dwellings on a site allocated for around 250 dwellings in the CELPS. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping, however a range of concerns are raised in terms of this submission.

The proposed affordable housing is not considered to be adequately pepper potted around the site. These units could be further dispersed in the western and eastern sections of the site, with an associated reduction in the existing clusters. Whilst an updated plan is awaited to show the affordable units, with reference to the previous iteration of the layout plan to identify their positioning within the site, it is concluded that the proposal does not comply with policy SC5 of the CELPS.

The proposed housing does not provide a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In terms of open market housing, there is considered to be an over provision of larger 4 bed detached dwellings, and an under provision of smaller units for single people, first time buyers and the elderly. The proposal is therefore contrary to policy SC4 of the CELPS.

Assessment of the proposals against the CEC Design Guide and Building for Life 12 indicates that there are issues in several fundamental areas. As a consequence, the proposal is not considered to be good enough to approve in its current form. The proposal is contrary to policies LPS 34, SD2 and SE1 of the CELPS, and the CEC Design Guide.

The level of parking for some 4 bed properties does not meet the parking standards within the CELPS. A number of the proposed parking spaces also fall short of the dimensions stated for parking spaces and garages set out in the CELPS. This would force vehicles to park on the road and would thereby be harmful to the visual amenity of the area and highway safety.

Clarification is required on matters relating to encroachment within the RPA of a protected tree, the removal of hedgerows and landscaping and further details on these matters will be provided as an update. Similarly an amendments are required to ensure plots 205 and 206 are located outside of the 10m undeveloped buffer to the Brook, as required by condition 15 of the outline permission. Each of these issues has the potential to be an additional reason for refusal.

The provision of 217 new dwellings is clearly a benefit of the proposal, which will make a valuable contribution to the delivery of the Council's 5 year housing land supply. However, it should be noted that 217 dwellings is still a significant shortfall from the allocated 250, and the proposal still does not provide a design that adequately reflects the requirements of the Local Plan or the design guide even at this lower density, which does make it harder to accept.

Other benefits relating to the development were secured at the outline stage, including 30% affordable housing, and contributions towards improvements to local footpaths / leisure routes, towards recreation and outdoor sports provision, towards healthcare and towards education.

The applicants have worked with officers over several months in an attempt to achieve a mutually acceptable scheme, which to date has not been realized. It is expected that the applicant will seek to address the outstanding issues in the coming days and further details will be provided as an update.

As it currently stands, there is clear conflict with the development plan and supplementary planning documents. The conflict with the development plan identified above is not considered to be outweighed by other material considerations in this case. The proposal is therefore not considered to be a sustainable form of development.

Summary Recommendation:
Refuse

DESCRIPTION OF SITE AND CONTEXT

The application site is an area of agricultural land that is enclosed by Sagars Road to the south, Clay Lane to the west, residential properties on Windermere Road and Ullswater Road to the north and Hampson Crescent to the east. Much of the site boundary consists of mature trees and hedgerows, with additional hedgerows within the site dividing fields. A small wooded area to the north east of the site separates the application site from the adjacent open space at Meriton Park. Dobbin Brook runs along the rear of the existing properties on Hampson Crescent, along the eastern boundary. Also included within the application site boundary is 15 Hampson Crescent, which is a two-storey, detached dwelling. The site is identified as site LPS 34 in the CELPS, which is allocated for residential development. The majority of the site lies within the Parish of Styal, with just the access from Hampson Crescent located within Handforth Parish.

Some work has commenced on site following the full planning permission for the access, which was approved at the July SPB meeting.

DETAILS OF PROPOSAL

This application seeks approval for the reserved matters following the outline approval 17/3894M, which granted outline planning permission for the erection of up to 250 dwellings with associated works including the demolition of 15 Hampson Crescent. Access was approved at the outline stage, and the current proposal seeks reserved matters approval for the appearance, landscaping, layout and scale for 217 dwellings.

Revised plans have been received during the course of the application, and have been subject to a period of re-consultation.

RELEVANT HISTORY

17/3894M - Outline planning application (access to be considered) for erection of up to 250 dwellings with associated works including the demolition of 15 Hampson Crescent – Approved 02.08.2018

19/1797M - Demolition of 15 Hampson Crescent, diversion and culverting of Dobbin Brook and formation of both vehicular and pedestrian access from Meriton Road / Hampson Crescent including associated infrastructure and landscaping works, and creation of temporary construction haul road and compound from Sagars Road – Approved 09.08.2019

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG4 Safeguarded Land

PG6 Open Countryside

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure
SE7 The Historic Environment
SE9 Energy Efficient development
SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments

LPS 34 Land Between Clay Lane and Sagars Road, Handforth

Macclesfield Borough Local Plan saved policies (MBLP)

NE9 Protection of River Corridors
NE11 Nature conservation
NE17 Nature conservation in major developments
NE18 Accessibility to nature conservation
RT5 Open space standards
H9 Occupation of affordable housing
DC3 Residential Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC14 Noise
DC17 Water resources
DC35 Materials and finishes
DC36 Road layouts and circulation
DC37 Landscaping
DC38 Space, light and privacy
DC40 Children's play / amenity space
DC63 Contaminated land

Handforth Neighbourhood Plan (HNP)

H8 Landscape and Biodiversity
H9 Trees and Hedgerows
H11 Encouraging High Quality Design
H12 Surface water management
H16 Congestion and Highway Safety
H18 Promoting sustainable transport
H19 Improving access to the countryside in Handforth and the surrounding area

Given that the majority of the site is located within Styal, the HNP can only be applied to a very small section of the site around the site access.

Other Material Considerations

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

Styal Neighbourhood Plan

Regulation 7 stage reached – Neighbourhood Area Designation
No policies to give weight to at the present time

CONSULTATIONS (External to Planning)

There have been two rounds of public consultation and the comments below are the most recent comments from each consultee.

Environment Agency – No objections

United Utilities – Proposals unacceptable

Manchester Airport – Comments not received at time of report preparation.

Lead Local Flood Authority (LLFA) – No objections

Environmental Health – Raise concerns regarding impact of use of access road upon neighbouring properties on Hampson Crescent. Recommend conditions relating to hours of construction, piled foundations, dust management and floor floating (polishing of large surface, wet concrete floors)

Housing Strategy & Needs Manager – No objections

Education – No comments received

Public Rights of Way – Existing track in the western corner of the site adjacent to Spurs Lodge should be upgraded.

Head of Strategic Infrastructure – No objections

ANSA – No objections

Handforth Parish Council – No objection, but reiterate strong objection over proposals to allow construction traffic to use Sagars Road for site access.

Styal Parish Council - No objections in principle but objects to the current allocation of the S106 monies associated with the development

OTHER REPRESENTATIONS

During the two rounds of public consultation, 16 letters of representation have been received from interested parties objecting to the proposal on the following grounds:

- Meriton Rd, Sagars Rd, Hampson Crescent, The Link and Bulkeley Rd all unsuitable for access
- Additional traffic
- Weight restriction of Sagars Rd
- Increased risk to highway safety
- Impact on wildlife and trees

- Impact on already stretched local services, infrastructure, schools, doctors, etc.
- Access should be from Styal
- Brownfield land should be used, not Green Belt
- Suitable site for houses where Knowle House used to be
- Reports used to support outline application were wrong and misleading
- Surface water drainage proposals not achievable (condition 4)
- Impact of construction on Dobbin Brook
- Diversion of Dobbin Brook will be detrimental to ecology
- Construction management plan inadequate (condition 11)
- Health & safety of local residents
- Impact on air quality
- Noise, disturbance and dust
- No mention how the habitat will be temporarily homed during works, and not enough focus on Dobbin Brook and the wildlife/ecology beyond the site (condition 14)
- Temporary parking restriction not acceptable
- Dust control measures not sufficient (condition 16)
- No remediation strategy provided (condition 18)
- Not enough detail to assess external materials properly (condition 25)
- Bridge will cause problems
- Increased risk of flooding
- Impact on visual amenity of the area
- Site compound results in loss of privacy, increased noise, increased artificial light and dust.
- Impact of construction traffic on parking, congestion, noise levels, damage to property, safety, flood risk and weight loading on Sagars Rd
- Working hours should be weekends only
- A proper Stakeholder Management Strategy should be produced by the developer
- Devaluation of property
- Village is already overloaded with cars that parking in the village is scarce
- Previous planning applications to build in this area have been rejected. (Knowle House).
- Site is protected Green Belt land
- Appears that consulting the public is simply a box-ticking exercise because the comments go completely ignored
- It is unsurprising that the reputation of CEC is in the gutter
- Housing requirement figures do not reflect predicted population growth
- Addition of 217 dwellings virtually doubles the housing stock in Styal
- Perimeter of site used by many people enjoying the Green Belt, and its loss will have significant negative impact on amenity and health of general public
- Low water pressure will be exacerbated
- Japanese Knotweed is present on the site
- Unnecessary development given plans for North Cheshire Garden Village
- Loss of privacy
- Proximity of access road to immediately adjacent properties and associated impact on living conditions
- Bridge structure will dominate adjoining gardens and result in overlooking
- Potential to affect structural integrity of adjoining property

- HGVs will not be able to enter the site or manoeuvre safely
- Recording of existing traffic conditions inadequate
- Increased run off into Dobbing Brook and associated impacts on River Dean and River Bollin.
- Not all residents have been notified of the application
- Separate applications are confusing
- Little discussion and liaison with the residents of Handforth
- Flood risk to properties in close proximity of proposed ponds
- Loss of privacy arising from footpath to rear of Hamp[son Crescent/Sagars Rd properties and increased security risk
- Proximity of properties to rear of Hampson Crescent / Sagars Rd creates noise, light and privacy issues

One letter has been received making the following general observations:

- Every house should be fitted with electric charging point for cars
- For every one tree that is removed at least five should be planted
- Strange that the s106 monies include no reference to Styal, even though all the houses proposed are within the boundaries of Styal, but there is a substantial amount proposed for sports facilities in Wilmslow.

OFFICER APPRAISAL

Principle of development

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 34 states that the development of the land between Clay Lane and Sagars Road over the Local Plan Strategy period will be achieved through:

- The delivery of around 250 dwellings;
- Provision of a direct cycle and pedestrian link from the site to the west to improve connectivity. A link to the open space to the east should also be provided as part of any development; and
- Retention of trees and woodlands on the edges of the site, with new planting to re-enforce important landscape features and to properly define a new Green Belt boundary.

The outline planning permission approved the development of the site for up to 250 dwellings, in accordance with the allocation in the CELPS. The current reserved matters application proposes 217 dwellings, which is a 13.2% shortfall from the approved 250 dwelling maximum. However, for the purposes of the policy, 217 is considered to meet the requirement for “around 250 dwellings” in LPS 34. This is of course subject to other policies within the development plan including those related to the efficient use of land and the residential mix of housing developments. The delivery of the site for residential development will contribute towards the Council’s housing land supply and assist in meeting the development requirements of Handforth / Styal and the wider Borough. The further requirements of policy LPS 34, and other relevant policies, are considered below.

Housing

Affordable Housing

30% of the dwellings on site were secured as affordable housing as part of the outline permission, in accordance with policy SC5 of the CELPS. As a development of 217

dwelling, 65 dwellings are required to be provided as affordable dwellings. 42 units should be provided as Affordable/Social rent and 25 units as Intermediate tenure.

The current number of those people on the Cheshire Homechoice waiting list with Handforth as their first choice is 318. This can be broken down to 142x 1 bedroom, 105x 2 bedroom, 42x 3 bedroom, 15x 4 bedroom and 14x 5 bedroom dwellings. There is no information for Styal.

The SHMA 2013 showed the majority of the demand annually up to and including 2018 in Handforth and Wilmslow was for 49x 3 and 5x 5 bedroom dwellings. The SHMA also showed an annual requirement for 13x 1 bedroom and 3x 2 bedroom dwellings for older persons. These can be provided by Bungalows, Ground Floor Flats, Cottage Style Flats or Lifetime Standard homes.

An affordable housing scheme has been submitted with this reserved matters application, in accordance with the requirements of the s106 agreement on the outline permission. The submitted details do indicate that 65 dwellings will be provided as affordable units. These are to be provided as:

- 13 x 1 bed ground floor apartments (2-storey building)
- 14 x 1 bed first floor apartments (2-storey building)
- 17 x 2 bed mews / semi-detached (2-storey)
- 20 x 3 bed mews / semi-detached (2-storey)
- 1 x 4 bed detached (2-storey)

The revised plans that have been submitted do not confirm the position of the affordable properties. Previous versions of the plans do, and these have indicated some pepper potting, but no affordable units have been provided in the western and eastern areas of the site. Whilst a lower density of development is sought in some areas, particularly in the western section of the site, this does not necessarily prevent affordable units being provided in this area. It is considered that in order to ensure compliance with policies SC5 and LPS 37 of the CELPS, and the Design Guide further pepper potting is required.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In addition, to meet the needs arising from the increasing longevity of the borough's older residents, the council will require developers to demonstrate how their proposal will be capable of meeting, and adapting to, the long term needs of this specific group of people.

Including the affordable units, the proposal provides the following mix of dwellings (all 2-storey or 2.5 storeys):

- 27 x 1 bed apartments (12%)
- 31 x 2 bed dwellings (mews / semi-detached) (14%)
- 67 x 3 bed dwellings (semi-detached / detached) (31%)
- 87 x 4 bed dwellings (detached) (40%)
- 5 x 5 bed dwellings (detached) (2%)

Whilst there is clearly a predominance of 3 and 4 bed dwellings, the above information suggests a broad mix of dwelling types and sizes is provided within the development. However, when the open market dwellings are extracted from this, a slightly different picture emerges.

The proposed development comprises the following open market dwellings:

14 x 2 bed semi-detached (2-storey)
36 x 3 bed semi-detached (24 x 2-storey and 12 x 2.5 storey)
11 x 3 bed detached (2-storey)
86 x 4 bed detached (73 x 2-storey and 13 x 2.5 storey)
5 x 5 bed detached (2-storey)

The above breakdown demonstrates that:

- 57% of the open market units are 4 bed detached dwellings
- 91% of open market dwellings are 3, 4 and 5 bed family dwellings
- No 1 bed units are provided for open market sale
- No apartments provided for open market sale
- No specific provision for older residents within open market units

The applicant has submitted a supporting statement to justify the proposed market housing mix, which states that the following resources were used to establish the proposed mix:

- Analysis of data sets provided by Rightmove Plus and NetHouseprice.com
- Discussions with local estate agents and other new build housing developments within the local area – which confirmed most purchasers are seeking a 3 or 4 bedroom property; lower level of demand for very large properties
- Anwyl's own experience of housing delivery within Cheshire East
- Anwyl analysed a 3 month period of Rightmove Plus property searches within a 2 mile radius and 49% of all searches correlated with dwellings proposed at the application site.
- Initial marketing activity has commenced on Anwyl's own website in relation to the application site, which is to be known as 'The Fairways'. To date, a total of 41 enquiries have been submitted. Of those enquiries which have been specific about the required property size, 78% have been for either 3 bedroom or 4 bedroom properties

There is currently no Neighbourhood Plan for Styal, and whilst the provisions of the Handforth Neighbourhood Plan only apply to its designated area (i.e. the area to the east of Dobbin Brook, and not the entire application site), there is some helpful commentary within the justification for HNP policy H2. This policy justification highlights the fact that the proportion of the population in Cheshire East of pensionable age and above will continue to grow (the SHMA 2013 stated that it would *"increase from 83,521 in 2010 to 124,544 by 2030."*). The justification for this policy also explains that it is essential that a greater balance of house types is introduced to cater for a wider section of the community, and ensure that suitable accommodation is included to allow younger residents to reside in the local area alongside older residents who wish to move to smaller homes but remain in the area. This is considered to reflect the requirements of policy SC4 of the CELPS, where it requires a mix of housing to help support the creation of mixed, balanced and inclusive communities. The predominance of 3 and 4 bed units as proposed is not considered to cater for these wider sections of the community. It is also noted that on the Rightmove website, there are currently

no 1 bedroom units for sale in Handforth and only one such property for sale in Styal, compared to a much wider availability of 3 and 4 bed properties.

Whilst not a specific requirement, policy SC4 also states that the housing mix could include Key Worker Housing and provision for people wishing to build or commission their own home. No such proposals are provided as part of the development, which could help to broaden the mix proposed.

For the reasons stated above, the proposal is considered to conflict with the requirements of policy SE4 of the CELPS.

Open Space

One of the site specific principles of development of this site listed within the local plan allocation (LPS 34) is that *“Provision should be made for public open space, possibly utilising Dobbin Brook as a focus for green infrastructure.”*

Policy SE6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children’s play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor sports) would be required on major greenfield and brownfield development sites. Contributions towards outdoor sports provision was secured as part of the outline planning permission.

The proposal for 217 dwellings triggers a requirement for 4,340sqm of formal and informal play provision in line with policy SE6 of the CELPS. Two equipped play areas are now proposed – one to the eastern side of the site close to Dobbin Brook and another, smaller facility, within the centre of the site. The two play areas combine to amount to a maximum of 2,000sqm of formal and informal play provision, which is a significant shortfall from the policy compliant amount of over 4,000sqm.

4,340sqm of amenity greenspace is also required, and the site plan is not clear on what areas would be classed as amenity greenspace. The applicant suggests that the peripheral areas to the south and west could be classed as amenity greenspace. These areas are largely the root protection areas for the retained trees along these boundaries and will be grassed areas extending up to 10m in width in some areas. In addition to this the proposal provides a 3m wide shared footway / cycleway which runs in a north south direction providing a link from Meriton Road Park to Sagars Road within landscaped / POS areas to the east of the site, close to Dobbin Brook. The shared footway / cycleway is also provided on a east west trajectory through the centre of the site, again within landscaped / POS areas, and is a very positive feature of the proposal.

The same amount (4,340sqm) is required for green infrastructure (GI), and in this case, the provision of this type of open space exceeds the amount required by policy SE6, with over 9,000sqm being provided across the site, predominantly by the retention of an undeveloped

buffer zone to Dobbin Brook. Overall, from the above details it is clear that there is a substantial amount of GI provided and an under provision in play and amenity areas in terms of the amounts provided on site.

That being said, the GI includes the requirements of LPS 34, new Green Belt boundary, retained tree belts, buffer to Dobbin Brook, retained and enhanced ponds and ecological mitigation. In addition it should be acknowledged that the applicant has made a number of significant and positive changes to the layout to give better clarity to the perimeter GI and subsequent maintenance issues in response to previous concerns raised by ANSA. The applicant has also focused on the quality of features at the request of officers, including the surfacing of the footpath / cycleway, pond fencing and entrance features.

With regard to play provision the applicant has introduced a central LAP in addition to a LEAP, which is situated close to the proposed bridge into Meriton Road Park and made several changes to the equipment as requested by ANSA. This has resulted in two attractive, inclusive play areas with a key climbing unit that will provide a focus for play and provide a challenging play environment. This will also complement the facilities available in Meriton Road Park. The applicant has focused on the quality of these areas and the play value they offer. Both areas are fenced as they sit adjacent to footpaths through the site but both also sit with amenity green space for social and more active play adjacent to them. Although some concern is still raised with regard to the proximity and relationship of some of the dwellings to the open space along the central core (notably plots 211 and 212 and plots 171 and 172).

Amenity green space is more limited and is focused around the pedestrian and cycleway routes around the site and some smaller pockets of incidental open space.

In terms of allotments, the requirement is 5sqm per family dwelling. For 217 dwellings this would amount to 1,085sqm of allotment space. No financial contributions were secured for allotments at the time of the outline planning permission. Therefore, there should be a requirement for them to be provided on site. However, if they were provided on site it would result in an inevitable reduction the number of dwellings, which is not wanted from a housing supply point of view, given that the 217 dwellings currently proposed are well below the allocation for this site. It has therefore been suggested that areas of productive planting are provided with fruit trees, etc. to compensate for the absence of allotments. Whilst the principle of this idea can be supported, due to the proximity to Manchester Airport, and the potential for such planting to attract birds, which would conflict with the safeguarding requirements of the airport, confirmation is awaited from Manchester Airport on this matter.

Further amendments are considered to be necessary to address the relationships with the properties referred to above. If this matter is resolved in a satisfactory way then, whilst there is an under provision of play and amenity space in terms of areas on a plan, what is proposed is considered to be of quality, is well located and will be a real asset of the site. The substantial over provision of GI is acknowledged and whilst it will not replace play or amenity space, it does bring a different offer to future residents, bringing more natural environments close to home and opportunities for more informal enjoyment. In this case, it can be accepted that whilst the GI will not replace the play and amenity space, it is considered to be sufficient to mitigate for the shortfall, particularly give the proximity of other facilities at Meriton Road Park.

Living conditions

Saved policy DC3 of the MBLP seeks to protect the living conditions neighbouring properties in terms of loss of privacy, overbearing effect, loss of light, noise, smells, fumes, dust etc. Policy DC38 of the MBLP set out guidelines for space between dwellings, and states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CEC Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing properties to the north of the application on Windermere Road and Ullswater Road meet the above distance guidelines. Similarly, the existing properties to the east, on Hampson Crescent, are over 50 metres away from the nearest of the proposed dwellings. Number 58 Sagars Road is slightly closer with a 37 metre separation distance to the nearest dwelling at plot 16 of the development, which is still well in excess of the recommended distances. Finally, Spurs Lodge, adjacent to the north west site boundary is approximately 50 metres from plot 82.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above.

Environmental Health has raised concern regarding the potential impact upon the occupiers of existing, neighbouring residential dwellings on Hampson Crescent and their very close proximity to the proposed vehicular and pedestrian access. Whilst there will be some impact upon neighbouring properties arising from construction activities and the use of the access road, the proposed access has already been approved under outline application 17/3894M and the separate full planning application for the access (19/1797M). Accordingly, the Council has previously found the access to be acceptable, and there has not been any material change in planning policy, site circumstances or the proposal itself, and in these circumstances, an alternative view now would not be justified.

The proposal is therefore considered to accord with policies DC3 and DC38 of the MBLP.

Air Quality

Air quality impacts were also addressed at the outline stage, and mitigation measures were secured as part of that consent, and will need to be complied with. The mitigation included requirements for a travel plan, a dust management plan and electric vehicle charging points.

Accessibility / Public Rights of Way

The application site is adjacent to a Public Right of Way, namely Restricted Byway no. 87, Wilmslow. It appears unlikely however, that the proposal would affect the Public Right of

Way, although the PROW team has requested that any approval of planning permission includes an informative to ensure that developers are aware of their obligations with regard to the right of way.

Policy LPS 34 in the CELPS requires the *“Provision of a direct cycle and pedestrian link from the site to the west to improve connectivity. A link to the open space to the east should also be provided as part of any development”* and one of the site specific principles of development for the site is to *“Improve the connectivity and accessibility into and out of the site to Handforth town centre and the wider local area with the provision of cycle paths and pedestrian linkages”*.

Policy CO1 of the CELPS seeks to encourage a modal shift away from car travel to public transport, cycling and walking.

As noted above the proposed footway / cycleway provides really good permeability through the site north to south and east to west. This path provides the required links to the west and the open space to the east, where a bridge is proposed, and a financial contribution was secured as part of the outline permission towards a hard surfaced path from the proposed bridge crossing through the adjacent park. Further linkages are provided to the north / west onto Clay Lane and Sagars Road (towards Styall) and to the south onto Sagars Road.

However, as part of the Section 106 agreement, £18,000 was secured for the improvement of the surface of Restricted Byway no.87, which runs along Clay Lane to the north / west of the site, up to where it meets Sagars Road. There is an existing track identified on the Landscape masterplan within the western corner of the application site adjacent to Spurs Lodge, which is shown to be retained in its current form. Given the improvement works being carried out to the restricted byway, outside of the site, it is considered that this should also be upgraded to a standard suitable for accommodating cyclists and horseriders currently using this route to link Sagars Road to Clay Lane. This would require retaining a width of at least 3 metres and providing a suitable surface other than compacted gravel as suggested. This principle should also be applied to the linking spur from the internal road network.

Subject to these amendments the proposal is considered to comply with the connectivity and accessibility requirements of policy LPS 34 in the CELPS and policy CO1 of the CELPS.

Highways

Whilst access was approved as part of the outline permission, this reserved matters submission seeks approval for the internal road layout of the site. The Head of Strategic Infrastructure has commented on the application and noted that the main routes within the site are 5.5m wide and have either one or two footways and the cul-de-sacs are typically 4.8m wide shared surface roads, thereby meeting relevant Highways design standards.

In terms of car parking, the CELPS advises that parking bays should be 4.8m x 2.5m in size, and it is noted that some of the parking bays within the site appear to fall short of these dimensions and will need increasing in size. No specific cycle parking is identified in the submission.

