

Southern Planning Committee

Agenda

Date:	Wednesday, 27th November, 2019
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

2. Declarations of Interest/Pre Determination

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

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

To approve the minutes of the meeting held on 30 October 2019.

Please contact Julie Zientek on 01270 686466

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

4. **Public Speaking**

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

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

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

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

5. **18/6313N Car Park, St Annes Lane, Nantwich: Proposed mixed development of 31no. apartments, hotel, restaurants, retail units and associated car parking, including the demolition of No 17 Welsh Row for Vision for Nantwich Limited (Pages 9 - 32)**

To consider the above planning application.

6. **19/3534N Land to the rear of & 481, Crewe Road, Winterley CW11 4RF: Proposed residential development of 1 no. replacement dwelling (Plot 1) and 46 no. dwellings, with associated hard and soft landscaping for L Embra, Pollyanna / Magenta Housing (Pages 33 - 56)**

To consider the above planning application.

7. **19/4360N Land Off Audlem Road, Hankelow: Entry-Level Exception Site for Affordable Housing for Mr & Mrs DE Thelwell (Pages 57 - 76)**

To consider the above planning application.

8. **19/4513C 104, Lawton Road, Alsager ST7 2DB: Residential development of 3 detached bungalows together with a new access road and associated site works for Mr M Bailey, Alcock & Bailey Ltd (Pages 77 - 90)**

To consider the above planning application.

9. **19/4258N 5, Edleston Road, Crewe CW2 7HJ: Conversion of existing veterinarian practice to 8 occupant HMO for Ms Gosclio (Pages 91 - 100)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors S Akers Smith (Vice-Chairman), M Benson, J Bratherton, P Butterill, A Critchley, S Davies, K Flavell, A Gage, A Kolker, D Murphy, J Rhodes and J Wray (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 30th October, 2019 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Wray (Chairman)
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, P Butterill, A Critchley, S Davies, K Flavell, A Gage,
A Kolker, D Murphy and J Rhodes

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Clowes and S Edgar

OFFICERS PRESENT

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

Apologies

Councillors J Bratherton

30 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness, Councillor S Davies declared that he had an interest with respect to application number 18/4211N. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

31 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 2 October 2019 be approved as a correct record and signed by the Chairman.

32 19/3889N LAND OFF CREWE ROAD, WINTERLEY: OUTLINE APPLICATION FOR THE ERECTION OF UP TO 55 DWELLINGS WITH ASSOCIATED WORKS (ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED) (RESUBMISSION OF 18/2726N) FOR FOOTPRINT LAND AND DEVELOPMENT LTD

Note: Councillor S Edgar (Ward Councillor) and Parish Councillor R Hovey (on behalf of Haslington Parish Council) attended the meeting and addressed the Committee on this matter.

Note: Miss A Heler (objector) had not registered her intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Miss Heler to speak.

The Committee considered a report regarding the above planning application.

RESOLVED

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

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

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

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

S106	Amount	Triggers																		
Affordable Housing	36% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase																		
Education	Contribution of £189,172 towards secondary education	50% Prior to first occupation 50% at occupation of 26th dwelling																		
Health	<p>Contribution to support the development of Haslington Medical Centre using the below formula:</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per Unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per Unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	50% Prior to first occupation 50% at occupation of 26th dwelling
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Public Open Space	Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company	50% Prior to first occupation 50% at occupation of 26th dwelling																		

33 19/2538N WHITTAKERS GREEN FARM, PEWIT LANE, HUNSTERSON, CHESHIRE CW5 7PP: APPLICATION FOR THE ERECTION OF A NEW AGRICULTURAL BUILDING FOR THE SECURE STORAGE OF CROPS, PLANT AND MACHINERY FOR F H RUSHTON

Note: Councillor J Clowes (Ward Councillor), Parish Councillor Bob Frodsham (on behalf of Doddington & District Parish Council) and Mr O Harrison (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, authority be DELEGATED to the Head of Development Management to APPROVE the application, following consultation with the Chairman of Southern Planning Committee, subject to advice from the Council's Ecologist regarding the incorporation of barn owl boxes and the following conditions:
1. Standard Time
 2. Approved plans
 3. Materials as per submitted plans
 4. Landscaping scheme to be submitted and approved
 5. Landscaping implementation
 6. Building to be removed within 6 months of cessation of use
 7. No grain sourced from outside of the applicants agricultural holding shall be imported, stored or dried in the building hereby approved.
 8. The building hereby approved shall only be in use for agricultural purposes
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

34 18/4211N LAND OFF MILL LANE, BULKELEY: DEVELOPMENT OF THE CURRENTLY VACANT SITE ON MILL LANE, BULKELEY. THE NEW PROPOSED SCHEME IS FOR 17 DWELLINGS COMPRISING A MIX OF 2,3 AND 4 BEDROOM DETACHED AND SEMI-DETACHED BLOCKS FOR ADAM SMITH, TORUS GROUP

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillors J Weddell and M Dixon (on behalf of Bulkeley and Ridley Parish Council) attended the meeting and addressed the Committee on this matter.

Note: Mr B Thornley had not registered his intention to address the Committee on behalf of the applicant. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Thornley to speak.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
1. The proposed development would result in an increase in the number of dwellings provided on this site. The Council is now able to demonstrate a housing land supply of 7.2 years and there are no overriding reasons to allow an additional 4 units on this site. The proposed development would cause harm in respect of the environmental effect it would have due to its lack of accessibility to shops, services and facilities and as a result would represent unsustainable development. The development is contrary to the NPPF and Policies SD1 and SD2 of the CELPS.
 2. The density and detailed design of the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions. The development would cause harm to the Open Countryside, character and appearance of the area and the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (LLD). The proposed development is contrary to Policies SE1, SE4, SD1 and SD2 of the CELPS, Policy NE.3 of the Crewe and Nantwich Local Plan, the Cheshire East design Guide and the NPPF.
 3. Insufficient information is included within the application to demonstrate that the proposed development would provide an acceptable surface water outfall. Without this information the proposed development is considered to be contrary to Policy SE13 of the CELPS and Policy BE.4 of the Crewe and Nantwich Local Plan.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Development Management, following consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	38% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted prior to the commencement of the development.

		No more than 50% open market occupied prior to affordable provision.
Education	<p>Primary Education Contribution - £32,539</p> <p>Secondary Education Contribution - £49,028</p> <p>Total education contribution: £81,567</p>	<p>Primary – Full amount prior to first occupation of any dwelling</p> <p>Secondary – Full amount prior to first occupation of the 5th dwelling</p>
Public Open Space	<p>Private Management Company</p> <p>Provision of a LAP (3 pieces of equipment) and the open space</p>	<p>On first occupation</p> <p>On occupation of 50% of the dwellings</p>

The meeting commenced at 10.00 am and concluded at 11.55 am

Councillor J Wray (Chairman)

Application No: 18/6313N

Location: Car Park, ST ANNES LANE, NANTWICH

Proposal: Proposed mixed development of 31no. apartments, hotel, restaurants, retail units and associated car parking, including the demolition of No 17 Welsh Row

Applicant: Vision for Nantwich Limited

Expiry Date: 27-Nov-2019

SUMMARY

The site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The site also has site specific designations under Policy LPS47 of the Cheshire East Local Plan and saved Policy S12.3 of the Crewe and Nantwich Local Plan. These policies in essence seek to encourage the regeneration of the site by providing a mixed use scheme.

The current proposal seeks a mixed use scheme for housing, commercial and hotel. As a result the proposal appears acceptable in principle from a pure land use perspective.

The benefits of the proposal would be the regeneration of this current derelict/brownfield site and assisting to meet the Councils objectives for the site under Policy LPS47, the remediation of a highly contaminated site, the boost to the economy and job creation through both construction and the operation of the retail and hotel elements, the boost to the vitality/viability of Nantwich Town Centre through increase in trade and footfall, the provision of open market housing and the limited economic benefits during construction.

The development would have a neutral impact upon design, flooding, living conditions, trees, PROW and air quality.

The dis-benefits of the proposal would be the absence of providing of any the required contributions towards affordable housing, open space, education or medical provision; however this has been justified by an open book viability report which has been independently verified. Further dis-benefit would be loss of an existing informal car parking area however this could be lost at any point and the usability of the car park is limited given the varied land levels. The loss of existing trees to the eastern boundary is a further dis-benefit though replacement planting is proposed.

The proposal is considered to be very finely balanced. However the overall benefits of the

scheme with the remediation of the site and the regeneration benefits are given significant weight and thus on balance are considered to outweigh the harm caused by the dis-benefits.

As such it is considered that the proposal constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to S111 Agreement

PROPOSAL

Proposed mixed use development consisting of residential apartments, commercial uses and hotel.

A decked car park is also proposed that provides 100 car parking spaces to serve the development.

Vehicular access is taken to the north off Welsh Row via Wyche House Bank and St Anne's Lane. Pedestrian access would also exist to the south via the footbridge.

Buildings would be sited to the middle and east of the site with a new car park to the west.

SITE DESCRIPTION

The site is located on the edge of Nantwich Town Centre and areas measures 0.72 hectares and currently serves as an informal public car park.

The site is currently in Council ownership but the applicant has agreed to purchase the site following a tendering process in 2016.

The site was historically the location of a former gas works which has current contamination issues despite some previous remediation attempts and a gas main runs through the site.

The area is mixed commercial and residential with retail shops to the north and residential to the west. The River Weaver runs to the east and south of the site.

The site is allocated as within the Settlement Boundary. Part of the site is in Flood Zones 2 & 3, an Area of Archaeological, and a Hazardous Installation Consultation Zone and has a site specific designation under Policy LPS 47 (Snow Hill Nantwich) Saved Policy S.12.3 (Wyche House Bank, Nantwich) of the Crewe and Nantwich Local Plan.

RELEVANT HISTORY

Various applications for signage and change of use of No.17 however none relevant to the current proposal. Most relevant are:

P05/1110 – Construction of a Pay & Display Car Park (resubmission P05/0316) – withdrawn 07-Nov-2006

P05/0316 – Pay & Display Car Park – withdrawn 19-May-2005

7/19544 – Erection of 90 bed hotel with ancillary car parking – finally disposed of 10-Dec-1992

7/11127 – Removal of toxic waste, blinding over of site with stone and construction of access road – approved 19-Jul-1984

7/08629 – Re-clamation of derelict site by both the removal and the burial of contaminated waste – approved 14-Jan-1982

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

11 Presumption in favour of sustainable development

124-132 Achieving well-designed places

59-72 Delivering a sufficient supply of homes

80-82 Building a strong, competitive economy

85-90 Ensuring the vitality of town centres

117-121 Making effective use of land

Cheshire East Local Plan Strategy – Adopted Version (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE5 – Trees, Hedgerows and Woodland

SE 1 – Design

SE 2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 5 – Trees, Hedgerows and Woodland

SE12 – Pollution, Land Contamination and Land Instability

SE 13 – Flood Risk and Water Management

SE 6 – Green Infrastructure

SE7 – The Historic Environment

IN1 – Infrastructure

IN2 – Developer Contributions

EG1 Economic Prosperity

EG5 – Promoting a Town Centre First Approach to Retail and Commerce

LPS 47 – Snow Hill Nantwich

CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments

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 Plan that still apply and have not yet been replaced. These policies are set out below.

Crewe and Nantwich Local Plan

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
S1 (New Retail Development in Town Centres)
S12.3 (Wyche House Bank, Nantwich)

Supplementary Planning Documents:

Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Development on Backland and Gardens
The Cheshire East Design Guide SPD

CONSULTATIONS

CEC Highways: No objection

CEC Flood Risk Manager: No objection subject to conditions requiring compliance with the submitted Flood Risk Assessment and submission of a drainage strategy

CEC Environmental Health: No objection subject to conditions/informatives requiring compliance with noise report, working hours for construction sites, travel information pack, low emission boilers, electric vehicle charging points and contamination

CEC Education: Contribution of £65,370 towards secondary education

CEC Housing: 9 affordable units required

CEC Public Rights of Way: No objection but advisory notes offered to the applicant regarding the proposal to revise the siting of the existing PROW

CEC Open Space: The financial contribution required towards enhancements to open space in Nantwich is at a rate of £3,000 per family (2+ bed) dwelling and £1,500 per 2+ bed space. Contribution of £5460 sought towards Nantwich Pool & Fitness Centre

Cheshire Archaeology: No objection subject to condition requiring the implementation of a programme of archaeological work

NHS: Contribution of £27,936 required towards development of Kiltarn Medical Centre, Tudor Surgery and Nantwich Health Centre.

United Utilities: No objection subject to drainage conditions regarding foul and surface water and a surface water drainage scheme

Environment Agency: No objection subject to condition requiring compliance with the Flood Risk Assessment, a remediation strategy, verification report and piling. A number of advisory notes are also offered to the applicant

Historic England: Do not wish to comment

HSE: Does not cross consultation zone

Cadent Gas: No objection but advisory notes offered to the applicant

Nantwich Civic Society: Support the proposal subject to material appropriate to the area, maintenance of the proposed green wall, use of quality material for the road and pathway surfaces, further trees would be welcomed, loss of parking spaces should be considered

Butterfly Conservation: The southern part of this proposed development area coincides with the northern part of a UK Butterfly Monitoring Scheme recording transect

VIEWS OF THE PARISH/TOWN COUNCIL

Nantwich Town Council – Support the proposal given enhancement of the site and boost to the local economy

REPRESENTATIONS

9 letters of objection received regarding the following:

- Access and traffic issues
- Loss of existing parking and lack of adequate parking for new use
- Replacement building on Welsh Row not in keeping
- What planting will be provided to prevent noise/disturbance to local residents
- Changes to the PROW should be inside the applicants site
- Can a small, narrow, garden be indented along the rear car park wall thereby making a feature. Also, can the Black Lion, Ferenza be opened up from the back?
- Should not disrupt the PROW and additional signs should be proposed
- Welcome regeneration of the site
- Applicant should pay for neighbouring windows to be cleaned after construction works
- Wish for tree to the South West of the site to be felled
- No need for more apartments
- Loss of light to neighbouring properties

APPRAISAL

Principle of Development

The site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The site also has site specific designations under Policy LPS47 of the Cheshire East Local Plan and saved Policy S12.3 of the Crewe and Nantwich Local Plan. These policies in essence seek to encourage the regeneration of the site by providing a mixed use scheme.

The current proposal seeks a mixed use scheme for housing, commercial and hotel. As a result the proposal appears acceptable in principle from a pure land use perspective.

Further site specific details of design, amenity and highway safety etc. are explored below.

Housing Land Supply

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

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

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

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Measurement 2018 indicates that the delivery of housing was substantially below 25% of housing required over the previous three years (note: this will change to 45% once the Housing Delivery Test Measurement 2019 is published later this year).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.5 years (17,333 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test

Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

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

Affordable Housing

As per Policy SC5 the desired target percentage for affordable housing for all allocated sites will be a minimum of 30%. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 31 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. 6 of these units should be provided as Affordable Rent and 3 units as Intermediate Tenure.

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

The current number of those on the Cheshire Homechoice waiting list with Nantwich as their first choice is 726. This can be broken down to 373 x one bedroom, 201 x two bedroom, 96 x three bedroom and 56 x four+ bedroom dwellings for General Needs.

The SHMA 2013 shows the majority of the demand in Nantwich per annum up to and including 2018 is for 40 x one bedroom, 15 x three bedroom and 35 x four+ bedroom dwellings for general needs accommodation. The SHMA 2013 is also showing an annual need for 16 x one bedroom dwellings for older persons. These can be via flats, cottage style flats, bungalows and lifetime home standard dwellings.

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

The suggested affordable housing request is considered within the viability section below.

Open Space

Local Plan Policy SE6 – Green Infrastructure

Policy SE6 requires all major developments of 10 or more to provide (65m²) sufficient green infrastructure in line with Table 13.1 of CELP.

The statement within CELPS for this strategic site LPS 47 (k) 'On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, green infrastructure, open space and community facilities'.

It continues 15.536 'The provision of new green infrastructure and the improvement of existing green infrastructure are of paramount importance'.

Furthermore, priorities identified within the GSS relating to green space are; improvements to town centre public realm, cycle/footpaths, provision for all age play, sports facilities and increased provision and quality of open spaces. The strategy specifies new green infrastructure as part of the strategic sites including extension to the Riverside Park, river corridor and enhancements and the provision of more formal open space.

As this application forms part of a larger site, has demands commercially with design restrictions the Councils Open Space Officer does not expect the full requirement of POS to be provided on site in line with both SE6 and the GSS, however as it stands no open space is being offered which is not acceptable in terms of policy. Therefore the Open Space Officer considers that the eastern terrace of Restaurant 3 should be omitted to provide open space plus off site contributions towards enhancements to open space in Nantwich, preferably within 1000m radius. The financial contribution required is at a rate of £3,000 per family (2+ bed) dwelling and £1,500 per 2+ bed space. If the terrace is converted into open space then a calculation to reduce the offsite contributions can be made.

