

Southern Planning Committee

Agenda

Date:	Wednesday, 31st March, 2021
Time:	10.00 am
Venue:	Virtual Meeting via Microsoft Teams

How to watch the Meeting.

For anyone wishing to view the meeting live, please click in the link below:

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

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

Please contact Helen Davies on 01270 685705

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

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

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

To approve the minutes of the meeting held on 3 March 2021.

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. **20/4113N Land at, Gresty Road, Shavington, Crewe, Full planning permission for the development of a new care-home facility including access, associated landscaping and infrastructure, For Andrew Baddeley, Liberty Care Developments Limited** (Pages 11 - 26)

To consider the above report.

6. **20/5783C Land adjacent to 51, Main Road, Goostrey, CW4 8LH, Erection of 2 office (Use Class B1) buildings with associated servicing and carparking, For M Henderson, Henderson Homes** (Pages 27 - 44)

To consider the above report.

7. **20/5479C, Partial change of use from residential to a mixed use for residential and childcare on domestic premises (re-submission of planning application reference 20/2742C), For Mrs Foden** (Pages 45 - 56)

To consider the above application.

THERE ARE NO PART 2 ITEMS

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

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 3rd March, 2021 at Virtual Meeting via Microsoft Teams

PRESENT

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

Councillors M Benson, J Bratherton, P Butterill, S Davies, K Flavell, A Gage,
D Marren, D Murphy, J Rhodes and L Smith

OFFICERS IN ATTENDANCE

Mr. Daniel Evans- Principal Planning Officer
Mr. James Thomas- Solicitor
Mr. Andrew Goligher- Highways Officer
Miss Helen Davies- Democratic Services

46 APOLOGIES FOR ABSENCE

There had been no apologies for absence received.

47 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness and transparency, Councillors Mike Benson and Penny Butterill advised they had received email correspondence that related to item six: 20/2609N Land North Of, Access To Alvaston Business Park, Nantwich, however they had not engaged with the agent for the application in any way.

In the interests of openness and transparency, Councillor Penny Butterill declared an interest in item seven: 20/5236N Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU in her capacity as a Director on the board of Orbitas.

In the interests of openness and transparency, Councillor David Marren declared an interest in item seven: 20/5236N Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU in his capacity as a Non-Executive Member of Orbitas and President of the Federation of Burial and Cremation Authorities (FBCA).

In the interests of openness and transparency, Councillor Joy Bratherton declared an interest in item seven: 20/5236N Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU in her capacity as a Member of Orbitas.

In the interests of openness and transparency, Councillor John Wray declared an interest in item seven: 20/5236N Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU as he knew the agent for the applicant but had not engaged in any way before the meeting.

48 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the virtual meeting held on 03 February 2021 be approved as a correct and accurate record and signed by the Chairman.

49 PUBLIC SPEAKING

RESOLVED: That the public speaking procedure be noted.

50 20/1988N CORNER OF WEST STREET & VERNON WAY, CREWE, CW1 2NG

Consideration was given to the above application.

(Ms. Marina Stoltz, the Agent for the Applicant attended the virtual meeting and spoke on behalf of the application).

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED as recommended subject to the following conditions;

1. Standard time
2. Approved Plans
3. Materials
4. Landscape Scheme to be submitted and approved
5. Implementation of landscape scheme
6. Cycle parking to be submitted and approved (to include secure and covered parking for 7 cycles)
7. Provision of Electric Vehicle Charging points
8. Use of Ultra Low NOx Emission Boilers
9. Submission of details for the remediation of contaminated land
10. Submission of Verification Report for Remediation Strategy
11. Details of any soils imported onto the site
12. Works to stop if any unexpected contamination is discovered
13. Surface water drainage scheme to be submitted and approved
14. Foul and surface water shall be drained on separate systems
15. Waste Management Plan to be submitted and approved (to include litter picking within 100m of the site)
16. Revised plans to show the provision of baby change facility (including wash basin)
17. Scheme for free parking for staff to be submitted and approved
18. Scheme to provide some cover for the external seating area
19. Scheme for the provision of shower, changing and locker facilities for staff

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.

51 20/2609N LAND NORTH OF, ACCESS TO ALVASTON BUSINESS PARK, NANTWICH

Consideration was given to the above application.

(Mr. Andy Butler an Advisor for the Applicant attended the virtual meeting and spoke on behalf of the application).

RESOLVED:

That, for the reasons set out in the report, the application be REFUSED for the following reasons:

1. The proposed development is not an appropriate form of development in the open countryside as per Policy PG6 nor does not fall within any of the exceptions listed in this policy and thus constitutes an unwarranted form of development in the open countryside. This would result in an urban encroachment into the open countryside which would harm the character and appearance of the area and the landscape. The proposal has not been supported by sufficient information regarding the agricultural land grading and no justification has been provided for the loss agricultural land or evidence provided of any overriding need for employment land to warrant its loss. The proposal is contrary to Policies PG1 (Overall Development Strategy) PG2 (Settlement Hierarchy), PG6 (Open Countryside), PG2 (Settlement Hierarchy), PG7 (Spatial Distribution), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy 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 proposal seeks to provide additional office development outside of any defined centre and it has not been proven sequentially why other sites are not available to justify this out of centre location. The site is also not allocated for employment use in either the Local Plan or the emerging Site Allocations Development Policies Document and there is enough employment land allocated in the Local Plan.

The proposal is contrary to Policies PG1 (Overall Development Strategy) PG2 (Settlement Hierarchy), PG7 (Spatial Distribution), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), EG1 (Economic Prosperity), EG2 (Rural Economy), EG5 (Promoting a Town Centre First Approach to Retail and Commerce) & SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, Saved Policy E2 (New Employment Allocations) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework.

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
Highways	Contribution of 80k towards junctions improvements at the Alvaston roundabout	50% Prior to first use 50% at occupation of 3rd Unit

52 20/5236N FORGET-ME-NOT FIELDS, ADJACENT TO OLD PUSEYDALE, MAIN ROAD, SHAVINGTON, CW2 5DU

Consideration was given to the above application.

(Ms. Suzanne Webster, a Local Objector attended the meeting and submitted a statement for the Democratic Services Officer Helen Davies to read on her behalf, and Russell Adams the Agent for the Applicant also attended the virtual meeting and spoke on behalf of the application).

RESOLVED:

That, for the reasons set out in the report, the application be REFUSED for the following reasons:

Refuse for the following reasons:

1. The proposed building would result in the erosion of the physical gap between Shavington and Willaston causing harm to the Strategic Green Gap. The proposed development is contrary to Policies PG5 of the CELPS and NE.4 of the Crewe and Nantwich Replacement Local Plan.

(This decision was contrary to Officer recommendation for approval).

53 20/4803N FORMER PRINTWORKS SITE, LAND AT, CREWE ROAD, HASLINGTON, CW1 5RT

Consideration was given to the above application.

(Councillor Steven Edgar, the Ward Councillor, attended the virtual meeting and spoke on behalf of the application).