In addition, the site is located within Styal, and as such the relevant parking standards are those for the remainder of the Borough outside of Principal Towns and Key Service Centres. Parking standards within the CELPS are:

Principal Towns and Key Service Centres

1 bedroom - 1 space per dwelling;
2 bedrooms - 2 spaces per dwelling;
3+ bedrooms - 2 spaces per dwelling

Remainder of borough

1 bedroom - 1 space per dwelling;
2/3 bedrooms - 2 spaces per dwelling;
4/5+ bedrooms - 3 spaces per dwelling

The key difference between the two standards is that 4 and 5+ bed properties should have 3 spaces rather than 2 spaces in areas outside of Principal Towns and Key Service Centres. The 5 bed units appear to be able to accommodate the required 3 spaces, but some of the 4 bed dwellings cannot. In this regard, and due to the size of some of the parking bays being too small, inadequate car parking is shown to be provided.

Trees / Landscape

Policy LPS 34 in the CELPS requires the *“Retention of trees and woodlands on the edges of the site, with new planting to re-enforce important landscape features and to properly define a new Green Belt boundary”*, and one of the site specific principles of development for the site is to *“Provide a comprehensive landscaping scheme which retains existing mature trees and hedgerows particularly on the perimeter of the site”*.

Trees

Policy SE5 of the CELPS states *“Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives”*.

Condition 29 of the outline permission requires an arboricultural impact assessment to be submitted with the reserved matters submissions. One has been received in accordance with this condition as well as a shade assessment.

Selected individual and group of trees within and adjacent to the site (predominantly along the Sagars Road and Clay Lane boundaries) are protected by the Cheshire East Borough Council (Wilmslow – Handforth Land to the north of Sagars Road) Tree Preservation Order 2017 which was confirmed without modification on 8 March 2018.

The majority of trees along the site boundaries are to be retained as part of the development. The submitted Assessment identifies a number of low category trees for removal. Initially, a Horse Chestnut (T36) protected by the TPO was also proposed for removal due to its condition. This tree was graded as a Moderate (B) category tree with a life expectancy of in excess of 20 years, and following concerns being raised regarding the removal of this tree, it is now shown to be retained.

The Assessment indicates that there will be encroachment within the root protection area (RPA) of a number of trees. The Forestry officer advises that further detail is required to demonstrate that the encroachment into the RPA of T28 (a protected Horse Chestnut tree) is acceptable.

Similarly, the AIA explains that the encroachment into the RPA of T35 (Horse Chestnut) is within the tolerated 20% guideline of BS5837:2012 stating there is no requirement for specialist surfacing. However, given that it is a footpath that encroaches it is considered that a reduced dig solution as a precautionary approach is appropriate here. Encroachment into the RPAs of two other Horse Chestnuts (T33 and T37) are acceptable subject to the implementation/reliability of the Tree Protection Scheme.

A shading assessment of retained trees has been provided which is considered to be acceptable in terms of addressing shading from trees within the layout.

The proposal is therefore considered to comply with policy SE5 of the CELPS.

Landscape

The key landscape requirement within LPS 37, as noted above, is the retention of trees and woodlands on the edges of the site, with new planting to re-enforce important landscape features and to properly define a new Green Belt boundary. This is largely achieved within the current proposal. However, there is some confusion over the existing hedgerows which are indicated to be retained within the layout plans, but identified for removal within the AIA. This matter must be clarified to ensure compliance with LPS 37.

The main focus on the negotiations with the application has been to get the layout to an agreed form. Once this agreement was reached it was intended that the detailed planting proposals would then be considered.

However, as noted elsewhere in this report there remains some disagreement on the layout, and given the applicant's enthusiasm to bring the application to committee, the detailed planting proposals have not been considered in detail. These matters will need to be reported as an update.

However, in terms of the layout the following landscape amendments are recommended:

- Remove plots 211 & 212 – cycleway is too enclosed by hedges & walls and too close to the frontage of both properties.
- Plots 57 and 55/56 are still too close to the existing hedgerow.
- Hedged enclosure to front of plots 201/2 unnecessary
- Clarification of railings around entrance feature – to tie in with other brick piers/railing details close by
- Does the bridge wall/pier need to extend into this feature area?
- What are the gradients in that area?
- Are any retaining walls needed in this area?
- Plots 1-3 should be within the less formal character area (orange dashed line)
- Central cycleway surfacing and footpath in front of plots 12-16 should be Natratex Cotswold (as previously agreed)

- Landscaping and boundary treatments to courtyard areas need consideration to ensure attractive, safe spaces and surveillance.
- Side boundary walls should be set back from the pavement/road by at least one metre to allow space for shrub planting - to soften/enhance
- Levels & cross sections along eastern brook area required
- Railings along the eastern brook where necessary for safety
- Pond details/profiles
- Plan and Schedule of ecological mitigation works to show where the Entrance Area mitigation has been relocated to.
- A hard surfacing materials plan in accordance with the Design Guide
- Boundary details to include all railing types, walls & fences
- Revised Landscape & Habitat Management Plan (as required by amendments made since submission)
- Productive planting details required and to be agreed with Manchester Airport

Ecology

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. One of the site specific principles of development listed under policy LPS 34 is *“New development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation”*.

A number of conditions attached to the outline planning permission are relevant to ecology matters in the reserved matters submission, and are discussed, in turn, below:

Condition 8 - Provision of gaps for hedgehogs

The submitted Landscape and Habitat Management Plan includes acceptable proposals for small, 5-inch square gaps that will be provided at the base of garden fencing panels to allow hedgehogs and other small mammals to move between gardens. These hedgehog holes will be incorporated into fences that run along the edges of the site to maintain connectivity with the surrounding landscapes.

Condition 13 – Ecological enhancement strategy

This condition requires proposals for:

- Features for nesting birds and roosting bats
- Native species planting
- New wildlife ponds.

Acceptable native species planting and new ponds have been included on the submitted landscape plans and proposals for the provision of features for nesting birds and roosting bats are included in the submitted Landscape and Habitat Management Plan.

Proposals for the provision of additional wildlife ponds are further discussed below.

Condition 14 - 10 year management plan

The Landscape and Habitat Management Plan that has been submitted in support of this reserved matters application provides acceptable management arrangements for a period of 25 years.

Condition 15 – 10m undeveloped buffer to Dobbin Brook

The submitted layout plan is not in accordance with this condition. The boundary of plots 205 / 206 is only 7.5m from the Brook, with the pathway 8.5m from the Brook.

Condition 15 does allow for the reduction in the size of the buffer where it can be demonstrated that it is not required for part of the site. The applicant's consultant has suggested that the reduction in the buffer is acceptable due to the status (largely absent) of protected species on site, the presence of existing vegetation and the fact that a buffer of 8m would not result in an increased pollution risk compared to a 10m buffer.

All of these factors were known at the time of the determination of the outline application when the condition requiring a 10m buffer was imposed. The nature conservation officer advises that based on his experiences of other sites in Cheshire East where development has been undertaken in close proximity to water courses and has resulted in disturbance of the adjacent water course, a 10m buffer is appropriate. The layout plan should therefore be amended to provide the 10m buffer as required by condition 15.

Condition 21 - Updated badger and otter survey

An updated protected species report has been submitted in accordance with this condition. No evidence of these species was recorded and they are therefore unlikely to be significantly affected by the proposed development.

Condition 27 – Retention of hedgerows and mitigation for any hedgerows removed.

Hedgerows are a priority habitat and hence a material consideration in the determination of the application. As anticipated at the time of the determination of the outline application, the development of this site will result in the loss of a number of sections of hedgerow. The majority of the existing hedgerows are to be retained as part of the proposal, and an acceptable level of compensatory hedgerow planting is proposed as part of the latest landscaping scheme to compensate for that lost.

Ponds

Three ponds were identified on site during the surveys undertaken in support of the outline application. Of these it appears feasible for one pond to be retained (identified as pond 3 by the ecological assessment submitted with the outline), which lies close to the Clay Lane boundary to the north / west of the site. Pond two is present in the central hedgerow, and would be lost as a result of the proposed development (although further surveys as part of the outline application confirmed that this was not in fact a pond as such).

Pond 1, which would be lost under the layout, appears as a pond on the 1891-1912 OS maps and again appears on the 1904-1939 OS. This habitat was also considered to be a pond during amphibian surveys submitted in respect of the outline application. Therefore as this pond is lost to the proposed development a new pond must be provided to compensate for its loss.

Two new ponds are proposed within the red line of the access application (19/1797M), these were however provided under that application to ensure that the proposed scheme delivered a net gain for biodiversity in accordance with Local Plan Policy SE3. The two ponds were not intended to compensate for the loss of biodiversity from the main part of the development site. As part of the current application, one of the ponds secured as part of the access application

has been repositioned to the western boundary of the site, and an additional small wildlife has now been incorporated into the proposed layout to compensate for the loss of Pond 1. This new pond is shown close to the location of pond 3 (by the Clay Lane boundary), and overall there is a satisfactory level of pond creation within the proposed development. A condition would be required to secure the detailed design of the ponds.

Nesting Birds

Due to the hedgerow removal that is required, if planning consent is granted a condition will be required to safeguard nesting birds.

Updated bat survey

An updated bat survey of 15 Hampson Crescent, which is proposed for demolition, did not record any evidence of roosting bats. Therefore, roosting bats are unlikely to be present or affected by the proposed demolition of this property.

The nature conservation officer has noted that whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development, a condition was attached to the outline consent requiring any proposed lighting to be agreed with the LPA.

Amendments are required to the layout to plots 205 / 206 to achieve the 10m undeveloped buffer to Dobbin Brook. If such amendments are made, then the proposal will comply with the requirements of policy SE3 of the CELPS, and the site specific principles relating to ecology of LPS 34.

Layout / Design

Another of the site specific principles of the site listed in LPS 34 is that *“The development must be a high quality design which reflects and respects the character of the area and the amenities of neighbouring properties”*.

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. BfL12 uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens. The Council’s Design Officer has undertaken a BfL12 assessment of the application, which is reflected in the commentary below.

Connections - **GREEN**

The site is located within a semi-rural location on the eastern edge of Styal immediately adjacent to the settlement of Handforth. The sole vehicular access will be across Dobbin Brook from Hampson Crescent to the east from Handforth. Pedestrian and cycle links are also provided to Sagars Road and Clay Lane connecting to the north, west and south and a further pedestrian connection is provided to the open space at Meriton Road park. These links provide the necessary connections to the existing surrounding development and leisure offer. Generally the development relates to the adjacent open countryside beyond the site, providing a green buffer on the outskirts, as required by LPS 34. Although, the interface and relationship between the existing buildings, the Brook and the development to the north east could be stronger.

Facilities and services - **GREEN**

The development is within a 10 minute walk to shops, schools, healthcare, community facilities and public transport within Handforth centre, and is within a 5 minute walk to Meriton Road park. All these local facilities are therefore accessible on foot from the application site

Public transport - **GREEN**

The number 88 bus which travels between Knutsford and Wilmslow has its nearest bus stop on Manor Park North, which is not particularly convenient for residents of the site, as it is located within the housing estate on the opposite side of Mobberley Road, but is still a non car option for travel between Knutsford and Altrincham. The train station is approximately 2kms from the site.

Meeting local housing requirements - **RED**

As noted above, in terms of market housing there is a predominance of 4 bed detached dwellings (57%), which does not reflect a diverse range of sizes of homes. There are very few smaller dwellings and no provision within the open market offer specifically for older residents.

Whilst the affordable homes present the required 30% allocation, this is leaning towards one and two bed homes.

A more diverse mix, particularly for the open market dwellings, would release land and provide opportunity to create a more unique and high quality environment. Pepper potting of affordable homes could be spread further throughout the site as there are areas of concentration dictated by the building type proposed (apartments).

Given the conflict identified above with policy SC4, a red light is considered to be appropriate.

Character - **RED**

Whilst this scheme departs in some ways from a standard housing development, the proposal has not sufficiently exploited the context of the site. This translates at several levels in terms of urban design, the approach to blue and green infrastructure and the design of buildings. Where water bodies are included they are not being exploited for positive layout purposes and their location is primarily an engineering/ecology response rather than considered place making.

The quality of the architecture, application of density and the street environment in parts of the site will also adversely impact upon the development's sense of place. The density in particular has not been sufficiently resolved, resulting in a uniform density across the site apart from areas housing the affordable homes where the density is at its highest.

There has been an attempt at translating local character details and architectural reference onto a standard type but the scale of the height of details such as ridge and eaves have not been analysed and transferred to the type designs, again raising concerns as to whether the development will sit comfortably within the context of its surroundings.

The use of black window frames should be restricted to use within the 'feature building' homes with timber framed detailing as the area predominantly characterises white window frames. Green windows are also proposed throughout the Country Fringe character area located to the edges of the site. No white windows are proposed anywhere within the development, only black and green. The introduction of this stylised element across the suite of homes within the development would be inappropriate and out of character for this area.

Working with the site and its context - AMBER

The main landscape features of the site are the trees and woodland to the edges of the site, the hedgerows dividing fields, Dobbin Brook and a small number of ponds. The majority of existing landscape features are being retained as required by LPS 34. Other features are being altered or replaced within an alternative location on site.

A sustainability statement has been submitted with the application, but the development does not take into account the opportunity to harness passive and active energy creation with the use of south facing units and photovoltaic technology.

Creating well defined streets and spaces - RED

There is a hierarchy within the street design, however, the lack of integrated green infrastructure (GI) that reinforces the street hierarchy has not been applied and results in reduced legibility throughout the site.

In places buildings positively address corners but there are concerns about the strength of corner turning designs, and whether there is sufficient emphasis on both elevations in terms of architectural quality and interest. (Adding a further opening may not be enough in some cases where there is no distinctive feature to the corner to enable greater legibility of the site.) There are also areas within the site where corners are handled less well and where rear gardens are exposed in views from the street, often as a consequence of providing frontage parking.

The layout is heavily reliant on the quality of landscaping and materiality for streets and there is insufficient opportunity for substantive soft landscape in relation to streets and the proposed hard surfacing is not in compliance with the materials palette for North Cheshire Fringe areas stated in the Design Guide. The Design Guide states that *"If there is a departure from the suggested materiality then the Design and Access Statement should state the reasons why the materials have been specified."* The Design & Access Statement does not provide this, but the applicant has stated that this requirement is not being universally applied to all applications across Cheshire East. Until it is applied consistently, and only varied where reasons have been provided, the objectives of the Design Guide will continue to be

undermined. In this case, as stated above, the materials simply do not comply with the relevant requirements of the Design Guide, and no explanation for this departure is provided.

Easy to find your way around - **AMBER**

The scheme is generally legible but more could have been done to reinforce that through stronger landscaping of the principal and secondary streets, the creation of a stronger and more distinct principal gateway and the creation of stronger, potentially bespoke groupings in key locations within the layout to reinforce key views and vistas. Weakening of the frontages in certain locations and exposing the backs of properties dilutes legibility. An approach to density with lower density edges and a higher density at the entrance/ core of the site in association with the local centre would also have helped to reinforce legibility.

Streets for all - **AMBER**

Within the cells of development the reduced street width and hierarchy should identify these streets as mixed environments for pedestrians and cyclists, as well as vehicles, punctuated by squares and areas of shared surface.

The perception of the streets will be heavily influenced by the quality of surface materials and landscaping. Whilst the spine road integrates and enhances existing GI, there is a lack of GI connected to the road hierarchy. The secondary streets presently lack sufficient tree planting and soft landscaping to create the feel of a high quality pedestrian focused environment. This is exacerbated by the amount of frontage parking in certain areas, weakening the street scene

Car parking - **RED**

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles. Many of the plots have the parking spaces to the front of the units, and the effect of this is the dominance of vehicles in the street scene with very limited scope for landscaping to prevent the street scene becoming visually dominated by vehicles. This frontage car parking weakens street scenes and creates gaps in the continuity of frontages in relation to streets and opens up views of the rear of properties.

Rear parking courts are employed in parts but there is insufficient space to make these quality spaces, which is important in making them feel usable and safe. This may force vehicle parking into the street where they have not been planned for. Such courtyard areas should look good as spaces both with and without cars in order to be an effective design solution.

Public and private spaces - **AMBER**

The main spine of open space incorporating the pedestrian and cycle route provides the potential for an attractive green core to the development. The removal of plots 211 and 212 would improve this central green leisure corridor to the site as in this area the cycleway is too enclosed by hedges & walls (existing and proposed) and too close to the frontage of these properties. The gateway and eastern area of public open space has been simplified since the access permission, and does offer the potential for a distinct landscape feature. Other spaces within the layout provide the opportunity for local greening and meeting spaces but those spaces could have been made more distinct than is indicated.

There are elements where there are views into private space from the public realm. Plots 171 and 172 have their main front elevations and entrances immediately adjacent to the children's

play space in the centre of the site. Their proximity to this public area creates the potential for conflict between these public and private spaces.

External storage and amenity - RED

Whilst this is referenced at the end of the Design and Access statement, insufficient information has been provided in the application to demonstrate that storage space has been adequately considered as part of this proposal.

Some properties are shown to have detached garages, which will serve as part of the parking provision for the relevant dwellings. However, no plans or elevations for these structures have been submitted. Unless they are particularly generously proportioned garages, they cannot be relied on for external storage, as it is expected that once the car is parked in the garage, no space will be available for other storage. Further external storage facilities are required for all plots.

Design conclusions

As noted above, concerns are raised regarding: the mix of the properties proposed; the character and density of the development; the definition of streets and spaces, and associated landscaping; hard surfacing materials; the inter-relationship between public and private spaces; the way in which plots turn corners; the extent of frontage parking and bland parking courts and general dominance of parked cars; and; the lack of external storage. For these reasons conflict with policies SD2 and SE1, and the CEC Design Guide can be identified.

Flooding

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

The application site lies within flood zone 1, which is land that has a less than 0.1% chance of flooding. The proposals do include the diverting and culverting of a section of Dobbin Brook. These same proposals have already been approved as part of the access application (19/1797M), and have previously been found to be acceptable.

The Environment Agency and the LLFA raise no objections to the proposal, and relevant conditions relating to flood risk were attached to the outline permission, which will ensure that the development complies with policy SE13 of the CELPS.

Contaminated Land

Contaminated land matters were considered and appropriately conditioned at the outline stage. No further contaminated land matters are raised by the proposed reserved matters.

Other matters

The comments received in representation are acknowledged, and are addressed within the preceding text, or were considered as part of the outline planning application, which has been approved.

BALANCE OF ISSUES

The proposed development seeks to provide a residential development of 217 dwellings on a site allocated for around 250 dwellings in the CELPS. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping, however a range of concerns are raised in terms of this submission.

The proposed affordable housing is not considered to be adequately pepper potted around the site. These units could be further dispersed in the western and eastern sections of the site, with an associated reduction in the existing cluster. Whilst an updated plan is awaited to show the affordable units, using the previous iteration of the layout plan to identify their positioning within the site, it is concluded that the proposal does not comply with policy SC5 of the CELPS.

The proposed housing does not provide a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. In terms of open market housing, there is considered to be an over provision of larger 4 bed detached dwellings, and an under provision of smaller units for single people, first time buyers and the elderly. The proposal is therefore contrary to policy SC4 of the CELPS.

Assessment of the proposals against the CEC Design Guide and Building for Life 12 indicates that there are issues in several fundamental areas. As a consequence, the proposal is not considered to be good enough to approve in its current form. The proposal is contrary to policies LPS 34, SD2 and SE1 of the CELPS, and the CEC Design Guide.

The level of parking for some 4 bed properties does not meet the parking standards within the CELPS. A number of the proposed parking spaces also fall short of the dimensions stated for parking spaces and garages set out in the CELPS. This would force vehicles to park on the road and would thereby be harmful to the visual amenity of the area and highway safety.

Clarification is required on matters relating to encroachment within the RPA of a protected tree, the removal of hedgerows and landscaping and further details on these matters will be provided as an update. Similarly an amendments are required to ensure plots 205 and 206 are located outside of the 10m undeveloped buffer to the Brook, as required by condition 15 of the outline permission. Each of these issues has the potential to be an additional reason for refusal.

The provision of 217 new dwellings is clearly a benefit of the proposal, which will make a valuable contribution to the delivery of the Council's 5 year housing land supply. However, it should be noted that 217 dwellings is still a significant shortfall from the allocated 250, and the proposal still does not provide a design that adequately reflects the requirements of the Local Plan or the design guide even at this lower density, which does make it harder to accept.

Other benefits relating to the development were secured at the outline stage, including 30% affordable housing, and contributions towards improvements to local footpaths / leisure routes, towards recreation and outdoor sports provision, towards healthcare and towards education.

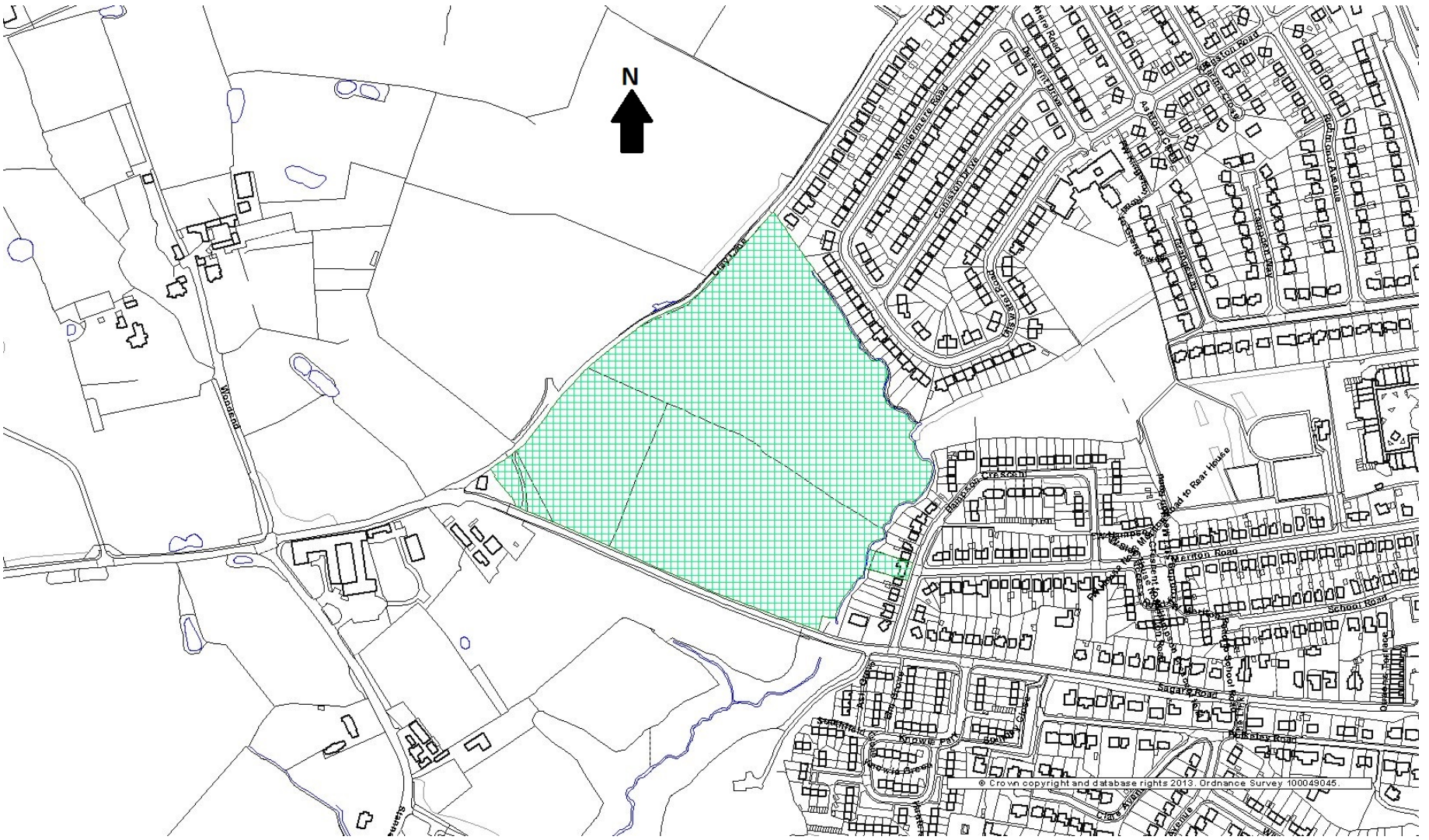
The applicants have worked with officers over several months in an attempt to achieve a mutually acceptable scheme, which to date has not been realised. It is expected that the

applicant will seek to address the outstanding issues in the coming days and further details will be provided as an update.