Local Plan Policy SC2 - Indoor and Outdoor Sport Facilities

A contribution for indoor sports of £5,460 sought towards Nantwich Pool & Fitness Centre is also required.

However ANSA have advised that a commuted sum for Recreation and Outdoor Sport will be waived as the benefits of improvements on Westminster Street from the commuted sum for POS outlined above are considered sufficient to cater for the increase in demand created by this development.

The suggested contributions are considered within the viability section below.

Education

An application of up to 31 dwellings is expected to generate 6 primary aged children & 4 secondary aged children.

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

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

$$4 \times £17,959 \times 0.91 = £65,370 \text{ (secondary)}$$

Total education contribution: £65,370

The suggested contribution is considered within the viability section below.

Health

The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £27,936 to support the development of Kiltarn Medical Centre, Tudor Surgery and Nantwich Health Centre.

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £27,936 is CIL compliant. This is because the NHS plan is at an advanced stage. The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

The suggested contribution is considered within the viability section below.

Viability case

As noted above contributions are required towards affordable housing (9 affordable units), education (£65,370), ecological mitigation (£27,787.32) and open space (£3,000 per family dwelling and £1,500 per 2+ bed space for POS & £5460 for indoor sport) and medical provision (£27,936).

In this instance no contributions are to be provided on site and the applicant has provided a viability study which suggests that the proposal is not able to deliver its policy required contributions due to the abnormal costs associated with the site including remediation costs associated with historic contamination of the site (£801,267), diversion of a gas pipeline which runs through the site (£150,134) and connection to the electricity network (£3,345,000) so total costs £4.269m.

Policies SC5 & SE6 advise that in exceptional circumstances, where scheme viability may be affected, developers will be expected to provide viability assessments. The developer will be required to submit an open book viability assessment and the council will commission an independent review of the viability study, for which the developer will bear the cost.

In this instance the Council has employed the services of Keppie Massey to carry out the independent review. The report concludes that after independent assessment the associated abnormal costs as noted above, would result in a loss of -£928,184 and hence even adopting the applicants own constructions costs (which are lower than that of Keppie Massey's own Quantity Surveyors assessment) the development is not viable and would not be able to support any of the policy required contributions.

They have however advised that they have undertaken some sensitivity testing to model the impact of reductions in the abnormal costs. In doing so they have modelled the impact of reducing the costs of the electrical supply/substation (down from £3.3m to £0.5m) and the remediation costs (down from £854,760 to £250,000).

This indicates that the development would just start to break even and may be able to support 1 or 2 affordable dwellings or a small contribution towards other planning requirements. However the report also crucially highlights that with the sensitivity testing there is a degree of uncertainty about the abnormal costs and it is possible that with further work the costs could reduce or increase. They also accept that

the remediation costs associated with the site are likely to be high and any reduction in costs may not be sufficient to bring about the delivery of the policy required contributions.

The report also advises that given the uncertainty regarding the remediation costs that if the Council decide to waive the costs, they may wish to consider inclusion of a re-appraisal mechanism at an appropriate point in the development programme to verify the actual abnormal costs and ensure that if there are sufficient savings this would be captured and enable payment by the applicant of a contribution towards the required contributions.

As a result of the independent viability assessment it is clear that the scheme as presented would not be able to deliver its required policy contributions. There does appear to be some uncertainty regarding the costs associated with the remediation of the site. Therefore further advice has been sought from the Council's contaminated land officer, who advises that given that gas works sites can be one of the most costly contaminated land sites to remediate the figure quoted by Keppie Massey in the sensitivity testing at £0.5m is incredibly low.

She also advises that a guidance document by central government was published in 2015 titled "Remediation Cost Guidance 2015" to help estimate land-value. The costs contained within it are based on 2014 prices from remediation contractors such as Vertase. Figure 2 in section 6 sets out remediation costs. Gas works sites are viewed within the highest potential for contamination and the proposed development is classed as a moderate sensitivity (as there are no private gardens). The site would also be a moderate to high water risk given the adjacent river. Using this approach a price of £540,000 - £1,230,000 per hectare is estimated (the site is ~0.75ha). However she advises that she is not aware what the costs would be in 2019 but highly likely to have increased.

She has also advised that the applicant's quote for the remediation works at £854,760 appears valid and is from a reputable remediation contractor, which in her professional view is a realistic remediation cost.

As a result it appears that the remediation costs as noted in the applicant's viability report are a true reflection of the costs to remediate the site and thus highlights the case that the proposal is not viable and as it stands is not able to provide any of its contributions.

In this instance the site's inability to provide any of its policy required contributions would therefore need to be balanced against the overall benefits of the proposal to remediate and regenerate this heavily contaminated site along with any other benefits.

Given the potential uncertainty regarding remediation costs should the application be approved an overage clause would be required to capture any uplift in value with any additional sums paid to the Council to invest back into education and medical provision within the borough and this would be dealt with via a s106 agreement or s111 agreement where land is owned by the Council as in this case.

Retail Impact

The site has site specific designations under Policy LPS 47 (Snow Hill Nantwich) of the Cheshire East Local Plan and Saved Policy S.12.3 (Wyche House Bank, Nantwich) of the Crewe and Nantwich Local Plan which are aimed at the regeneration of the area by providing retail, including opportunities for small, independent retailers, leisure and sports facilities, offices; hotel including a conference venue, parking, housing and bars and cafés.

Given that the site has been deemed an appropriate location for retail development; neither a sequential nor impact test is required for the proposal.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

In this instance no such assessment has been provided with the application. However the site is located right on the edge of the town centre where the full town centre services/facilities could be assessed within a 1 minute walk.

As a result the application site is considered to be locally sustainable

Residential Amenity

The main residential properties affected by this development are properties 4-18 St Anne’s Lane (even numbers only), Davelyn House, Weaver Cottage and the commercial premise to the north off Welsh Row.

The nearest proposed building to the western boundary would be sited 25m away to Davelyn House & Weaver Cottage and 42m away to nearest properties on St Anne’s Lane.

The distance to properties on St Anne’s Lane would be well in excess of the interface as recommended in the SPD for a 4 storey property (27m) to prevent significant harm through overlooking/oppressive impact or overshadowing. The proposal also involves the erection of a decked car park that provides 100 car parking spaces to serve the development. The car park would be 4.4m high when viewed from properties on St Annes Lane and would be sited 9.6m to the nearest property. The side wall of the car park would therefore clearly be visible from main facing windows of these properties, however it is not considered that this would pose significant concerns through overbearing impact as the side of the wall would be a green wall which would help to soften the visual impact and reduce any negative visual impact when viewed from the neighbouring properties.

There are 2 windows proposed at 1st and 2nd floor level on the nearest side elevation facing Davelyn House & Weaver Cottage. These rooms would serve kitchen/living/dining room windows but would be secondary windows with the main windows serving these rooms sited in the southern elevation. Therefore to prevent overlooking of Davelyn House & Weaver Cottage it would be necessary to ensure that these windows are fitted with obscure glazing. With this condition the proposed interface would be acceptable to prevent significant harm through overlooking/oppressive impact or overshadowing.

Properties to the north off Welsh Row appear to serve predominantly commercial units. It is possible that these may have some residential flats above. However it is expected that levels of outlook and privacy would be more limited in such a built up urban area. The unit facing these properties would also be a hotel so potential for overlooking would be more limited in any case as the rooms are unlikely to be occupied all year round.

Noise/disturbance/contamination

The proposed opening hours are follows:-

Shops 9am – 5pm

Restaurants 12.00 noon – 12.00 midnight

Café's 8am – 6pm

All 7 days/week

These have been reviewed by the Councils Environmental Protection Officer who has advised that he considers the proposed opening hours for the shops/café to be reasonable, however, the submitted noise report suggested that ground floor restaurants should not open later than 23.00. The Environmental Protection Officer also recommends no outdoor dining/drinking after 22.00 given the proximity to existing business/residential properties. These hours could be secured by condition to prevent significant noise/disturbance to local residents.

However it is accepted that an element of noise and disturbance is inevitable given the allocation of the site for commercial use in the Local Plan.

Environmental Protection have also raised no objections subject to conditions regarding acoustic mitigation, construction environmental management plan, working hours for construction sites, electric vehicle charging points, dust and contamination.

At present the site is heavily contaminated owing to the former gas works use. The proposal would remediate the site which is considered to be a significant environment benefit.

Future occupants

Council SPD does not stipulate a specific size of amenity area for flats/apartments however it advises that where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal areas of open space; these should be located so they can be used by all the residents equally. Some outdoor space would also be provided in the form of a small balcony for some of the units.

There is also an area of open space immediately to the south of the site which could be used by future occupants and Nantwich Town Centre is just a 1 minute walk from the site. Both of these options would provide access to outdoor amenity space.

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

Contaminated Land

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

Highways

This is an application on land that is in use as an informal car park off St Anne's Lane, Nantwich. It is proposed to construct 31 No. apartments, hotel, restaurants and retail units on the site.

A decked car park is proposed that provides 100 car parking spaces to serve the development. There is no car parking provided in the boulevard although service vehicle access is required to service the hotel and restaurants. It is considered that the parking provision is acceptable to serve the development and also the site is well located in regards to the accessibility of other town centre car parks. The existing vehicular link on Wyche House Bank will be removed and this will be replaced by a pedestrian/cycle route.

The traffic generation as a car park and the proposed development generation are not at a level that would cause capacity problems on the local road network.

It is noted that the development of the site would remove the existing informal car parking area. However this is just an informal car parking area and as such could be removed/use continued at any point. The parking area is also extremely uneven which makes its actual usability as a car park somewhat limited. It is also accepted that loss of the parking area is inevitable given the allocation of the site for development in the Local Plan.

A car parking report has also been provided by the applicant who concludes that the site is popular for parking as it is currently not chargeable. It also highlights that the site is an informal parking area and could be removed at any point. It also advises that there would be high costs associated with formalising the car park given the remediation and levelling works that would be required would be at a significant cost.

The proposals are considered acceptable in highway terms and no objections are raised from the Councils Highways Engineer.

Trees

Two Arboricultural Reports have been submitted in support of this application; an Arboricultural Constraints Report and Tree Survey and Arboricultural Impact Assessment (AIA).

Trees within the site are not currently protected by a Tree Preservation Order; the Nantwich Conservation Area boundary lies to the north, east and south of the site.

The woodland located to the east and south east of the site adjacent to the River Weaver has been identified on the national inventory of priority woodland and is a material consideration in this planning application.

The AIA does not identify the woodland; categorising trees as individuals or groups with the majority categorised as low (C) category.

The AIA provides only a very basic assessment identifying that all the trees will require removal apart from one mature high category Poplar (T22) to the south of the site.

Initially concerns were raised from the Councils Arborist that no detailed assessment of the impact of development on retained trees T1-T5 to the east of the site had been provided, in particular below ground constraints (root protection areas) and issues of shading, daylight to rooms and private amenity

space. However he has since advised whilst the proposals would impact on existing root protection areas it is accepted that the trees are not necessarily suitable for retention. It was therefore suggested that trees in the waterbank could be retained in the short terms to allow the replacements to grow over time to mitigate impact in the short term, after which replacements will be more established.

Revised plans have since been provided to this affect and details provided for their replacements.

It is clear that the current proposal will result in the loss of woodland habitat and trees which need to be adequately compensated within the site or elsewhere and this can be secured by condition.

The Councils Arborist also required the applicant to provide evidence showing existing and proposed ground and floor slab levels taking into account the possible contamination of soils on the site. This has since been provided but revised comments were not available at the time of writing the report some updated comments on this will be provided in the update report.

Design/Heritage Impact

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

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

Introduction and context

The application site is located off St Anne’s Lane, situated to the rear of the historic townscape of Welsh Row and contained by the sylvan setting of the River Waver. The River Weaver lies to the east of the site, with an arm to the south of the site, enclosing the area called Mill Island linked to the site by a bridge situated at the south western corner of the site.

The site was previously used as the town’s gas works, where a large gas holder occupied the western part of the site. The site became disused in the 1980s and has since been remediated and has been in use as a surface car park for a number of years. Comparison of modern and historic maps/war time photographs also illustrates that the south eastern corner of the site has been made up and reclaimed from the river, which historically was wider at this point.

The Nantwich Conservation Area adjoins the northern boundary of the main body of the site, with properties on Welsh Row backing onto the site and a cluster of buildings off Weaver Bank adjoining the North East corner of the site. The conservation area boundary continues to the immediate east of the site boundary and then envelopes the area immediately to the south following the embankment of the arm to the river Weaver, encompassing Mill Island. A proportion of the application site is situated within the conservation area comprising Wychehouse Bank, 17 Welsh Row and associated outbuildings.

The proposals

The proposals are for a mixed use scheme, comprising a hotel and restaurants, shops with residential above. A 2 tier, decked car park is also proposed with a green wall on the St Anne's Lane frontage. Podium tree planting is also proposed on parts of the upper deck of the car park.

It is proposed that there would be three blocks of development. The two main blocks would be separated by a central boulevard that follows the alignment of Wychehouse Bank to the edge of the river. The third block would include demolition of 17 Welsh Row, with the construction of a new 3 storey timber frame and glass building at the corner of Wychouse Lane/Welsh Row, with new single storey units aligning Wychouse Lane. The remainder of the development is a mix of 3 and 4 storeys, with the upper storey partly included in roof spaces and Mansard roofs.

At the southern end of the boulevard the space would widen contained by stepped terraces provided for the restaurant in the western block of development and leading to a more extensive space to the front of the hotel foyer and restaurant in the eastern development block. The route over the footbridge into the site would terminate in front of the raised terrace to restaurant 3, leading to quite a pinched and constrained space. The existing footpath route through the western part of the site would be diverted around the south western corner of the site, connecting onto the pavement of St Anne's Lane.

Heritage considerations

Consideration of the impact upon the Nantwich Conservation Area

As the bulk of the site lies immediately adjacent to the conservation area and part is actually within it, there is a statutory requirement to consider the impacts of the proposals upon the character and appearance of the designated conservation area; this relates to both the impacts upon the river and its environs as a key natural attribute of the conservation area and also the historic townscape of this part of the conservation area, particularly the area centred upon Welsh Row.

The current condition of the site does detract from the character of the conservation area but its effects are largely screened from the riverscape to the south by the existing maturing vegetation on the southern and eastern edges of the site, and also by other landscape within the Mill Island area of the Weaver corridor. The site is a little more visible in views out from the conservation area, across the River Weaver from Waterlode.

The proposals would lead to loss of much of the landscape on the southern edge of the application site, and as noted above this contributes to the sylvan and tranquil qualities of this part of the conservation area. However, longer views from the south would still benefit from the landscape foreground of Mill Island and replacement planting is also proposed to mitigate for those lost. Views of the site from the main public realm within Welsh Row are restricted to the view from Wychehouse Bank and to a lesser extent at Anne's Lane and Weaver Bank

One of the two main considerations in terms of townscape impact is the scale, massing and urban grain of the proposals compared to the relatively intimate scale and finer grain townscape of Welsh Row. Of particular importance is ensuring that the scale of development does not overwhelm that of the existing townscape. Since pre-application discussions certain attempts have been made to reduce the comparative scale, whilst the setting behind Welsh Row with an expansive southern edge adjacent to the riverside will help the development to assimilate into this sensitive setting. The breaking down of elevations, varied rooflines and reduced scale of the northern edge of the development will help the transition between existing and new townscape. What will be crucial however is that the finished floor

levels are not significantly higher than current levels else this could lead to a development that is too strident in the context of this part of the conservation area. This is discussed further below in relation to design. On balance therefore, in respect to the main body of the development and subject to satisfactory finished levels, the scale and massing of the proposed development are not considered to adversely impact upon the character and appearance of the conservation area, having regard to the present condition of the site.

The other matter of significance is the proposed demolition of 17 Welsh Row and its replacement and the impact this would have upon the character and appearance of the conservation area, having regard to Welsh Row being an important and characterful part of the area. This was a particular point of concern at the pre-application stage. Part of that consideration where loss of historic townscape is proposed, is the quality of what is intended to replace it and whether that preserves or enhances the special interest of the area. Having seen several amendments to the design of this replacement building it is now considered that the scale and design of the replacement building is in keeping with the intimate scale of this part of Welsh row.

Consideration of the impact upon listed buildings

There are several listed buildings in relatively close proximity to the application site, including Nantwich Bridge and 33/35 and 39 Welsh Row, which are located at the entrance to St Anne's Close. The site is visible from Nantwich Bridge and forms part of its waterside backdrop but the site is largely obscured by the scale and proximity of existing buildings. The plans also show considerable landscaping being retained between it and the site. Therefore it is unlikely that there will be any detrimental impact to the bridge's setting.

In regard to 33/35 and 39, arguably there will be increased traffic which could impact upon their setting but they already experience considerable traffic movement because of the present car park use and St Anne's Close serving a number of residential properties. Consequently, it is considered that there will be a nominal impact upon these listed buildings and their settings.