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Accordance with the conditions on the outline permission
2. Time limit
3. Approved plans
4. Details of materials to be submitted
5. Compliance with the landscape planting proposals
6. Compliance with the Drainage Strategy
7. Compliance with the Construction Method Statement
8. Compliance with the Badger Mitigation Strategy

9. Prior to the occupation of any of the dwellings hereby permitted, details of features suitable for nesting House Sparrow and roosting bats, to be incorporated into the approved development, shall be submitted to and approved in writing by the Local Page 58 Planning Authority. Development shall be carried out in accordance with the approved details.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A, B, C, D and E of Part 1 Schedule 2 of the Order shall be carried out on plots 1, 2, & 3.

In addition to the conditions, The Southern Planning Committee requested the following informative: that the developer provides a litter bin at the entrance to the site.

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

54 20/3090C UNITED UTILITIES, HASSALL ROAD, ALSAGER, ST7 2SJ

Consideration was given to the above application.

(Councillor Phil Williams Clowes, the Ward Councillor and Alsager Town Councillor, attended the virtual meeting and spoke on behalf of the application).

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time limit.
2. Approved plans.
3. Materials in accordance with submitted details.
4. Development in accordance with submitted tree protection measures.
5. Compliance with Landscape and Biodiversity Plan.
6. Protection of nesting birds.
7. Submission of updated Other Protected Species Survey prior to commencement of development.
8. Submission of details of any proposed external lighting.
9. Submission and approval of a Phase II Contaminated Land Report
10. Submission and approval of a verification report
11. Details of any importation of soils
12. Unidentified contamination

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

The meeting commenced at 10.00 am and concluded at 2.55 pm

Councillor J Wray (Chairman)

Application No: 20/4113N

Location: Land at, GRESTY ROAD, Shavington, CREWE

Proposal: Full planning permission for the development of a new care-home facility including access, associated landscaping and infrastructure

Applicant: Andrew Baddeley, Liberty Care Developments Limited

Expiry Date: 18-Dec-2020

SUMMARY

The application relates to a care home development (Use Class C2) comprising a part two and part 2.5 storey building incorporating 72-bedrooms and ancillary facilities over three floors. It is located to the north west of the roundabout junction of Crewe Road, Gresty Road and Jack Mills Way.

The site lies within strategic allocation LPS 3 ('Basford West') and is also subject to outline planning approval 13/0336N. Therefore, the principle of its development has been established. However, the proposed Class C2 residential use of the land is not consistent with the allocation of the site under Policy LPS 3 which identifies the land for commercial/local centre uses. Nevertheless, these objectives of Policy LPS 3 have already been met within Basford West, with a range of local centre mixed uses having been delivered on a site off Jack Mills Way to the south and office accommodation provided within the employment area. In these circumstances it is considered that proposed alternative use of the site to accommodate a care home to be a justifiable departure from adopted policy.

The proposal is for a purpose built, end of life residential institution, which is designed to meet the healthcare needs of residents, including those with acute/specialist care needs. The site occupies a sustainable location within the settlement boundary, with good access to local facilities and services. It will therefore make a valuable contribution towards housing for elderly people within the Borough, as well as continuity in their care, which is a material consideration.

The development represents a good design solution on this prominent site and is of appropriate scale and design that will not have a detrimental impact on the character or appearance of the locality, neighbouring amenity or highway safety. Furthermore, the proposals will not have an adverse impact on trees or ecology, or on setting of the non-designated heritage asset at Yew Tree Farm.

Several economic benefits will also arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind, it is considered that the proposals represent an acceptable departure from the Development Plan, and as such it is recommended the application be

approved, subject to relevant conditions and a s106 contribution towards healthcare provision and habitat creation.

RECOMMENDATION

Delegate to the Head of Planning, and in consultation with the Chair of Southern Planning Committee resolve any significantly new issues arising from the extended consultation period; APPROVE subject to completion of a S106 Agreement and the following conditions

DESCRIPTION OF SITE AND CONTEXT

The application site lies within the Basford West Strategic Allocation under Policy LPS 3 of the Local Plan Strategy. The application site is identified by Policy LPS 3 Basford West to accommodate commercial, local centre type uses. In addition, the parameters plan of extant outline approval 13/0336N identifies the site (which is subject of this planning application), for office / local centre uses.

The site is a small triangular shaped parcel (0.58 Ha) of undeveloped land which is relatively flat but does fall in height from west to east. It is located adjacent to the south east of the roundabout of junction of Crewe Road, Gresty Road and Jack Mills Way. It fronts onto Gresty Road to the east, Crewe Road to the south and the original route of Crewe Road lies to the west of the site which has been closed off at its northern end to create a cul de sac.

The western site boundary also wraps around two existing bungalows (358 and 360 Crewe Road) which front onto and are accessed from the no-through road portion of Crewe Road. Also, to the west of the site and the no- through road is Yew Tree Farm a locally listed, two storey former agricultural building.

Recently constructed industrial units located within the Basford West employment area lie to the east of the site and accessed by the adjacent roundabout. Substantial areas of landscaped bunding are provided along the eastern side of the Gresty Road with the boundary of the employment area.

A large housing scheme of 370 dwellings which also forms part of the Basford West strategic allocation and subject to outline approval 13/03360N lies to the south of the site. This development extends up to the opposite side of Crewe Road and the roundabout junction, and construction is now at an advanced stage.

DETAILS OF PROPOSAL

Full planning permission is sought for care home development. (Use Class C2) comprises of a single, part two and part 2.5 storey building incorporating 72-bedrooms and ancillary facilities over three floors. The proposed building is of a contemporary design and wraps around the road frontages of the site with Gresty Road and Crewe Road adjacent to the roundabout junction with Jack Mills Way.

The care home facility is designed to provide 24-hour residential care, including elderly nursing care that many of the residents will require, and specifically for dementia.

A wide range of communal facilities will be provided throughout the care home including lounges and dining rooms, café, library, audio/visual room, activity room and games room. Accessible, landscaped gardens and outdoor terraces are proposed. Ancillary facilities including a staff room and changing area, kitchen and laundry room will be provided on the second floor of the building which is effectively accommodated within the roof space.

Vehicular access to the care home is from an original section of Crewe Road, to the west of the site, which has been become a cull de sac as a result of improved highway access serving the Basford West strategic site. A total of 31 on-site car parking spaces, as well as cycle parking facilities (6 cycles) are proposed. A pedestrian access point is also proposed to serve the main entrance of the care home. from Crewe Road adjacent to the roundabout, and which connects to the existing footpath and cycle lane network.

RELEVANT HISTORY

13/0336N - Outline application for residential development (up to 370 units), Offices (B1), local centre comprising food and non-food retail (A1) and restaurant/public house (A3/A4), hotel (C1), car showroom and associated works including construction of new spine road with accesses from Crewe Road and A500, creation of footpaths, drainage including formation of SUDS, foul pumping station, substation, earthworks to form landscaped bunds, provision of public open space and landscaping. Approved with S106 Agreement on 11/02/2014.

POLICIES

Cheshire East Local Plan Strategy

LPS 3 Basford West
MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Boundaries
CO1 Sustainable Travel and Transport
PG7 Spatial distribution of development
SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
IN1 Infrastructure
IN2 Developer Contributions
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE8 Renewable and Low Carbon Energy
SE9 Energy Efficient development
SE12 Pollution, Land Contamination and Land Instability
SC1 Leisure and Recreation
SC2 Indoor and Outdoor Sports Facilities
SC3 Health and Well Being
SC4 Residential Mix

Appendix C – Parking Standards

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

Crewe and Nantwich Replacement Local Plan

NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

The Shavington Neighbourhood Development Plan

Regulations 17 and 18 Examination stage. The Shavington NDP examination began on the 11 September 2020 and closed on the 11 December 2020.