As it currently stands, there is clear conflict with the development plan and supplementary planning documents. The conflict with the development plan identified above is not considered to be outweighed by other material considerations in this case. The proposal is therefore not considered to be a sustainable form of development. Accordingly, the application is recommended for refusal for the following reasons:

- 1. The proposed affordable housing is not considered to be adequately pepper potted around the site, and therefore does not comply with policy SC5 of the CELPS.**
- 2. The proposed housing does not provide a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities, and is therefore contrary to policy SC4 of the CELPS.**
- 3. Assessment of the proposals against the CEC Design Guide and Building for Life 12 indicates that there are issues in several fundamental areas. As a consequence, the proposal is not considered to be good enough to approve in its current form. The proposal is contrary to policies LPS 34, SD2 and SE1 of the CELPS, and the CEC Design Guide.**
- 4. The level of parking for some 4 bed properties does not meet the parking standards within the CELPS. A number of the proposed parking spaces also fall short of the dimensions stated for parking spaces and garages set out in the CELPS. This would force vehicles to park on the road and would thereby be harmful to the visual amenity of the area and highway safety.**

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



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Working for a brighter future together

Strategic Planning Board

Date of Meeting: 20 November 2019

Report Title: Proposed Article 4 Directions for Small Houses in Multiple Occupation

Portfolio Holder: Councillor Toni Fox - Planning

Senior Officer: Frank Jordan, Executive Director - Place

1. Report Summary

- 1.1 Strategic Planning Board is invited to recommend to Cabinet that three non-immediate Article 4 Directions to withdraw permitted development rights for the conversion of individual dwellings (Use Class C3) to small Houses in Multiple Occupation (HMOs) (Use Class C4) are made in parts of Crewe.

2. Recommendations

- 2.1 That the Strategic Planning Board considers and notes the content and conclusions of the report and associated documents and recommends that Cabinet:
 - 2.1.1 Authorises the making of three non-immediate Article 4 Directions for the areas shown on the maps attached at Appendix A (Nantwich Road area, Crewe), Appendix B (West Street area, Crewe) and Appendix C (Hungerford Road area, Crewe);

3. Reasons for Recommendations

- 3.1 If approved by Cabinet, this would commence the process for putting Article 4 Directions in place for three areas in Crewe where there are concentrations of HMOs. The accompanying evidence paper (Appendix D) highlights that there are various local amenity and other issues in these areas. The Article 4 Directions would bring all new proposals to convert dwellinghouses into HMOs under planning control.

4. Other Options Considered

- 4.1 The various options concerned with the making of an Article 4 Directions are set out in the report.
- 4.2 The Council could choose not to introduce one or more of the Article 4 Directions. The change of use of individual dwellings to small HMOs would remain as permitted development, however large scale HMOs would continue to require planning permission. However, this option runs contrary to the evidence set out in Appendix D, which demonstrates that the Article 4 Directions are justified.
- 4.3 The Council will also pursue other measures alongside the Article 4 Directions in order to address impacts arising from HMOs and/ or the wider Private Rented Sector. This would include measures relating to environmental management, enforcement and the introduction of selective licencing to improve standards in accommodation. However, these measures alone would not have the effect of controlling the creation of additional HMOs in these areas.
- 4.4 The Council could prepare supplementary planning guidance regarding HMOs but not put in place an Article 4 Direction. However, this would only influence the outcome of planning applications for large HMOs. It would not have any bearing on the development of new small HMOs created through permitted development.

5 Background

- 5.1 The Environment and Regeneration Overview and Scrutiny Committee has been considering the issues of extra controls in the private rented sector and also the introduction of possible planning controls in the form of an Article 4 Direction in Crewe associated with the concentration of houses in multiple occupation. At its meeting in March 2019, it resolved:

“1 That the committee endorses the recommendation to give further consideration to an Article 4 Direction to remove permitted development rights in respect of HMOs through the collation of evidence in relation to specific, identified areas, and

2 That the committee recommends that the two processes of gathering evidence for selective licensing and the introduction of an Article 4 Designation, be carried out at the same time.”

- 5.2 This report summarises the evidence that has been gathered to support the making of the recommended Article 4 Directions. In line with the committee’s recommendation, this includes data and research that has

been provided by the Council's Housing Standards and Adaptions Team. A report regarding selective licensing has also been prepared for consideration by Cabinet.

Planning controls for Houses of Multiple Occupation

- 5.3 HMOs are defined as single dwellings occupied by a number of separate households/ unrelated individuals. Under the Town & Country Planning (Use Classes) Order 1987 (as amended) a small HMO (Class C4) accommodates between 3 and 6 unrelated individuals and a large HMO (Sui Generis – outside of any use class) accommodates 7 or more unrelated individuals.
- 5.4 The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use of a dwelling (Class C3) to a small HMO (Class C4) without the need to apply to the council for planning permission. The change of use of a dwelling to a larger HMO (Sui Generis) requires the submission of a planning application.
- 5.5 Article 4 of the GPDO enables local planning authorities to withdraw specified permitted development rights in a defined area. Once an Article 4 Direction comes into force, a planning application is then required for the specific permitted development withdrawn. The withdrawal of permitted development rights does not infer that planning applications will automatically be refused if they are submitted. The submission of a planning application simply gives the local planning authority opportunity to consider a proposal against relevant planning policies, supplementary planning documents (where available) and any other material planning considerations.

Use of Article 4 Directions

- 5.6 The National Planning Policy Framework (NPPF) states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where they are necessary to protect local amenity or the well-being of the area. Planning guidance also confirms that blanket Article 4 Directions covering large areas (for example, the whole of a town) are not encouraged unless there is convincing evidence to justify such a direction.

- 5.7 It should be recognised that HMOs and the wider private rented sector play a key role in meeting housing needs in the borough. HMOs provide an important source of low cost, private sector housing for those on lower incomes, students and those seeking temporary accommodation. However, a concentration of HMOs in a particular area can change its character, increase demand on services and infrastructure, leading to conflicts with the existing community.
- 5.8 Article 4 Directions can be used as a tool to assist in monitoring and managing the number of new HMOs created within a particular area in order to protect local amenity and wellbeing and to support balanced communities.

Evidence for an Article 4 Direction

- 5.9 There is generally no single piece of evidence that can be used to establish whether an Article 4 Direction is necessary to protect local amenity or the wellbeing of the area.
- 5.10 Information about the number and location of HMOs in a particular area is likely to be the most compelling piece of evidence to show whether a concentration exists. Other evidence can be used to build up a picture of the area, for example, crime records, environmental complaints and observations about the character and appearance of the area.
- 5.11 Such evidence has been collected, the key findings of which are summarised below.

Distribution of HMOs within Cheshire East

- 5.12 There are currently 659 known HMOs¹ within Cheshire East. This figure includes both large and small HMOs, licensed and unlicensed.
- 5.13 The majority of all known HMOs are located within the Crewe titled wards² (454 HMOs or 72%). 97 HMOs are located within Macclesfield (15%) with the remaining 13% being scattered across the towns of Congleton, Alsager, Knutsford, Nantwich and Middlewich (around 1-2% across each town).
- 5.14 Of the 454 known HMOs located in the Crewe titled wards, 42% are located within the Crewe South Ward (262 HMOs). 10% are in the Crewe East ward (65 HMOs), 9% in the Crewe Central Ward (57 HMOs), 7% in the Crewe West Ward (47 HMOs) and 4% in the Crewe St Barnabas Ward (23 HMOs).

Mapping of HMOs

- 5.15 Mapping enables the identification of concentrations. The Crewe South Ward has by far the highest concentration of HMOs in the Borough (262 HMOs). This area includes the streets to the north and south of Nantwich Road such as Walthall Street, Ruskin Road, Catherine Street and Bedford Street.
- 5.16 The mapping highlights two other potential areas of concentrations, these run along the main routes of West Street and Hungerford Road.
- 5.17 In terms of the Hungerford Road area, which largely lies within the Crewe East Ward (65 HMOs), there are a number of HMOs located along the main road itself together with lower levels of HMOs in the surrounding residential streets.
- 5.18 With regards to the West Street area, which largely lies within the Crewe Central Ward (57 HMOs) there are a number of HMOs located along the West Street itself, with concentrations of HMOs in the streets to the south of West Street such as Richard Street, Samuel Street and Bright Street.

¹ Sources of known HMOs includes council tax records, building control applications, planning applications, licensing data, information received from the fire service, intelligence received, information from landlords and advertisements.

² Crewe titled wards include Crewe Central, Crewe North, Crewe East, Crewe West and Crewe South.

- 5.19 From the mapping, it is clear that the area with the highest concentrations of HMOs is Crewe and in particular the areas to the north and south of Nantwich Road. There are also concentrations, albeit to a lesser extent, in the streets surrounding the West Street and the Hungerford Road area.

Planning application data

- 5.20 Since 2010, approximately 42 planning applications have been determined for large HMOs. 40 of these applications were subsequently approved. Of the 2 that were refused, 1 was allowed at appeal.
- 5.21 Looking at the distribution of the applications determined, the majority were within the Crewe area (35 applications). Of these applications, 15 were within the Crewe South Ward with a further 9 applications in the Crewe Central Ward.
- 5.22 However, planning application data does not provide particularly strong evidence of HMO creation. This is because the size and nature of the housing stock in the areas with the highest concentration of HMOs (often smaller terraced properties) currently limits the number of planning applications made.

Environmental Issues

- 5.23 Evidence gathered for the period February 2017 – February 2019 shows that there have been 5,770 recorded fly tipping reports within the Borough. Of these reports, 65% were in Crewe.
- 5.24 All streets that have experienced 30 or more fly tipping reports over this period have been mapped. There are no streets outside of Crewe that have experienced 30 or more incidents (including Macclesfield). The mapping shows a strong correlation between the streets with the highest reports of fly tipping and those with high concentrations of HMOs, for example West Street (193 reports), Walthall Street (190 reports), Lord Street (108 reports) and Lawton Street (92 reports). These areas are generally densely populated compared to other parts of Cheshire East.
- 5.25 There is less evidence of high levels of fly tipping in the Hungerford Road area. There were 26 reported incidents on Hungerford Road itself - this falls just below the mapping threshold.

Environmental Health Complaints

- 5.26 For the period of February 2017 - July 2019, there were 3,397 recorded environmental health complaints³ across the Borough (of which 3,179 could be mapped). Mapping of these complaints shows higher levels in the area to the north and south of Nantwich Road including Gresty Road and West Street and the surrounding area.
- 5.27 Lower levels of environmental health complaints were experienced in the Hungerford Road area, although levels are higher in part of this area than the borough average.

Anti-social behaviour & Drugs

- 5.28 During the year ending the 31 March 2019, there were 7,945 recorded anti-social behaviour and drugs related offences across the Borough. The mapping of offences highlights that the areas with the highest recorded offences are Macclesfield and Crewe Town Centres. Outside of these areas, heat mapping identifies concentrations around the Nantwich Road and West Street areas. The mapping shows a pocket of anti-social behaviour around the junction of Macon Way with Hungerford Road.

Crime data

- 5.29 Crime data for the year ending 31 March 2018⁴ indicates that the number of crimes recorded in the Borough were highest within the town centres of Crewe and Macclesfield. In 2018, Crewe Central had the highest number of crimes (2,650 crimes or 8.6%) followed by Macclesfield Central (1,917 or 6.2%). Third was Crewe South (1,884 crimes or 6%) followed by Crewe East (1,645 or 5.3%).
- 5.30 Heat maps have been produced to show the location of crimes (excluding shop lifting). Excluding town centres, the mapping indicates higher levels of crime around the Nantwich Road and West Street areas and to a lesser extent around the Hungerford Road area.

³ Includes complaints concerning noise, animals, fires, deposits on land, filthy and verminous properties and air pollution

⁴ Includes 2017 and 2018 ward crime data.

Alley gates

- 5.31 The council has installed a number of alley gates within Crewe. These gates were installed as a response to crime and disorder issues. The location of installed alley gates therefore potentially highlights those areas that have experienced amenity issues in the past.
- 5.32 Mapping of alley gates clearly highlights concentrations to the north and south of Nantwich Road and the West Street area. There are no alley gates in the Hungerford Road area.

House prices

- 5.33 The average house price within Cheshire East is £234,995. In Crewe, areas with lower house prices include the areas surrounding Crewe Town Centre, including the West Street area where average property prices are in the region of £70,000 to £99,000.
- 5.34 House prices in the area to the north and south of Nantwich Road range are generally higher, in the region of £85,000 to £110,000. The Hungerford Road area has higher value properties to the West Street and Nantwich Road areas with property prices in the region of £131,000 to £158,000. Average house prices in the Hungerford Road area may reflect the existence of higher value detached and semi-detached dwellings also located within this area.
- 5.35 Lower prices within the West Street and Nantwich Road areas could potentially increase the attractiveness of properties to investors/ landlords.

Direction areas – options considered

- 5.36 Having regard to concentrations of HMOs and all evidence gathered, the following options have been considered for a possible Article 4 Direction:

Nantwich Road area

- 5.37 Mapping clearly shows concentrations of HMOs within the streets to the north and south of Nantwich Road. The size and nature of the properties (and house prices) within the area may make these properties particularly attractive for use as small HMOs.
- 5.38 Many of the streets within this area are characterised by terraced properties with no or little off road car parking available. The roads are relatively

narrow taking into account the on-street car parking which is often continuous to either side. A high density of HMOs in densely populated areas can result in parking availability problems, issues for emergency vehicles and poor access for residents, especially for those with mobility problems or care needs. The presence of parking close to junctions and on pavements can also result in road and pedestrian safety problems.

- 5.39 The character of these residential streets could exacerbate noisy activity being amplified for residential occupiers. This area has high numbers of Alley Gates, which is an indication of previous anti-social behaviour issues.
- 5.40 The evidence gathered shows correlations between the streets surrounding Nantwich Road particularly with high levels of fly-tipping and environmental health complaints. Litter and overgrown vegetation have been observed within the area, although the physical condition of known HMOs is not necessarily distinguishable from other dwellings within the area.
- 5.41 Taking into account concentrations of HMOs in this area together with the occurrence of various local amenity and other issues, it is considered that there is sufficient justification for an Article 4 Direction in this area on the grounds of amenity and wellbeing.
- 5.42 Officers have visited the area and walked the area of the proposed direction. The proposed boundary takes in the areas with properties that lend themselves to small HMOs and those streets with the highest concentrations. A map of the proposed Article 4 Direction boundary is attached at Appendix A.

West Street area

- 5.43 The majority of HMOs are located along West Street, this is a busy road with a mix of commercial and residential properties. There are concentrations of HMOs in the residential streets to the south of West Street. To the north of West Street, HMO numbers are quite limited and are generally more dispersed.
- 5.44 A number of the streets to the south of West Street include older terraced properties with roads being relatively narrow. There is very little off road car parking available. The nature of the streets taken with concentrations of HMOs can exacerbate parking availability, issues for access by emergency vehicles and access for residents, especially for those with mobility problems or care needs. Safety problems can also arise from vehicles parking close to junctions and on pavements.

- 5.45 The character of these residential streets could exacerbate noisy activity being amplified for residential occupiers. This area also has high numbers of Alley Gates, which is an indication of previous anti-social behaviour issues.
- 5.46 The evidence gathered shows correlations between West Street and the surrounding area with high levels of fly-tipping and environmental health complaints, particularly along West Street itself and the streets to the south.
- 5.47 Taking into account concentrations of HMOs in this area together with the occurrence of various local amenity and other issues, it is considered that there is sufficient justification for an Article 4 Direction in this area on the grounds of amenity and wellbeing.
- 5.48 Officers have visited the area and walked the area of the proposed direction. The proposed boundary takes in the areas with properties that lend themselves to small HMOs and those streets with the highest concentrations. A map of the proposed Article 4 Direction boundary is attached at Appendix B.

Hungerford Road area

- 5.49 The majority of HMOs in this area are located along Hungerford Road, a busy main road that contains a mix of residential and commercial properties. The environmental quality of the area is generally good. House prices are higher in this area than the West Street and Nantwich Road areas. While the mapping does not reveal high concentrations of HMOs in the quieter, surrounding residential streets, there are pockets of traditional terraced houses particularly in the streets to the south with high levels of on-street car parking.
- 5.50 While there is less evidence of social, environmental and economic issues in this area, there is a clear concentration of HMO's plus an availability of house types that could lend themselves to conversion. On balance, it is considered that there is sufficient justification for an Article 4 Direction on the grounds of amenity and wellbeing.
- 5.51 Officers have visited the area and walked the area of the proposed direction. The proposed boundary takes in the areas with properties that lend themselves to small HMOs and those streets with the highest concentrations. A map of the proposed Article 4 Direction boundary is attached at Appendix C.

Crewe – whole town

- 5.52 A town-wide Direction would enable the council to exercise a degree of control to the development of small HMOs (use class C4) across Crewe. There are examples of authorities elsewhere in the country applying such town wide directions, however Planning Practice Guidance states that where such large scale areas are proposed greater justification is required for the designation.
- 5.53 The mapping of all HMOs known to the council reveals that they tend to be concentrated within specific parts of the town. The evidence does not currently suggest that HMOs are likely to present to a significant extent outside these areas. It is therefore considered that it would be difficult to support a town-wide direction at this time.

Procedural Risks and costs

- 5.54 Article 4 Directions to withdraw permitted development rights can be made with either immediate effect or non-immediate effect. With non-immediate Directions, permitted development rights are only withdrawn after a period of consultation and confirmation of the Direction.
- 5.55 There are compensation liabilities arising from the making of an immediate Article 4 Direction. For a period of up to 12 months after making an Article 4 Direction developers can claim compensation for any abortive expenditure or other loss attributed to the withdrawal of permitted development rights. This could arise in circumstances where planning permission was refused or granted subject to restrictive conditions. However, where 12 months of prior notice of the withdrawal of permitted development rights is given prior to it coming into force, there is no ability to claim compensation.
- 5.56 The level of risk involved by making an Article 4 Direction without the 12-months notice period is difficult to judge, but given that there is evidence of high concentrations within these areas and as such, high demand for the conversion of properties to HMOs, there is potentially a high risk of compensation claim(s). The prospect of speculative applications submitted solely for the purpose of giving rise to compensation liability cannot be discounted either.
- 5.57 The recommended making of non-immediate Article 4 Directions, giving at least 12 months notice before it comes into force would avoid such liability.

Next steps – the process for making an Article 4 Direction

5.58 An indicative timetable for the making of the Article 4 Directions, allowing for non-immediate 12-month notice periods is shown in the table below:

Timeframe	Task
December 2019 – January 2020	<ol style="list-style-type: none"> 1. Make and seal the Directions; 2. Publish a notice that the Directions have been made (in accordance with the requirements of the GPDO). This includes publication of the notice by: <ul style="list-style-type: none"> • local advertisement; • by site display at no fewer than 2 locations within the area to which the direction relates for a period of not less than 6 weeks. 3. Invite written representations for a period of no less than 21 days. 4. Notify the Secretary of State that the Directions have been made.
Spring/ Summer 2020	<ol style="list-style-type: none"> 5. Update ward members on the results of the consultation. 6. Report back to the Portfolio Holder for Planning on the results of the consultation. A decision will be taken on whether or not to confirm the Article 4 Directions. If confirmed, publish notice of the confirmation. The Directions will then come into force 12 months from the date that notice was first given (task 2 above). 7. Give notice of the confirmation of the Article 4 Directions, including to the Secretary of State.

Jan/Feb 2021	8. Depending on the outcomes above, the Directions would come into force early 2021.
Post implementation	9. To monitor and review the Directions, considering whether the original rationale for the Directions remains valid.

Benefits and limitations

- 5.59 The effect of an Article Direction is that planning permission will be required for the conversion of single-family dwellings to new small HMOs in the C4 Use Class. This does not mean that such planning applications will be refused planning permission, but will be subject to the need for planning permission, and assessment under adopted planning policies.
- 5.60 An Article 4 Direction cannot be applied retrospectively on existing HMOs and permitted development rights can be used up until the point at which the Direction comes into force. This means that the impacts of the Article 4 Direction will not be immediate.
- 5.61 There is a risk that non-immediate Article 4 Directions may result in additional HMOs being created within the 12 month notice period in order to avoid the need for planning permission.
- 5.62 The Directions will allow for greater planning control in determining the appropriateness of new small HMO development on a case-by-case basis. An Article 4 Direction cannot solve all problems. However it can play a part in improving HMOs, raise housing standards in the borough, and address many of the social and environmental problems caused by HMOs, as well as addressing the concerns about balanced communities.

Contribution to strategic outcomes

- 5.63 The making of the Article 4 Directions will contribute to a number of the strategic outcomes identified in the Cheshire East Corporate Plan 2017-2020.

These include:

Outcome 1 – Our local communities are strong and supportive

- 5.64 Bringing the change of use of dwellings to HMO's under control through the planning process will provide existing residents with an opportunity to have their say regarding future development adjacent to their property or within their local area via the planning application consultation process. The making of an Article 4 Direction can assist in addressing concerns about balanced communities in these areas.

Outcome 4 – Cheshire East is a green and sustainable place

- 5.65 The proposed Article 4 Directions will enable proposals to be considered against relevant planning policies which seek to ensure that new development addresses the environmental, economic and social needs of the area.

Outcome 5 – People live well and for longer

- 5.66 Article 4 Directions can play a part in improving housing standards in the borough and addressing associated social and environmental issues.

6 Implications of the Recommendations

6.1 Legal Implications

- 6.1.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 allows a local planning authority to make an Article 4 Direction to remove permitted development rights. The procedure for making an Article 4 Direction and the consultation requirements are set out in this report.

Human Rights

- 6.1.2 The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The rights of all of the owners of land in Nantwich Road area, West Street and Hungerford Road areas of Crewe under the Human Rights Act 1998 have been considered, in particular those contained within Article 1 of the Convention which relates to the Protection of Property and Article 8 of the Convention, which protects private and family life, home and correspondence. Both have been taken into account by the Council in the consideration of consulting upon the making of these non-immediate Article 4 Directions.

- 6.1.3 The Article 4 Directions will not interfere with implemented development rights enjoyed by the owners and residents as the Directions do not have retrospective effect. It will only affect future planning applications made in respect of a change of use from a dwellinghouse (use class C3) to a House in Multiple Occupation for not more than 6 people (use class C4) by ensuring that an express application for planning permission is made.
- 6.1.4 The aim of the Article 4 Direction is to limit harm to the amenity of existing residents and to also to maintain, as far as possible, a balanced and mixed community. The council considers that the advantages of making the Article 4 Direction substantially outweigh the disadvantages to those property owners and residents who will no longer be able to benefit from the permitted rights in the future.

6.2 Finance Implications

- 6.2.1 The cost of the making of a non-immediate Article 4 Direction including consultation and implementation will be funded within existing service budgets.
- 6.2.2 A planning application fee will be payable for those applications for small HMOs in the designated area once the Direction is in force (currently £462 for a change of use) thereby making a contribution to the core costs of the planning service.
- 6.2.3 In addition, the Council Tax team are notified of planning applications and monitor properties with relevant applications for changes that will affect the Council Tax base. The introduction of the Article 4 Directions and the requirement for planning permission, will alert the Council Tax team to possible changes that previously they may not have been aware of.
- 6.2.4 As reported, the introduction of an immediate direction (one that gives less than 12 months between notification and coming into force) could give rise to claims for compensation, on the basis of loss of potential value, in the area covered by the Article 4 Direction. The number of potential claims against the authority are likely to increase proportionate to the area to be covered by any Direction(s) and the prospect of speculative applications submitted solely for the purpose of giving rise to compensation liability cannot be discounted. That risk can be avoided by allowing for a period of at least 12 months between giving notice of the making of a Direction and it coming into force.

6.3 Policy Implications

- 6.3.1 Planning applications submitted for HMOs will be assessed against relevant planning policies, supplementary planning documents and any other material planning considerations.
- 6.3.2 In the case of the Crewe & Nantwich area, the adopted development plan comprises of the 'saved' policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNLP) and the Cheshire East Local Plan Strategy 2017 (LPS).
- 6.3.3 CNLP Policy RES.9 'Houses in Multiple Occupation' provides criteria against which HMO proposals will be considered, including the impact upon the amenity of the area. LPS Policy SC4 states that housing proposals should maintain, provide or contribute to a mix of tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Planning applications submitted for large HMOs are currently assessed against these policies.
- 6.3.4 The council recently consulted on its Publication Draft Site Allocations and Development Policies Document (SADPD) between the 19th August and 30 September 2019. Draft SADPD Policy HOU 4 'Houses in Multiple Occupation' contains criteria for assessing planning applications for HMOs. In particular, the draft policy requires consideration of existing concentrations of HMOs in the vicinity of a development proposal with the policy seeking the avoidance of the 'sandwiching' of any dwelling between HMOs. The supporting text confirms that particular scrutiny will be given to applications for HMOs where more than 10% of properties in any single road or street are already in such use. If adopted, Policy HOU 4 will replace CNLP Policy RES.9.
- 6.3.5 In the event that Cabinet authorises the making of the Article 4 Directions, it would be advisable for further policy guidance in the form of a draft Supplementary Planning Document be prepared to align with the Direction coming into force. This will ensure that policies are better understood and applied effectively when assessing planning applications for small HMOs.