Design considerations

The general concept of what is proposed in terms of creating a mixed use development, waterside public realm and strong linkage to Welsh Row is supported in principle. The mix of uses presents an exciting opportunity to further diversify and enrich Nantwich town centre and make better use of a brownfield site right at the heart of the town. Whilst the approach in architectural terms could be deemed a little contrived, with a mix of quite traditional and contemporary, the variety in the building forms, roofscape and detailing does create a level of design interest and helps break the scale and massing of the larger buildings down. The detailed elements of the scheme will be crucial to ensure that the development relates positively to its surroundings and establishes a strong sense of quality and distinctiveness.

Other matters

The site is previously developed and has been partially re-claimed. It is important that any remediation or flood risk response does not lead to a material change in the ground level/finished floor level to prevent an increase in height that could be harmful to the setting of the conservation area.

Conclusions

In respect to the general principle for the two main areas of development, on balance this part of the proposals is considered to be acceptable.

Public Rights of Way (PROW)

The proposal involves diverting the existing PROW which runs to the south of the site so that it runs immediately to the western boundary of the site.

The Councils PROW officer has confirmed that they have received an application for the diversion of the unrecorded footpath and are in the middle of the legal process. She confirms that they are happy with the proposals which include a 3 metre wide footpath with permissive cycle use, the addition of a bollard and railings along the western edge.

Ecology

Woodland Habitats

The woodland on site, located between the existing car park and the river, appears on national inventory of priority woodland. Priority Habitats are a material consideration for planning and receive protection through Local Plan Core Strategy Policy SE 3.

The habitat survey was undertaken in the summer, a poor time for surveying woodland habitats, but despite this a number of woodland plant species were recorded.

The Councils Ecologist advises that the current proposals would result in the loss of priority woodland habitats with a corresponding significant loss of biodiversity.

The site specific policy for this site in the local plan (LPS47 Snow Hill) requires compensatory habitat to be provided for any loss of priority habitat or species. No proposals to provide compensatory habitat for the loss of the woodland have been submitted with this application. The proposals are therefore not in accordance with this policy.

In order to avoid the loss of biodiversity associated with the loss of woodland habitats the Councils Ecologist advises that the existing woodland should be retained as part of the proposed development.

Hedgehog

The submitted ecological assessment states that hedgehog a priority species has previously been recorded on site. The Councils Ecologist advises that this species is likely to occur on site on at least a transitory basis. The loss of woodland habitats on site is likely to have an adverse effect on hedgehogs in the local context.

Reptile, Breeding Birds and Bat Activity Surveys

The submitted Preliminary Ecological Appraisal recommends that further detailed surveys are undertaken to assess the importance of the habitats on site for grass snake, breeding birds and bats. Further surveys for these species have now been undertaken.

No evidence of grass snake or other reptiles was recorded during the surveys. To enable an assessment to be made on the acceptability of the submitted survey the applicant's consultant should however be requested to confirm the number of survey tiles used on site.

A number of breeding birds were recorded on site. Only a single priority species, Dunnock (which is a material consideration for planning) was recorded as breeding on site. Dunnock is a very widespread bird in Cheshire. The Councils Ecologist advises that the application site is not of sufficient importance to be considered for selection as a Local Wildlife Site.

The submitted survey report advises that the loss of habitat for breeding birds as a result of this development would have a high magnitude effect on nesting birds and a Moderate effect on foraging and commuting habitat for birds in the local landscape.

In the event that planning permission is granted the Councils Ecologist suggests that conditions should be attached as mitigation which prevent removal of any vegetation or the demolition or conversion of buildings taking place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds and features be provided for use by breeding birds.

Three bat activity surveys have been undertaken on site. These covered the spring and summer season, but no surveys work has been undertaken in the autumn season. Considering the relatively small size of the site The Councils Ecologist advises that this is not a significant constraint on the reliability of the submitted results.

Four species of bats were recorded on site and the level of activity is as would be expected of a site of this type and size. Most bat activity is concentrated adjacent to the southern boundary of the application site. The Councils Ecologist advises that roosting bats are unlikely to be affected by the proposed development. The loss of bat foraging habitat resulting from the development of this site is likely to have a localised effect on the species of bats present, but is not likely to be sufficient to amount to an offence under the Habitat Regulations.

Any additional lighting provided as part of the development is likely to have a localised affect on foraging bats, therefore in the event that planning permission is granted a condition would be required to secure the submission of a bat friendly lighting strategy.

The Councils Ecologist advises that if the proposed development was limited to the existing areas of car parking the potential impacts on birds and bats would be greatly reduced.

Water Vole and Otter

These protected species is known to occur on the River Weaver.

The bank sides adjacent to the proposed development have the potential to support water vole and otter.

No evidence of water vole recorded during submitted Phase One Habitat Survey. However the Councils Ecologist advises that the level of survey effort undertaken is inadequate to establish the presence/absence of this protected species.

He therefore advises that if any works are proposed within 8m of the river bank, further survey effort will be required to establish the presence/absence of this protected species.

No evidence of otter recorded on site during the phase one survey. In the opinion of the Councils Ecologist otters are likely to at least pass through the site on an occasional basis. He therefore recommends that the clarification be sought from the applicant's consultant as to whether the application site is considered likely to provide any features that could be used as shelter and protection for Otter.

If despite the above comments, planning consent is granted, the following conditions would be required to cover the following:

- Safeguarding of nesting birds
- Submission of provision of features for nesting birds
- Submission of bat 'friendly' lighting scheme
- Submission of measures for safeguarding of the adjacent water course from pollution during construction
- Measures to minimise the risk of hedgehogs being injured during the construction phase
- Method statement for the control of Himalayan Balsam

Biodiversity metric calculation

The Councils Ecologist advises has formulated a Biodiversity Metric calculation on the basis that all the existing habitats on the St Anne's Park being lost as a result of the land remediation and development works. The calculation shows that the proposed development would result in the loss of 2.75 biodiversity units. The Councils Ecologist advises that in accordance with the mitigation hierarchy this loss of biodiversity should be avoided/minimised through the retention of the existing woodland as part of the development of this site.

If the loss of the woodland is considered to be unavoidable, then in order to compensate for this loss and comply with the Local plan site specific policy for the development of this site, the developer would be required to provide 2.42ha of woodland planting on habitats of existing low value.

As discussed, on some previous schemes we have accepted a commuted sum to fund offsite habitat creation. It would be the Ecologists preference for the developer to develop a scheme and implement an offsite habitat creation scheme to offset the effects of their proposals in accordance with the local plan policy for this site.

If a commuted sum was provided to enable the Council to undertake offsite woodland planting a sum of £22,787.32 together with a fee of £5,000 to cover staff costs would be required. This is therefore a commuted sum of £27,787.32. These costing reflect figures in the draft CEC Nature Conservation Supplementary Planning document. The suggested contribution is considered within the viability section above.

Flood Risk

The application site is located within Flood Zones 2 & 3 according to the Environment Agency Flood Maps. Therefore a Flood Risk Assessment (FRA) is required.

The FRA concludes that the majority of the site lies in Flood Zone and has a probability of flooding of between 1 in 100 years and 1 in 1000 years.

An easement area will need to be retained for access and maintenance to the watercourse. This reduces the developable area of the site by 1400m² to approximately 6065m². Finished floor levels will need to be set at a minimum of 600mm above the 1 in 100 year flood level (a minimum of 35.36mAOD).

Sustainable Urban Drainage Systems (SUDS) will also need to be incorporated into the development. Preference should be given to above ground SUDS features and surface water run off should be discharged to the Ricer Weaver as it is unlikely that discharge to ground will be feasible due to the level of contamination of the site.

The Environment Agency have been consulted as part of the application and have raised no objection subject conditions requiring compliance with the Flood Risk Assessment, a remediation strategy, verification report and piling. A number of advisory notes are also offered to the applicant.

United Utilities have raised no objection to the proposed development subject to conditions regarding foul and surface water and a surface water drainage scheme. The Councils Flood Risk Team has also been consulted who raise no objection subject to conditions regarding compliance with the submitted FRA and detailed drainage design.

These conditions requested are considered both reasonable and necessary and can be added to any decision notice.

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

Economic/Social

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits to Nantwich including additional trade for local shops and businesses, jobs in construction, employment (40 full time and 20 part time) and regeneration from the retail and hotel use and economic benefits to the construction industry supply chain.

OTHER

The majority of representations have already been addressed in the main report above. However a few concerns require addressing.

- Replacement building on Welsh Row not in keeping – revised plans have since been received with a building more in-keeping
- What planting will be provided to prevent noise/disturbance to local residents – this will be secured by condition as will open hours, working hours of construction is controlled through legislation outside of planning
- Can a small, narrow, garden be indented along the rear car park wall thereby making a feature. Also, can the Black Lion, Ferenza be opened up from the back – the Council has to consider the application as put before them
- Applicant should pay for neighbouring windows to be cleaned after construction works – this is a civil matter over which the Council has no control

- Wish for tree to the South West of the site to be felled – this is not relevant to the determination if a planning application
- No need for more apartments – the site is allocated in the local plan for new housing thus the need is justified
- Loss of light to neighbouring properties – sufficient distances to neighbouring properties to the west to prevent significant loss of light

PLANNING BALANCE

The site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The site also has site specific designations under Policy LPS47 of the Cheshire East Local Plan and saved Policy S12.3 of the Crewe and Nantwich Local Plan. These policies in essence seek to encourage the regeneration of the site by providing a mixed use scheme.

The current proposal seeks a mixed use scheme for housing, commercial and hotel. As a result the proposal appears acceptable in principle from a pure land use perspective.

The benefits of the proposal would be the regeneration of this current derelict/brownfield site and assisting to meet the Councils objectives for the site under Policy LPS47, the remediation of a highly contaminated site, the boost to the economy and job creation through both construction and the operation of the retail and hotel elements, the boost to the vitality/viability of Nantwich Town Centre through increase in trade and footfall, the provision of open market housing and the limited economic benefits during construction.

The development would have a neutral impact upon design, flooding, living conditions, trees, PROW and air quality.

The dis-benefits of the proposal would be the absence of providing of any the required contributions towards affordable housing, open space, education, ecology or medical provision; however this has been justified by an open book viability report which has been independently verified. Further dis-benefits would be loss of an existing informal car parking area however this could be lost at any point and the usability of the car park is limited given the varied land levels. The loss of existing trees to the eastern boundary is a further dis-benefit though replacement planting is proposed.

The proposal is considered to be very finely balanced. However the overall benefits of the scheme with the remediation of the site and the regeneration benefits are given significant weight and thus on balance are considered to outweigh the harm caused by the dis-benefits.

As such it is considered that the proposal constitutes sustainable development and should therefore be approved.

RECOMMENDATION:

The application be **APPROVED**, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached to secure:

- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into education and health provision within the borough

And subject to the conditions below:

- 1 Time limit
 - 2 Approved plans
 - 3 Materials
 - 4 Compliance with the submitted Flood Risk Assessment
 - 5 Submission of a drainage strategy
 - 6 Compliance with the noise report
 - 7 Travel information pack
 - 8 Low emission boilers
 - 9 Electric vehicle charging points
 - 10 Contaminated land X 3
 - 11 Programme of archaeological work
 - 12 Foul and surface water and a
 - 13 Surface water drainage scheme
 - 14 Piling
 - 15 Obscure glazing to x2 living/kitchen/dining room windows on the western elevation
 - 16 No removal of any vegetation or the demolition or conversion of buildings taking place between 1st March and 31st August
 - 17 Features for breeding birds
 - 18 Safeguarding of nesting birds
 - 19 Submission of provision of features for nesting birds
 - 20 Submission of bat 'friendly' lighting scheme
 - 21 Submission of measures for safeguarding of the adjacent water course from pollution during construction
 - 22 Measures to minimise the risk of hedgehogs being injured during the construction phase
 - 23 Method statement for the control of Himalayan Balsam
 - 24 Open hours – 7 days/week
- Shops 9am – 5pm
Restaurants 12.00 noon – 11pm
Café's 8am – 6pm

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



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Application No: 19/3534N

Location: Land to the rear of & 481, CREWE ROAD, WINTERLEY, CW11 4RF

Proposal: Proposed residential development of 1 no. replacement dwelling (Plot 1) and 46 no. dwellings, with associated hard and soft landscaping.

Applicant: L Embra, Pollyanna / Magenta Housing

Expiry Date: 27-Nov-2019

SUMMARY

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The Publication Draft of the SADPD identifies that the site would also be located within the open countryside. In any event the Publication Draft of the SADPP is given limited weight at this stage. The proposed development would be contrary to Policy PG6 of the CELPS.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. As a result the proposed development would not comply with Policies PG6 and SC6. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. No agricultural land quality report has been provided to consider the quality of agricultural land to be lost.

The development would provide benefits in terms of 100% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

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

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 100% affordable housing provision is not considered to outweigh the adverse harm caused as the Council is meeting its affordable housing targets and no evidence of need has been provided. As

such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

This is a proposed residential development of x1 no. replacement dwelling (Plot 1) and erection of 46 dwellings, with associated hard and soft landscaping.

The proposal involves demolishing the existing dwelling known as No.481 Crewe Road and re-developing this within the site along with a revised access of Crewe Road.

An area of POS would be provided to the western boundary.

SITE DESCRIPTION

The application site comprises both the plot currently housing No.481 Crewe Road and the land to the rear.

The plot is sited with the open countryside with residential properties to the north, east and south. The settlement boundary immediately borders the site.

There are no significant variations in land levels noted on the site. The existing access is taken off Crewe Road.

The boundary treatment consists of 2m high planting to the eastern boundary and mixed trees/planting to the remaining boundaries.

Smaller trees noted inside the site between plots 47-34.

The site is located in the Open Countryside as per the Local Plan.

RELEVANT HISTORY

Various alterations/extensions proposed to No.481 Crewe Road however none relevant to the current application. Most relevant is:

16/1940N – Outline Planning Application for Proposed Residential Development of 12 Number Dwellings on the land to the rear and including 481 Crewe Road Winterley Cheshire CW11 4RF Including the Demolition of 481 Crewe Road and alterations to the existing Road Access – Withdrawn 26th October 2016

ADOPTED PLANNING POLICY

Haslington Neighbourhood Plan

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

Development Plan

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

SE6 – Green Infrastructure

SE9 – Energy Efficient Development,

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution

SC4 – Residential Mix

IN2 – Developer Contributions

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SC6 – Rural Exceptions

IN1 – Infrastructure

IN2 – Developer Contributions

Crewe and Nantwich Local Plan 2011 (CNLP) Saved Policies;

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 Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

RES.5 (Housing in the Open Countryside)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Planning Policy Framework (NPPF)

The relevant paragraphs include;

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

Other Considerations

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

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to conditions provision of the off-site pedestrian infrastructure improvements, cycle parking, turning areas and s38 agreement

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; piling, dust, working hours for construction, travel information pack, electric vehicle charging points and contaminated land

CEC Flood Risk – No objection in principle however further information required

CEC Education – No objections subject to a contribution of £108,902.43 towards primary and secondary education

CEC Open Space (ANSA) – Sufficient amount of public open space is provided but conditions required regarding the final design/layout

CEC Housing – Support the provision of affordable housing

CEC Public Rights of Way (PROW) – No comments received at the time of writing the report

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

South Cheshire Clinical Commissioning Group (NHS) – Request a contribution of £45,288 to support the development of Haslington Medical Centre

Sandbach Parish Council – Objection on the following grounds:

- The allocations of housing for this area for the next 5 years have been met
- Clarity is needed on the S106 money as the application contains affordable Housing
- The site is outside the Settlement Boundary and in Open Countryside

Haslington Parish Council – Objection on the following grounds:

- Situated in the Open Countryside
- Impact on health facilities and schools already at capacity
- Not a sustainable location
- Highways safety
- Social housing should be spread around the borough and not in on location
- Meeting housing target so no need for new housing

Ward Councillor Edgar – Object on the following grounds:

- Outside the settlement boundary and in Open Countryside
- Harm to character of the area
- Loss of agricultural land
- Not considered infill development as 3 sides protrude into open countryside
- Housing not required as the Council have a 7 year plus housing land supply
- Social housing has potential to cause 'Ghetto-isation' and should be spread around the village
- Unsustainable location
- No contributions to offset impact on education and medical care
- Loss of on street parking outside the site
- Sewage system put under further pressure
- Increase in hard surface area would pose surface water drainage issues
- No need for affordable units in the area as 30% affordable housing has been supplied by Pool Lane phase, 100% of 33 at phase 2 reserved matters, 30 % on the Duchy estate on Hassall Road, 30% on Kents Green Road development
- Request planning committee visit the site

REPRESENTATIONS

217 letters of objection have been received raising the following points;

- Not sustainable location
- No new houses needed and Cheshire East have a 5 year housing land supply
- Lack of infrastructure in the village (schools, health, broadband)
- Other new houses remain unsold
- Sited in the open countryside and outside of the settlement boundary thus contrary to PG6
- Traffic issues
- Flooding/drainage issues
- Out of character with the scale of the village
- Not a rural exception site and thus contrary to Policy CS6
- Harm to wildlife
- Loss of parking for nearby properties
- Need for affordable housing provision not demonstrated

- Issues with social cohesion
- Loss of agricultural land
- Will substation be safe
- Air quality
- Will set a precedent for similar development
- Bound by countryside on 3 sides so not infill
- Loss of house value
- Other sites in village also refused
- Loss of privacy
- Noise and air pollution
- Vibration during construction
- No play area
- No provision for bin storage

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Exceptions may be made where it relates to affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'.