HOU1 – New Housing
HOU2 – Housing Mix and Type
HOU3 – Housing for Older People
HOU4 - Local Character and Housing Design
ENV1 – Footpaths and Cycleways
ENV2 – Trees and Hedgerows
ENV3 – Water Management and Drainage
COM4 – Developer Contributions
TRA1 – Sustainable Transport
TRA2 - Parking

Other Material Considerations

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

CONSULTATIONS (External to Planning)

United Utilities: No objection subject to conditions relating to drainage.

Housing: No objection

Highways: No objection subject to conditions for the provision of a Construction Management Plan condition and closure of existing access.

Flood Risk: no objections, subject to a condition requiring details of the surface drainage scheme.

Environmental Protection: No objections subject to conditions relating to the provision of Electric Vehicle Infrastructure, implementation of noise mitigation measures, the use of Ultra low NO_x emission boilers and remediation of contaminated land.

NHS Cheshire Clinical Commissioning Group: No objection. Request a financial contribution of £25,920 to mitigate the impact on GP and community services.

VIEWS OF THE PARISH COUNCIL

Shevington-Cum-Gresty Parish Council: Comments as follows.

- Although the application was generally supported, the car parking provision is inadequate and does not appear to be accessible.

OTHER REPRESENTATIONS

Two Representations have been received objecting to the proposals on the following grounds:

- Three storey development overbearing and an overdevelopment of this small site.
- Site notice not displayed in the correct location

OFFICER APPRAISAL

Principle of Development

The Site lies within strategic allocation LPS 3 ('Basford West') in the Cheshire East Local Plan Strategy. Figure 15.4 of the CELPS shows that the site is part of a relatively small parcel of land allocated for commercial use. Point 3 of Policy LPS 3 Basford West, anticipates.

"the creation of a new local centre" (in the locations shown on Figure 15.4 of the LPS)" which includes the location of the application site, and including the following commercial uses:

- *Appropriate retail to meet local needs*
- *Restaurant / takeaway*
- *Hotel*
- *Car showroom*

The proposed Class C2 residential use of the land is not consistent with the allocation of the site (LPS 3 Basford West). As such it is therefore a departure from the Local Plan Strategy, and it will need to be considered whether there are any 'material considerations' that indicate that a departure from the local plan allocation is appropriate.

In addition, outline planning permission (13/0336N) relating to the wider development of a substantial part of Basford West for the provision of infrastructure and up to 370 new homes also includes this parcel of land. The approved parameters plan identified the site to accommodate a small office scheme (0.16 Ha) and local centre uses. Whilst highway infrastructure serving Basford West including Jack Mills Way and roundabout junctions has been

delivered and the residential scheme is at an advanced stage in accordance with the subsequent Reserved Matters Approval, the application site has however remained undeveloped. Furthermore, the site has also not been subject to an application for the approval of Reserved Matters for commercial use.

It is however the case, that retail uses, a petrol filling station, public house, coffee shop / takeaway are already provided in the south of the wider Basford West allocation, adjacent to the A500. In addition, B1 office accommodation has also been provided within the adjacent Basford West employment area.

Given this, it is therefore considered that the objectives of allocation LPS 3 have been met with local centre and office uses having already been provided, and consequently in these circumstances alternative uses of the site can be considered as a justifiable departure from adopted policy.

The proposals need to be assessed against the provisions of CELPS policy SC4 'residential mix'. Policy SC4 states the following:

“Development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.”

Issues relating to “need” for the proposed development and its locational sustainability, together with those concerning design, amenity ecology and highway matters are addressed below.

Location of development

The site is in a sustainable location within the Crewe Settlement Boundary. It is located adjacent to a large housing development and within walking and cycling distance of public transport links and services. A wide range of services and facilities are available nearby including a restaurant 480m to the west, local shops and services 600m to the south and along Gresty Road to the north.

Bus stops are within 100m of the site and located on the B5071 Gresty Road to the north of the roundabout in both the northbound and southbound directions on the route of Service No.39 which operates between Crewe and Nantwich town centres. Crewe railway station is about 1.6 kilometres from the site and can therefore be within a walking and cycling distance.

Need for the Development

The proposal is for a purpose built, end of life residential institution, which is designed to meet the healthcare needs of residents, including those with acute/ specialist care needs. Residents of the care home will be cared for by trained clinical teams consisting of registered nurses, trained professional carers and other allied health and social professionals. The facility will also have a specialist dementia unit which will cater for individuals where care is no-longer an option at home.

Originally, the NHS Cheshire CCG objected to this application, but this has since been formally withdrawn following the CCG's direct engagement with the applicant. In particular, it is accepted

that there is a need for the proposed care home following consideration of issues raised by applicant as regards the provision of private fee paying facilities, including the applicant's position that, *"there is currently an undersupply of fit for purpose facilities in the local vicinity and that this undersupply will continue to increase in years to come due to a lack of investment in such facilities"*.

Although the CCG acknowledges that there are a *"high number of care home sites already within the surrounding area and subsequently the GP practices boundaries"*, it states that account has nevertheless been taken of *"the specific cohort this development will cater for and the potential of reduction in pressures in other areas of the health economy"*.

In this case, to mitigate the impact on existing infrastructure and GP services resulting from the development, the CCG requests a contribution to health infrastructure to be secured by a Section 106 Agreement of £25,920.

This contribution has been calculated in accordance with a formula based on calculations made by NHS property Services and other neighbouring CCG's Services, on occupancy x number of 1 bed units in the developments x £360.

Whilst the Adult Services Section has been formally consulted, to date, no comments or concerns have been received in respect of these proposals. An update to this report will report any subsequent comments which are received.

Housing

The Council's Housing Officer has raised no objection to the proposed care facility. Given the proposed nature of residential accommodation which consists of bedrooms with en-suite bathrooms and access to shared communal facilities, the provision of affordable housing is not required to be secured for this Class C2 use.

Furthermore, the development would importantly offer more choice for residential accommodation for the elderly in the area. The Government's formally adopted National Planning Practice Guidance (NPPG) states under Housing and Economic Development Needs Assessments paragraph 21: 'Housing for older people', advises as follows:

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

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

a need for specialised accommodation for older people which weighs in favour of the development.

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. Being clear about design expectations, and how these will be tested, is essential for achieving this'

This objective is supported by Policy SE1 of the CELPS, which sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings.

The site is in a prominent location adjacent to a roundabout at the junction of Gresty Road, Crewe Road and Jack Mills Way, enabling the development to act as a landmark on the southern approach to Crewe. The main issue with this proposal is the scale and footprint of the development, and specifically its relationship with road frontages onto Gresty Road and Crewe Road.