6.4 Equality Implications

- 6.4.1 The Public Sector Equality Duty was created by the Equality Act 2010 in order to harmonise the previous race, disability and gender equality duties and to extend protection to the protected characteristics of age,

disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

6.4.2 In summary, the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

6.4.3 Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

6.4.4 An Equality Impact Assessment has been prepared. It has highlighted that the consultation stage of the Article 4 Direction process could potentially affect protected characteristics in terms of race, age and disability. This will be addressed through the method of consultation and the format of any materials.

6.4.5 The Equality Impact Assessment will be updated and finalised in light of any representations received.

6.5 Human Resources Implications

6.5.1 There are no new implications.

6.6 Risk Management Implications

6.6.1 The risks associated with the making of non immediate and immediate Article 4 Directions and other options considered are set out in the Report.

6.6.2 There is a risk that HMOs could increase elsewhere in the Borough or in areas outside of but adjacent to the Direction areas to avoid the need to apply for planning permission.

6.6.3 Planning guidance suggest that Article 4 Directions should be monitored post implementation to ensure that the original rationale remains valid. As part of this monitoring process, consideration will be given to the number and location of known HMOs and Article 4 Directions can be reviewed if necessary having regard to the relevant process for doing so.

6.7 Rural Communities Implications

6.7.1 There are no direct implications for rural communities.

6.8 Implications for Children & Young People/Cared for Children

6.8.1 If approved, an Article 4 direction would support the well-being of the areas identified which would benefit Children and Young People.

6.9 Public Health Implications

6.9.1 There are no direct implications for public health.

6.10 Climate Change Implications

6.10.1 There are no direct implications for climate change.

7 Ward Members Affected

7.1 Crewe Central – Cllr Anthony Critchley

Crewe South – Cllr Dorothy Flude & Cllr Steven Hogben

Crewe East – Cllr Joy Bratherton, Cllr Suzanne Brookfield & Cllr Hazel Faddes

Crewe West – Cllr Brian Roberts & Cllr Marilyn Houston

8 Consultation & Engagement

8.1 Consultation and engagement will be carried out reflecting the equality implications noted above.

9 Access to Information

9.1 The following documents are appended to this report:

Appendix A: Proposed Nantwich Road Article 4 Direction Boundary

Appendix B: Proposed West Street Article 4 Direction Boundary.

Appendix C: Proposed Hungerford Road Article 4 Direction Boundary

Appendix D: Evidence to justify the purpose and extent of an Article 4 Direction for parts of Crewe.

10 Contact Information


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

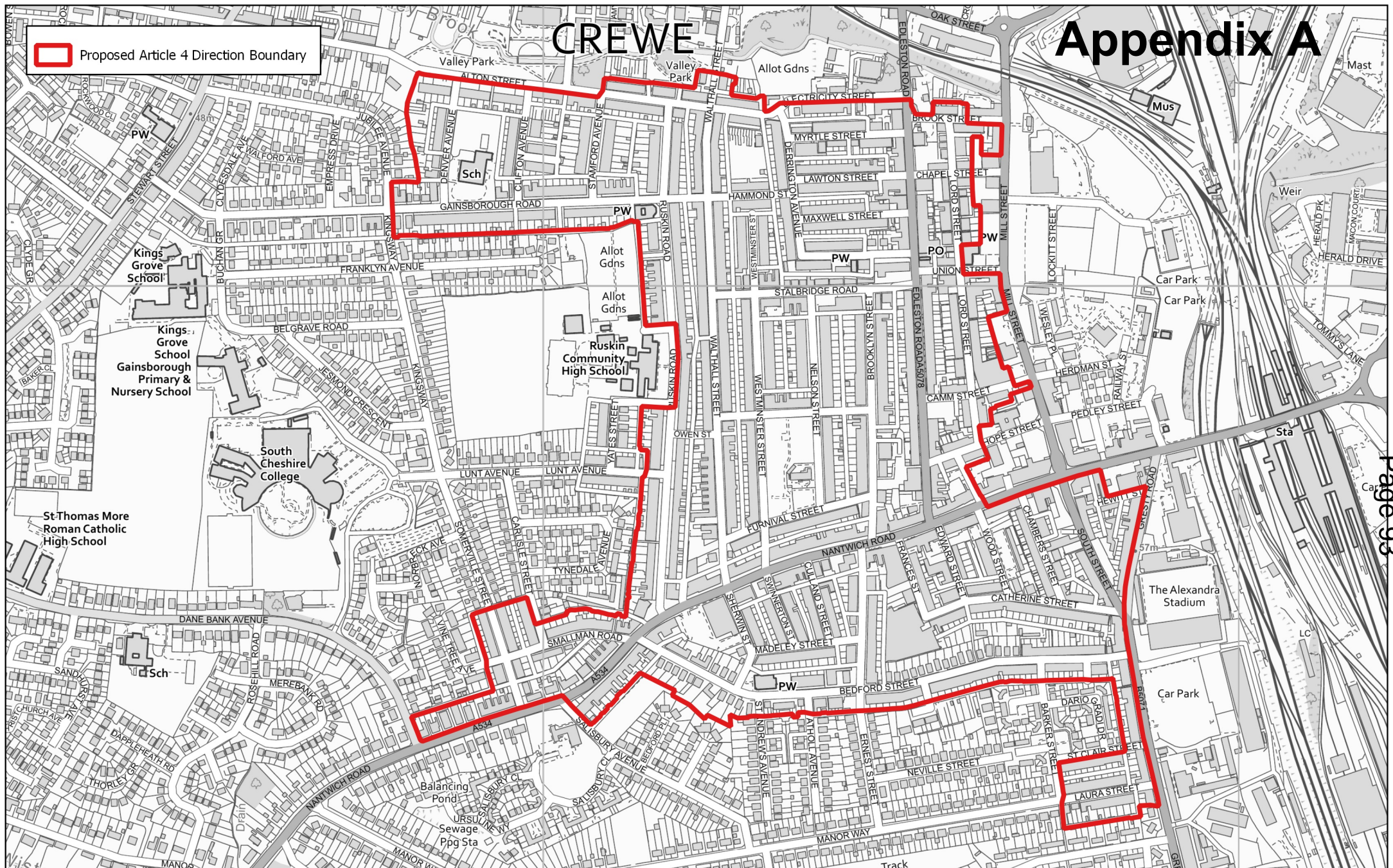
Name: Jeremy Owens
Job Title: Development Planning Manager
Email: jeremy.owens@cheshireeast.gov.uk

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CREWE

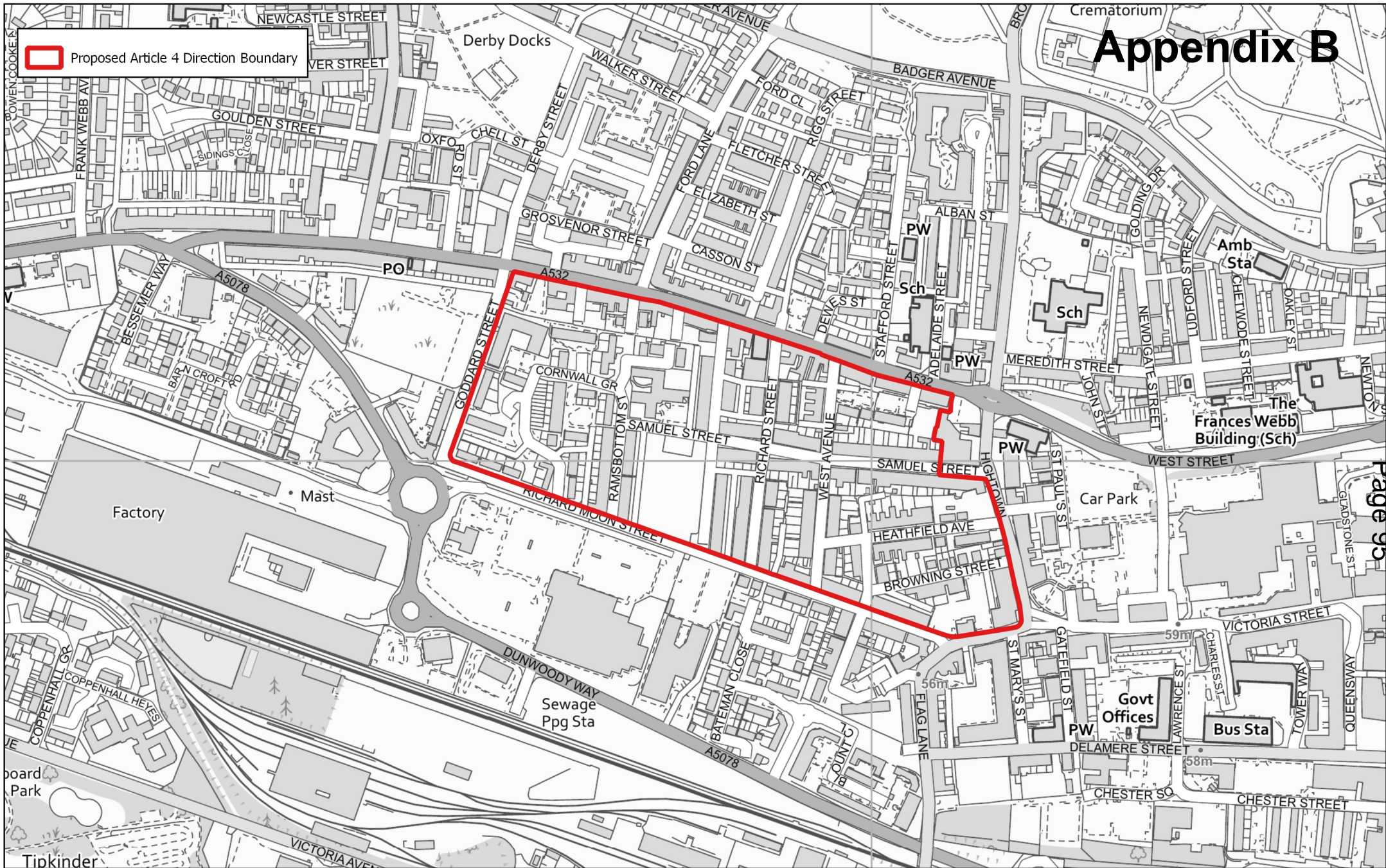
Appendix A

 Proposed Article 4 Direction Boundary



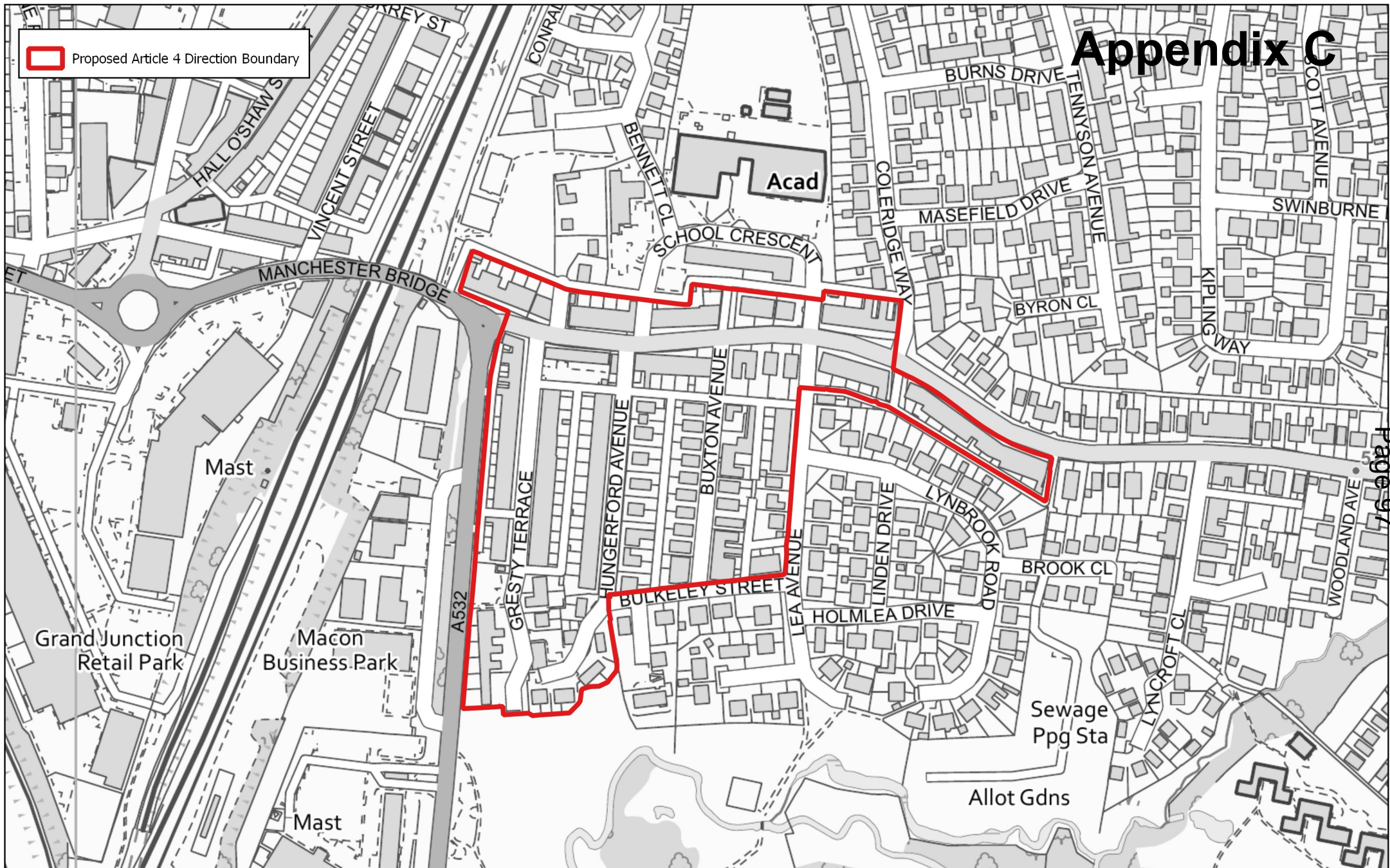
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Appendix B



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Appendix C



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Appendix D

Small houses in multiple occupation: evidence to justify the purpose and extent of an Article 4 Direction for parts of Crewe

October 2019

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1. Introduction

- 1.1 This paper provides the evidence to justify the purpose and extent of Article 4 Directions relating to small houses in multiple occupation for the Nantwich Road, West Street and Hungerford Road areas of Crewe (See Appendix 1-3 for boundaries).

Background

- 1.2 Houses in multiple occupation (HMOs) consist of dwellings that are occupied by unrelated individuals who share basic amenities such as a kitchen or bathroom. They are often referred to as 'house shares'.
- 1.3 Under the Town & Country Planning (Use Classes) Order 1987 (as amended), a small HMO (Class C4) can accommodate between 3 and 6 unrelated individuals and a large HMO (Sui Generis – outside of any use class) 7 or more unrelated individuals.
- 1.4 The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use of a dwelling (Class C3) to a small HMO (Class C4) without the need to apply to the council for planning permission. The change of use of a dwelling to a larger HMO (Sui Generis) always requires the submission of a planning application.

Use of Article 4 Directions

- 1.5 Article 4 of the GPDO enables local planning authorities to withdraw specified permitted development rights in defined areas. Once an Article 4 Direction comes into force, a planning application is then required for the specific permitted development withdrawn.
- 1.6 The withdrawal of permitted development rights does not infer that planning applications will automatically be refused if they are submitted. The submission of a planning application simply gives the local planning authority opportunity to consider a proposal against relevant planning policies, supplementary planning documents (where available) and any other material planning considerations.
- 1.7 The [National Planning Policy Framework](#) (NPPF) states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where they are necessary to protect local amenity or the well-being of the area. National [Planning Practice Guidance](#) also confirms that

Article 4 Directions covering wide areas (for example, the entire area of a local planning authority) are not encouraged unless there is a particularly strong justification for such a direction.

- 1.8 An Article 4 Direction can therefore be used to withdraw permitted development rights for the conversion of existing dwellings to small HMO's. This enables the introduction of new HMOs to be managed and monitored.
- 1.9 It is recognised that HMOs and the wider private rented sector play a key role in meeting the housing needs in the borough. HMOs provide an important source of low cost, private sector housing for those on lower incomes, students and those seeking temporary accommodation. However, a concentration of HMOs in a particular area can change its character, increase demand on services and infrastructure, leading to conflicts with the existing community.

2. Private rented sector and the number and distribution of HMOs within Cheshire East.

Introduction

- 2.1 Cheshire East has seen a rapid growth within the private rented sector over the last few years and it is now the second largest tenure behind home ownership. It offers a flexible form of tenure meeting a wide range of housing needs. It contributes to greater labour market mobility and is increasingly the tenure of choice for young people. The private rented sector is an essential part of a strong housing market.
- 2.2 There are currently over 21,000 private rented properties across Cheshire East and the sector consists of a number of forms of housing including family accommodation, self contained flats and houses in multiple occupation.
- 2.3 It is difficult to confirm the exact number of small private rented HMOs that currently operate within Cheshire East. This is because planning permission is not needed to convert dwellings to small HMOs. Dwellings can change quickly between C3 (dwellinghouses) and C4 (small HMO) Use Classes and vice versa without any requirement to inform the local planning authority. In order to provide an estimate of the number of HMOs within the Borough, various records and data sources have therefore been reviewed.

Licensed HMOs

- 2.4 Mandatory licensing of HMO's was first introduced under the 2004 Housing Act. Following changes introduced in October 2018, all HMOs that are occupied by more than 5 or more people that do not form 1 household (i.e. they are not a family), now require a HMO licence. Prior to October 2018, only those properties that had three or more storeys and occupied 5 or more unrelated individuals required a licence.
- 2.5 It is an offence for landlords not to license a HMO that is required to be licensed. As part of the licencing process, the local authority must also ensure that satisfactory management arrangements are in place for the property and it meets the required minimum standards for the number of tenants housed. Further guidance on licencing can be found on the council's [website](#).

- 2.6 Prior to the recent changes to licensing requirements, there were 51 licensed HMO's in the Borough (23 in Crewe). This has now increased to 174 licensed HMO properties¹ (118 in Crewe). However this increase cannot be attributed solely to an increase in new HMOs over the last 12 months. Figures are likely to include new HMOs plus historic HMOs of less than 3 storeys which are now required to have a licence.
- 2.7 In addition to mandatory licensing, the council has discretionary powers to introduce additional licensing. Additional licensing can be used to extend the requirement for licensing to certain descriptions of HMOs or to all HMOs (other than those that are subject to mandatory licensing) in a designated area. A local authority may not make an additional licensing scheme unless it has identified that a significant proportion of the HMOs that a scheme would capture are being managed sufficiently ineffectively that they are causing, or have the potential to cause, problems for the occupiers or members of the public. The council has not introduced additional licensing but is keeping these powers under review.
- 2.8 Further to mandatory and additional licensing, the council also has discretionary powers to introduce selective licensing. Selective licensing can be used to require the licensing of all private rented properties regardless of size over a defined area or areas. The council is currently considering options with regards to the introduction of a selective licensing scheme.

Planning application data

- 2.9 Since 2010², approximately 42 planning applications have been determined for large HMOs. 40 were subsequently approved. Of the 2 that were refused, 1 was allowed at appeal. The distribution of these applications across the Borough is shown in Table 1.
- 2.10 While planning application data provides limited evidence of HMO activity (the size of the housing stock limiting the number of planning applications made), it is evident that the majority of applications made are within the Crewe area.

¹ A 9 September 2019

² Between 2010 and September 2019.

Table 1: planning applications for large HMO's					
Area		No. of planning applications for large HMO's	As % of total applications	No of applications approved	No. of applications refused
CHESHIRE EAST		42	100%	40	2
CREWE					
Ward	Crewe South	15	36%	15	0
	Crewe Central	9	21%	8	1
	Crewe West	7	17%	7	0
	Crewe East	2	5%	2	0
	Willaston and Rope	1	2%	0	1
	Wistaston	1	2%	1	0
SUBTOTAL		35	83%	33	2
MACCLESFIELD					
Ward	Macclesfield Central	5	12%	5	0
	Macclesfield West and Ivy	1	2%	1	0
SUBTOTAL		6	14%	6	0
CONGLETON					
Ward	Congleton West	1	2%	1	0
SUBTOTAL		1	2%	1	0

Other sources of data

2.11 In addition to information obtained about licensed HMOs and planning applications, a number of additional data sources are used to gather evidence of existing HMOs. This includes:

- Council tax records;
- building control records;
- information received from the fire service;
- housing standards records;
- information from landlords and advertisements and other intelligence received.

2.12 Taking all available sources into account, there are 659 known HMOs that are occupied by 3 or more individuals, within the Borough. However, this could be an under-estimate of the actual number of HMOs given that planning permission is not currently needed for small HMOs.

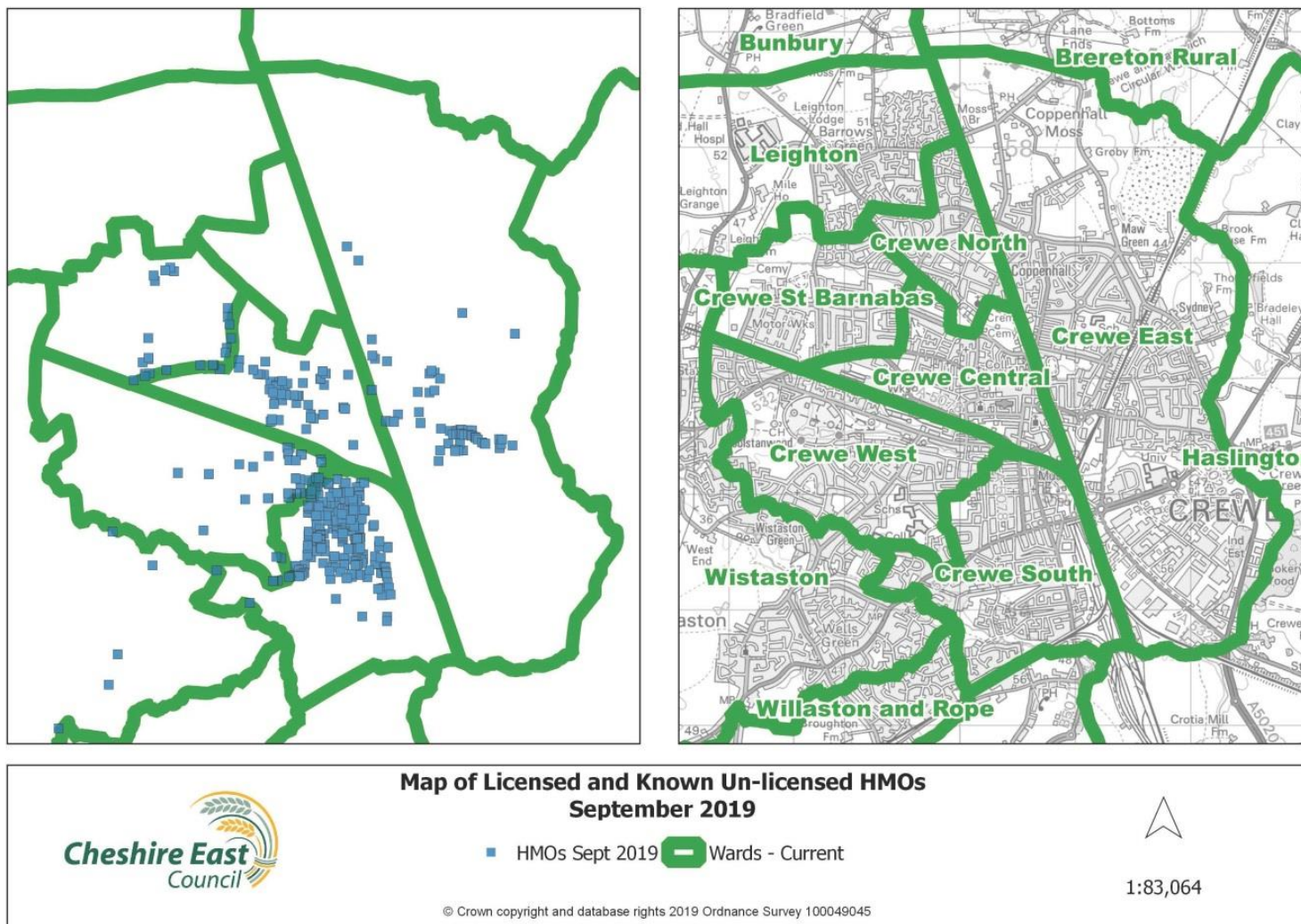
Distribution of known HMO's

- 2.13 Table 2 shows the distribution of HMOs across wards that have 5 or more known HMOs. The majority are located within the Crewe titled wards (454 HMOs or 72%)³.