In this instance the proposal relates to a 100% affordable housing scheme on the edge of Winterley (classified as other settlements and rural areas as per Policy PG2) the development needs to be considered against Policy SC 6.

Emerging Policies

The Site Allocations and Development Plan Policies Document (SADPD) is the second part of the council's Local Plan and it will contain more detailed development management policies as well as identifying additional sites to ensure that the overall development needs of the borough are met, as set out in the LPS.

Consultation on the First Draft SADPD took place between 11 September and 22 October 2018 and the above site was shown as remaining outside the settlement boundary and in the open countryside. Albeit only limited with can be given to the SADPD at this stage.

Housing Land Supply

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

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

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

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Measurement 2018 indicates that the delivery of housing was substantially below 25% of housing required over the previous three years (note: this will change to 45% once the Housing Delivery Test Measurement 2019 is published later this year).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.5 years (17,333 dwellings).

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

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

Housing Mix

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

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). The development would provide the following mix;

- 1 bed x 6 units
- 2 bed x 16 units
- 3 bed x 22 units
- 4 bed x 2 units

This is considered to provide a suitable mix of housing for use by all grounds of people. As such a condition could therefore be imposed to secure the mix of house types.

Affordable Housing

As a site for 100% affordable housing on the edge of Winterley (defined as an Other Settlement and Rural Area as per Policy PG2) the proposal needs to be considered under Policy SC6 of the CELPS and should meet all of the following criteria;

- Sites should adjoin Local Service Centres and Other Settlements and be close to existing employment and existing or proposed services and facilities including public transport, educational and health facilities and retail services
- Proposals must be for small schemes; small schemes are considered to be those of 10 dwellings or fewer. The scale of a Rural Exception site should broadly reflect the affordable housing need appropriate to the parish in which it is situated. However, if a higher housing need is identified (greater than 10 dwellings), then it will be considered appropriate for development of more than one site to meet this need. Any such developments must also be appropriate in scale, design and character to the locality
- A thorough site options appraisal must be submitted to demonstrate why the site is the most suitable one. Such an appraisal must demonstrate why the need cannot be met within the settlement
- In all cases, proposals for rural exceptions housing schemes must be supported by an up-to-date Housing Needs Survey (within the last 5 years) that identifies the need for such provision within the parish. Where an up-to-date survey does not already exist, the applicant must conduct a survey, based on the Cheshire East Council model survey
- Occupancy will, in perpetuity, be restricted to a person in housing need and resident or working in the relevant parish, or who has other strong links with the relevant locality in line with the community connection criteria as set out by Cheshire Homechoice
- The locality to which the occupancy criteria are to be applied is taken as the parish, unless otherwise agreed with Cheshire East Council
- To ensure that a property is let or sold to a person who either lives locally or has strong local connections in the future, the council will expect there to be a 'cascade' approach to the locality issue appropriate to the type of tenure.

In this case the application is for 46 units and as such it would exceed the number allowed under Policy SC6 by a significant margin (SC6 allows for small schemes of 10 dwellings or fewer). Also it is important to note that the application does not include an up-to-date Housing Needs Survey to identify if there is a need within the Parish. Further to this, if a rural housing need is identified greater than the 10 permitted by this policy, then it will be considered appropriate for development of more than one site to meet this need and should not be one large cluster as is the case here.

Based on the latest housing figures the need for affordable housing is also currently being met through existing local plan policies in including affordable housing requirements. The local plan sets out a

housing requirement of at least 7,100 additional affordable dwellings between 2010-2030 (average 355 per annum) for the whole borough of Cheshire East.

In the period up to 2018/2019 there were a total of 3,433 Affordable Completions in Cheshire East showing that, less than half way through the plan period, the target for new affordable housing is well on track to be met through provision on market housing schemes and rural exception sites (see table below).

Plan period	Affordable homes completed in Cheshire East
2010/11	170
2011/12	214
2012/13	184
2013/14	131
2014/15	636
2015/16	360
2016/17	398
2017/18	613
2018/19	727
Total	3433

It is also worth noting that there have been a significant number of approvals within Winterley/Haslington which provide affordable housing (Based on the 31st March 2018 data there are affordable housing commitments of 172 in Winterley/Haslington with 56 completions). As a result the proposed development is contrary to Policy SC6 of the CELPS.

The Strategic Housing Officer has stated that he has no objection to the tenure mix its location and type of housing proposed. However this does not negate the requirements of Policy SC6 in terms of the requirement for an up-to-date Housing Need Survey, the proposed development also exceeds the threshold of 10 units and is a large cluster on one site.

Public Open Space (POS)

This development requires a minimum of 40m² per family unit each of children's play & Amenity Green Space (AGS).

Initially the proposed site plan indicated the majority of the POS appearing on the northern boundary. However concerns were raised by the Councils POS Officer that the open space being provided was more akin to buffers providing an interface with the surrounding countryside, landscaping containing parking, paths and a substation plus small pockets left over serving little function other than 'greening' of the site.

In line with Policy SE6, this development should produce 20m² amenity green space and 20m² children's play space. Combining the two typologies should give this development 1,960m² of POS; the POS is currently not quantified. This area should promote community cohesion and could be bespoke in its design giving the development a true sense of place. Small elements of formal play could be incorporated into a Local Area of Play (LAP) and surrounding POS to give the development a focus.

Amended plans have since been received which provide a larger area of POS to the western boundary. The Councils POS Officer is satisfied that this provides sufficient quantity of open space predominately on the western side of the site therefore a condition for the detailed layout and landscaping could be placed on this application.

Education

An application of up to 55 dwellings is expected to generate 10 primary aged children, 8 secondary aged children and 1 SEN child.

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

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 9 children expected from the application will exacerbate the shortfall.

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

$1 \times 11,919 \times 0.91 = \text{£}10,846.29$ (primary)
 $6 \times \text{£}17,959 \times 0.91 = \text{£}98,056.14$ (secondary)

Total education contribution: £108,902.43

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

Health

The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £45,288 to support the development of Haslington Medical Centre.

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £45,288 is CIL compliant. This is because the NHS plan is at an advanced stage. The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106 agreement.

Location of the site

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

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that there is a bus stop located 0.1m miles from the site with regular access to local service centres of Haslington, Crewe & Sandbach. The site is located off a national cycling route. It also advises that there are a number of services located in Haslington with shops schools and medical provision within 1.3m (25m walk).

Surrounding sites were also deemed to locationally sustainable at planning appeal and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

As a result it is considered that the site would be locationally sustainable albeit on a marginal level.

Residential Amenity

The main residential properties affected by this development are 483-449 Crewe Road (odd numbers), 1-4 Frederick Howarth Drive and 7-11 Elton Lane (odd numbers)

Properties on Crewe Road

Plots to the southern boundary would provide in excess of the 21m interface as recommended in the SPD to prevent significant harm through overlooking, loss of outlook or overshadowing impact between windows and would be sited sufficient distance away from shared boundaries to prevent overlooking of garden areas.

1-4 Frederick Horwarth Drive

The majority of plots to the eastern boundary would provide in excess of the 21m interface as recommended in the SPD to prevent significant harm through overlooking, loss of outlook or overshadowing impact between windows and would provide at least a 10m separation to the shared rear boundaries.

However plots 41-46 would fall shy if these standards. Plots 45-46 would achieve an 11m interface to rear facing windows of No.4 Fredericks Drive and would be sited just 2.5m to the shared rear boundary. However these plots are bungalows and as such would have no first floor windows as such there would be no overlooking and ground floor windows would be screened by the boundary treatment to prevent loss of privacy. These plots would also be off-set to No.4 Fredericks Drive and as such, this along with the single storey nature would prevent them being view as over dominant or with significant overshadowing impact on the rear garden area of No.4.

Plots 43-44 would achieve a 20.5m interface to rear facing windows of No.3 Fredericks Drive and would be sited just 9.5m to the shared rear boundary. Given the off-set nature of No.3 it is not considered that this interface would pose any significant harm through overlooking between windows and the distance between garden areas would prevent significant harm through overbearing/overshadowing impact.

Plots 42-41 would achieve between 18.3-20.5m interface to rear facing windows of Nos.3&2 Fredericks Drive and would be sited just 9.8m to the shared rear boundaries. Given the off-set nature of No.2&3 it is not considered that these interfaces would pose any significant harm through overlooking between windows and the distance between garden areas would prevent significant harm through overbearing/overshadowing impact.

7-11 Elton Lane

Plots to the northern boundary would provide in excess of the 21m interface as recommended in the SPD to prevent significant harm through overlooking, loss of outlook or overshadowing impact between windows and would be sited sufficient distance away from shared boundaries to prevent overlooking of garden areas.

Plot 35 would be sited just 5.2m to the boundary shared with No.11 Elton Lane. However the orientation of the properties is such that there would be no direct overlooking of the rear garden area as such this relationship is considered to be acceptable.

Future occupants

Internal interface distances appear in accordance with distances recommended in the SPD.

The plan also suggests that all plots would provide in excess of the recommended 50sqm minimum garden area as per the SPD

As a result the layout suggests that the proposal could be provided without significant harm to living conditions of neighbouring properties.

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

Highways

Site description and current application proposal

The site currently consists of a single residential property and green fields, and has little transport movement associated with it. It is accessed from Crewe Road via a narrow driveway which serves an existing dwelling.

The proposal is to demolish the existing property to make way for the new access road from Crewe Road which will serve 46 affordable residential properties.

Sustainable access

The site is within a 100m and 180m walk from the northbound and southbound bus stops each of which provide shelters. Buses 37 and 38 provide 3 services per hour on average at these stops between approximately 06:00 to 19:00 with a less frequent service until 23:00. The services run to Crewe, Arclid, Middlewich, Winsford, Sandbach, Congleton, Gawsorth, and Macclesfield. Footway access for pedestrians to the bus stops is available but will be improved.

National Cycle Route 451 runs north and south past the site along Crewe Road and connects with Crewe and Nantwich to the south and Sandbach to the north.

Safe and suitable access

The access will be built to adoptable standards with a 5.5m wide access with 2m footways on either side. Speed surveys have been carried out on Crewe Road and following amendments to the initial access proposals, sufficient visibility to accommodate vehicle speeds can be achieved.

The footway along Crewe Road is narrow and will be widened to at least 2m from the site access to just past the bus stop to the south. Existing footway infrastructure is then provided to the wider area and destinations. The existing dropped kerb pedestrian crossing on Crewe Road will be located to the south slightly away from the new access. A further pedestrian dropped kerb crossing is provided further south on Crewe Road also.

Network Capacity

The proposal will generate approximately 30 two-way vehicle trips during either of the network peak hours and the impact of the development on the local highway network will be minimal.

Layout

The proposal will provide sufficient carriageway width in accordance with adoptable requirements and will deliver off-road parking provision to CEC standards.

The cul-de-sacs will not provide sufficient turning areas for refuse vehicles and a condition is required to either provide these or to provide bin collection points.

A condition for cycle parking provision for the apartments is also required.

Highways conclusion

The access proposals and the impact on the highway network are acceptable and no objection is raised from the Councils Highways Engineer with conditions and informative regarding provision of the off-site pedestrian infrastructure improvements, cycle parking, turning areas and s38 agreement.

Landscape

The majority of the application site is located within an area identified in the Cheshire Landscape Character Assessment as being in the LCT 7: Lower Wooded Farmland Character Area, and specifically within the LCA 7f: Barthomley Character Type. This is a very gently rolling landscape, much like the Cheshire Plain, but with a higher concentration of woodland. This is a traditional working landscape which retains its strong rural character and the overall strategy for this landscape is to conserve trees and woodland and rural character.

Initially the Councils Landscape Officer raised concerns that the proposal had not been supported by a Landscape Visual Impact Assessment (LVIA) and did not consider that landscape or the urban realm had been considered sufficiently. In particular he was concerned that the roadside planting was very localised and does not really allow for any hierarchy of tree planting across the site. Front gardens were considered very small and extensive areas along roads were dominated by footpaths and parking bays, resulting in a very hard and urban streetscape. Green areas to the east and south of the site were also considered to perform no function and appear to be merely left over areas that will be grassed. Reference to development along the rural boundary was also not fully considered. As a result he was

concerned that the proposal did not reflect guidance offered in the Cheshire East Design Guide in terms of positive rural transitions, nor was it apparent how the proposed development would either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside.

A revised plan has since been received which seeks to reduce the number of dwellings from 49 to 46 with resultant re-configuration of the layout and introduction of a large of POS to the western boundary.

However the revised plans were received too late to receive revised comments from the Councils Landscape Officer. As such further comments will be provided on the revised layout in the update report.

Trees

The application is supported by an Arboricultural Implications Assessment which includes a Tree Survey Schedule, an Arboricultural Method Statement (which includes a Tree Protection Plan)

The statement/assessment is broadly in accordance with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

The application seeks to demolish an existing two storey property and replace with similar, with a proposal for residential development consisting of 46 dwellings within open fields to the rear of the existing property. The assessment identifies 30 individual trees, 4 Groups and 8 hedgerows within the application site. No formal TPO protection exists within the boundary of the site and none to the neighbouring properties.

The proposal will not present any significant implications for existing onsite trees to be retained. Three mature Oak trees (T20, 21 & 22) are situated to the western boundary and the development has been revised to avoid incursion into the root protection area of these trees.

Ten individual trees have been identified for removal with five removed due to poor condition and five considered unsuitable for long term retention due to species or proximity to the properties. Trees proposed for removal are all situated to the southern aspect of the site in what is currently a small paddock and stabling area, their removal is considered to be of short term impact. Similarly with the Group G1 the two trees forming the group are of poor condition with a reduced safe useful life expectancy and their removal is considered appropriate.

Additional trees to be retained are placed offsite to the northern boundary with the associated root protection areas extending within areas of public open space or to proposed rear gardens of a size considered suitable in allowing for mature trees to be of reduced impact in regard to light attenuation or social proximity to properties. In this regard no issues associated with light levels or social proximity to proposed dwellings are to be expected.

One hedgerow to the northern boundary of the proposed access point (H8) is identified for removal. However it is noted the hedgerow forms part of a domestic curtilage and therefore will not be considered under the Hedgerow Regulations 1997.

Design

The proposal has been assessed against the Councils adopted Cheshire East Design Guide SPD. This is appraised as below with each section either scoring a red, amber or green.

Connections (amber)

- The scheme is essentially a large cul-de-sac with one route in and out
- There is no obvious point of pedestrian connection beyond the site boundary other than via the main access route
- The DAS (Design and Access Statement) discussed providing minimum separation to adjoining existing housing of 21 metres and retention of existing landscaping, however there are some situations where the interface seems closer and where no obvious buffering is provided (the provision of buffering is set out in the adopted CEC Design Guide p 11)
- The development does address the open countryside edge with outward looking development except on the southern edge, where there is a logic to back onto the hedgerow, given the site constraints and adjacent land use/character (although the hedge should be reinforced)

Facilities and Services (amber)

- Certain facilities are located within the village including pub and restaurants but no real indication about access to wider facilities, such as schools, local shops etc.
- Access to open space on the western part of the site, including naturalised play provision but dependent on the comments of the open space team as to whether deemed appropriate

Public Transport (green)

- The site is immediately adjacent to a principal bus route that runs between Crewe and Macclesfield.
- The site is circa 4-5 km from the railway stations in Sandbach and Crewe and is directly accessible via the bus route to Crewe Station.

Meeting Local Housing Needs (amber)

- The proposal is for 46 affordable units to be provided comprising 2-4 bed houses and a block of 1 bed maisonettes. One open market house is also being provided to replace dwelling proposed to be demolished.