Additional information submitted in respect of site levels and cross sections, demonstrates that the development has effectively utilised the levels of the site, and ensures that the development would not constitute an unduly dominant or unacceptable feature within the locality. Although the scheme is part two and part 2.5 storey, the southern and western parts of the building have been sunk into the landscape as the site levels decrease from west to east ensuring its overall scale and height is significantly reduced within the street scene. Furthermore, the main elevations of the building are also set back at least 6m from landscaped site boundaries alongside site frontages with Gresty Road and Crewe Road.

The second floor of the scheme is also effectively accommodated within the roof space of the building. As a result, and in addition to the use of ground levels on the western and southern side of the site, this ensures that the appearance of the western wing of the case home is two storey, and also steps down to the northern wing along Gresty Road.

In addition, the Council's Design Officer has advised, that together with enhanced planting being provided within the car park adjacent to the two-storey gable end of the building, the development is of a siting and design will have no adverse impact on the setting of the locally listed building (non-designated heritage asset) at Yew Tree Farm situated along Crewe Road to the west.

The main body of the building will be faced with a simple pallet of materials including red brickwork with a tiled roof, interspersed with pale weatherboard to reflect the local vernacular of nearby dwellings and housing developments. To reduce its overall scale and massing, the building has been split into four elements, divided by three glazed links. The glazed links accommodate: the central core at the main entrance and lounge/ dining areas in either wing.

The design of each separate element is further broken down into a smaller scale and mass using varying eaves and ridge heights, gables, bays, balcony features and the linking of fenestration as well as providing visual interest.

The building has been designed to wrap around the junction of Crewe Road and Gresty Road with a central section at its focal point with the roundabout incorporated a terrace and glazed café overlooking the junction. To address concerns of the Design Officer, this frontage of the building has been enhanced to ensure it appears as an “entrance”, which includes piers in the boundary treatment, a secure gate and an indicative location for signage.

The design of the building has minimised its impact. Working with the site levels, combined with the proposed articulation of the elevations, and the visual separation of the building into ‘separate elements’ has successfully reduced its overall scale and massing.

Overall, it is considered that the overall design approach has achieved a good a good solution, and of a contemporary appearance which is keeping with the locality and street scene in accordance with Policies SE1, SD1 and SD2

Landscape

The site is in a prominent location adjacent to a roundabout at the junction of Gresty Road, Crewe Road and Jack Mills Way. It forms part of a site with outline approval for development and is a gateway on the southern approach to Crewe. The proposed building would be set in landscaped grounds with associated car parking /service areas.

Most of the site is rough grass with the southern and eastern boundaries defined by a Hornbeam hedge and a line of young/semi mature Maple and Norway Maple trees. Similar boundary planting is present to the north along Gresty Road and along the opposite side of Crewe Road.

The proposals are supported by a Landscape and Visual Appraisal dated September 2020 and a Landscape Plan 16892-VL_L01. The appraisal considers the impact of the development on the immediate and wider landscape and on visual receptors. The Council’s Landscape Officer notes that although the appraisal does not identify any significant landscape character harm it references visual effects, ranging from slight to moderate – substantial, reducing with mitigation measures.

To address issues raised by the Landscape Officer, additional information relating to site levels has been submitted, including site sections. This demonstrates that the development has effectively utilised the levels of the site and ensures that the development would not constitute an unduly dominant or unacceptable feature within the locality or along road frontages. In particular, the southern and western parts of the building have been sunk into the landscape as the site levels decrease from west to east.

The landscaping scheme has been enhanced with additional planting being provided to soften car parking areas adjacent to the western end of the building and further tree planting has been provided on the southern and eastern boundaries of the existing bungalows (Nos 358 & 360 Crewe Road).

The Landscape Officer advises that the proposed landscape scheme is acceptable.

Trees

There are existing trees located near the two properties to the north and young/semi-mature Maple and Norway Maple trees adjacent to an establishing Hornbeam hedgerow in the landscaped areas around the south and east boundaries of the site. The Council's Tree Officer considers boundary trees and hedgerow are prominent in the street scene and worthy of retention.

The proposals are supported by an Arboricultural Report dated September 2020 which incorporates a Method Statement. A survey in the report identifies 29 individual trees and 2 hedges. (The survey covers a wider area than the application site) The report indicates that one category C Willow tree, T28 would be lost for the development.

The Tree Officer is satisfied that the Willow tree identified for removal is not of such high value as to be a major constraint to the development. It is also noted that the report does not identify any disturbance impacts for retained trees or requirements for pruning. It references various potential secondary development pressures such as shading, leaf shedding etc.

As requested by the Tree Officer additional information showing proposed levels have been provided, which demonstrates that the treatment of the interface of the development with site boundaries will ensure the retention of the existing hedgerow and trees.

As set out by the Arboricultural Report, it is considered that good spatial relationships are achieved between the proposed building and existing trees. However, as recognised by the Tree Officer in a few instances the separation distances between the proposed building and the trunks of trees of less than 5 metres. Nevertheless, the existing trees are young and will adapt to their surroundings and the development, including the provision of retaining structures area, will take place outside of Root Protection Areas.

It is therefore considered that proposals would ensure an acceptable relationship with existing hedges and trees which are to be retained. A condition is however recommended to secure a scheme of tree protection during the development.

Amenity

Saved Policy BE.1 of the Crewe and Nantwich Local Plan requires consideration to be given to the occupiers of both neighbouring properties and the future occupants of the site with regard to impact on privacy, loss of light, visual intrusion and pollution.

As a general indication, and whilst each case should be judged on its own merits, the Council's Backland Development SPD states that in the case of flats a separation distance of 30m should be achieved between principal elevations with windows to first floor habitable rooms. In addition, the SPD also sets out that separation distances dwellings should be 21m metres between principal elevations and 13.5 metres should be allowed between a principal elevation with window a blank elevation.

It should also be noted that the Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be a guide rather than a hard and fast rule. 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)

The main properties effected by the development are the pair of detached bungalows (Nos. 358 & 360 Crewe Road) which adjoin the western side of the site, and front on to the former route of Crewe road which is now a no-through road. At its nearest points, the northern wing of the care home will be 27m from the rear elevation of No.360 and approximately 39m from the rear elevation of No.358.

In addition, a distance of 15.5m will remain between the rear of the western wing of the building and the side elevation of No.358, albeit this does not contain any windows. The rear garden of No.358 will also be screened from the western wing of the Care Home by an existing outbuilding positioned alongside the site boundary in addition to proposed tree planting along the access road adjacent to the western site boundary.

Given these separation distances, and the provision of intervening planting within the communal garden area and along the access road, the development will not have an advance impact on the amenities of Nos. 358 and No.360.

The western wing of the building will also achieve a separation distance of 21m with the approved residential development that face towards the site on the northern side of Crewe Road. Approximately 45 m will also remain between the rear elevation of the barn at Yew tree Farm and the western gable end of the proposed care home.

It is therefore considered that the development will not have an adverse impact on neighbouring amenity by means of loss of privacy, overshadowing or overbearing impact. As a result, it is not considered that the proposal would cause significant harm to living conditions of neighbouring properties.

With regard to the amenities of future occupiers of the development, as part of the extensive range of resident facilities, outdoor space is provided in the form of communal gardens and terraces, which is a typical arrangement to serve the occupiers of care facilities.

The impact of the proposal on the residential amenity of the neighbouring properties is within acceptable limits and is considered to comply with Policy BE.1 of the Crewe & Nantwich Replacement Local Plan.