Table 2: Distribution of HMO's		
Ward	Number	Percentage
Crewe South Ward	262	42%
Crewe East Ward	65	10%
Crewe Central Ward	57	9%
Crewe West Ward	47	7%
Macclesfield Central Ward	47	7%
Crewe St Barnabas Ward	23	4%
Macclesfield South Ward	16	3%
Macclesfield Tytherington Ward	15	2%
Congleton West Ward	12	2%
Alsager Ward	7	1%
Knutsford Ward	7	1%
Nantwich North and West Ward	6	1%
Middlewich Ward	6	1%
Nantwich South and Stapeley Ward	6	1%
Wistaston Ward	6	1%
Macclesfield West and Ivy Ward	6	1%
Areas		
Crewe titled wards (5)	454	72%
Macclesfield titled (6) + Broken Cross & Upton wards	97	15%

- 2.14 Map 1 shows that there are concentrations within parts of wards, including the Nantwich Road area (mainly Crewe South), the West Street area (mainly Crewe Central) and the Hungerford Road areas (Crewe East). Elsewhere HMOs are more scattered.

³ Focuses on urban area of Crewe. Figures exclude Wistaston which has 6 known HMO's.



Map 1: Known HMOs

3. Evidence for Article 4 Directions

- 3.1 Planning Practice Guidance states that Article 4 Directions should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. Potential harm that the direction is intended to address should be clearly identified and there should be particularly strong justification for the withdrawal of permitted development rights relating to a wide area (for example the whole Borough or a whole Town). Immediate directions can only be made where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.
- 3.2 The problems associated with high concentrations of HMOs has been recognised by the government. In 2008, the Department for Communities and Local Government (DCLG) published a report titled “Evidence Gathering – Housing in Multiple Occupation and possible planning responses”. The report summarised the impacts that can occur as a result of high concentrations of HMOs, including:
- Anti-social behaviour, noise and nuisance
 - Imbalanced and unsustainable communities
 - Negative impacts on the physical environment and streetscape
 - Pressures upon parking provision
 - Increased crime
 - Growth in the private rented sector at the expenses of owner-occupation
 - Pressure upon local community facilities
 - Restructuring of retail, commercial and recreational facilities to suit the lifestyle of the predominant population.
- 3.3 There is generally no single piece of evidence that can be used to establish whether an Article 4 Direction is necessary to protect local amenity or the wellbeing of the area. Information about the number and location of HMOs in a particular area is likely to be the most compelling piece of evidence to show whether a concentration exists.

- 3.4 Alongside evidence of concentrations, the council has considered environmental, social and economic indicators within areas with the highest HMOs together with observations about the areas. Relevant findings are presented below.

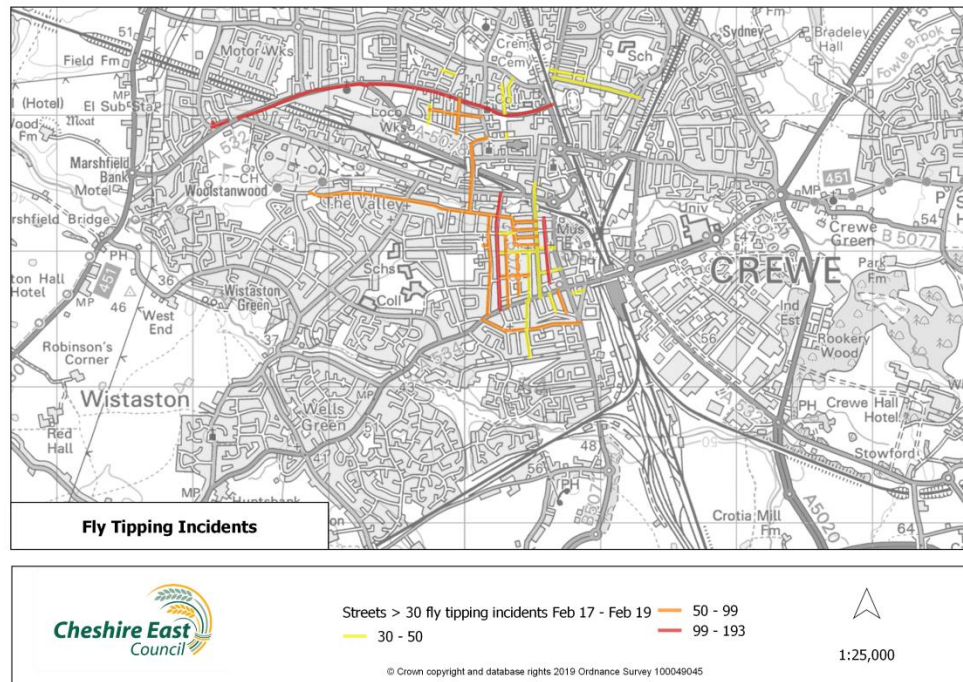
Fly tipping

- 3.5 As set out in the DCLG report, an increase of environmental impacts may be experienced in areas with high concentrations of HMOs. This could be due to more people living in HMOs than would generally live in the same size house occupied by a family or higher levels of transience meaning that people have less motivation to look after the area if they are staying there for a short time.
- 3.6 Environmental indicators include increased litter or fly tipping reports. The council's fly tipping records for two year period of February 2017-2019 have been reviewed and there have been 5,770 reports across the borough over this period. 65% of all recorded incidents were located within Crewe.
- 3.7 Table 3 shows all streets within Crewe that have experienced 10 or more fly tipping reports over this period. Streets that lie within areas of the proposed Article 4 Directions are shaded.

Approx. location - street	Reports	Approx. location - street	Reports	Approx. location - street	Reports	Approx. location - street	Reports
West Street	193	Camm Street	44	Richard Street	24	Casson Street	16
Walthall Street	190	Newdigate Street	37	Oxford Street	24	Chetwode Street	16
Lord Street	108	Ernest Street	36	Moss Lane	23	Bright Street	15
Lawton Street	92	Ludford Street	35	Broad Street	23	Alban Street	15
Derrington Avenue	86	Union Street	35	Nantwich Road	22	Lewis Street	14
Westminster Street	81	Hammond Street	34	Elizabeth Street	22	Bridle Road	14
West Avenue	81	Wood Street	32	Minshull New Road	21	Derrington Avenue	14
Alton Street	72	Edleston Road	31	Gresty Road	21	Edward Street	14
Maxwell Street	71	Ramsbottom Street	30	Ford Lane	20	Badger Avenue	14
Myrtle Street	71	Audley Street	30	Davenport Avenue	19	Frank Webb Avenue	13
Ruskin Road	66	Hewitt Street	30	Underwood Lane	18	Stafford Street	12
Chambers Street	60	Fletcher Street	30	Richard Moon Street	18	Wistaston Road	12
Bedford Street	58	Electricity Street	28	Hope Street	18	High Street	12
Samuel Street	57	Vincent Street	26	Collins Street	18	Gresty Terrace	12
Nelson Street	54	Hungerford Road	26	Waldrons Lane	17	Derrington Ave	12
Nile Street	52	Catherine Street	26	Meredith Street	17	Lockitt Street	11
Flag Lane	51	Furnival Street	26	Gainsborough Road	17	Queens Park Drive	11
Brooklyn Street	46	Rigg Street	25	Adelaide Street	17	Delamere Street	11
Stalbridge Road	45	Barker Street	25	Leighton Street	16		

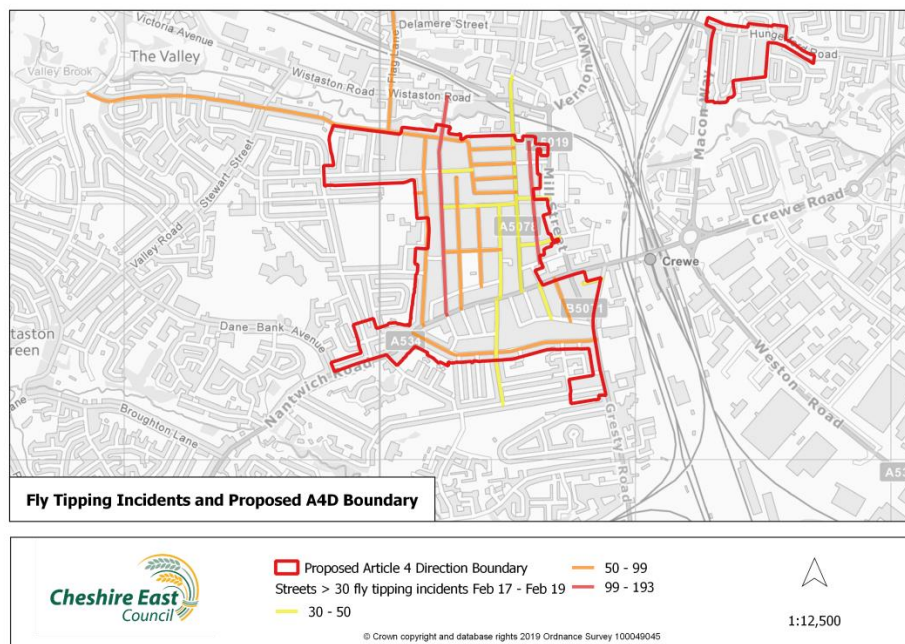
- 3.8 All streets that have experienced 30 or more reports have been mapped. The mapping shows that the areas with the highest number of reported incidents are in the streets to the north and south of Nantwich Road and the West Street area. These areas are characterised by higher density terraced streets.

- 3.9 While the mapping does not reveal high levels of fly tipping reports in the Hungerford Road area, it is noted that this road experienced 26 reports, just under the mapping threshold.

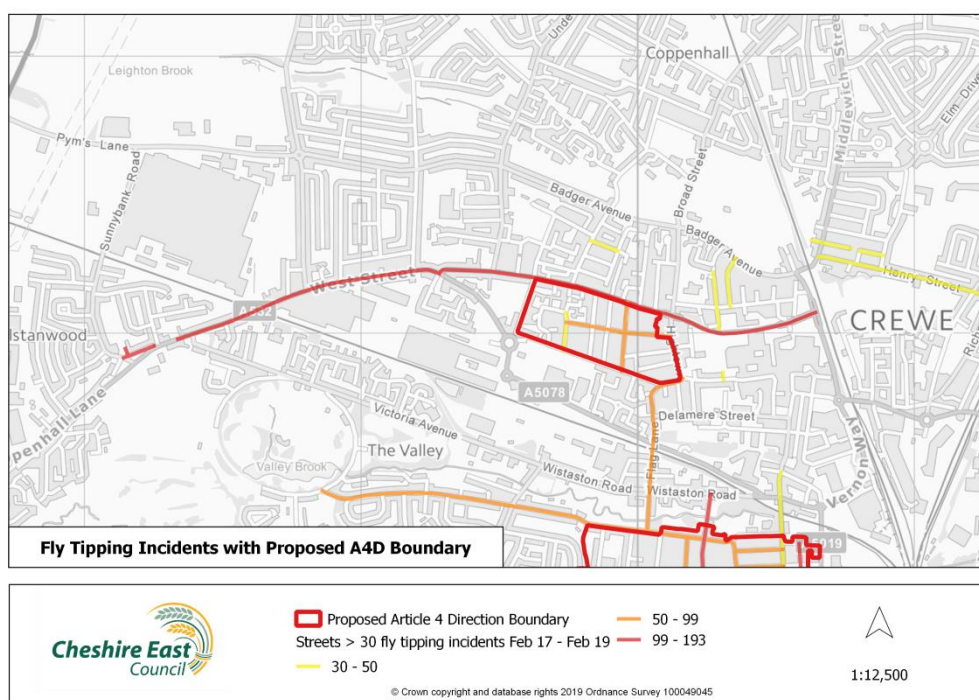


Map 2: Fly tipping reports

- 3.10 Maps 3 & 4 show fly tipping data in relation to the areas of the proposed Nantwich Road, Hungerford Road and West Street Article 4 Directions.



Map 3: Fly tipping Nantwich Road and Hungerford Road areas

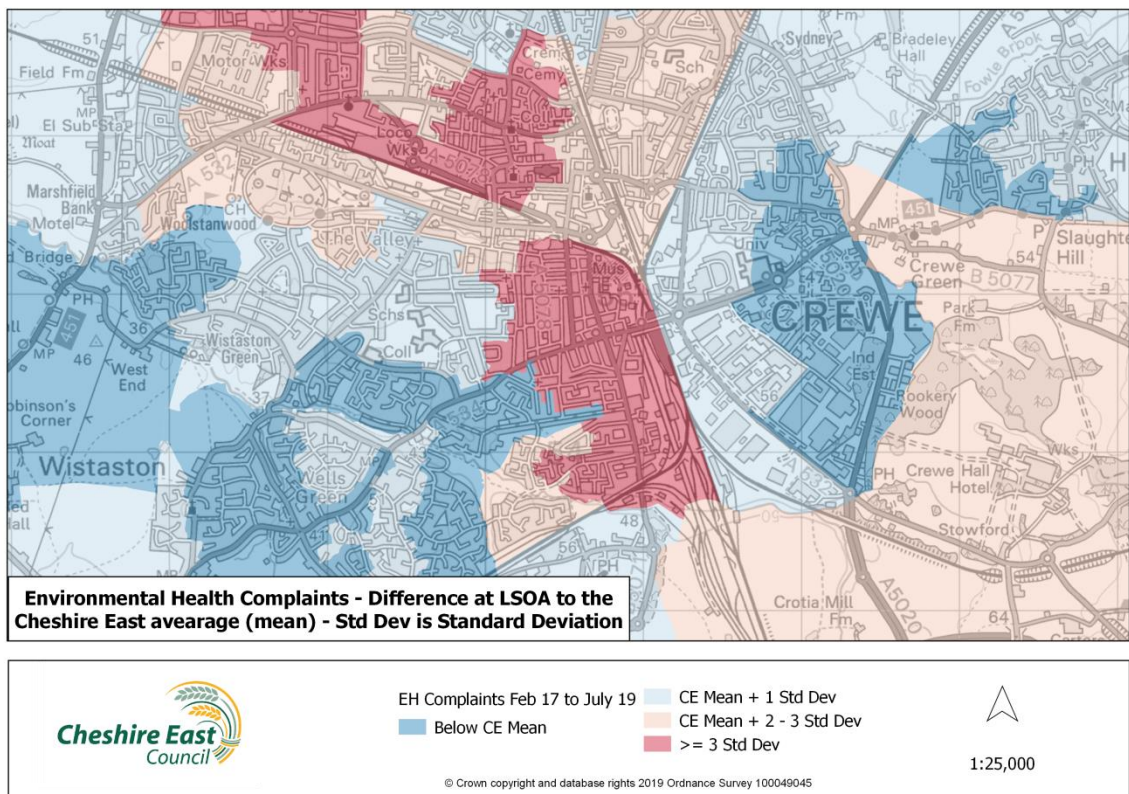


Map 4: Fly tipping and West Street area

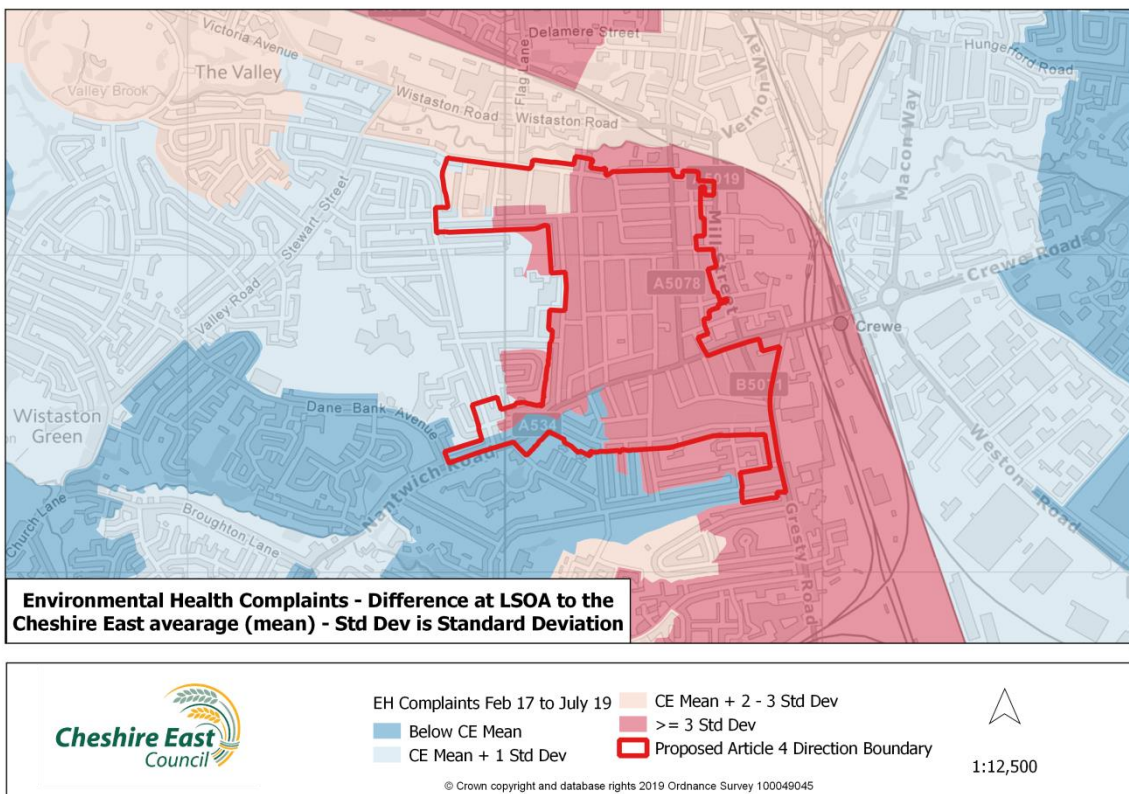
Environmental health complaints

- 3.11 A further indicator of environmental issues is the number of environmental health complaints received in areas, including noise and other nuisances⁴.
- 3.12 During the period February 2017 – July 2019 there were 3,397 environmental health complaints of which 3,179 could be mapped (Map 5). The mapping shows those areas which experienced a level of complaints below the Cheshire East average (mean) and those areas that experienced higher levels than the average (expressed as + standard deviation). The higher the levels of complaint, the higher the deviation from the mean.
- 3.13 Mapping of environmental health complaints shows that the areas with the highest levels of complaints include the town centre, the Nantwich Road area, West Street and surrounds. Lower levels of environmental health complaints were experienced in the Hungerford Road area, although levels are slightly higher in this area than the borough average.
- 3.14 Maps 6, & 7 show this data in relation to the areas of the proposed Article 4 Directions.

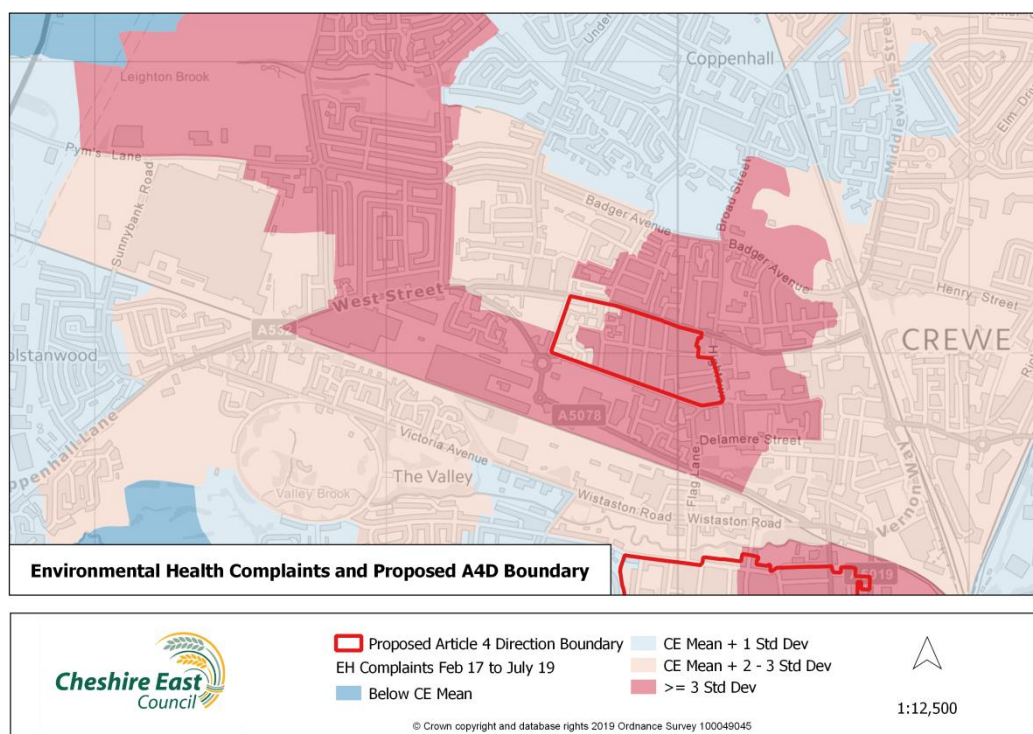
⁴ Includes complaints concerning noise, animals, fires, deposits on land, filthy and verminous properties and air pollution



Map 5: Environmental Health Complaints



Map 6: Environmental health Complaints and proposed Nantwich Road and Hungerford Road Article 4 Direction areas.