Character (red)

- The scheme doesn't exhibit a strong enough sense of place and the sense of arrival into the development isn't especially strong.
- Within the site itself the streets are overly engineered in places. Subject to agreement with the Highways Team the width could be reduced given the size of the site.
- The apartment building is not a particularly strong entrance building with a rather complex roofscape and an imbalance to the principal elevations. The gable of the corner is relatively inactive, whilst the eastern elevation feels unbalanced.
- The bungalows at the main entrance into the site do form an especially strong grouping at the side entrance and are not a corner turning unit type
- Car parking is a little over dominant in places and impinges on the open space buffer (northern part of the site). Parts of the site are heavily reliant on the soft landscape to mitigate the effects of parked cars

- The avenue helps to define the hierarchy and create a green edge to the street but that, in combination with the placement of buildings set behind parking, weakens the built containment of the street
- The utilities infrastructure is discretely located in the SW corner of the site

Working with the Site and its Context (amber)

- Part of the southern hedgerow and trees are being removed, whereas much of that section of hedgerow and some trees could be retained (excluding that to enable access into the site).
- From the aerial photo, the southern, western and northern boundary seems to be almost fully enclosed by an existing hedge with hedgerow trees. However the landscape and site plan drawings appear ambiguous as to the extent of hedgerow being retained. The hedge is an important green infrastructure feature and should be retained and enhanced to contain the development

Creating Well Defined Streets and Spaces (amber)

- There are considerable areas of frontage parking for the size of the scheme, although the latest landscape plan does indicate landscaped areas dividing banks of parking spaces
- Building set back does not positively contain the principal street. This is exacerbated by the inclusion of the verge for street tree planting which further separates the buildings – the trees will help mitigate this to a degree
- There some areas of space that might become unloved or problem spaces over time because their management/responsibility is ambiguous.
- Frontage boundaries between private and public are generally defined by hedges. There is a need to ensure there is enough space to accommodate a positive frontage boundary. For the western private drive, the rear of plots 01 and 20 are exposed in street scenes by indenting of the frontage arising from frontage parking.

Easy to Find Your Way Around (green)

- It is a small scheme so is inherently legible but greater attention to place making could help reinforce this through stronger housing design and a reduction in the formality of lower tier streets
- As discussed above, the gateway into the site isn't particularly strong or memorable. Whilst there are limitations, this could be improved by reducing the engineering, better use of available landscape opportunity and stronger buildings at the point of arrival into the main part of the development.

Streets for All (red)

- In parts the streets are overly engineered and dominate the design of the scheme. There is a hierarchy but it is a little confused and the verge in the primary street is not being used for tree planting
- Combined with parking the street design creates a car focused development with cars visible to front of houses, exacerbating the impact of the engineered street form
- No indication of materials for streets/public realm but seems to be a continuous treatment through the scheme.

- Following the principles/materiality within the Cheshire East Design Guide could dramatically improve the feel/character of the streets/public realm

Car Parking (amber)

- There is a predominance of frontage parking in parts of the site
- There should be greater mix of solutions to reduce the amount of frontage parking
- Parking is provided within the open space buffer north of the shared drive, which creates a narrowing of the buffer and pinch point against the hedgerow

Public and Private Spaces (amber)

- Open space is provided on the western side of the site. Play provision is included as part of the landscape design of the space but no detail as to its design, the design of play etc.
- No details regarding the management of open space
- There are a couple of ambiguous areas of space where use and management are unclear from the layout and landscape details. These need to be designed out

External Storage and Amenity Space (amber)

- Bin and external storage included on the site layout but there is no indication of what is proposed for the flats

Conclusion

This assessment identifies that there are several issues that impact upon the design quality of the development. Performance against some of the criteria could be enhanced through improved information, but there are several key areas where the design is considered unacceptable and where amendment is required to improve the scheme's performance. Consequently, as it stands at present, the scheme cannot be supported in design terms.

Ecology

Great Crested Newts (GCN)

A low population (1-10) of Great Crested Newts has been recorded at two ponds within the vicinity of the site.

The submitted Great Crested Newt Survey Report states that an application has been made to enter the GCN District Level Licensing scheme but that the counter signed agreement has not yet been received. Evidence of acceptance onto the scheme should be submitted for approval prior to decision.

The submitted GCN Report also makes some recommendations for Reasonable Avoidance Measures to reduce the risk of injury/fatality to amphibians during construction.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species

license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

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.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of newts and may also result in their enhancement on the site.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

No development on the site

Without any development, specialist mitigation for newts would not be provided which would be of benefit to the species.

In this instance the Councils Ecologist is satisfied that the risks will be adequately mitigated against by the implementation of the measures in the report and suggests its implementation be secured by condition.

Bats and Hedgerows

The submitted bat report found no evidence of a legally protected bat roost in the building proposed for demolition or in the trees on site. The survey results do identify the use of hedgerows on site by bats as commuting habitat.

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted the Councils Ecologist recommends a landscape condition be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

Ecological Enhancement

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

Wildlife sensitive lighting standard response

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

Update other protected species (OPS) check

If planning consent is granted, the Councils Ecologist recommends a condition which prevents removal of any vegetation unless a survey has been carried out to confirm the continued absence of badger setts on site.

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

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

This proposal is for the residential development of to 46 dwellings. This scheme does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

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

- Dust Control
- Piling
- Travel Plan
- Electric Vehicle Infrastructure

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

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. As the site is greater than 1 hectare in size a Flood Risk Assessment (FRA) has been submitted in support of this planning application.

The FRA concludes that with the inclusion of SUDS and controlled flows there is a betterment from the existing situation which should avoid down stream flooding. Development of the site will also reduce maximum greenfield discharge rate to the existing local watercourse network and poses no risk of increased flooding.

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

The Councils Flood Risk Team has also been consulted and advises that they have no objection in principle however require further information regarding the northern boundary as the survey identifies an inlet but it is unclear if there is there an outfall to the pond. Additionally, there is a ditch line along the boundary of the proposed development, following completion but further detail is required regarding how will this be managed.

Further detail has not been received at the time of writing the report but this is expected soon so will further comments will be provided in the update report.

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

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

Agricultural Land Quality

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

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

In this instance no report has been provided to consider the agricultural land quality.

CIL Compliance

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

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

The proposal would result in increased demand for medical care usage in Haslington. Evidence has been put forward by the SCCG that a contribution of £45,288 to support the development of Haslington Medical Centre. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived has been provided and has been linked to the expansion of the existing medical practice. This is considered to be necessary and fair and reasonable in relation to the development.

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

As explained within the main report, the area of open space/LEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

Other

The majority of comments from representations have been addressed above however a few remain which are addressed below:

- Other new houses remain unsold – this is not relevant to the determination of a planning application
- Loss of parking for nearby properties – this would be a civil matter
- Issues with social cohesion – this is not relevant to the determination of a planning application
- Will substation be safe – this would be dealt with under legislation outside of planning
- Will set a precedent for similar development – this is not relevant to the determination of a planning application
- Loss of house value – this is not relevant to the determination of a planning application
- Noise and air pollution – conditions could be imposed regarding dust management
- Vibration during construction – conditions could be imposed regarding piling

PLANNING BALANCE

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The Publication Draft of the SADPD identifies that the site would also be located within the open countryside. In any event the Publication Draft of the SADPP is given limited weight at this stage. The proposed development would be contrary to Policy PG6 of the CELPS.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. As a result the proposed development would not comply with Policies PG6 and SC6. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to this factor.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form. No agricultural land quality report has been provided to consider the quality of agricultural land to be lost.

The development would provide benefits in terms of 100% affordable housing provision, open market provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers.

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

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. In this instance the material considerations put forward including the provision of 100% affordable housing provision is not considered to outweigh the adverse harm caused as the Council is meeting its affordable housing targets and no evidence of need has been provided. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

Refuse for the following reasons:

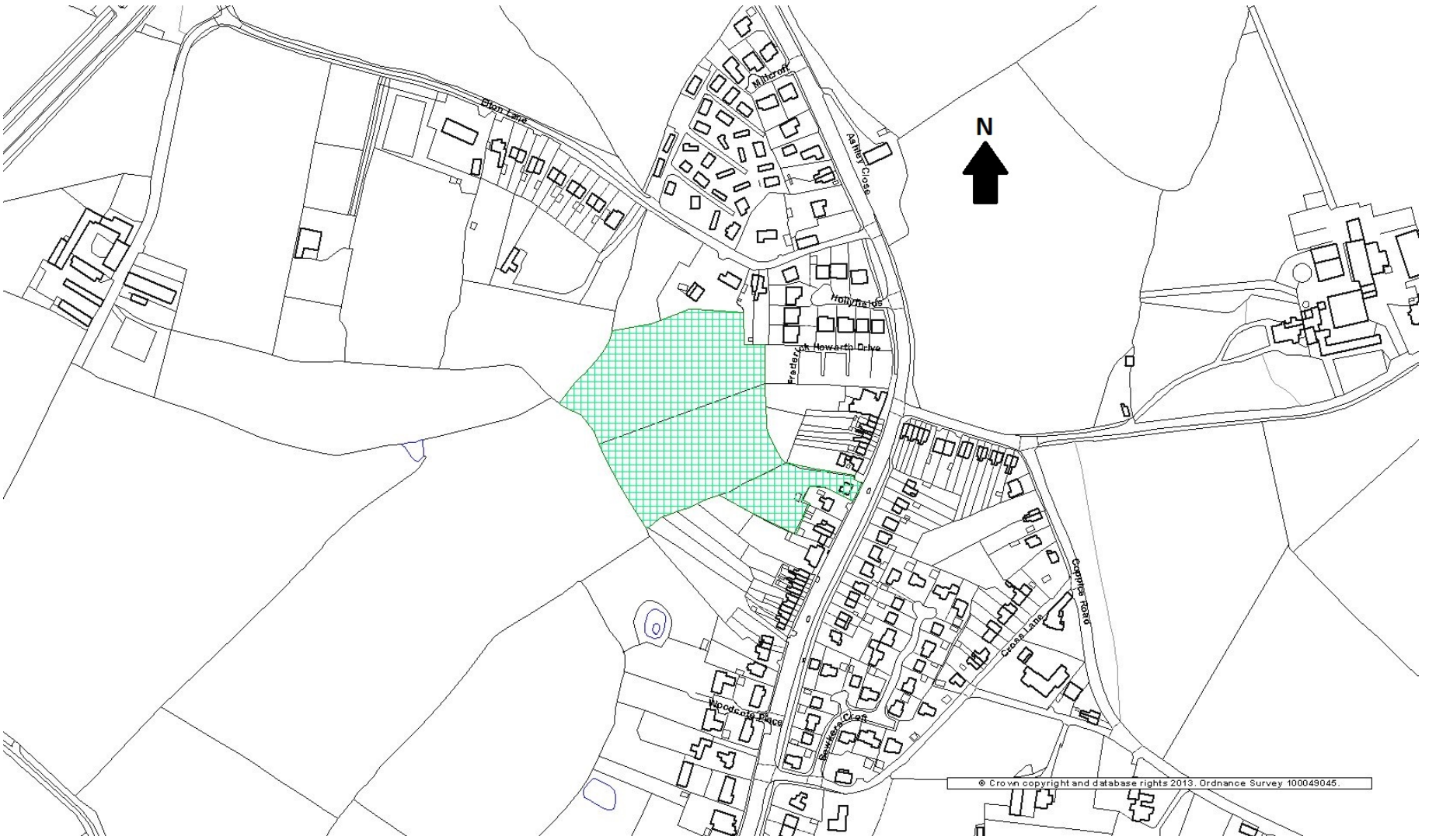
- 1) The proposed development is unsustainable because it is located within the Open Countryside, it also would result in an adverse impact on character and appearance of the area and has been supported by sufficient information to address the quality of agricultural land to be lost. The application is also not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore a development of 46 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. As a result the proposal is contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SC6 (Rural Exceptions Housing for Local Needs) SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**
- 2) The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 (Design), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable**

Development Principles), of the CELPS, The Cheshire East Design Guide and the requirements of the NPPF.

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

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

S106	Amount	Triggers																		
Affordable Housing	100%	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase																		
Education	Contribution of £108,902.43 towards primary and secondary education	50% Prior to first occupation 50% at occupation of 23rd dwelling																		
Health	<p>Contribution to support the development of Haslington Medical Centre using the below formula:</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per Unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per Unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	50% Prior to first occupation 50% at occupation of 23rd dwelling
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4 bed unit	3.5 persons	£1,260 per 4 bed unit																		
5 bed unit	4.8 persons	£1,728 per 5 bed unit																		
Public Open Space	Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company	50% Prior to first occupation 50% at occupation of 23rd dwelling																		



Application No: 19/4360N
Location: Land Off, AUDLEM ROAD, HANKELOW
Proposal: Entry-Level Exception Site for Affordable Housing
Applicant: Mr & Mrs DE Thelwell
Expiry Date: 30-Dec-2019

SUMMARY

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan Strategy, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Exceptions may be made where it relates to affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'. The proposal is considered to comply with the relevant criteria contained in this policy in terms of the number of houses proposed and meeting identified local needs.

The benefits of the proposal would be the provision of x10 affordable units to meet local need and the limited economic benefits during construction.

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

The dis-benefits would be the loss of open countryside and agricultural land. The visual harm to the landscape and general character/urban grain of the area. The proposal also fails to show that adequate parking and turning areas could be accommodated on the site.

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

RECOMMENDATION**REFUSE****PROPOSAL**

Outline consent for an Entry-Level Exception Site for Affordable Housing.

The Design and Access Statement advises the proposal would provide 10 or less dwellings.

All matters are reserved.

SITE DESCRIPTION

The application site comprises a parcel of land sited to the side of Poolside Cottage off Audlem Road, Hankelow. The area consists of predominantly residential properties in a row of ribbon development.

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

The site has a central dip and rises to the north-east.

Boundary treatment consists of 2m high hedge to Audlem Road and 1m high fence to Poolside.

No significant trees are located on the site.

RELEVANT HISTORY

18/4858N – Outline consent for a rural exception site for 10 dwellings in the form of 9 plots – refused 30-May-2019 for the following reason:

‘The Local Planning Authority does not consider that the illustrative plans provided in support of the application demonstrate that the site could accommodate the number of dwellings proposed together with the required level of parking and turning areas whilst at the same time respecting the density/character/urban grain of the area and the ability to provide sufficient landscaping. As such the proposed development appears to be over engineered and too cramped for the site and is considered to be contrary to Policy PG6 (open countryside), SC6 (rural exceptions), SE1 (design), SE2 (efficient use of land), SE4 (landscape) of the CELPS, Policy BE.3 (access and parking) & RES.5 (housing in the open countryside) of the Crewe and Nantwich Local Plan and guidance contained within the NPPF.’

ADOPTED PLANNING POLICY

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Crewe and Nantwich Local Plan.

Cheshire East Local Plan Strategy (CELPS);

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

SE2 - Efficient Use of Land

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE9 - Energy Efficient Development
SE12 - Pollution, Land Contamination and Land Instability
IN1 – Infrastructure
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 - Residential Mix
SC6 – Rural Exceptions Housing for Local Needs

Crewe and Nantwich Local Plan Saved Policies;

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)

Other Material planning policy considerations

Hankelow Neighbourhood Plan (HNP) Regulation 14 stage so carries limited weight

Policy NE1 – Woodland, hedgerows, trees and watercourses
Policy DC 1 – Design
Policy TC 1 – Development impact on transport
Policy TC3 – Drainage systems
Policy H1 – New Housing
Policy H2 – Housing Type

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

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

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; noise impact, travel information pack, electric vehicle charging points, working hours for construction sites, lighting & contaminated land

CEC Housing – Objection as need is currently being met with the current Affordable Housing Mechanisms

CEC Flood Risk – No objection subject to condition requiring detail of drainage design

United Utilities - No objections subject to compliance with the drainage strategy

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

Hankelow Parish Council – Object on the following grounds:

- The Cheshire East draft housing strategy 2018-30 states that the current delivery of affordables is 40% above the target of 355 p.a. For this reason alone the application should be refused.
- The proposal does not reflect local needs.
- The applicant has provided no clear statistical evidence to support his assertion that “there is a large need for affordable first-time buyer housing that is not being met at the current time”. Where are the figures? What is the shortfall in provision? To be treated as a special exception, the supporting evidence has to be clear and unequivocal.
- Para 71 of the NPPF states that entry-level sites should “comply with any local design policies and standards”. The previous application (18/4858N) was refused on the grounds that the design / layout for 10 homes on this site represented unacceptable overcrowding and was “harmful” to the urban grain/character of the area. This new application based on the same site and area would represent a similar “harmful” development. As this question of overcrowding was the main issue in refusing the previous application it seems unacceptable to relegate the question of housing density to a “reserved matter”
- Hankelow’s draft Neighbourhood Plan (at Reg 14 stage) has as objective 9 as part of a “Local Character and Design” policy an aim to “protect and enhance the unspoilt local rural character of the parish”. To approve 19/4360 would conflict with objective 9 as it is located in open countryside on good agricultural land.
- During the period 2011-17 the number of residential houses in Hankelow increased by 47%. This cannot be allowed to continue otherwise the rural character of Hankelow will be lost forever.