Noise

In support of the application, the applicant has submitted an acoustic report. The impact of the noise from road traffic and industrial noise sources has been assessed and the report recommends mitigation measure, principally in the form of acoustic double glazing and trickle ventilators. The findings of the noise assessment and overall recommendations of the report are accepted by the Environmental Protection Officer. Although it is considered that further details

are required of measures to control noise from the proposed second floor plant room and clarification is required of the treatment of the northern site boundary to mitigate the impact of industrial noise within the communal garden.

The Environmental Protection Officer (EPO) recommends that a condition be imposed requiring the additional details to be provided and the mitigation measures set out in by the acoustic report to be implemented prior to the occupation of the care home:

Subject to the imposition of a suitable condition the EPO raises no objection, and the proposal accords with Policy SE12 of the CELPS and BE.1 of the Crewe & Nantwich Replacement Local Plan relating to the mitigation of noise pollution and the need to safeguard the amenities of future occupiers of the development.

Highways

The application is for a 72-bed care home with off-road parking and a new access off a section of Crewe Road which is now a cul-de-sac. The Council's Highway Officer advises that the proposed access will provide sufficient visibility, width, and radii to allow cars and larger vehicles to safely enter and exit the site. The access onto the main section of Crewe Road is also acceptable.

The Highway Officer considers that the number of trips who will be generated by the development will be relatively small, and consequently the impact on the wider highway network will be minimal.

The submitted Transport Statement states that at any given time a maximum of 33 staff will be on site. As a result of staff number, together with the total number of rooms, this would result in a parking requirement of 40 spaces. 31 formal parking spaces are provided, and due to the width of the access road, the Highway Officer considers there would be space for an additional 7 cars to park informally within the site without blocking access for cars or larger vehicles such as an ambulance or delivery vehicle. The total number of spaces is therefore just a couple below requirement, and although overspill onto the highway is highly unlikely, this would occur only onto the cul-de-sac where the impact would be minimal. The proposed car parking provision is therefore considered acceptable by the Highway Officer.

The Highway officer advises that cycle parking provision is also acceptable and a minor amendment to the cycle lane on the cul-de-sac to facilitate site access is also acceptable.

There is an existing vehicle access into the north eastern corner of the site from the B5071 Gresty Road which will no longer be required and should therefore be closed, and the footway reinstated. It is recommended that this should be secured by a planning condition and undertaken prior to the occupation of the development.

The Highway Officer recommends that a further condition be imposed requiring the submission and approval of a Construction Management Plan prior to the commencement of development to include details of contractor and construction vehicle parking locations, storage, loading and unloading locations and details of wheel wash facilities.

On this basis no objection is raised to the application in highway terms.

Nature Conservation

The Council's Ecologist has advised that due to the site's isolated nature there are unlikely to be any protected or priority species issues associated with the proposed development.

Biodiversity net gain

However, the Council's Ecologist adds that in accordance with Local Plan Policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 2 is required.

Following assessment of the Biodiversity Metric submitted in support of this application, the Council's Ecologist has calculated an appropriate commuted sum to deliver biodiversity net gain through the funding off-site habitat creation.

In accordance with the advice set out in draft CEC Biodiversity SPD, the cost of necessary habitat creation is calculated to be £12,744. In addition, a further contribution to necessary to cover the cost of CEC officer, partner time and expenses to deliver the required habitat creation which in this case would amount to £1,524.

Therefore, the total commuted sum to be secured by a S106 Agreement would be $£12,744 + £1,524 = £14,268$.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Healthcare contribution of £28,914
- Ecology contribution for off-site habitat creation of £14,268

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of a healthcare contribution is necessary, fair and reasonable to ensure the impact of the development is mitigated on Primary Healthcare Services to provide a sustainable form of development.

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity and the ecology contribution is therefore justified to be necessary and reasonable.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development.

Other Matter

The application has been publicised in full accordance with Statutory requirements and the procedures governing the publicity of planning applications set out in the Council's Statement of Community Involvement. However, it has been necessary for replacement site notice to be displayed given concerns received recently that the previously erected notice was located too far from the site. The replacement site notice will not expire until 5th April 2021 and has therefore extended the public consultation period. In these circumstances, it is recommended that the application be Delegated for approval to the Head of Planning, and in consultation with the Chair of Southern Planning Committee, resolve any significantly new issues which may arise from the extended consultation period.

CONCLUSIONS AND PLANNING BALANCE

The site lies within strategic allocation LPS 3 ('Basford West') and is also subject to outline planning approval 13/0336N. Therefore, the principle of its development has been established.

However, the proposed Class C2 residential use of the land is not consistent with the allocation of the site under Policy LPS 3 which identified the land for commercial/local centre uses. Nevertheless, these objectives of Policy LPS 3 have already been met within Basford West with a range of local centre mixed uses having been delivered on a site off Jack Mills Way to the south, and office accommodation provided within the employment area. In these circumstances it is considered that proposed alternative use of the site to accommodate a care home to be a justifiable departure from adopted policy.

The proposal is for a purpose built, end of life residential institution, which is designed to meet the healthcare needs of residents, including those with Acute/ specialist care needs. The site occupies a sustainable location within the settlement boundary, with good access to local facilities and services. It will therefore make a valuable contribution towards housing for elderly people within the Borough, as well as continuity in their care, which is a material consideration.

The development represents a good design solution on this prominent site and is of appropriate scale and design that will not have a detrimental impact on the character or appearance of the locality, neighbouring amenity or highway safety. Furthermore, the proposals will not have an adverse impact on trees, ecology, or on the setting of the non-designated heritage asset at Yew Tree Farm.

Several economic benefits will also arise from the development including additional trade for local business and the creation of employment.

Bearing all the above points in mind, it is considered that the proposals represent an acceptable departure from the Development Plan and as such it is recommended the application be approved, subject to relevant conditions and a s106 contribution towards healthcare provision and habitat creation.