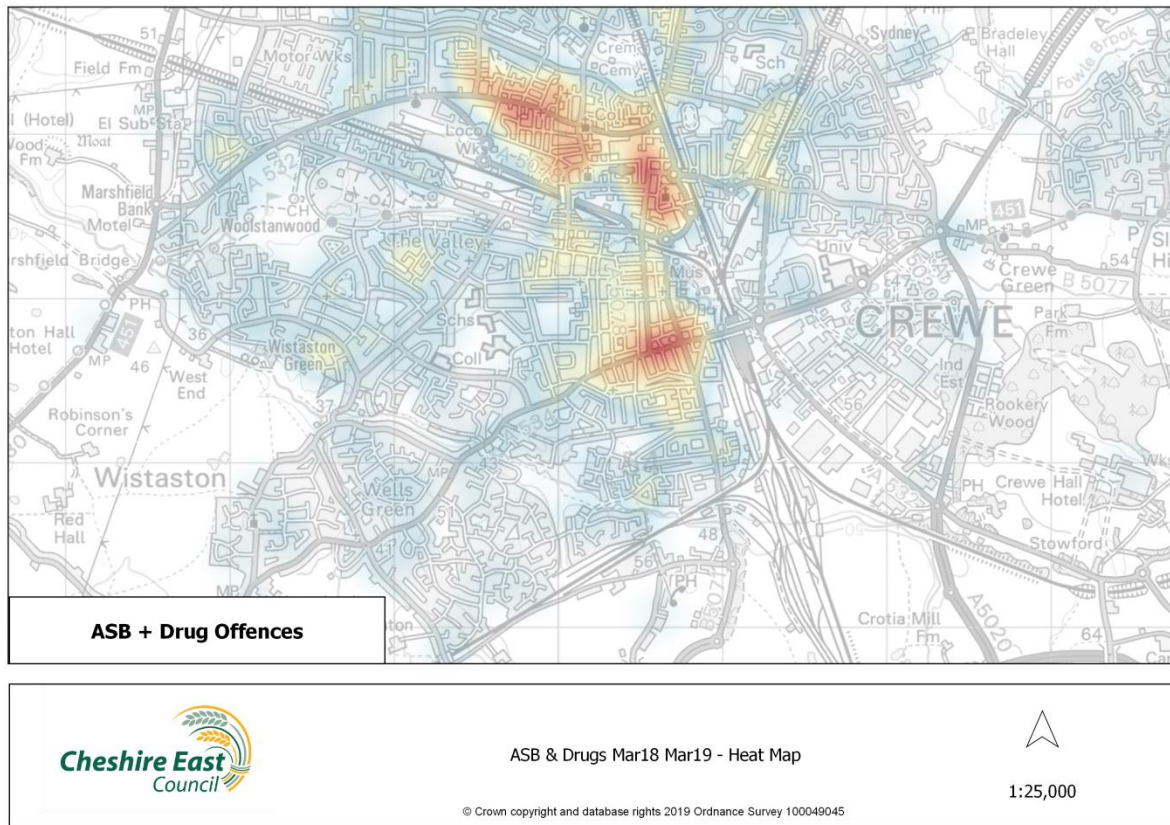


Map 7: Environmental Health complaints and West Street areas

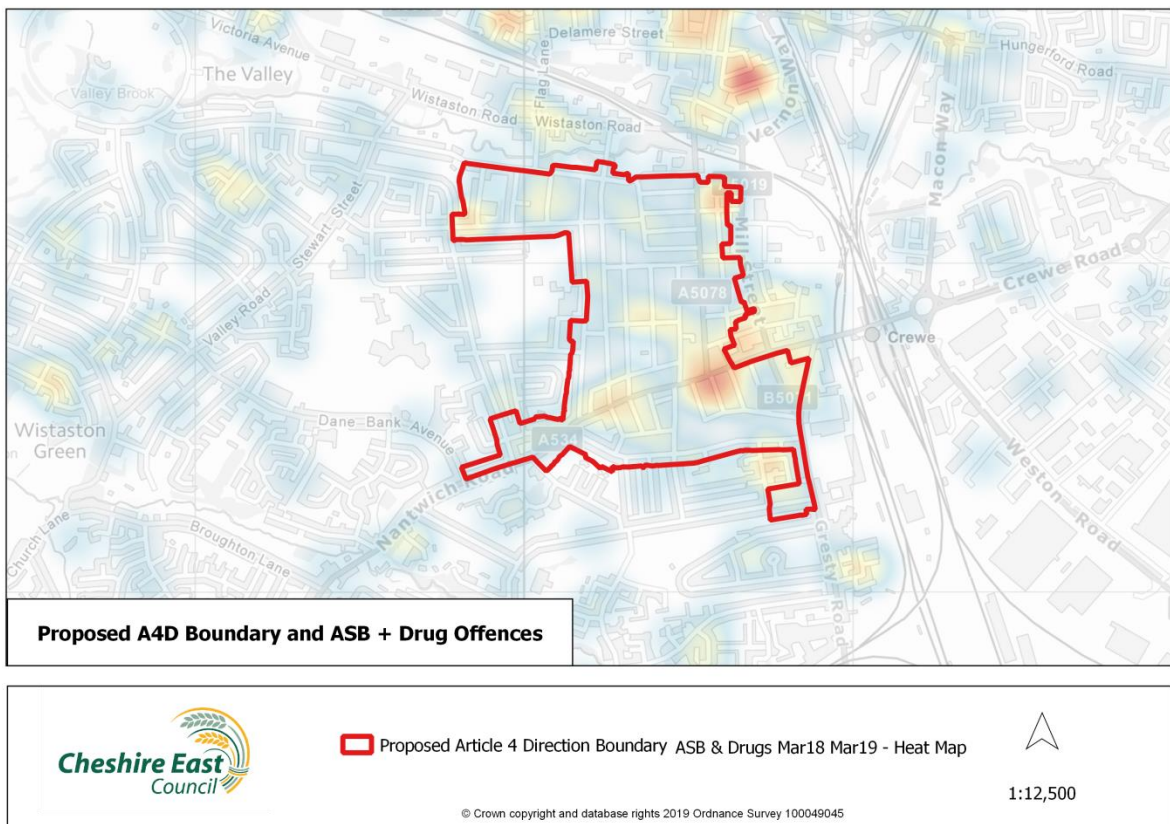
Anti-social behaviour & crime

- 3.15 As set out in the DCLG report, increases in crime can be experienced in areas with high concentrations of HMOs.
- 3.16 During the year ending the 31 March 2019, there were 7,945 recorded anti-social behaviour and drugs related offences across the Borough⁵. Those occurring within Crewe have been heat mapped (Map 8).
- 3.17 The heat mapping shows that the areas with the highest levels of recorded anti social behaviour and drugs incidents are the Town Centre, the Nantwich Road area and the West Street area. There is a small pocket of anti-social behaviour recorded close to the junction of Macon Way with Hungerford Road. Maps 9, 10 & 11 show this data in relation to the areas of the proposed Article 4 Directions.

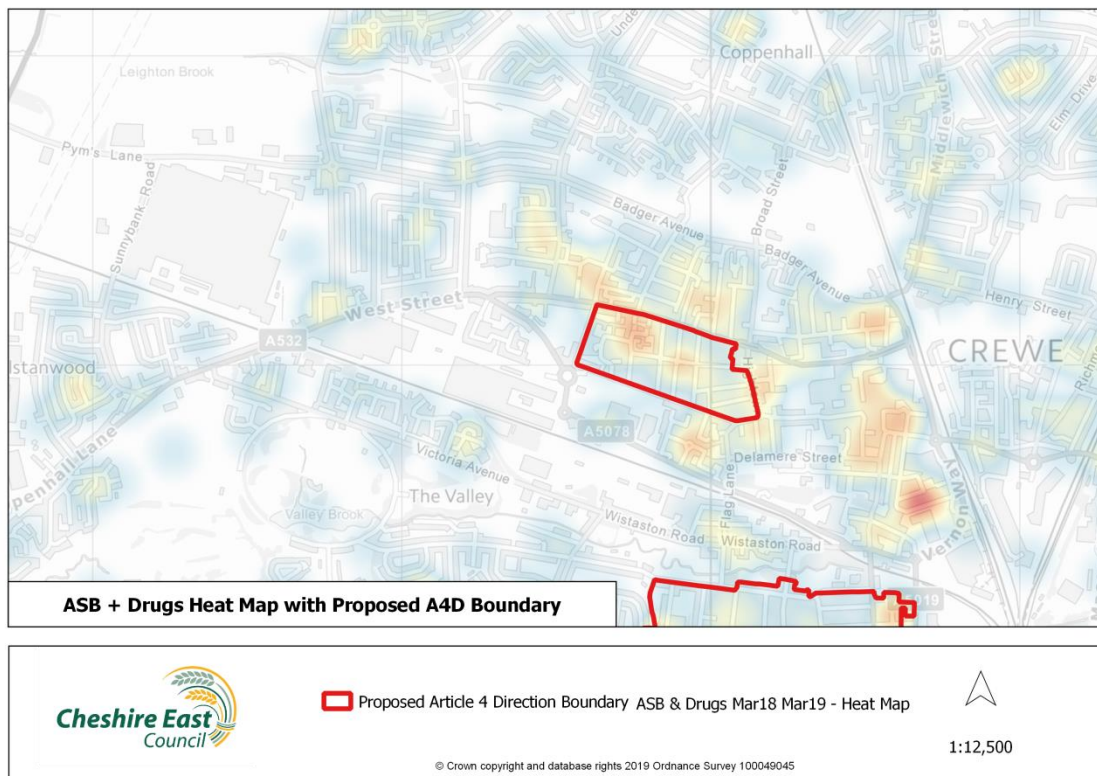
⁵ Source: Year end March 2019 - Police.uk



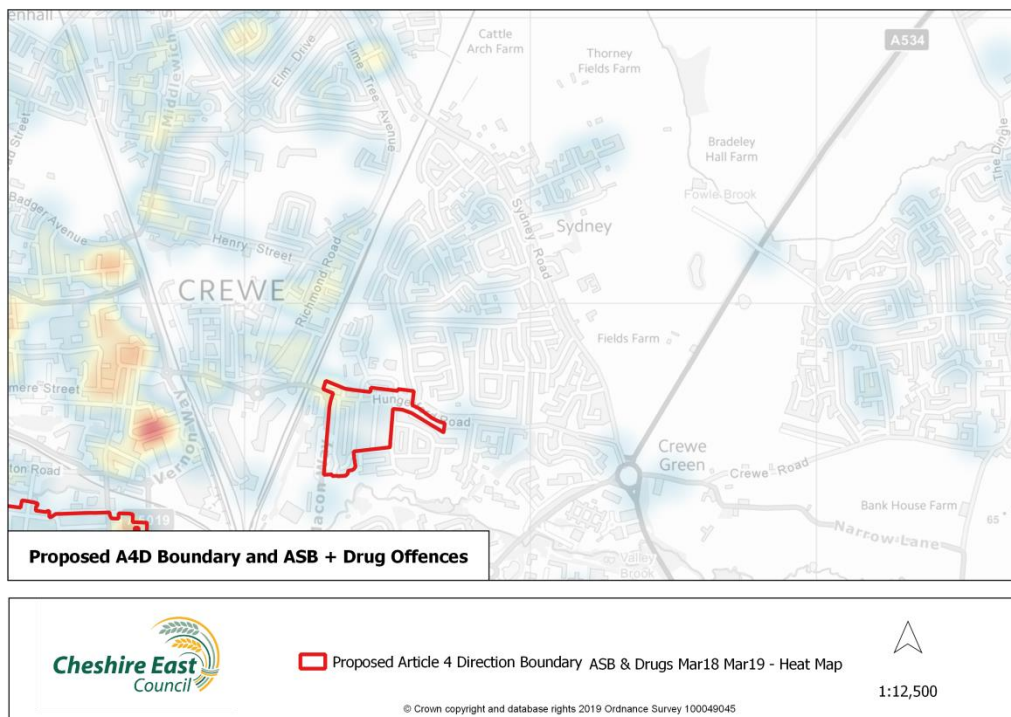
Map 8: Anti-social behaviour and drugs



Map 9: Anti-social behaviour & drugs – Nantwich Road area

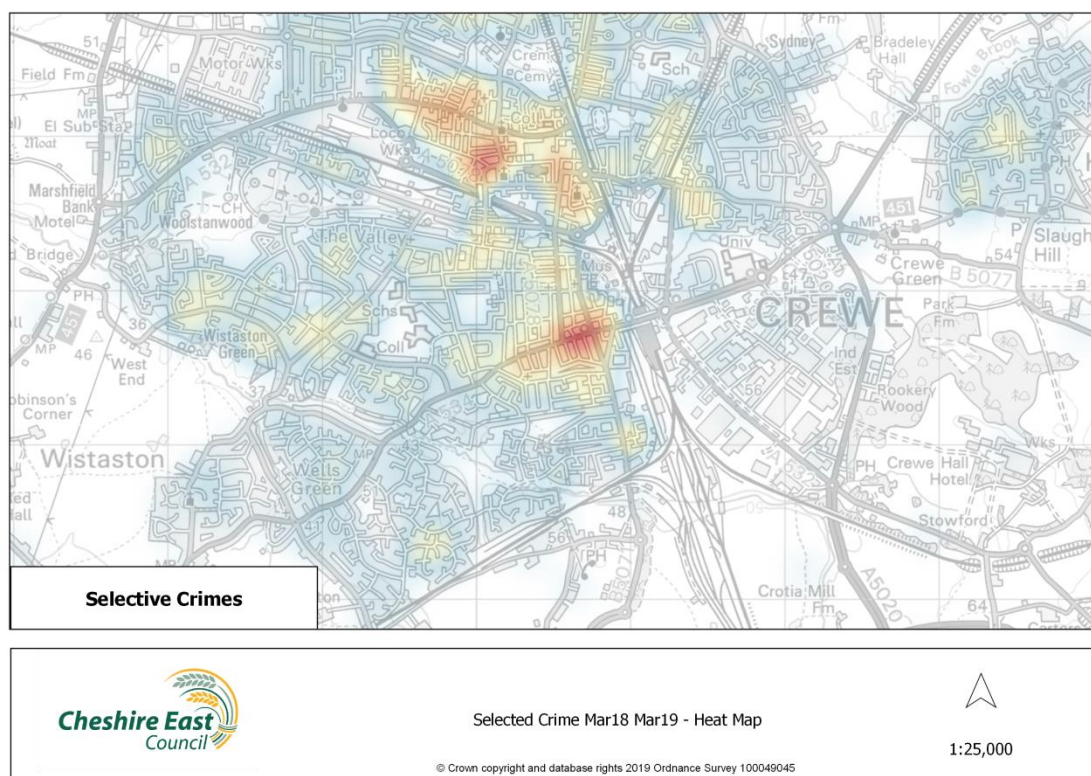


Map 10: Anti-social behaviour & drugs – West Street area



Map 11: Anti-social behaviour & drugs – Hungerford Road Area

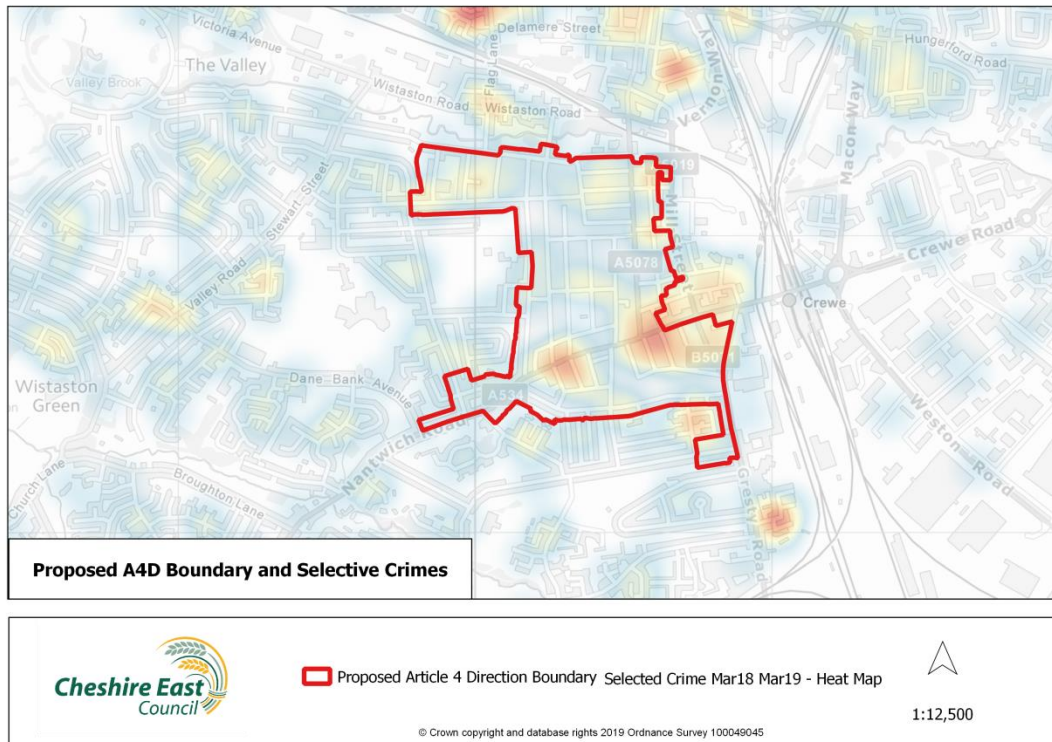
- 3.18 It is a similar picture with regards to selected crime data⁶. The number of crimes recorded in the Borough were highest within the town centres of Crewe and Macclesfield as might be expected.
- 3.19 Crewe Central had the highest number of recorded crimes (2,650 crimes or 8.6%) followed by Macclesfield Central (1,917 or 6.2%). Third was Crewe South (1,884 crimes or 6%) followed by Crewe East (1,645 or 5.3%).
- 3.20 Heat maps have been produced to show the location of crimes (excluding shop lifting). Excluding town centres, the mapping indicates higher levels of crime around the Nantwich Road and West Street areas and to a lesser extent around the Hungerford Road areas (Map 12).



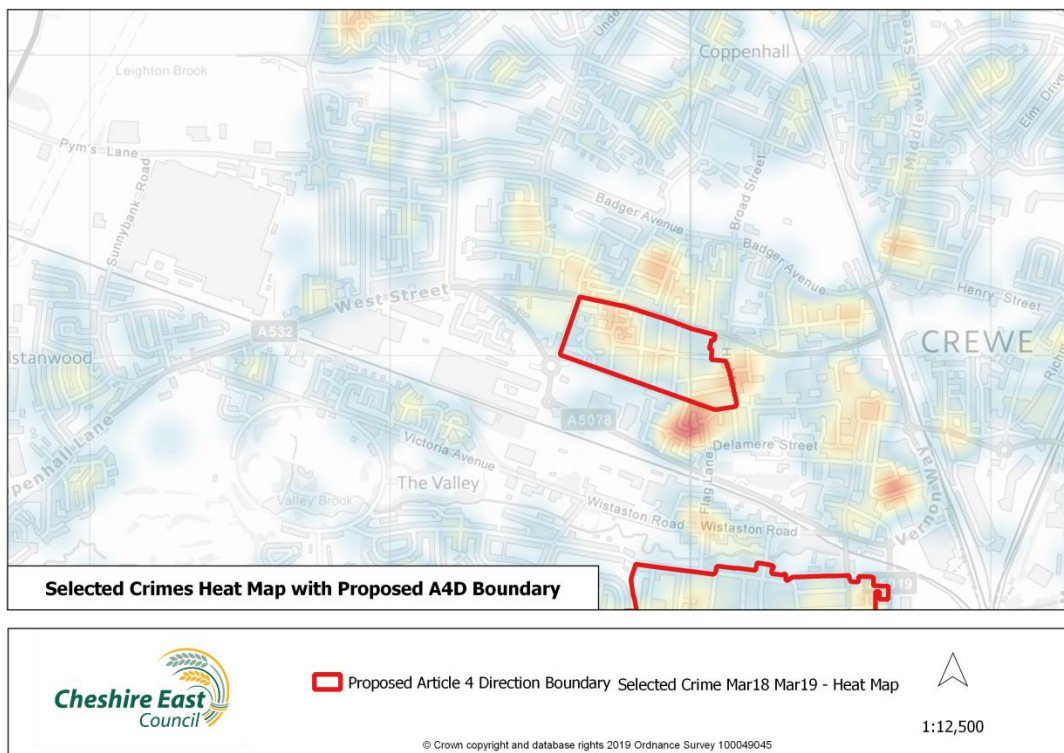
Map 12: Selected crime data

- 3.21 Maps 13, 14 & 15 show this data in relation to the areas of the proposed Article 4 Directions. Crime and anti-social behaviour within these areas could impact on the demand for owner occupation properties. This could encourage property owners to look at alternative means of letting properties such as sub-division, perpetuating the potential for harm in these areas.

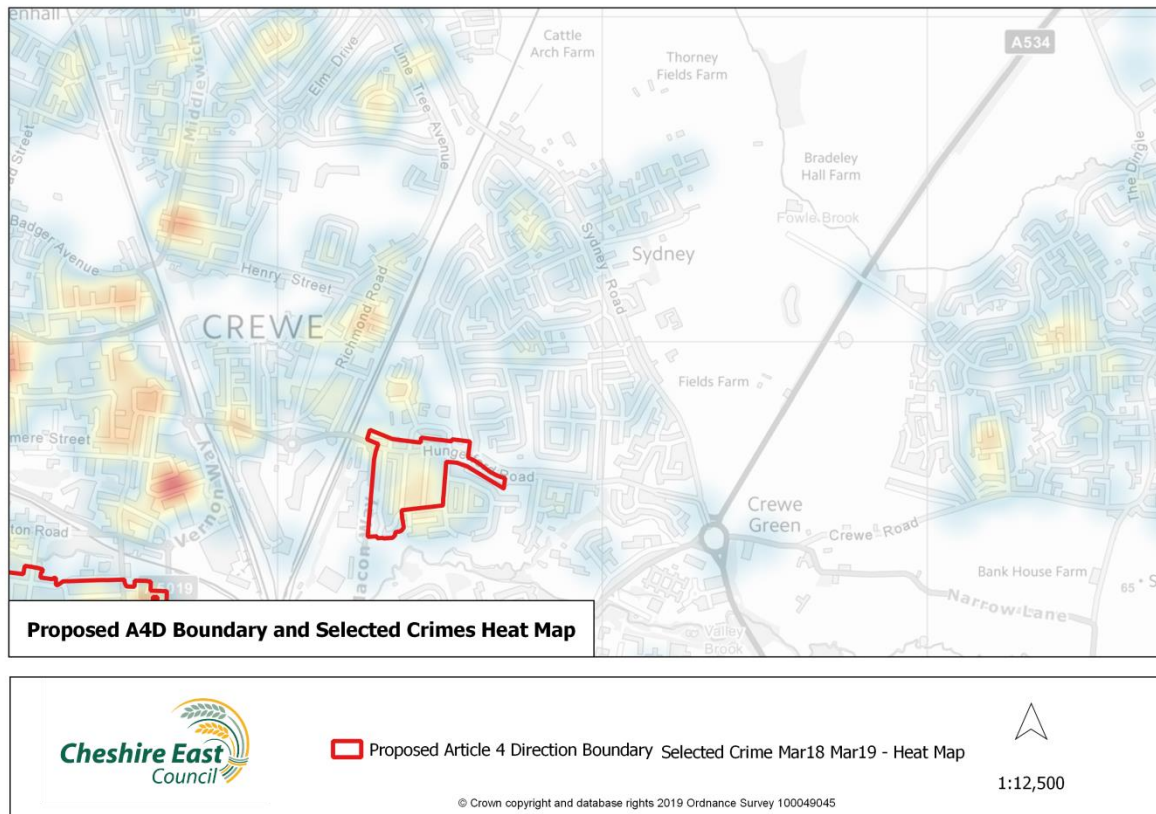
⁶ Source: 2017 & 2018 data - Police.uk. Selective crimes excludes ASB+drugs (see separate indicator) and shoplifting.