REPRESENTATIONS

19 letters of objection regarding the following:

- The golf club closed some years ago and the land has reverted to agricultural use
- Land has been classified as Good-Grade 3a
- There is not an hourly bus service
- The pond is full to overflowing and has been for some months
- No evidence of need for affordable housing in the village
- Site is outside the settlement and thus not needed to meet housing figures

- Precedent for future applications
- Harm to highway safety from entry/existing the site
- Flooding/drainage issues
- Impact on medical practice capacity
- Contrary to PG6
- Contrary to Neighbourhood Plan
- Overlooking/loss of privacy to existing properties
- Pressure of existing infrastructure
- Proposal suggest there is a need for houses for first time buyers however the proposal is not supported by any statistical evidence. What are the numbers? What is the shortfall?
- During the period 2011-17 there was a 47% increase in the number of residential properties in the Parish. Such a rate of increase cannot be sustained without being harmful to the rural character of Hankelow
- Not a sustainable location
- Harm to wildlife

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Exceptions may be made where it relates to affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'.

Policy SC6 relates to rural exception sites and thus is not appropriate for entry level exception sites, which as defined by the NPPF, is for first time buyers/renters only and thus different to standard affordable housing as noted in SC6.

Policy H1 of the HNP supports proposals in line with PG6 of the Local Plan.

As a result the proposal does not comply with Policy SC6 or subsequently Policy PG6 and constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

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

Entry Level Exception

Para 71 of the NPPF advises that Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the

need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of the Framework (this is defined as a site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent) and
- b) be adjacent to existing settlements, proportionate in size to them (not be larger than one hectare in size or exceed 5% of the size of the existing settlement), not compromise the protection given to areas or assets of particular importance in this Framework (National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt), and comply with any local design policies and standards.

Need within the borough

In this instance the need for entry level homes within the borough is currently being met through existing local plan policies. In terms of meeting any specific need for 'entry level' affordable housing, this is included within the overall affordable housing requirement. A variety of tenures are being delivered which provide for, and do not preclude, first time buyers and renters. The local plan sets out a housing requirement of at least 7,100 additional affordable dwellings between 2010-2030 (average 355 per annum) for the whole borough of Cheshire East. In the period up to 2018/2019 there were a total of 3433 Affordable Completions in the Cheshire East showing that, less than half way through the plan period, the target for new affordable housing is well on track to be met through provision on market housing schemes and rural exception sites (see table below).

In addition, there has been provision of new market housing in the urban centres such as Alsager, Sandbach, Crewe & Congleton which are accessible at lower quartile borough price levels and would contribute to meeting 'entry level exception site' need.

Plan period for the borough	Affordable homes completed
2010/11	170
2011/12	214
2012/13	184
2013/14	131
2014/15	636
2015/16	360
2016/17	398
2017/18	613
2018/19	727
Total	3433

Table showing number of affordable homes completed in Cheshire East

Year	Rented	Intermediate	Total
2013-2014	0	0	0
2014-2015	10	0	10
2015-2016	0	0	0

2016-2017	0	0	0
2017-2018	0	0	0
2018-2019	7	3	10
2019-2020 Q2	5	0	5
Grand Totals	22	3	25

Table showing the number of affordable homes completed in Hankelow/Audlem

As the need for such homes is already being met within the borough the proposal is not considered to comply with the first criteria of Para 71. Further sites have also gained approval that have not yet been build out so the figures of completions could go even higher should these be constructed.

It is also noted that the existing Rural Housing Needs Survey for Hankelow expired on 1st November 2018 and as such is well out of date. It is acknowledged that the survey did advise that there were a potential 16 new households required, with 5 of these being required at an affordable level and this figure should be treated as a minimum. However given that the survey is out of date it is not considered that this evidences the current local need which may have gone up or down and may well have been met by approvals since the survey was undertaken.

part a) of para 71 NPPF

It is not known at this stage if the proposal would comprise of entry-level homes that offer one or more types of affordable housing.

para b) of para 71 NPPF

The site is adjacent to the existing settlement of Hankelow, albeit outside of the settlement boundary. It is also under 1 hectare in size at 0.23 hectares and the site is not location within the Green Belt, National Park or AONB. This complies with the first part of para b.

It is however unclear how to calculate whether or not the proposal exceeds 5% of the existing settlement and if this means physical area, the number of households and how to define the settlement as the settlement boundary for the village is different to the boundary contained in the neighbourhood plan. However the number of existing households is considered a reasonable figure to base this on and based on the figures in the Hankelow Neighbourhood Plan the number of households was 123 as of 2018. The proposal seeks up to 10 dwellings which would be just over 5% of the number of existing households if the full 10 units were provided.

In terms of local design policy and standards, the actual design/appearance of the development is not being applied for and as such would not be known until reserved matters stage. However concerns are raised that without the benefit of illustrative plans that the proposal would be fairly cramped on the site and would not respect the existing urban grain given the limited size of the site and the total number of dwellings proposed and this does not comply with para b.

As such, it is therefore considered that the proposal does not accord with the provisions within para 71 of the NPPF.

Housing Land Supply

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

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

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

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Measurement 2018 indicates that the delivery of housing was substantially below 25% of housing required over the previous three years (note: this will change to 45% once the Housing Delivery Test Measurement 2019 is published later this year).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.5 years (17,333 dwellings).

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

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

Affordable Housing, Open Space, Education, Health

The proposal does not fit the threshold to require any contributions towards open space, health or education.

The affordable units would be secured by way of Section 106 Agreement.

Location of the site

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

In this instance no such assessment has been provided with the application. However consents have been granted around the site which deemed Hankelow to be locationally sustainable.

There is also a bus stop right outside the site with services to services centres of Nantwich, Audlem and Whitchurch. The bus runs Monday to Saturday from 8am-6pm with 9 services a day. This would allow access to employment and services/amenity by other forms of travel rather than simply by car.

As a result the site is considered to be locationally sustainable.

Residential Amenity

The main residential properties affected by this development are Poolside Cottage to the south-west and 7, 9, 11 Audlem Road & Hankelow Methodist Church.

No plans have been provided in which to consider how the development could be provided on site without causing harm to living conditions of neighbouring properties and providing the required 50sqm minimum of garden areas. This would not be addressed until reserved matters stage.

Nevertheless it would appear that a layout which provides the recommended interface distances of 13.5 to 21m and garden areas as noted in the SPD could be provided.

Therefore the proposal could be accommodated without significant harm to living conditions of neighbouring or proposed occupants.

Contaminated Land

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

Highways

The proposal is for a small residential scheme of up to 10 units which would provide a new access onto Audlem Road, although all matters of this application are reserved.

From the plans, the achievable visibility is in excess of 60m and there is pedestrian infrastructure available from the site access.

All matters are reserved and there is no objection to the principle of the development with parking provision, access and turning areas not being confirmed until reserved matters stage.

Landscape

It is accepted that given that the entry level exceptions policy in the NPPF permits development of affordable housing in the countryside, it is inevitable that there would be some landscape/visual harm. Nevertheless the proposal would clearly have a harmful impact on the landscape as it seeks to develop a section of land that is currently free from development. What therefore needs to be considered is whether or not the level of landscape harm would be acceptable.

In this instance concerns are raised regarding the western boundary, particularly the hedge and how a new access point and visibility splays may affect this boundary. The site is located within and adjacent to the Open Countryside, and Policy PG6 of the Cheshire East Local Plan Strategy is relevant. Policy PG6 recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 170 of the Framework.

Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

Given the absence of illustrative plans it is not possible to assess the full landscape impacts and these would not be known until reserved matters stage. However it is not apparent or clear how the proposed development will either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside.

Trees

Should access into the site be taken off Audlem Road this would result in the loss of a section of hedgerow

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application.

No such assessment has been provided with this application however one was provided with the recently refused application which confirmed that the hedgerow is not 'Important' under the Hedgerow Regulations 1997.

It is therefore reasonable to reach the same conclusion here given the short space of time and given it relates to the same hedgerow. Therefore a condition could be imposed requiring replacement planting details at reserved matters stage.

Design

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

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Paragraph 127 further states that decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The area is characterised by a mix of property types ranging from detached, semi-detached and terrace style properties. Therefore it is considered that the site could accommodate a mix of property styles.

However a key part of the character of the area would appear to be the spacious nature of plots with large gaps between properties. In this instance it is a concern whether or not the site could accommodate the number of dwellings proposed in a manner which respects the character and layout of the locality whilst also providing the necessary road infrastructure and landscaping.

A proposal for up to 10 dwellings is also considered too high a density for the site at about 44 per hectare. It is accepted , however, that conditions could be imposed to limit the maximum numbers of units.

A similar application was recently refused on the site for 10 dwellings as a rural exception site under ref 18/4858N. An illustrative plan was provided for this application however it was deemed to demonstrate a cramped and over engineered design given the need to provide the houses, garden areas, access point and parking areas which suggested that the site was not large enough to accommodate the number of units being proposed.

In this instance whilst layout is a reserved matter given the absence of any illustrative plans it is not considered that the proposal has been supported by sufficient information in which to conclude that the site could be developed in a manner which respects the local pattern of built form and does not appear cramped.

Ecology

Other Protected Species

An OPS survey submitted with an earlier application at this site identified evidence of OPS activity beyond the application site boundary. The Councils Ecologist advises that based on the current levels of

badger activity the proposed development is not likely to have a significant adverse effect on this protected species.

However, as a sett has been recorded in this locality and OPS can excavate new setts within a short time scale, The Councils Ecologist therefore recommends that if outline planning permission is granted a condition must be attached which requires any future reserved matters application to be supported by an updated badger survey and mitigation strategy.

Great Crested Newts

A small population of Great Crested Newts was recorded breeding at a pond in close proximity to the proposed development in 2014. Follow on surveys in recent years have however found the pond to be drying out and so the pond is unlikely to have offered suitable conditions for breeding in recent years.

A small population of great crested newts is however still likely to persist in the terrestrial habitats surrounding the pond.

In the absence of mitigation the proposed development is likely to result in a Low-Medium adverse impact on the local population as a result of the loss of terrestrial habitat and the risk of animals being killed during the construction process.

Important

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

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

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.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of newts and may also result in their enhancement on the site.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

No development on the site

Without any development, specialist mitigation for newts would not be provided which would be of benefit to the species.

To compensate for the loss of terrestrial habitat the submitted report proposes the creation of an additional wildlife pond and associated habitats. The proposed pond would be created outside the red line of the application but within the blue line land.

The risk of amphibians being harmed during the construction phase would be mitigated by the use of amphibian exclusion fencing installed under a Natural England license.

The Councils Ecologist advises that the proposed great crested newt mitigation and compensation measures, would maintain and potentially enhance the local great crested newt population and has therefore suggested a condition requiring any future reserved matters application to be supported by an updated Great Crested Newt Mitigation strategy informed by the recommendations of the submitted Outline Great Crested Newt Mitigation Strategy prepared by The Sustainable Development Consultancy.

Common Toad

This priority amphibian species was also recorded in this locality. The proposed great crested newt mitigation measures would also be sufficient to safeguard this species.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of existing hedgerows along Audlem Road.

The Councils Ecologist advises that a hedgerow assessment must be undertaken and submitted to determine whether this hedge is Important under the Hedgerow Regulations.

If planning consent is granted it must be ensured that compensatory hedgerow planting is provided at the detailed design stage to address any unavoidable loss of hedgerows.

Ecological Enhancement

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

Ecology conclusion

The above conditions are considered both reasonable and necessary to mitigate the impact. As a result the proposal could be accommodated without significant ecological impacts.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to compliance with the submitted drainage strategy.

The Councils Flood Risk Team have also been consulted and raised no objection subject to condition requiring a detailed drainage strategy to limit surface water run off.

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

Agricultural Land Quality

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land. This is defined in the glossary of the Local Plan as being land in grades 1, 2 and 3a of the Agricultural Land Classification.

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

In this instance an agricultural justification report has been provided which advises that this 4.6 hectares site, is of poorer agricultural land quality but fails to classify the actual land grading quality. The report advises that as the site is bound by development on 3 sides it is an isolated block that is difficult to farm. In reality the site is bound by development on just 2 sides as the golf club noted in the report is no longer in existence.

The report also advises that the poor drainage and soil types make it difficult to farm on the land. However without the actual land classification it is difficult to fully assess the quality of land to be lost. Nevertheless given the limited size of the land it is unlikely that its loss would have any significant impact on the local supply of agricultural land.

However as the proposal would result in the loss of agricultural land, this issue needs to be considered as part of the planning balance.

Economic Sustainability

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

Other Issues Raised

The majority of neighbour responses have been addressed in the report above. Issues were raised regarding:

- Precedent for similar development –
Each application is assessed on its own merit
- Application makes reference to a golf club which no longer exists –
This is noted and the LPA is aware of this and does not alter the planning assessment
- Harm to capacity of the existing medical centre –
The proposal is below of number of dwellings to require any contributions towards medical provision
- Overlooking/loss of privacy to existing properties –

This would not be known until reserved matters stage

PLANNING BALANCE

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”.

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by

public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Exceptions may be made where it relates to affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'. However Policy SC6 relates to rural exception sites and thus is not appropriate for entry level exception sites, which as defined by the NPPF, is for first time buyers/renters only and thus different to standard affordable housing as noted in SC6.

As a result the proposal does not comply with Policy SC6 or subsequently Policy PG6 and constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

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

In this instance Para 71 of the NPPF does support the development of entry-level exception sites unless the need for such homes is already being met within the authority's area, comprises of entry-level homes that offer one or more types of affordable housing and is proportionate in size with the existing settlement and complies with local design policies and standards. In this instance no evidence of need has been provided with the application and the need is already being met, the type of entry level homes has not been confirmed, the proposal is not proportionate to the size of the existing settlement and it has not been demonstrated how the site could accommodate the number of dwellings on site in manner which respects the existing urban grain given the limited size of the site.

The benefits of the proposal would be the provision of x10 entry level units and the limited economic benefits during construction.

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

The dis-benefits would be the loss of open countryside and agricultural land and the lack of information to demonstrate that the site could be developed without visual harm to the landscape or general character/urban grain of the area.

It is not considered that the benefits outweigh the adverse impacts and there are no material considerations which outweigh the harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

1) Open Countryside

The proposed residential development is unsustainable because it is located within the Open Countryside and does not comply with the exceptions to development within it. The proposal also fails to comply with Para 71 of the NPPF as the need for entry level housing is already being met within the borough, the type of entry level homes has not been confirmed, the proposal is not proportionate to the size of the existing settlement and it has not been demonstrated how the site could accommodate the number of dwellings on site in manner which respects the existing urban

grain given the limited size of the site. The proposal is therefore contrary to Policies PG6 (Open Countryside), SC6 (Rural Exceptions Housing for Local Needs), SD1 (Sustainable Development in Cheshire East) of the Cheshire East Local Plan Strategy, Saved Policy RES5 (Open Countryside) of the Crewe and Nantwich Local Plan, Policy H1 (New Housing) of the Hankelow Neighbourhood Plan and the NPPF, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.

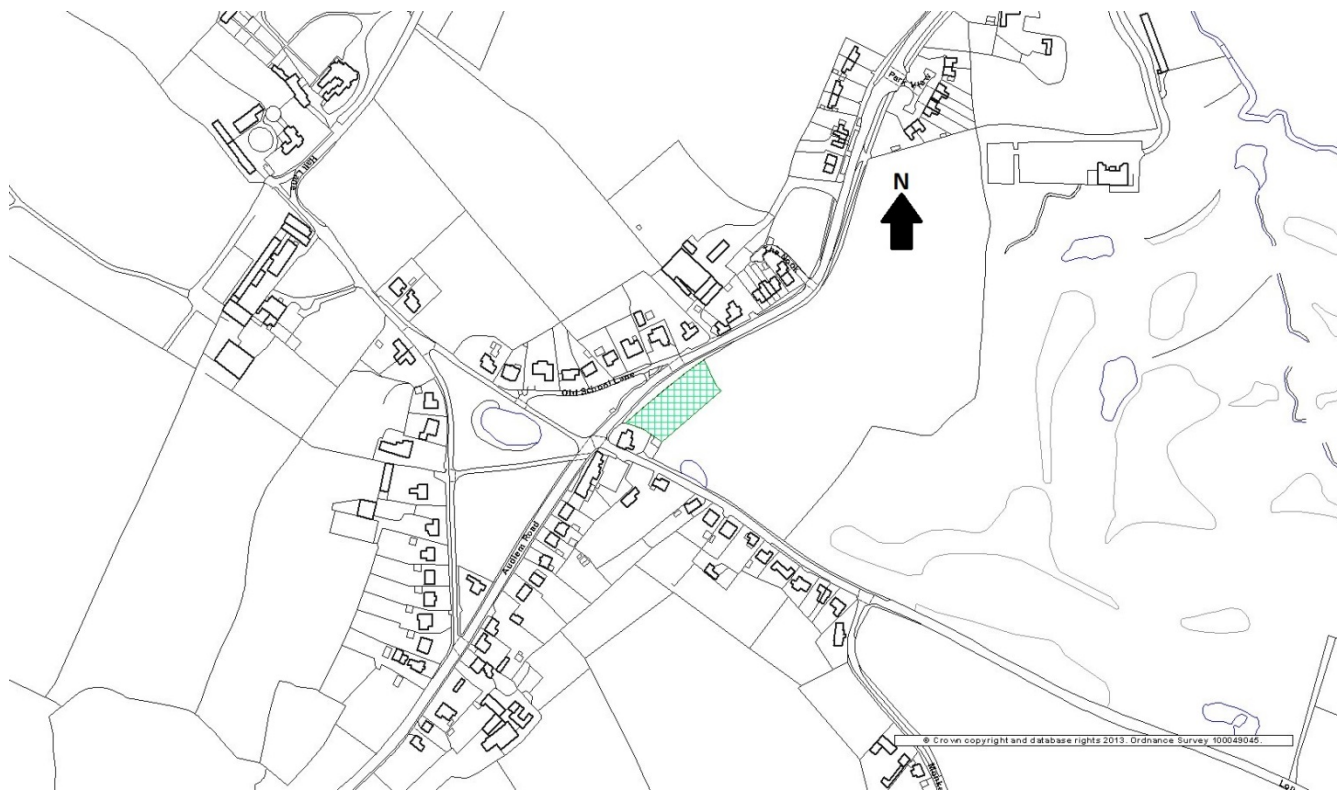
2) Insufficient information

The Local Planning Authority does not consider that the proposal has been supported by sufficient information to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of parking and turning areas whilst at the same time respecting the density/character/urban grain of the area and the ability to provide sufficient landscaping. As such the proposal is considered to be contrary to Policy PG6 (open countryside), SC6 (Rural Exceptions Housing for Local Needs), SE1 (design), SE2 (efficient use of land), SE4 (landscape) of the Cheshire East Local Plan, & Saved Policy RES.5 (housing in the open countryside) of the Crewe and Nantwich Local Plan, Policy DC1 (Design) of the Hankelow Neighbourhood Plan and guidance contained within the NPPF in particular para 71.