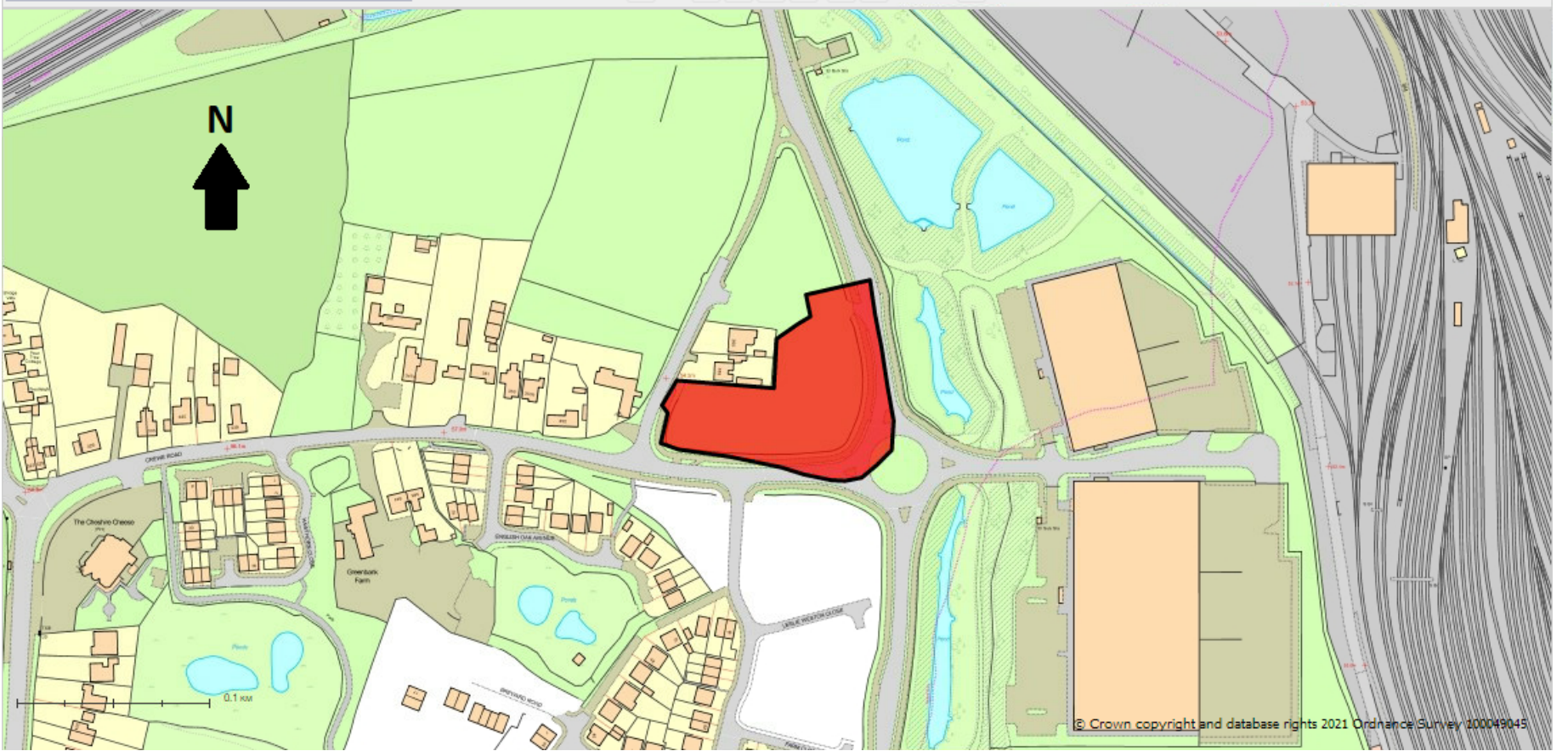
RECOMMENDATION

Delegate to the Head of Planning, and in consultation with the Chair of Southern Planning Committee resolve any significantly new issues arising from the extended consultation period; APPROVE subject to completion of a S106 Agreement and the following conditions.

S106	Amount	Triggers
Health	£28,914	50% prior to first occupation 50% prior to occupation of the 51 st unit
Ecology	\$14,268	On commencement of development

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Details of materials and finishes
4. Provision of Electric Vehicle infrastructure
5. Provision of Ultra Low Emission Boilers
6. Contaminated land – submission of updated phase 2 report prior to commencement of development
7. Contaminated land – submission of a verification report
8. Contaminated land – works to stop if any unexpected contamination is discovered on site
9. Contaminated land imported soil
10. Implementation of noise mitigation
11. Implementation of the landscaping scheme
12. Details of boundary treatment
13. Tree Protection
14. Submission, approval and implementation of a Construction Management Plan
- 15 Details for closure of existing access and footway reinstatement
- 16 Details of covered cycle storage and provision before first occupation
17. Design details of Bin Stores and provision before first occupation
18. Foul and surface water drainage to be connected on separate systems
19. Scheme of surface water drainage to be submitted, approved and implemented

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



Application No: 20/5783C

Location: Land adjacent to 51, Main Road, Goostrey, CW4 8LH

Proposal: Erection of 2 office (Use Class B1) buildings with associated servicing and carparking

Applicant: M Henderson, Henderson Homes

Expiry Date: 06-Apr-2021

SUMMARY

The site lies outside the settlement boundary for Goostrey and the principle of office development does not comply with Policies PG6, EG1 and EG2 of the CELPS. The development would result in the loss of open countryside.

In this case Jodrell Bank have confirmed that they oppose this development. The development would impair the efficiency of the Jodrell Bank Radio Telescope (World Heritage Site) and would be contrary to Policy PS10 of the CLP, Policy SE14 of the CELPS and Policies SC2 and HOU1 of the Goostrey Parish Neighbourhood Plan.

The site is sustainably located and is in easy walking distance to the centre of Goostrey and public transport and services and facilities within the village. The development complies with Policies SD1 and SD2 of the CELPS.

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.

The development could provide a safe and suitable access and sufficient parking provision. The development complies with policies CO1 and CO2 of the CELPS, GR14-GR17 of the CLP and EB2 of the GNP.

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

The ecological impact of the development are acceptable subject to the imposition of conditions. The proposed development complies with Policy SE3 of the CELPS and OCEH1 of the GNP.

There are trees/hedgerows on and surrounding the site. There is insufficient information contained relating to this issue and the development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.

The development is considered to be an acceptable design and complies with Policies; SE1, SD1 and SD2 of the CELPS, and EB2 of the GNP and the NPPF.

The harm in terms of JBO, the loss of open countryside and the lack of information in terms of trees/hedgerows outweighs the benefits and the application is recommended for refusal.

RECOMMENDATION - REFUSE

REASON FOR REFERRAL

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

'The application site is located in the Open Countryside and in conflict with the Neighbourhood Plan and Local Plan'

PROPOSAL

Full planning permission is sought to erect two B1 Office Use buildings.

The proposed office buildings would be single storey in height and would utilise an access off Main Road. The submitted plan shows that 15 car-parking spaces would be provided to serve the development.

SITE DESCRIPTION

The site relates a section of field to the northern side of Main Road, Goostrey within the Open Countryside. The site also falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

The main aspect of the site lies behind a recent road-side housing development granted under planning permission 15/5517C.

There is one tree to the northern boundary of the site which is protected by a Tree Preservation Order.

RELEVANT HISTORY

17/4451C - Construction of one detached and two semi-detached houses – Refused 8th August 2018 – Appeal Lodged – Appeal Dismissed

17/0680N - Construction of a single dwelling house – Refused 8th August 2018 – Appeal Lodged – Appeal Dismissed

16/5254C - Variation of condition 2 (road layout) on approved 13/4266C - Constuction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C) – Withdrawn 31st January 2017

16/4306C - Erection of 6 dwellings – Refused 28th October 2016 – Appeal Lodged – Appeal Dismissed

15/5517C - Erection of 2no. dwellings – Approved 8th February 2016

15/3131C - Planning application for the erection of 7no. dwellings – Refused 16th October 2015

13/4266C - Construction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C) – Approved 13th April 2014

12/4318C - Construction of 3 new houses adjacent to Sandyacre – Refused 6th July 2013 – Appeal Lodged – Appeal Withdrawn

29439/3 - ERECTION OF STABLE BLOCK AND USE OF LAND FOR KEEPING HORSES – Approved 30th September 1997

22753/1 – Residential – Refused 13th November 1990 – Appeal Lodged – Appeal Dismissed

21421/1 - DEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES – Refused 3rd October 2019

16700/1 - DEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (UP TO A MAXIMUM OF 7 UNITS) – Refused 20th March 1985

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
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 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
SE14 – Jodrell Bank
EG1 – Economic Prosperity
EG2 – Rural Economy
EG5 – Promoting a Town Centre First Approach to Retail and Commerce

Congleton Borough Local Plan (CBLP)

The relevant Saved Policies are:

PS5 Villages in the Open Countryside and Inset in the Green Belt
PS8 Open Countryside
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 Goostrey Neighbourhood Plan was made on 17th August 2017.