Map 13: Selective Crimes and Nantwich Road area



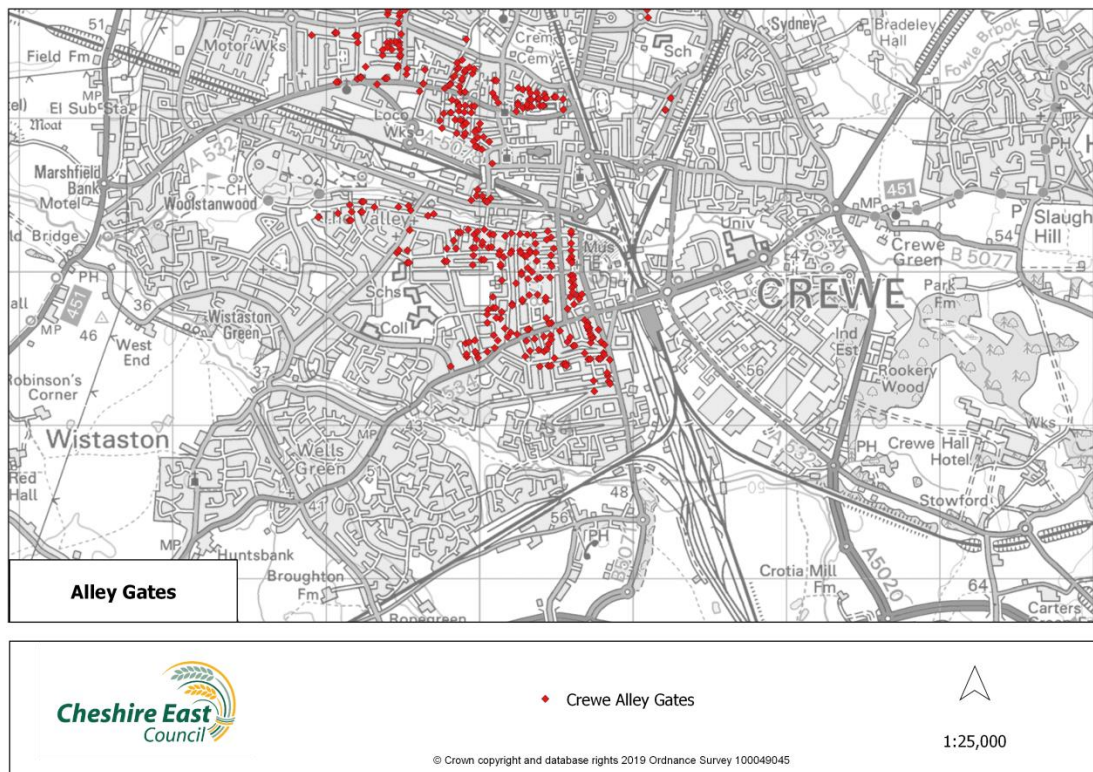
Map 14: Selective Crimes and West Street area



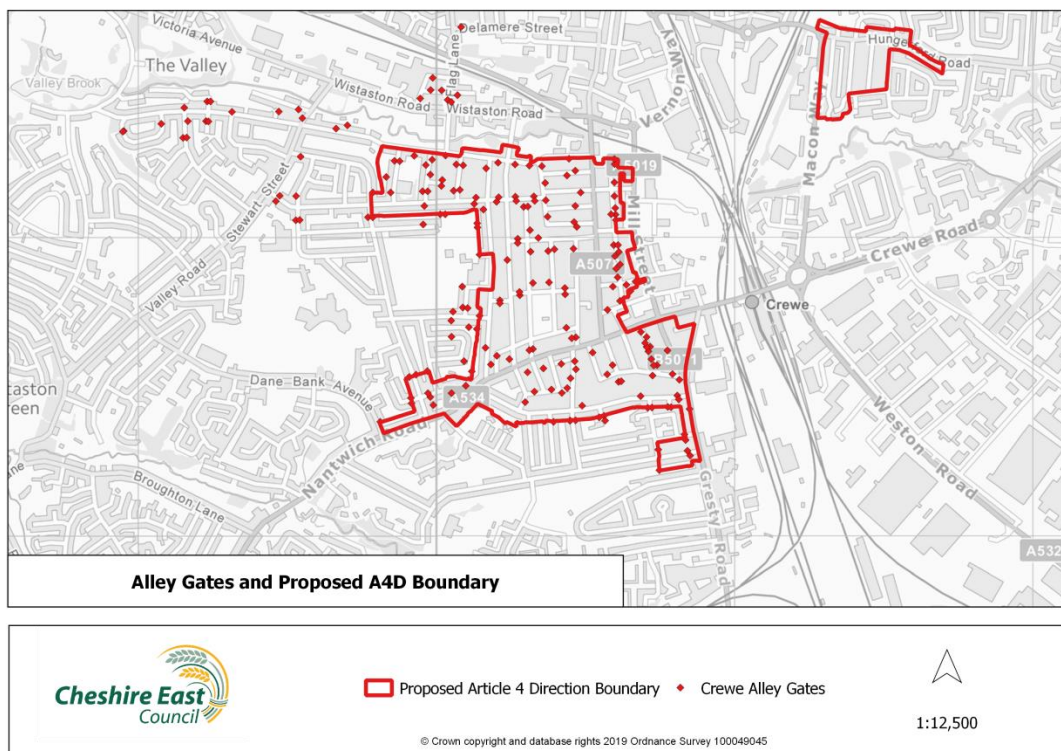
Map 15: Selective Crimes and Hungerford Road area

Alley gates

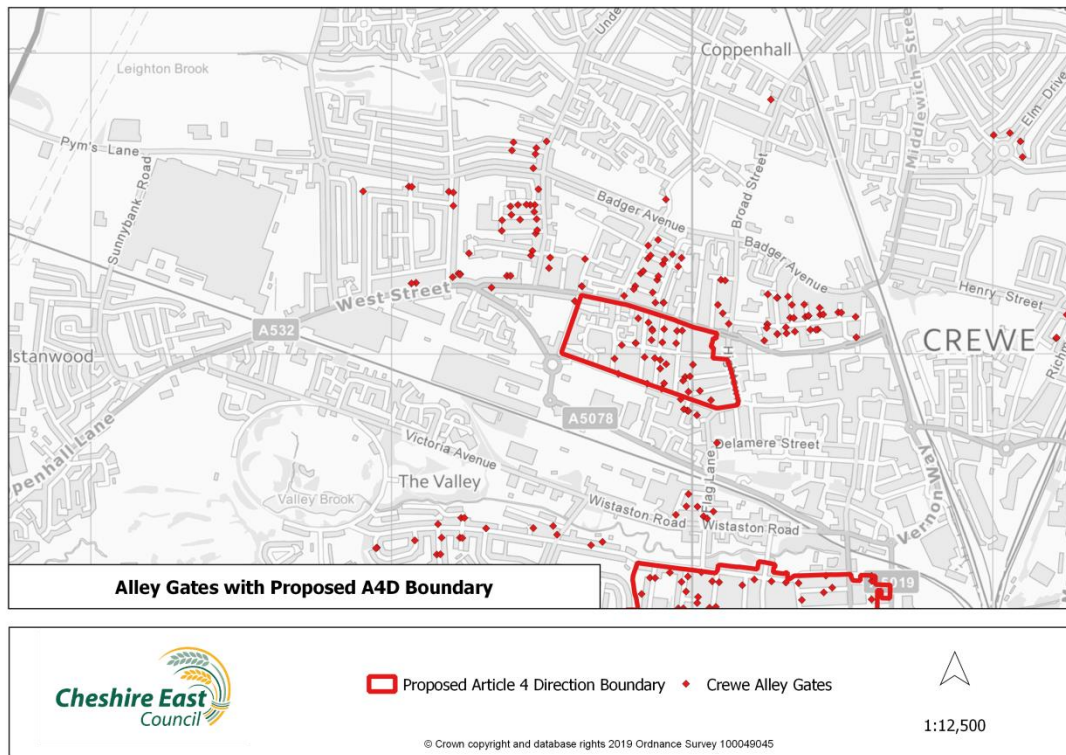
- 3.22 The council has installed a number of alley gates within Crewe as a response to crime and disorder issues. The location of installed alley gates therefore potentially highlights those areas that have experienced amenity issues in the past and are potentially vulnerable to further issues.
- 3.23 Mapping of alley gates (Map 16) highlights high numbers of gates to the north and south of Nantwich Road and the West Street area.



Map 16: Alley Gates



Map 17: Alley gates and Nantwich/ Hungerford Road areas

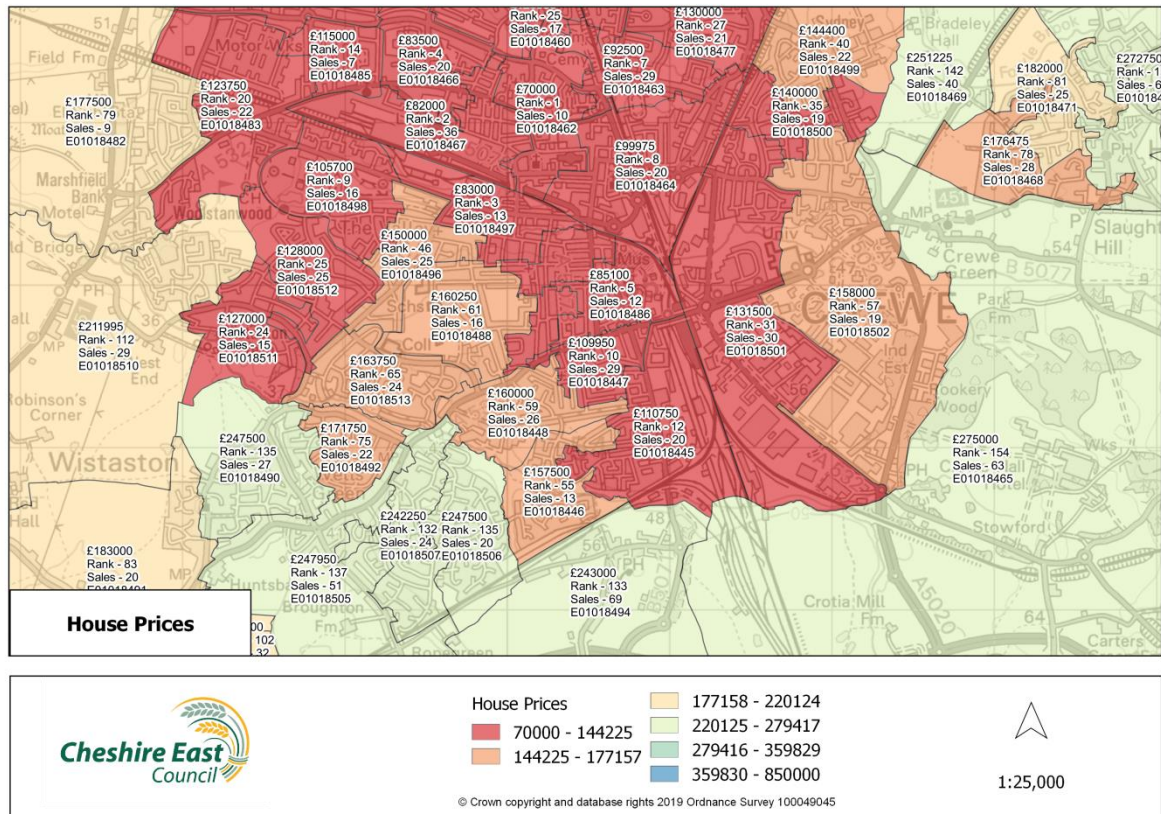


Map 18: Alley Gates – West Street area

House prices

- 3.24 There may be a coincidence between lower house prices in areas of Crewe, concentrations of HMOs and other environmental/ social issues. Lower house prices may also correlate to the nature of the housing stock within lower value areas.
- 3.25 HMOs tend to be located in areas of denser, older, traditional terraces. Lower prices may further increase the attractiveness of properties to investors/ landlords meaning that these areas are vulnerable to further change.
- 3.26 Across the borough, areas with the lowest house prices are within the Crewe wards⁷. Map 15 shows the areas within Crewe with the lowest average house prices.

⁷ House Price Statistics for Small Areas (HPSSAs), year ending 2018, ONS



Map 15: House prices

3.27 The mapping shows a coincidence of lower house prices with the Nantwich Road and West Street areas.

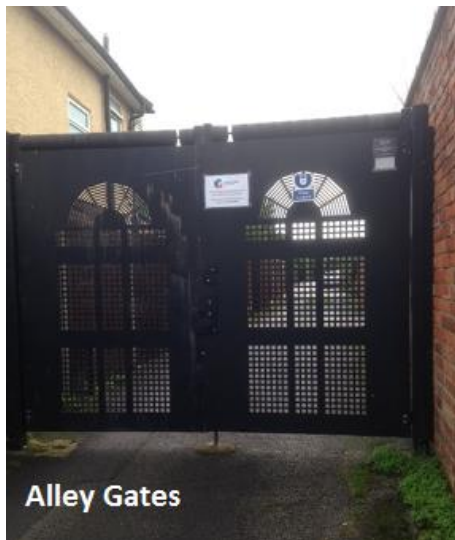
Other observations

3.28 All areas of HMOs concentrations were visited during September/October 2019. Observations made included:

- Property types and sizes
- Litter and street conditions
- Property conditions
- Presence of marketing boards advertising rooms to let
- Availability of car parking
- Presence and condition of alley gates

Nantwich Road area

- 3.29 The majority of HMOs in this area are contained within the streets to the north and south of Nantwich Road. The streets within this area are very dense, predominantly comprising of traditional brick terraces. Many of the dwellings have small, walled front gardens.
- 3.30 Some litter was observed on the streets, front gardens and alleyways. No anti-social behavior was noted. There are high levels of on-street parking due to the terraced nature of the streets.
- 3.31 The condition of properties within the area is mixed. High numbers of 'To let' and 'rooms to let' signs were observed within this area. The following photographs show examples of house types and the streets within this area.





West Street area

- 3.32 The housing in this area is more mixed to that seen in the Nantwich Road area. There is a prevalence of older traditional terraced houses but generally properties appear smaller in the streets to the south of West Street than those in the Nantwich Road area. Many houses have no front garden areas. There are pockets of modern social housing within the area.
- 3.33 Some litter was observed on the streets, front gardens and alleyways. No anti-social behavior was noted. There are high levels of on-street parking due to the terraced nature of the streets.
- 3.34 The condition of properties within the area is mixed. Evidence of 'to let' signs were observed within this area. The following photographs show examples of house types and the streets within this area.



Hungerford Road area

- 3.35 The majority of HMOs in the Hungerford Road area are located on the main road itself and tend to comprise of older, terraced dwellings. While there are lower levels of HMOs in the quieter, surrounding residential streets, there are pockets of older terraced dwellings to the south of Hungerford Road, which could lend themselves to conversion to HMOs.
- 3.36 Low levels of litter levels were observed on the streets. No anti-social behaviour was noted. There high levels of on street parking observed in the streets to the south of Hungerford Road with little on street parking apparent on the main road itself. Several to let boards were observed.
- 3.37 The following photographs show examples of house types and the streets within this area.



4. Conclusions

- 4.1 Mapping of all known HMOs within the Crewe area highlights that they tend to be concentrated within specific parts of the town. While HMOs do occur in other areas, they are at lower levels and more dispersed.
- 4.2 From observations of areas of mapped concentrations, HMOs tend to be located in densely populated areas characterised by older, smaller sized housing which is close to main routes and retail centres.
- 4.3 Mapping of HMOs has highlighted concentrations in the following areas:
- The areas to the north and south of Nantwich Road;
 - West Street; and
 - Hungerford Road.
- 4.4 A coincidence of social, environmental and economic issues can occur within areas with concentrations of HMOs. This has been recognised by the government⁸. Available evidence of environmental, social and economic issues within the areas of the highest HMO concentrations has been reviewed. The evidence shows that:
- Fly tipping levels are particularly high in the Nantwich Road and West Street areas;
 - Environmental health complaints are high in the Nantwich Road and West Street areas. There are lower levels in the Hungerford Road area;
 - Outside of the town centre, there are pockets of anti-social behaviour and crime incidents in the Nantwich Road and West Street areas. There are also recorded incidents of crime in the Hungerford Road area;
 - Alley Gates have been used in the past to address anti-social behaviour in the Nantwich Road and West Street areas. There are no alley gates in the Hungerford Road area;
 - House prices are lower in the West Street and Nantwich Road area and higher in the Hungerford Road area by comparison.

⁸ See DCLG Report 'Evidence Gathering – Housing in Multiple Occupation and possible planning responses'.

- 4.5 The evidence suggests that there is a coincidence of environmental, social and economic issues in the areas around the Nantwich Road and West Street areas of Crewe. While there is less evidence of issues in the Hungerford Road area, there is a clear concentration of HMOs plus an availability of house types that could lend themselves to conversion.
- 4.6 It is not being claimed that all HMOs cause or exacerbate social, economic or environmental problems. However, they can provide for a far more intensive use of residential areas and result in a much larger population living in areas already of high density. This often leads to conflict and tension due to lack of space, pollution, poor environment and services being stretched. Residents of HMOs are often short term tenants and transitory and the perception is that they have less stake in the local neighbourhood when compared to the longer term residents.
- 4.7 On the basis of the evidence, there is potential for harm should permitted development rights for HMOs continue to be utilised in the Nantwich Road and West Street areas. The Hungerford Road area may also be vulnerable to further harm should permitted development rights continue to be utilised.
- 4.8 The removal of permitted development rights will mean that proposal to convert a dwelling to a small HMO will require planning permission. This will allow the council to fully assess the impact of the proposal on future residents, neighbouring residents and the neighbourhood as a whole.
- 4.9 The introduction of the Article 4 Directions is therefore justified on the basis of the amenity and well-being of these areas. These issues cannot be addressed through environmental management measures alone.

Appendix 1: Article 4 Direction: Nantwich Road

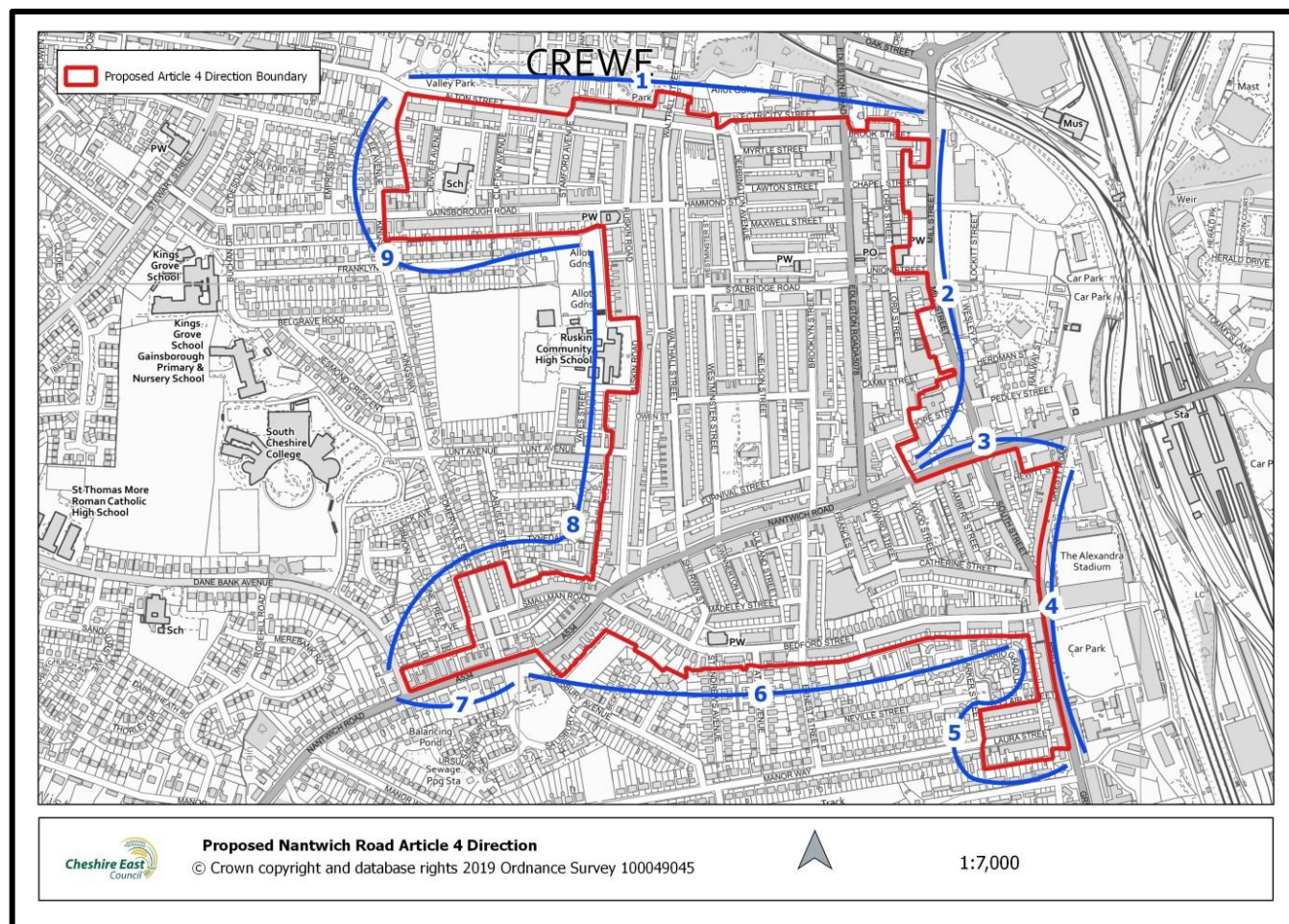
A1.1 Introduction

A1.1.1 In defining the boundary for the Nantwich Road Article 4 Direction, consideration has been given to the following factors:

- Evidence of concentrations of HMOs in particular streets;
- The nature of the housing stock in the area. HMOs tend to be concentrated in densely built areas and predominantly streets with high numbers of older terraced dwellings. Much lower concentrations are observed outside of these areas, for example in surrounding semi-detached dwellings or more modern housing – house prices also often sharply increase in the lower density areas;
- Walking tours of the areas and observations about street conditions, including litter, presence of advertising boards for house shares;
- Location of any areas of non-residential buildings. These have been excluded where it makes logical sense to do so;
- The coincidence of environmental, social and economic factors within the areas of the proposed Direction.

A1.2 Boundary review

A1.2.1 For the purposes of review, the boundary has been divided into a number of sections (Map Nantwich Road 1: Boundary Review) with justification provided in Table Nantwich Road 1.



Map Nantwich Road 1: Boundary Review

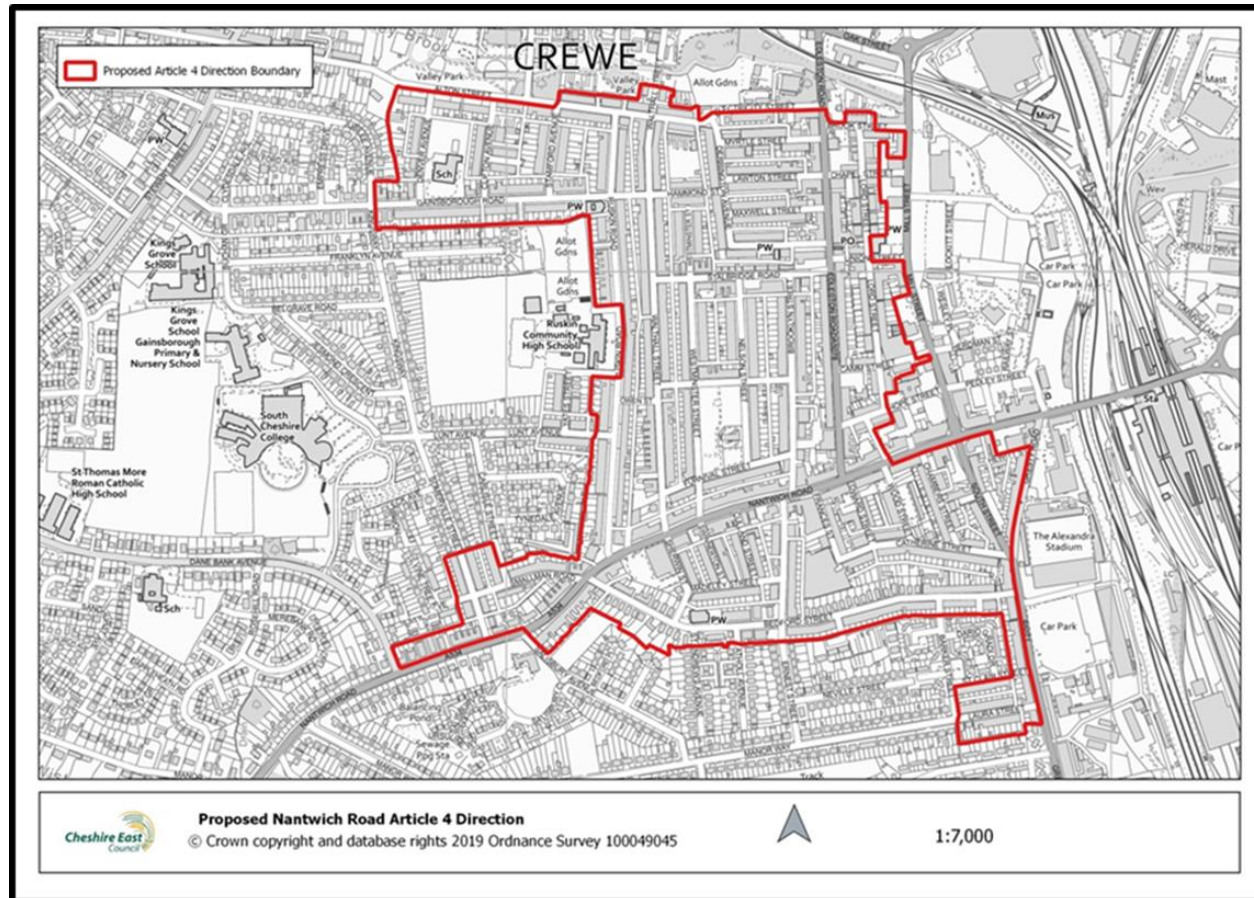
Table Nantwich Road 1: Boundary Justification		
Boundary Section	Proposed boundary	Justification
1. Alton Street – Mill Street	This section follows the row of terraced dwellings on Alton Street opposite Valley Park and proceeds along Alton Street to the east to its junction with Walthall Street. The boundary takes in a small group of dwellings located to the north of the Alton Street/ Walthall Street junction. The boundary then proceeds along Electricity Street, excluding a garage block on the northern corner. The boundary continues along Electricity Street to the junction with Edleston Road, excluding the substation site to the north. The proposed boundary then crosses over Edleston Road and down to Brook Street to the south. The boundary includes the terraced dwellings along Brook Street but excluding the commercial building located at the Mill Street junction.	Land to the north of the proposed boundary is excluded from the proposed boundary as it predominantly comprises of commercial buildings, allotment gardens and public open space. To the west of the proposed boundary on Alton Street, the character of dwellings changes from the denser terraces within the proposed boundary to a higher proportion of semi-detached dwellings. There are few recorded HMOs with the area to the west of the proposed boundary.
2. Mill Street	The proposed eastern boundary follows the western side of Mill Street but excluding commercial buildings and land where it is logical to do so.	There are a number of dense terraced residential streets located to the west of Mill Street with evidence of concentrations of HMOs. The boundary therefore follows boundaries of residential properties close to the Mill Street junctions and those residential dwellings located on Mill Street itself. Land to the east of Mill Street is predominantly commercial - including the site of the consented Lidl store. There is limited evidence of HMO activity to the east of Mill Street.
3. Nantwich Road – Gresty Road	This section includes a number of properties on the southern side of Nantwich Road up to the junction with Gresty Road but excluding a group of commercial buildings on the corner of Nantwich Road/ Gresty Road.	There is evidence of HMO activity in the 'triangle' area bounded by South Street, Gresty Road and Nantwich Road. Commercial properties are excluded where it is logical to do so. Beyond the proposed boundary there is

		limited evidence of HMO activity.
4. Gresty Road – Laura Street	This section starts at the junction of Hewitt Street with Gresty Road, excluding the commercial properties on the corner of Gresty Road and Nantwich Road. The boundary proceeds to the south, along the western side of Gresty Road down to the junction with Laura Street.	The boundary excludes land on the eastern side of Gresty Road as this comprises of the Crewe Alexandra Football Stadium, associated car parking, commercial land and buildings. The boundary also excludes the group of commercial properties close to the junction of Gresty Road and Nantwich Road. Beyond Laura Street to the south, dwellings are predominantly semi-detached and there are few recorded HMOs within this area.
5. Laura Street – Bedford Street	The boundary includes a terrace to the south of the Laura Street/ Gresty Road junction but excludes the brick semi-detached dwellings beyond. The boundary then includes a group of terraced dwellings to the north and south of Laura Street but excludes the semi-detached dwellings along Manor Way. The boundary then returns north to the rear of the properties on Gresty Road, excluding the modern housing development at Dario Gradi Drive.	Properties to the south and west of the proposed boundary along Laura Street are predominantly semi-detached dwellings and the number of HMO's in this area is significantly lower. The boundary excludes the modern housing development in Dario Gradi Drive as there is no evidence of HMOs within this area.
6. Bedford Street – Nantwich Road	The boundary includes all dwellings either side of Bedford Street from its junction with Gresty Road to the east down to the junction with Nantwich Road to the south.	There is evidence of concentrations of HMOs within the Bedford Street area. While there are a number of semi-detached dwellings on the southern side of the road towards the Nantwich Road junction, the proposed boundary is considered to follow a logical route.
7. Nantwich Road West	The boundary continues in a south-westerly direction from the junction with Bedford Street to take in a group of terraced dwellings on the southern side of Nantwich Road up to the junction with Salisbury Avenue. On the northern side of Nantwich Road, the proposed boundary extends as far as Dane Bank Avenue.	The boundary includes terraced dwellings on the southern and northern side of Nantwich Road as there is evidence of HMOs within this area. The boundary excludes the former Police College at the junction of Salisbury Avenue. Dwellings to the south of the proposed boundary (south side of Nantwich Road) are generally

		semi-detached and there is no evidence of HMO concentrations within this area. The same applies on the opposite side of Nantwich Road (northern side) there is little evidence of HMOs along Dane Bank Avenue itself or in the Vine Tree Avenue area.
8. Dane Bank Avenue - Smallman Road – Ruskin Road	This section of the boundary follows the dwellings fronting Nantwich Road but also takes in the terraces at the southern end of Somerville Street and along Smallman Road back to its junction with Nantwich Road. The boundary then continues down the length of Ruskin Road following the rear gardens of the dwellings on the western side of the road.	Land to the north and west of this section is excluded primarily due to low levels of HMO's and clear changes in property type with excluded areas comprising predominantly of semi-detached dwellings. There is clear evidence of high HMO concentrations within the Ruskin Road area.
9. Gainsborough Road – Denver Avenue	This section extends to the west from the junction of Ruskin Road along Gainsborough Road down to the junctions with Kingsway/ Jubilee Avenue. The boundary then continues to the north to include the rear boundaries of dwellings in Denver Avenue, up to the junction with Gainsborough Road.	The proposed boundary along Gainsborough Road takes in a number of terraced properties to the north and south side of the road. Beyond the boundary to the west, there is a clear change in property type with a higher number of detached or semi-detached dwellings. There is also little evidence of HMO activity beyond the proposed western boundary.