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

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

S106	Amount	Triggers
Affordable Housing	To be confirmed	In accordance with phasing plan.



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Application No: 19/4513C

Location: 104, LAWTON ROAD, ALSAGER, ST7 2DB

Proposal: Residential development of 3 detached bungalows together with a new access road and associated site works.

Applicant: Mr M Bailey, Alcock & Bailey Ltd

Expiry Date: 29-Nov-2019

SUMMARY

The site lies within the settlement boundary for Alsager and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 and SE2 of the CELPS.

The site is sustainably located and is in easy walking distance of Alsager Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no conflict with Policies GR6 and GR7 of the CBLP or the SPG.

Following the receipt of amended plans the development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS.

Following the receipt of amended plans and the reduction of the number of units from 4 to 3 it is considered that the impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS.

The design has been subject to negotiations during the course of this application and is now considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide.

The application would comply with the relevant policies of the Development Plan and is recommended for approval.

RECOMMENDATION

APPROVE subject to the imposition of planning conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Fletcher for the following reason;

'loss of trees NPPF 175 C, resulting in the deterioration of irreplaceable habitats (such as ancient woodland or trees and or veteran trees) should be refused unless there are wholly exceptional reasons.

wildlife- NPPF b recognise that some undeveloped land can perform many functions such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.

One of the proposed house appears very close to properties on Field Way. The proposed access on to Lawton Road is nearly opposite a road on to five properties to the north of Lawton Road and not far from Vale Gardens junction with Lawton Road which is the busy main road through Alsager'

PROPOSAL

Full planning permission is sought to erect three bungalows each with a detached garage. The proposed dwellings would be arranged around a small cul-de-sac.

During the course of this application the number of dwellings proposed has been reduced from four to three.

SITE DESCRIPTION

The application site is a vacant plot of land which was previously occupied by a large detached dwelling which has now been demolished. The site lies within the Alsager Settlement Boundary.

The site is currently overgrown and includes a number of trees which are the subject of a Tree Preservation Order. The site is set at a higher level to Lawton Road and levels rise towards the southern boundary of the site.

The site is surrounded by residential properties to all sides.

RELEVANT HISTORY

16/6210C - Demolition of existing dwelling and construction of a replacement dwelling – Approved 23rd March 2017

15/5816C - Extensions and alterations including demolition and rebuilding of existing 2 storey annex to side of main house, single storey side/rear swimming pool extension, single storey rear extension and 2 storey entrance side extension with single storey garage to side and a new roof – Withdrawn 28th October 2016

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Congleton Borough Local Plan (CBLP)

The relevant Saved Policies are:

PS4 Towns
GR6 Amenity and Health
GR7 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
NR3 Habitats
NR5 Habitats

Neighbourhood Plan

The Alsager Neighbourhood Plan (ANP) is at Regulation 18 stage and can be afforded moderate weight.

H1 – Type and Mix of New Housing
H2 – Climate Change and Housing
H3 – Infrastructure and Sustainable Housing Development
H4 – Size, Scale and Density of New Housing Developments
H5 – Early Consultation with Cheshire East and Developers

H7 – Housing Design
NBE4 – Woodlands, Trees and Hedgerows
NBE5 – Wildlife and Housing
CW2 – Health and Leisure Facilities
CW3 – Safe and Accessible Routes
TTS1 – Promoting Sustainable Transport
TTS2 – Congestion and Highway Safety
TTS3 – Car Parking and Electric Charging Points
TTS4 – Accessibility
TTS5 – Public Transport
TTS6 – Cycling
TTS7 – Pedestrians
TTS8 – Footpath, Bridleway and Cycleway Networks
TTS9 – Infrastructure
TTS11 – Improving Air Quality
TTS12 – Drainage – Sustainable Urban Drainage Systems
TTS13 – Surface Water

National Policy

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

Of particular relevance are paragraphs:

- 11. Presumption in favour of sustainable development.
- 124 - 132 Achieving well-designed places

Other Considerations

Cheshire East Design Guide
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2017

CONSULTATIONS (External to Planning)

United Utilities: General comments provided.

CEC Flood Risk Manager: No objection – condition suggested.

Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition and an informative.

CEC Environmental Health: The following conditions are suggested; piling works, dust management plan, electric vehicle infrastructure, low emission boilers and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

VIEWS OF THE TOWN COUNCIL

Alsager Town Council: The Town Council objects on the following grounds:

- Loss of trees
- Overdevelopment of the site

- Highway issues onto Lawton Road
- Proposed bungalows too close to neighbouring properties
- Lack of wildlife corridor provision

OTHER REPRESENTATIONS

Letters of objection have been received from 9 local households raising the following points;

- The previous approval for a single dwelling on the site was preferable
- Disturbance caused by vehicular movements along the boundary with 100 Lawton Road
- The site is not big enough to accommodate 4 dwellings
- Increased traffic congestion
- Lawton Road is in a poor state of repair
- Problems caused by parked cars along Lawton Road
- Residents are unable to park outside their own home along Lawton Road
- The proposed access is opposite a cul-de-sac
- Plans have been submitted for developments at 112 Lawton Road and 130 Lawton Road
- There is no need for further housing in Alsager
- Lawton Road suffers flooding
- Impact upon local infrastructure (schools, doctors and dentists)
- No trees should be removed as part of the development
- Impact upon/loss of wildlife
- Loss of mature trees including a mature Oak
- Heavy traffic along Lawton Road
- Struggle to get out of driveway due to the volume of traffic
- Not enough parking will be provided
- Alsager is providing its fair share of housing
- Residential development is welcome and would be an improvement in the current state of the site. It is suggested that the number of dwellings is reduced from four to three
- Porous surfaces should be used on the development
- 6 trees will be removed and the development should avoid this. The Monkey Puzzle tree should be retained
- Trees should only be felled at the right time of year
- Concern over piecemeal development
- Traffic calming or a roundabout is required
- Concern over parking of construction vehicles
- Traffic problems on the M6 impact upon Alsager
- Over 30 trees are to be removed to facilitate this development
- Concern over the removal of a large Oak tree which is the subject of TPO protection
- Details of landscaping and boundary treatment are required
- Removal of trees along the southern boundary may result in damage to a retaining wall
- No details are provided in relation to the stability of the retaining wall
- Loss of privacy and amenity
- The plots to the south of the site are taller than those at the lower end of the site
- Concern that the roof space may be converted into living accommodation in the future
- The Alsager Neighbourhood Plan Steering Group identified the key point that garden grabbing can have a negative impact upon an area
- Impact upon the private amenity space of an adjacent dwelling
- Problems caused by construction traffic
- Potential impact upon protected species

- The plans include an error and show No9 Thomas Close as being No 6 Thomas Close

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

- Would like to see the site developed
- For over 3 years the site has been growing wild
- The previous application for a single dwelling was preferable
- The application for 4 dwellings is reasonable and proportional to the size of the plot
- Not all trees on the site are protected and many need to be maintained/pruned properly and this should be done with consideration and consultation with adjoining residents to maintain privacy
- Concern over the access onto Lawton Road
- Speeding vehicles along Lawton Road
- Poor visibility at the site entrance
- Parking restrictions and traffic calming are needed

APPRAISAL

Principle of Development

The site is located within the settlement boundary for Alsager (a Key Service Centre). Policy PG2 states that in the key service centres *'development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability'*.

As a windfall site Policy SE2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD1 and SD2

Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'*.

Policy H1 of the ANP states that any additional housing 'over and above that identified in the CELPS and the Housing Advice Note will only be supported if there is a clear justification for a higher target number of houses agreed for Alsager as a Key Service Centre through the Development Plan process'. However the examiner of the ANP has recommended that this part of the policy is deleted.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is very close to the town centre of Alsager (approximately 350m). As such the site is considered to be highly sustainable and services and facilities could easily be accessed by non-motorised forms of transport. The site is considered to be sustainably located and complies with Policies SD1 and SD2.

POS

As a development of 3 units the development falls below the threshold for open space provision.

Education and Health

As a development of 3 units the development falls below the threshold for education and health provision.

Highways Implications

The proposed development would have a single access point accessed off Lawton Road. The application is supported by a speed survey which indicates that the 85th percentile speed is 30mph in both directions.

The proposed access would have visibility splays of 2.4m x 43m in both directions subject to a small section of the front boundary wall being reduced in height or re-positioned. The Head of Strategic Infrastructure has confirmed that there have been no recorded accidents on this stretch of Lawton Road within the last 3 years. Off-road parking provision and turning areas are sufficient and the access will have an acceptable width.

Three residential properties will generate little traffic movement and will have minimal impact upon the local highway network. Refuse collection can take place from the highway where the collection point is shown.

A condition will be attached to ensure that the site access and visibility splays are provided prior to the first occupation of the development as well as a condition to ensure that each unit has cycle parking provision.

Subject to the above condition, no highway objections are raised and the proposal is deemed to adhere with Policy GR9 of the CBLP and Policy SD1 of the CELPS with regards to highways matters.

Amenity

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

To the east of the site is a large detached dwelling at 106 Lawton Road. This property is set within a large plot with the dwelling set back from Lawton Road by 31m. The proposed dwelling on plot 1 is set further forward and would have a blank side elevation facing the boundary with 106 Lawton Road. Given it's siting and single storey nature it is not considered that this plot would impact upon No 106.

Plot 2 is orientated with its rear elevation facing the side elevation of 106 Lawton Road. There would be a separation distance of 10m at its closest point. Within the side elevation of No 106 Lawton Road are a number of windows all of which are obscure glazed and secondary. This relationship is considered to be acceptable.

Plot 3 is set further back within the site and angled to No 106. Given the relationship and separation distance there would be no impact from this plot upon 106.

To the south of the site are dwellings at 9 Thomas Close and 8 Davis Close. The proposed dwelling on plot 3 would be angled and face towards the south-east corner of the site towards No 9 Thomas Close. There would be a separation distance of approximately 18m from the rear elevation of plot 3 and the blank side elevation of No 9 Thomas Close. This separation distance exceeds the separation distance requirements. Furthermore the application site is at a lower level and the proposed dwellings are single storey in nature. This relationship is acceptable.

The garage to serve plot 3 would be 10m from the side elevation of 24 Fields Close and 13m from the boundary with 8 Davis Close. This would not cause any amenity impacts.

The front elevation of plot 2 would face towards the side elevation of the dwelling at 19 Fields Close which has a blank side elevation facing the site. This relationship meets the separation distances and is considered to be acceptable.

The side elevation of plot 1 would be 20m from the side elevation of No 100 Lawton Road. Again the relationship complies with the spacing standards and is considered to be acceptable.

To the north of the site plot 1 would face towards 91 Lawton Road. There would be a separation distance of approximately 44m between the properties and the relationship is considered to be acceptable.

A representation from the occupants of 100 Lawton Road has raised an objection based on the increased vehicular movements on the access drive causing harm to residential amenity. In this case it should be noted that the existing driveway is approximately 3.8m from the side elevation of No 100 Lawton Road. Although there would be an increase in two units on the site the access would be repositioned so that it would be 10m from the side elevation of No 100 Lawton Road. It is considered that the development would provide an improvement in this relationship.

With regards to private amenity space, the minimum recommended standard detailed within SPD is 65 square metres. This requirement would be met.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and a condition relating to a dust management plan.

Contaminated Land

Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. The application area was previously considered under 16/6210C with contaminated land conditions attached. A contaminated land assessment was submitted under 17/4854D. This was sufficient to discharge the conditions. Given that this is a revised scheme, post demolition, the precautionary soil import and unexpected contamination conditions are recommended.

Trees and Hedgerows

There are existing trees within the vicinity of the proposed development. The whole site lies within Area A4 of the Congleton Borough Council (Fields Road/ Lawton Road Alsager) TPO 1975.

There has been a previous approval for demolition of the original dwelling and construction of a replacement dwelling (16/6210C). Historically, trees have been removed from the centre of the site and the remaining tree cover is mainly around the periphery of the site.

The current submission is supported by a document entitled *Tree survey and Impact Assessment* dated August 2019. The survey covers trees on the site and on adjoining land.

The Impact Assessment indicates that a number of trees would be removed to accommodate the development and that several other specimens are recommended for removal on grounds of their condition or as part of a thinning operation to benefit retained trees.

Tree losses were accepted under the previous application (16/6210C) and some of the tree cover on the site is of low quality. Nevertheless, on the western boundary of the site where trees are closely spaced it is difficult to identify specimens which have been proposed for removal. In terms of the tree removal, the final detail of tree removal/retention could be confirmed by use of a tree felling/ pruning specification condition with a specific requirement for trees to be removed to be marked on site for prior approval.

There were initially some specimens identified for removal on the site which are worthy of retention. These included T76 a mature Silver Birch tree which would be close to the garage and dwelling on plot 3. The revised plans show that this tree would now be retained as part of the proposed development.

The submission proposes removal of the only grade A tree on the site; a Chilean Pine (Monkey Puzzle). This tree has significant growth potential and would not be suitable for retention in a development of the nature proposed. In any event the tree would have been removed under 16/6210C and as such its retention cannot be insisted upon as part of this application.

It is noted that a representation has been received which references the proposed removal of an Oak T93 to the south east corner of the site. This tree has been confirmed to have decay at the base and there is no objection to its removal.

The shading diagram suggests that all the plots would in part be impacted by shading from trees. This impact has been improved significantly by the reduction in the number of proposed dwellings from four to three and through changes to the layout. The proposed dwellings would now have an acceptable level of private amenity space which would not be shaded by the retained trees.

Local Plan Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience and support biodiversity. This planning application provides an opportunity to incorporate new planting in accordance with this policy. It is recommended that if planning permission is granted a condition should be attached which requires the submission of a landscape scheme to meet the requirements of this policy and make provision for replacement planting.

The call-in request from Cllr Fletcher refers to the site being ancient woodland or containing veteran trees. Neither would apply to the trees on this site.

Landscape

There are no significant landscape issues. Details of boundary treatment and landscape works should be sought by condition.

Design

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

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

The proposal seeks the erection of 3 detached bungalows sited around an access drive taken off Lawton Road. The properties along Lawton Road are largely two-stories in height but there are some examples of bungalows,

The provision of access driveways at off Lawton Road has been accepted previously such as opposite the site and at Vale Gardens to the east of the site.

The proposed dwelling to the frontage of the site is plot 1. This plot was originally sited with a side elevation facing Lawton Road with boundary treatment to enclose the side garden along the Lawton

Road frontage. This created a negative interaction between the development and the Lawton Road contrary to Policy SE1 and the CEC Design Guide. The scheme has now been amended with plot 1 fronting Lawton Road. The side elevation of plot 1 would also include a bay window feature to add interest to this prominent elevation as you enter into the site.

Plot 1 is set further forward than the dwelling at 106 Lawton Road but further back than the dwelling at 100 Lawton Road. It is considered that this staggered siting between the two properties at either side is acceptable.

The proposed dwellings would have hipped roofs. There is a mix of roof forms within the vicinity of the site and the roof design is considered to be acceptable.