SC2 – Impairment of operations at JBO

EB1 – Employment Development

EB2 – Employment Environment

VDLC1 – Design of Developments

VDLC3 – Hedgerows and Trees

OCEH1 – Biodiversity

OCEH3 – Heritage

TTT1 – Sustainable Travel

TTT5 – Lighting

CF3 - Infrastructure

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

Goostrey Village Design Statement

CEC SADPD – including Policy HER7 (World Heritage Site)

CONSULTATIONS (External to Planning)

United Utilities: Drainage conditions suggested.

Jodrell Bank: Jodrell Bank oppose this development as it would impair the efficiency of the telescopes.

Head of Strategic Infrastructure: No objection subject to the imposition of a condition relating to cycle storage.

CEC Environmental Health: The following conditions are suggested; external lighting, low emission boilers, electric vehicle infrastructure, and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

VIEWS OF THE TOWN COUNCIL

Goostrey Parish Council: The Parish Council objects to this application on the following grounds;

- The development will impair the operations of Jodrell Bank Observatory.
- There have been a number of refused applications and appeals in the area with reasons for refusal relating to Jodrell Bank.
- The proposed development is contrary to Policy SE14 of the CELPS and SC2 and EB2 of the GNP.
- Jodrell Bank is a World Heritage Site and of international importance
- The other cases cited within the supporting Planning Statement are not comparable
- Employment development is contrary to Policy EB1 of the GNP
- The SADPD identifies that no sites for employment or housing are required in Goostrey
- The applicants have not demonstrated any need for employment development within Goostrey
- Insufficient parking to serve the development
- Inadequate bus service serving Goostrey
- Proximity to the residential properties and noise and disturbance from vehicles entering and manoeuvring within the site
- Backland development is contrary to Policy H12 of the CLP
- The proposed offices do not comply with the definition of infill
- The application site is within the Open Countryside and is contrary to Policy PG6 of the CELPS
- The Goostrey Village Design Statement discourages flat roofs
- The conflicts with the Development Plan and the damage to the World Heritage Site outweigh any benefits of this application.

OTHER REPRESENTATIONS

Letters of objection have been received from 25 local households which raise the following points;

- Development has been successfully defended on this site at appeal in the past
- The development is outside the GNP
- Limited public transport in Goostrey
- Increased traffic congestion
- Lack of parking spaces to serve the development
- There is no evidence of demand for office space in the village and there is purpose built accommodation available at Twemlow
- Impact upon Jodrell Bank
- Concerns over the amount of vehicle movements that would be generated and the impact upon the dwellings at the front of the site
- The existing access is narrow
- Concern over safety of the access
- Refuse vehicles will not use the proposed access
- Insufficient parking to serve the dwellings at the front of the site
- Noise pollution caused by increased comings and goings
- Light pollution
- Increased damage to Main Road
- Impact upon property value
- Unable to sell property due to the uncertainty of the land to the rear
- There are vacant office units in the area
- Main Road is busy and is impacting on children's travel to school
- Ongoing problems with infrastructure – drainage and internet
- The development is contrary to the Development Plan
- Out of keeping with the surrounding area
- Overspill parking will take place on Main Road

- The buildings are out of proportion with others in the village
- Inadequate information provided in relation to Jodrell Bank
- Two office blocks would emit more radiation than a single house
- Detailed evidence at previous appeals has demonstrated that emissions substantially breach the required limits
- Conditions should require that emissions are monitored on an ongoing basis and ban the use of any externally mounted signal boosters and antennae
- The proposed development would be visible from adjoining dwellings
- If approved there will be further applications to change the use to housing
- Due to Covid the demand for new office's has decreased
- Lack of a D&A Statement for this application
- Brownfield sites should be developed before greenfield sites
- The development is contrary to Policy EB1 and EB2 of the GNP

A letter of objection has been received from Cllr Kolker which raises the following points;

- The proposed development is out of character and not in keeping with this residential area
- Is there need for more office space in Goostrey
- Public transport links to Goostrey are poor
- 15 car parking spaces appears too short to serve the development
- The access is too narrow for vehicles to pass
- The dwellings to the front use the access for parking
- Congestion onto Main Road
- Increased traffic will have a considerable environmental impact in terms of noise, air quality and disruption
- Poor visibility onto Main Road
- There is no pavement on the access road
- The development would impact upon resident's ability to safely use their private driveways
- Loss of privacy and outlook to the residents of Fairway Drive
- Commercial 'To Let' signage could be placed at the entrance to the site – this would impact upon outlook
- Noise reduction measures would be required. What about air conditioning?
- Light pollution from the development
- Concern that the internet will not be able to cope with the extra demand
- Could the hours of operation be limited to 8am to 8pm?

APPRAISAL

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 (CBLP) and the Goostrey Neighbourhood Plan (Appendix 6.1 of the GNP).

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELPS) only permits certain forms of new development. However, the erection of new office units is not one of those exceptions.

As part of the dismissed appeal for 6 dwellings on this and the wider site (ref: APP/R0660/W/16/3166025), the Council did not object to the proposal on Open Countryside

grounds because it was deemed that upon the adoption of the CELPS, the scheme represented infill development under Policy PG6.

The site is also not proposed to be allocated for any development within the emerging Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside. As a result, the proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside.

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. Rural economy/employments sites Policy EG1 advises that proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan. The Policy also advises that proposals for employment development on non-allocated employment sites will be supported where they are in the right location and support the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.

Policy EG2 of the CELPS advises that it will seek to provide opportunities for rural employment that supports the vitality of rural settlements, encourages the retention and expansion of existing business through the conversion of existing buildings and farm diversification and supports the wider strategic interest of economic development within the borough where:

- it would support the rural economy and could not be reasonably expected to locate within a designated centre by reason of their products sold
- would not undermine the delivery of employments allocations
- would not harm the character/landscape of the area.

Policy EG3 of the CELPS seeks to support existing and allocated employments sites. However, the site is not allocated for employment and as such is not supported by this policy.

In this instance the proposal would not appear to support the vitality of rural settlements or the rural economy as it seeks unrelated office development and users would likely use facilities/amenities within Goostrey itself with no connection to rural enterprise. No justification has been given to consider why the proposal must be sited in this open countryside location given the nature of the use (or nature of products sold) which could be located within a designated centre or employment area.

The proposal would also not seek to convert existing buildings but the erection of new ones. The proposal would also seek to develop a parcel of land that is currently free from development and thus would cause some visual harm to the area by losing its open nature. As a result the proposal, be contrary to Policies PG6, EG2 & EG3 of the CELPS.