A1.3 Boundary

A1.3.1 The boundary for the Nantwich Road Article 4 Direction is shown on the map below.



Appendix 2: Article 4 Direction: West Street

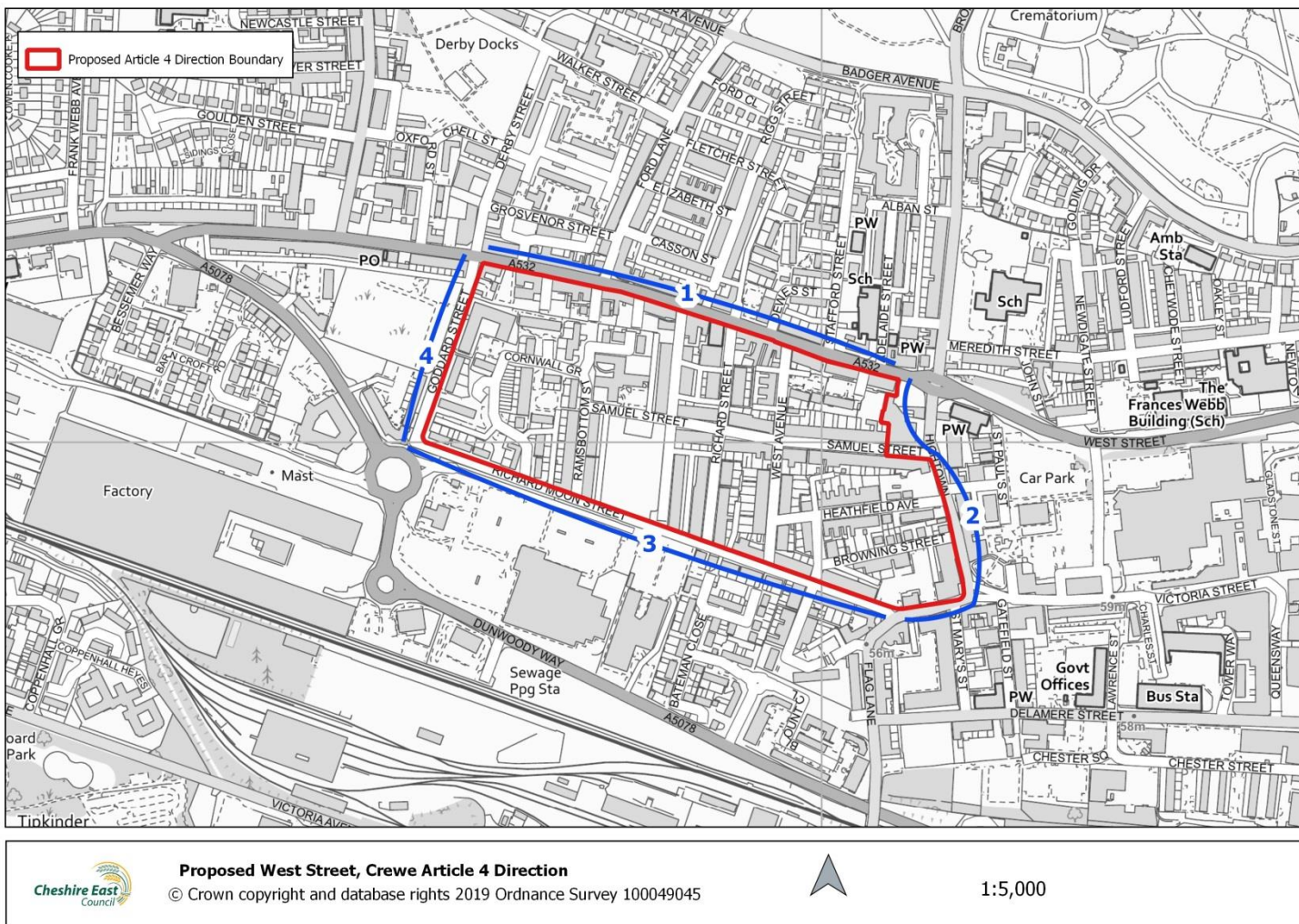
A2.1 Introduction

A.2.1.1 In defining the boundary for the West Street Article 4 Direction, consideration has been given to the following factors:

- Evidence of concentrations of HMOs in particular streets;
- The nature of the housing stock in the area. HMOs tend to be concentrated in densely built areas and predominantly streets with high numbers of older terraced dwellings;
- Walking tours of the areas and observations about street conditions, including litter, presence of advertising boards for house shares;
- Location of any areas of non-residential buildings. These have been excluded where it makes logical sense to do so;
- The coincidence of environmental, social and economic factors within the areas of the proposed Direction.

A2.2 Boundary review

A.2.2.1 For the purposes of review, the boundary has been divided into a number of sections (Map West Street 1: Boundary Review) with justification provided in Table West Street 1.



Map West Street 1: Boundary Review

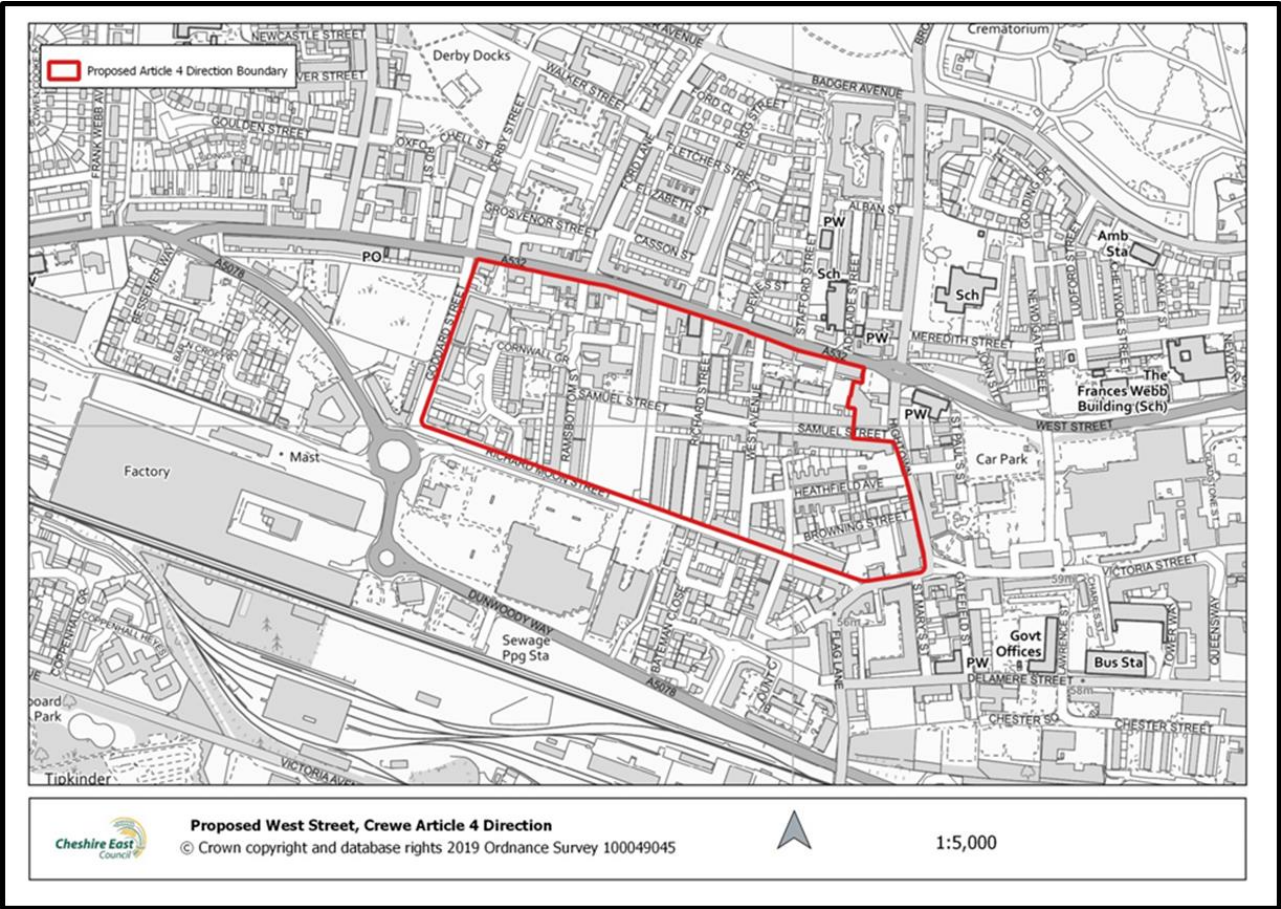
Table West Street 1: Boundary Justification

Boundary Section	Proposed boundary	Justification
1. West Street	This section follows the southern side of West Street from its junction with Goddard Street to the west to the junction with Hightown to the east.	<p>West Street is a busy main road with a mix of commercial and residential properties along its length. The proposed boundary includes dwellings located to the south of West Street between the junctions of Goddard Street to Hightown because it is the area with the highest concentrations of HMOs.</p> <p>To the north and west of the proposed boundary, HMOs are generally more dispersed along the bustling main road where there is a greater mix of uses. While there are some streets with older terraced properties to the north of West Street, HMOs are more scattered.</p>
2. Hightown	The proposed eastern boundary follows the western side of High Town but excludes commercial buildings and land where it is logical to do so.	There are a number of dense terraced residential streets located to the west of High Town with evidence of concentrations of HMOs. Land to the east of High town is excluded from the boundary as this is predominantly commercial (Kwik Fit/ Halfords) with some retail uses plus there is limited evidence of HMO concentrations to the east of the boundary.
3. Richard Moon Street	The boundary proceeds from the junction of High Town in a westerly direction down Richard Moon Street. The boundary follows the northern side of Richard Moon Street to its junction with Goddard Street.	<p>There is evidence of HMO concentrations between Richard Moon Street and West Street in the denser terraced residential streets.</p> <p>To the south of Richard Moon Street, there is a Morrison's supermarket and associated car park, a pharmacy and the rear gardens of a number of modern dwellings that are accessed from Dunwoody Way. While there are HMO's to the south of Richard Moon Street,</p>

		they are more dispersed than seen in the streets to the north.
4. Goddard Street	The boundary follows the eastern side of Goddard Street from the junction with Richard Moon Street to the south and West Street to the north.	There is currently limited evidence of HMO activity in the area to the immediate east of Goddard Street and to the west of Ramsbottom Street. Here there appears to be a number of social rented dwellings and/or sheltered accommodation that could be subject to tenancy agreements that limit sub-division. However there are pockets of older, terraced housing mixed into this area such as the terrace on the southern side of Cornwall Grove. The proposed boundary therefore follows Goddard Street as it forms a clearly identifiable and logical boundary.

A2.3 Boundary

A2.3.1 The boundary for the West Street Article 4 Direction is shown on the map below.



Appendix 3: Article 4 Direction: Hungerford Road

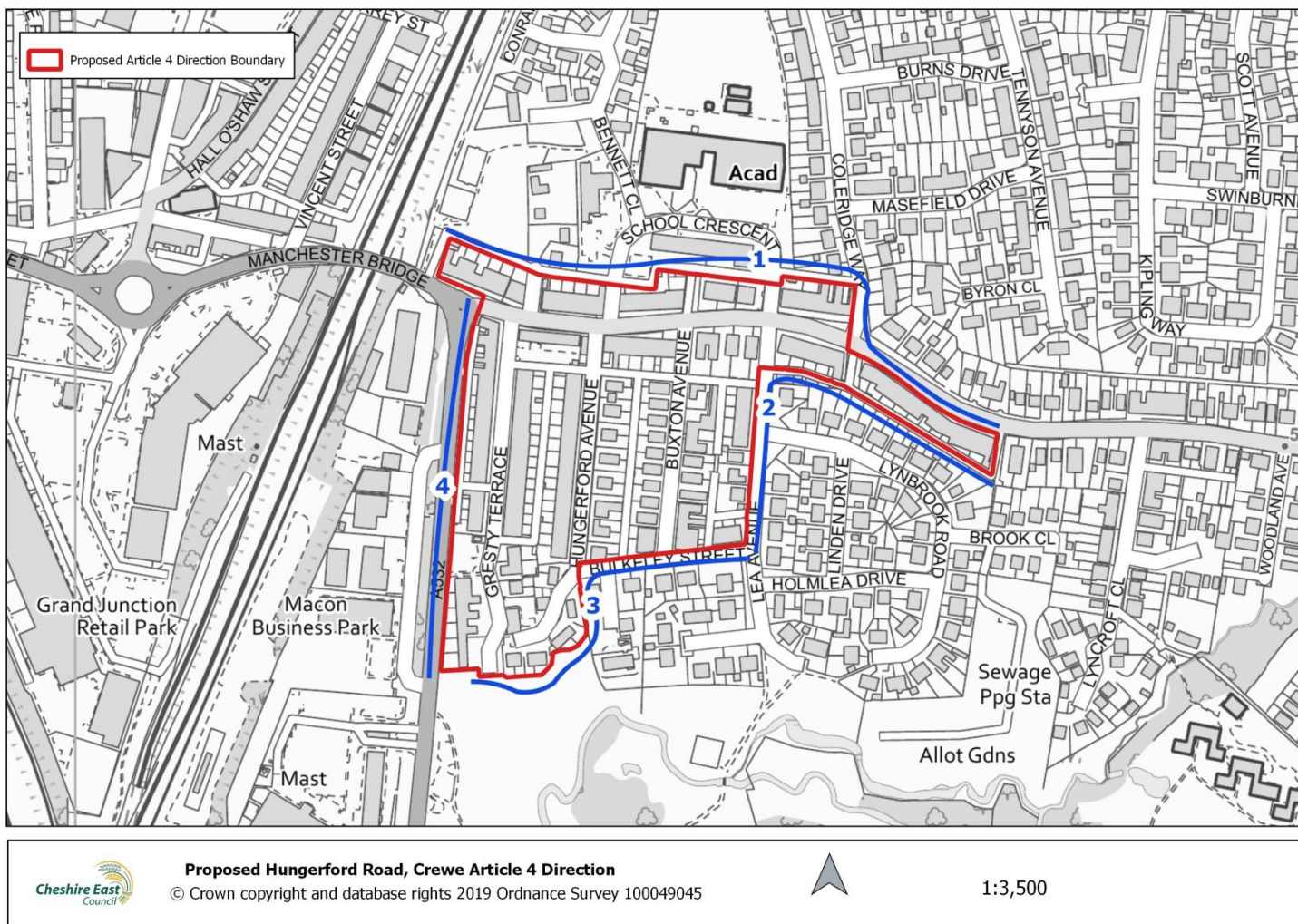
A1.1 Introduction

A1.1.1 In defining the boundary for the Hungerford Road Article 4 Direction, consideration has been given to the following factors:

- Evidence of concentrations of HMOs in particular streets;
- The nature of the housing stock in the area. HMOs tend to be concentrated in densely built areas and predominantly streets with high numbers of older terraced dwellings. Much lower concentrations are observed outside of these areas, for example in surrounding semi-detached dwellings or more modern housing – house prices also often sharply increase in the lower density areas;
- Walking tours of the areas and observations about street conditions, including litter, presence of advertising boards for house shares;
- Location of any areas of non-residential buildings. These have been excluded where it makes logical sense to do so;
- The coincidence of environmental, social and economic factors within the areas of the proposed Direction.

A1.2 Boundary review

A1.2.1 For the purposes of review, the boundary has been divided into a number of sections (Map Hungerford Road 1: Boundary Review) with justification provided in Table Hungerford Road 1.

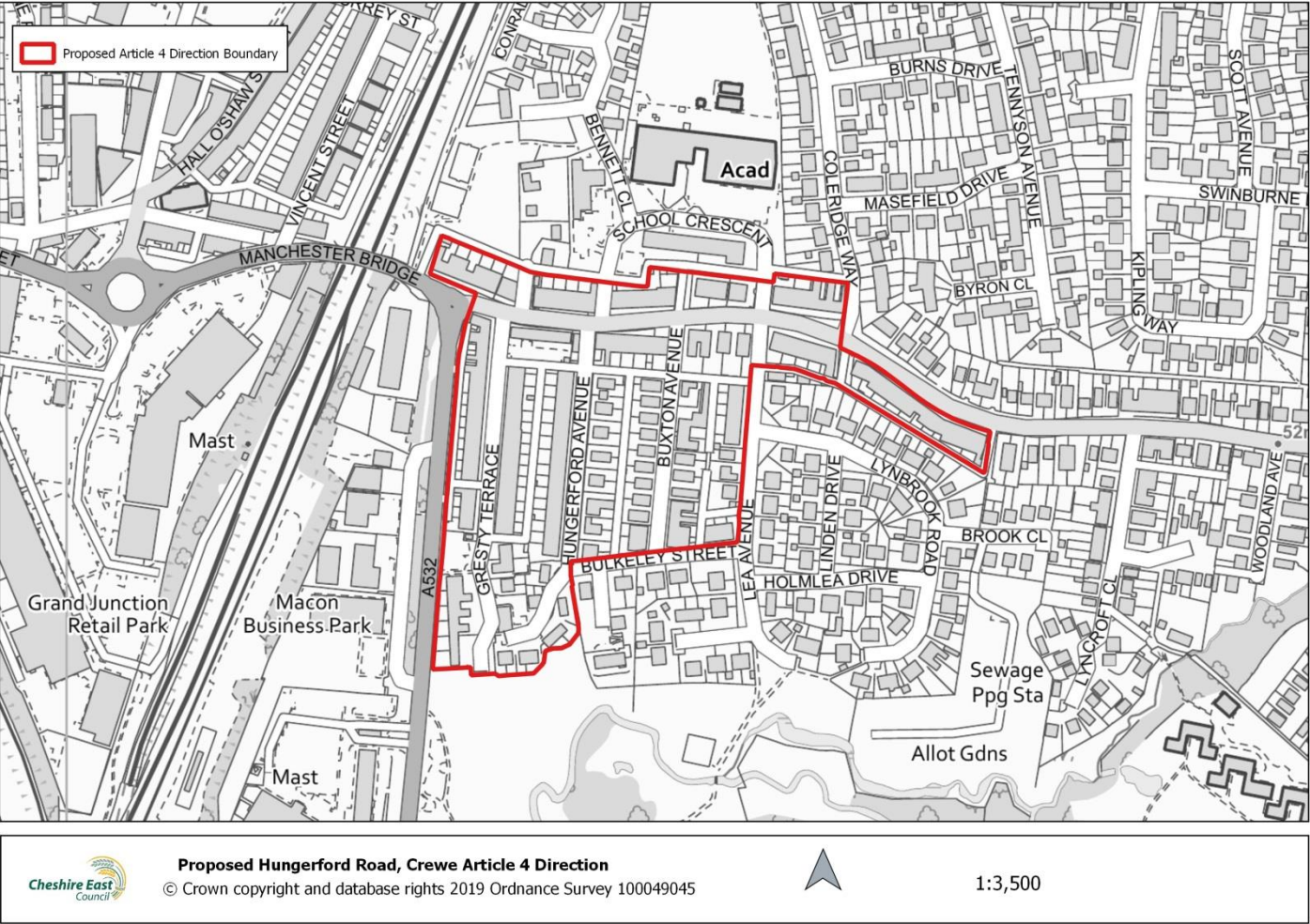


Map Hungerford Road 1 Boundary Review

Table Hungerford Road 1: Boundary Justification		
Boundary Section	Proposed boundary	Justification
1. Hungerford Road	This section follows the row of terraced dwellings on the northern side of Hungerford Road from the end of Manchester Bridge to Coleridge Way and then crosses to the other side of the road to include a group of terraced dwellings to the east. The boundary follows the rear of the dwellings on the southern side of Hungerford Road until it reaches Lea Avenue.	Land to the north of the proposed boundary on the northern side of Hungerford Road is excluded from the boundary as it predominantly comprises of a school, sheltered housing and an area of bungalows on Coleridge Way. To the east of the boundary (northern side of Hungerford Road, there is change of housing type beyond the boundary with increased presence of detached and semi-detached housing and there are fewer recorded HMO's in this area. To the west of this section, uses are predominantly commercial.
2. Lea Avenue	The proposed boundary continues around the back of the terraced dwellings on Hungerford Road to take in the terraced housing on the western side of Lea Avenue before proceeding along Bulkeley Street.	There are some older terraced dwellings located on Lea Street and to the west of this area which may be suitable for HMO uses. Land to the east of the boundary is primarily bungalows and semi-detached dwellings and there is less evidence of HMO activity within this area.
3. Bulkeley Street	This section follows the southern boundaries of a number of terraced streets including Buxton and Hungerford Avenue.	The boundary includes older terraced housing. To the south there is less evidence of HMO activity and consists primarily of bungalows. The boundary proceeds to join the southern end of Gresty Terrace and takes in an area of modern housing to the western end of Bulkeley Street. While there is no evidence of HMO activity within this area of modern housing, it forms a logical boundary.
4. Gresty Terrace	This section follows the junction with Bulkeley Street and rejoins Hungerford Road to the north.	The boundary excludes land to the west as this is predominantly commercial. To the south there is an area of open space. Gresty Terrace includes a number of older, terraced dwellings that are potentially attractive for conversion to HMOs.

A1.3 Boundary

A1.3.1 The boundary for the Hungerford Road Article 4 Direction is shown on the map below.



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