The detailed design of the dwellings includes bay windows, brick plinth, window headers, sill details, projecting gables, eaves detailing and porch details. It is considered that the proposed dwellings are largely acceptable in terms of the detailed design.

Plot 3 is prominently located at the head of the cul-de-sac and there were originally concerns over the siting of this dwelling and the prominence of the garage and drive at the head of the cul-de-sac. However this is the best solution in terms of the relationship to the retained trees to the southern boundary and the future retention of these trees and the relationship to the proposed dwellings outweighs the limited harm to the appearance of the development.

It is considered that the design complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD and the NPPF.

Ecology

In this case the Councils Ecologist has been consulted and has stated that he does not anticipate there being any significant ecological issues associated with this proposed development. In the event that planning permission is granted conditions are suggested in relation to the timing of works within the bird breeding season and the incorporation of features suitable for use by breeding birds.

The call-in request from Cllr Fletcher and the comments from Alsager Town Council refer to a lack of wildlife corridor provision. The site is not located within a wildlife corridor as identified within Policy NBE3 of the ANP. Policy NBE3 states that *'On every new development, whether residential or for employment, new buffer zones and wildlife corridors will be created where possible, to increase the biodiversity of the Plan area'*. The examiner of the ANP has recommended that this policy is completely reworded so that it now includes the following wording *'When planning applications are made for new development, opportunities to enhance biodiversity will be sought'*. The development would provide for opportunities to enhance biodiversity through the proposed landscaping condition and bird box condition.

Flood Risk and Drainage

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

The site currently sits within Flood Zone 1. The Council's Flood Risk Officer and United Utilities have been consulted as part of this application and have raised no objection subject to the imposition of a planning condition. Subject to this condition the development would comply with Policy SE13.

Land Levels

Finished floor levels of the proposed dwellings have been provided on the submitted site plan. These largely reflect the existing levels on the application site and are acceptable.

CONCLUSION

The site lies within the settlement boundary for Alsager and the principle of residential development on the site is acceptable. The development accords with Policies PG2 and SE2 of the CELPS.

The site is sustainably located and is in easy walking distance of Alsager Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no conflict with Policies GR6 and GR7 of the CBLP or the SPG.

Following the receipt of amended plans the development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS.

Following the receipt of amended plans and the reduction of the number of units from 4 to 3 it is considered that the impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS.

The design has been subject to negotiations during the course of this application and is now considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide.

The application would comply with the relevant policies of the Development Plan and is recommended for approval.

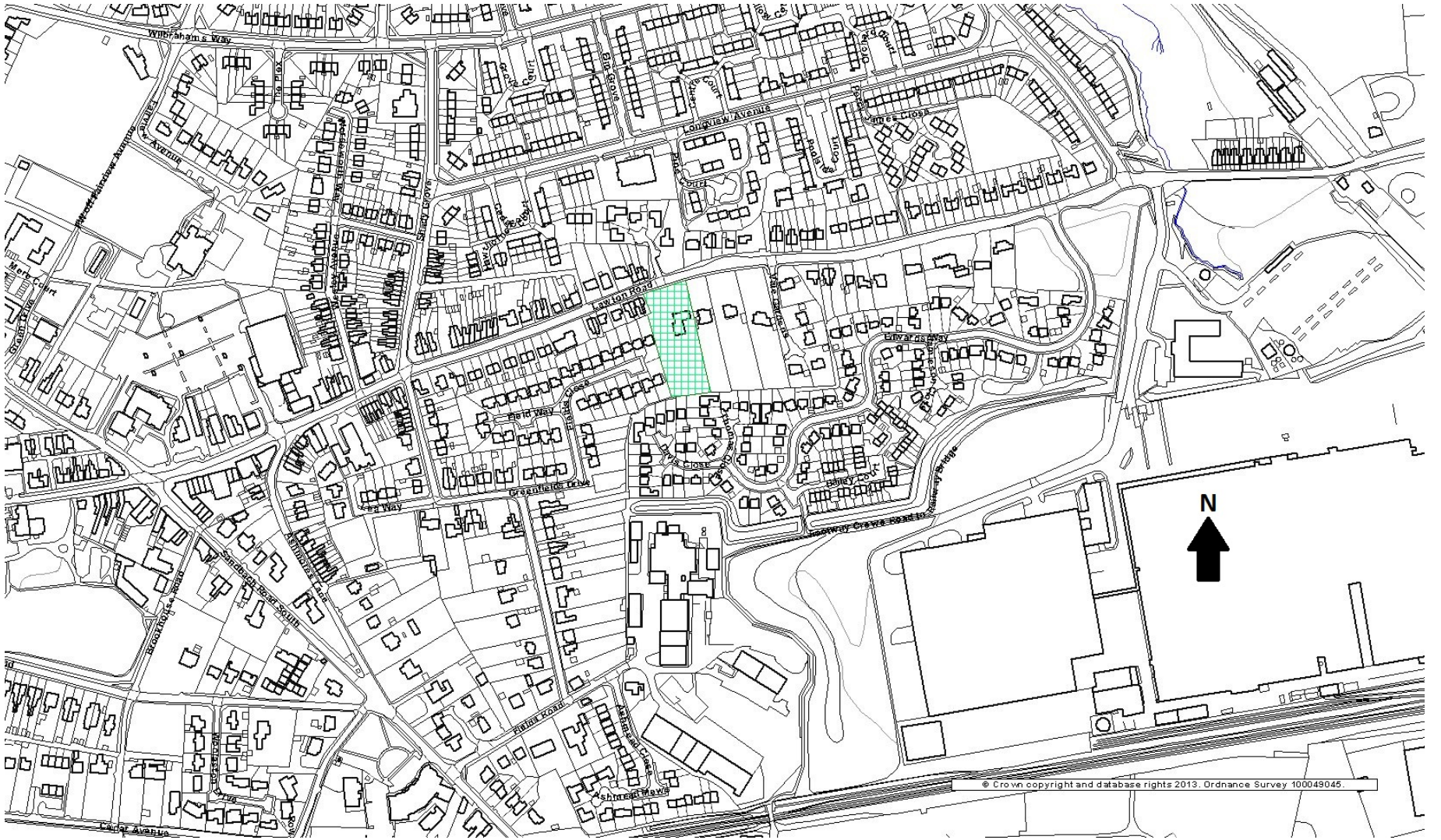
RECOMMENDATIONS

APPROVE with the following conditions;

- 1. Standard time**
- 2. Approved Plans**
- 3. Nesting bird boxes provision**
- 4. Breeding birds – timing of works**
- 5. Tree Protection – compliance with submitted details**
- 6. Tree felling to be agreed in writing with the LPA**

7. Submission and approval of a drainage strategy
8. Land levels in accordance with the approved plans
9. Dust Management Plan
10. Electric Vehicle Charging points
11. Details of any soils imported onto the site
12. Works to stop if any unexpected contamination is discovered
13. Boundary Treatment to be submitted and approved
14. Landscaping scheme
15. Landscaping implementation
16. Materials to be submitted
17. Access and visibility splays to be provided prior to first occupation
18. Cycle parking details to be submitted and approved

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in 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.



Application No: 19/4258N
Location: 5, EDLESTON ROAD, CREWE, CW2 7HJ
Proposal: Conversion of existing veterinarian practice to 8 occupant HMO
Applicant: Ms Gosclio
Expiry Date: 27-Nov-2019

SUMMARY:

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design, highway safety and residential amenity; satisfying the environmental sustainability role.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality during conversion works and social role by providing housing in a sustainable location.

The proposal would not provide any parking provision. However no parking spaces exist for the current vets use and parking and traffic demand for both uses is considered to be comparable. Future occupants would also make use of local public transport options.

Therefore the proposal is considered to be acceptable.

RECOMMENDATION:

Approve subject to conditions

REASON FOR REFFERAL

The application has been called into planning committee given a call in request from Ward Councillor Hogben for the following reasons:

- Absence of any proposed parking provision, with resulting likely impact on the surrounding area, where on-street parking already leads to severe congestion that endangers pedestrians.
- Concerns about the provision within the application for adequate waste storage and collection, with likely resulting impact on surrounding area which is already a fly tipping hot spot in Crewe.
- Concerns about room sizes and the amenity of any future residents of the proposed HMO.

- Reforms to HMO licensing which are intended to tighten up requirements, and concerns about the quality of landlord supervision of the property and tenants.
- Unacceptable increase to HMO density within the area, with policy implications for Cheshire East Council that should be addressed within the Local Plan. An Article 4 direction is needed in the area, which is already overloaded with HMOs. The Committee needs to address this requirement in the light of the council's intentions on this matter.
- Compliance with Policy SE12 of the Local Plan to prevent harmful or cumulative impact upon air quality. This proposal borders onto the Nantwich Road Air Quality Management Area.

PROPOSAL

The proposal seeks to the change of use from existing veterinarian practice to 8 occupant HMO (House in Multiple Occupation)

The external changes include upgrading exists windows and adding a new first floor and ground floor window to the southern elevation

SITE DESCRIPTION

The application site is located off Edleston Road not far from the junction with Nantwich Road.

The existing property was last in use as a vets practice.

Area has a mix of residential and commercial uses with residential to both sides.

Currently no parking area available.

Rear yard area accessed by an alleyway off Hope Street.

Located in the Settlement Boundary and Nantwich Road Shopping Area as per the Local Plan.

RELEVANT HISTORY

18/4821N – Change of use from vacant veterinary surgery (Use Class D1) to 2no. residential apartments – approved 26-Nov-2018

10/0151N – Rear Extension to Permit Revision of Veterinary Layout to Comply with RCVS Standards and to Re-Instate Secondary Escape from First Floor Area – approved 30-Mar-2010

7/13902 – Conversion of flat in additional veterinary surgery – approved 07-Apr-1987

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

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

MP1 Presumption in Favour of Sustainable Development

PG2 Settlement Hierarchy

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 12 Pollution, Land Contamination and Land Instability
SC3 Health and Wellbeing
SC4 Residential Mix
EG1 Economic Prosperity
Appendix C Parking Standards

Development Plan:

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 Plan that still apply and have not yet been replaced. These policies are set out below.

Saved policies of the Crewe and Nantwich Local Plan:

BE1 Amenity
BE3 Access and Parking
BE4 Drainage, Utilities and Resources
E4 Development on Existing Employment Areas
RES2 Unallocated Housing Sites
RES9 House in Multiple Occupation

SPD:

Design Guide
Provision of Private Open Space in New Residential Developments

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.
59. Delivering a Sufficient Supply of Homes

CONSULTATIONS:

Town Council: Objection given the lack of parking provision

CEC Highways: No objection

CEC Environmental Protection: No objection subject to conditions/informatives regarding working hours for construction, waste provision, low emission boilers and contaminated land

CEC Housing: No objection

CEC Housing Adaptions: No objection however offer advice noted to the applicant regarding licencing

ANSA (Bins): No comments received at the time of writing the report

REPRESENTATIONS: No comments received at the time of writing the report

APPRAISAL

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

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Cheshire East Local Plan, where there is the presumption in favour of sustainable development.

As a result the proposal is acceptable from a land use perspective.

The main issue therefore is whether there are any other material considerations such as design, amenity, living conditions etc that outweigh the in principle support for the proposal.

Houses in Multiple Occupation

Policy RES.9 advises that proposals for the sub-division of buildings to provide self-contained residential units will be permitted provided that:

- The building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with policies BE.1 and BE. 2;

In this case no extensions are proposed so the proposal complies with these criteria.

- The proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;

Only external changes are new windows on the southern elevation. These are considered to constitute very limited visual changes and would not adversely change the external appearance of the building and therefore the proposal complies with this criteria.

- The development does not detract significantly from the amenities of neighbouring residents, through noise transmission or overlooking, (in accordance with policy be.1); and

There are already side facing windows on the southern elevation and the existing building has extant approval for residential use and thus an element of overlooking is to be expected. Therefore the proposal would not significantly affect amenity of neighbouring properties and complies with this criteria.

- Provision is made within the site for adequate and properly located car parking and safe access (in accordance with policies TRAN.9 and BE.3) where sufficient off-street parking provision is not possible due to the constraints of the site, kerbside facilities may be acceptable provided that their use does not create or worsen dangerous highway conditions, or significantly detract from the amenity of local residents.

No parking provision is proposed, however there is also no provision for the existing vets practice use and vehicular trips/parking demand for both existing and proposed use are considered to be similar. Accordingly it is considered that there is no significant increase in parking demand or demand for travel to and from the site and on this basis the proposal complies with this criteria.

Highways

The proposal is for an 8 bed HMO which will provide no off-road parking as is typically the case with properties in this location.

Cheshire East Parking Services have stated that parking is an issue in the area including on the adjacent streets and with extra demand created from HMOs.

However a vets would have had a number of staff working at it who could potentially drive to the site and park on the adjacent streets throughout the day, and partly in the evening as a vets can remain open for those appointments made after a working day.

With regards to this proposal, data for apartments for the local area indicates that car ownership levels are low and that only a few cars would be owned for the 8 beds. There is therefore considered little difference between parking demand between the existing lawful commercial use and the proposed HMO use.

There are 24hr parking restrictions on Edleston Road and therefore parking associated with the proposal would not restrict the free flow of traffic along this main road or at the nearby junction with Nantwich Road. There are day time restrictions on the adjacent side streets but evening parking is allowed. There is also a free car park a few minutes walk from the site on Lord Street.

The proposal is also within a highly sustainable location and within a short walking distance to a large number of shops, services and amenities, frequent bus services, and to Crewe train station.

Finally details of cycle storage will be secured by condition.

The Councils Highways Manager has raised no objection to the proposal.

Design

The proposal would predominantly result in internal changes. The only external changes would be replacement of windows and x2 additional windows on the southern elevation and are therefore considered limited visual changes. The character of the area is mixed commercial/residential so it is not expected that the residential use would harm the character of the area.

Therefore it is not considered that the proposal would cause any visual harm to the overall character/appearance of the area.

Amenity

- Surrounding neighbouring properties

The properties most affected by this proposal are Nos.3, 7 & 14 Edleston Road.

As the building is already in situ it is not considered that the physical mass of the building would pose any further harm to living conditions through overbearing/oppressive impact etc.

No new windows are proposed on the northern elevation facing No.7 Edleston Road or western elevation facing No.14 Edleston Road.

2x new windows are proposed (x1 at ground floor serving bedroom and x1 at first floor serving bathroom) on the southern elevation facing No.3 Edleston Road.

It is also likely that the proposed first floor window would be fitted with frosted glass given that it serves a bathroom which would reduce overlooking. It should also be noted that the site has an extant approval for change of use to x2 apartments with side facing windows therefore an element of overlooking is to be expected.

There are currently side facing windows on the southern elevation of the existing building therefore an element of overlooking of the rear garden area of No.3 already exists and it is not considered that the proposed use or additional windows would make thus significantly worse.

- Future occupants

The proposal would provide an area of private open space to the rear of the property measuring 62 square metres where residents could undertake basic outdoor duties/activities such as sitting out and clothes drying.

The SPD does not stipulate a specific size of amenity area for flats/apartments however it advises that where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal areas of open space; these should be located so they can be used by all the residents equally.

In this case each occupant could make use of the shared amenity area to the rear and a communal kitchen/dining area is also provided on the ground floor.

There are also areas of open space 300m away to the west of the site which could be used by future occupants and Crewe Town Centre is just a short walk from the site. Both of these options would provide access to outdoor amenity space.

Bin storage/waste collection

The plans do not show an area for bin storage however the supporting design and access statement advises that the bins would be stored in the rear garden area which could be wheeled out to the highway on collection day. It is therefore necessary to secure a bin storage area by condition.

As a result it is considered that suitable bin storage could be provided.

Housing standards

The Housing Standards and Adaptions Team have been consulted and have not raised any objections but have offered advice noted to the applicant regarding licensing.

Any issues regarding room sizes would be addressed through legislation outside of planning and is not a relevant consideration to the determination of a planning application.

Economic benefit

The proposal would create economic benefits from employment during the conversion works and spending power of the future occupants.

Social benefit

The proposal would create additional residential accommodation in an accessible location close to the town centre.

Other

No pre-commencement conditions are required.

No Neighbourhood Plan is in force for this area.

An informative will be added to any decision notice regarding CIL.

Conclusion

The site is within the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be neutral in terms of its impact upon design, highway safety and residential amenity satisfying the environmental sustainability role.

The proposal would provide positive benefits such as the economic sustainability roles by providing employment in the locality during conversion works and social role by providing housing in a sustainable location.

The dis-benefit would be the loss of the existing employment use however there is no policy protection for the existing use. The proposal would also not provide any parking provision. However no parking spaces exist for the current vets use and parking and traffic demand for both uses is considered to be similar. Future occupants would also make use of local public transport options.

Therefore the proposal is considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) Time limit
- 2) Approved plans
- 3) Details of cycle parking
- 4) Details of bin storage

5) Low emission boilers

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



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