Jodrell Bank Radio Telescope (JBRT)

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was

chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

On 7th July 2019 it was confirmed that JBRT was adopted as a UNESCO World Heritage Site on the basis of 4 criteria;

- Criterion (i): Jodrell Bank Observatory is a masterpiece of human creative genius related to its scientific and technical achievements.
- Criterion (ii): Jodrell Bank Observatory represents an important interchange of human values over a span of time and on a global scale on developments
- Criterion (iv): Jodrell Bank Observatory represents an outstanding example of a technological ensemble which illustrates a significant stage in human history
- Criterion (vi): Jodrell Bank Observatory is directly and tangibly associated with events and ideas of outstanding universal significance.

The Congleton Borough Local Plan (Policy PS10) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment. Policy SE14 within the Cheshire East Local Plan Strategy largely reflects this policy PS10.

Policy SC2 of the GNP also advises that *'developments should not be permitted where JBO determine that the efficiency of the radio telescopes would be impaired.'* Policy EB2 states that employment development should not harm Jodrell Bank Observatory.

The SADPD is only given limited weight at this stage but it does include policy HER7 (World Heritage Site) which states that there is a *'strong presumption against development that would result in harm to the outstanding universal value of a world heritage site, its authenticity or integrity'*.

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

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

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Jodrell Bank have stated that they oppose this development and would ask the local planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

Issues surrounding the impact of development on the efficiency and operation of the Jodrell Bank Observatory have been considered at Public Inquiry's previously (Ref: 3129954 and 3166025 (both in Goostrey). During the course of these appeals a significant amount of technical evidence was provided by the Councils Expert Witness regarding the impact of housing development on the efficiency of the telescope.

Appeal 3129954 was ultimately determined by the Secretary of State, who dismissed the appeal for reasons including the impact of housing development on the efficiency of the telescope, citing the protection of Jodrell Bank Observatory as a facility of one of international importance and global significance [my emphasis], this transcends local issues. The more recent appeal, 3166025 further strengthened the weight of Jodrell Bank in the decision making process. Since the determination of these appeals, there has been a further appeal decision relating to just a single dwelling on a brownfield site, which was also dismissed on JBO grounds (3197429).

The following appeal decisions were also dismissed due to the impact upon Jodrell Bank;

- Appeal APP/R0660/W/19/3224057 in Cranage on 12 September 2019 (paras 20-22) – 'the adverse impact on outstanding universal value would be contrary to Policy SE14.
- Appeal APP/R0660/W/18/3218817 – *'the significance and importance, on a local level as expressed by the pride with which local residents view JBO, and at national and international levels of JBO and the efficient operation of its radio-telescopes, cannot be underestimated and it, and the conflict with CBLP policy PS10, CELP policy SE14 and GNP policy SC2, are matters to which I attach great weight and significance'*
- Appeal APP/R0660/W/19/3197429 which proposed the conversion of a former cattery in Cranage to a dwelling and was refused due to radio interference with JBO, even though the cattery had also been utilising electrically powered equipment – 'the proposal would have a harmful effect on the efficiency of the Jodrell Bank Radio Telescope. It would therefore be in breach of Policy SE 14 of the CELPS and Policy PS10 of the CBLP'

The supporting planning statement states that a number of new build officers have been approved within the Jodrell Bank Consultation Zone. These are set out below, together with the case officer response;

- 20/3714C – The Sidings, Station Yard, Goostrey – This is an extension to unit 1, subdivision of unit 2 and recladding of the existing buildings. This relates to an existing employment site and is not comparable.
- 20/3535C – 15 Shearbrook Lane – This is a home-office in the garden of a residential property. It is not of the same scale and is not comparable.
- 20/3120C – Cranage Trade Park – This is a relatively small extension to an existing employment site and is not comparable.
- 18/3670C – This application related to a previously developed site and although JBO raised concerns the application was approved as there were existing buildings on the site which could be brought back into use.
- 17/3605W – This application relates to a quarry and is not comparable, there is a condition imposed to secure a electromagnetic compatibility monitoring scheme which details the specification, screening, design and monitoring of the plant and vehicles operating on the site and

set an interference level for all equipment/plant that the quarry has to abide by. A UU was signed to agree to implement and monitor for the length of quarry.

In consideration of the application proposal, Jodrell Bank oppose the development and that should be afforded significant weight in the decision-making process due to the international importance of the facility.

The proposed development would impair the efficiency of the Jodrell Bank Radio Telescope and would be contrary to Policy PS10 (Jodrell Bank Radio Telescope Consultation Zone) of the Congleton Borough Local Plan First Review 2005, Policy SE14 (Jodrell Bank) of the Cheshire East Local Plan Strategy and Policy SC2 (and in turn policy EB2) of the Goostrey Parish Neighbourhood Plan.

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 adjoins the settlement zone line for Goostrey a Local Service centre. The CELPS states at paragraph 2.77 that *'Local Service Centres are small towns or large villages which provide a range of services and facilities to meet the needs of local people, including those living in nearby settlements'*. The site is therefore considered to be within a sustainable location.

Highways Implications

Access is available from the site to bus stops on Main Road but the service is limited and infrequent, and unlikely suitable for commuters. The national cycle route 573 runs past the site on Main Road assisting in access for cyclists and given the pedestrian infrastructure the site would be accessible to those living in the local area.

The site would be accessed by an existing access with a width of 5m which is sufficient for 2 cars to pass each other and is suitable to serve the development.

An acceptable level of visibility onto Main Road is also available, as demonstrated for a previous application for 6 residential units on this site which did not receive a highways objection.

Based upon the floor area within the application form, the site is short of 2 parking spaces but there is sufficient room within the site to park informally or for them to be conditioned. Parking will not overspill onto the highway or affect access. Sufficient cycle parking is provided but are not covered, and this should be conditioned.

The proposal will generate up to approximately 15 two-way vehicle trips during the peak hour, the impact of which will be minimal.

There is no conflict with Policies CO1 and CO2 of the CELPS, GR14-GR17 of the CLP and EB2 of the GNP.

Amenity

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

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 for residential properties 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 south of the site are the dwellings at 1 & 2 Fairway Drive. The proposed office would be single-storey in height and there would be a separation distance of 13m to the nearest point of these dwellings. There would be a gable facing south towards these dwellings and this would be sited at a mid-point between the dwellings to reduce the impact. A full-length window would be provided in this gable facing south and this would could be obscure glazed to protect privacy. The impact upon 1 & 2 in terms of loss of light, overbearing impact and privacy is considered to be acceptable.

To the south-west is the dwelling known as 51 Main Road and to the west is the dwelling known as The Courtlands. 51 Main Road is off-set with a separation distance of 12m, the relationship to this dwelling is considered to be acceptable. The Courtlands would have a separation distance of 19m at its nearest point and the relationship would also be acceptable.

To the north-east is the dwelling at 61A Main Road and 61 Main Road is located to the south-east. Both are off-set from the proposed development, and although the gable of unit 1 would be visible from the front elevation of No 61A it is not considered that there would be any harm caused due to the off-set positioning and low height of the development. There would be a separation distance of 5m between the nearest points of Block 1 and 61A Main Road (which has its main outlook to the north and south). No 61 Main Road is sufficiently off-set from the proposed development.

As a B1 use, the use is by definition appropriate in a residential area without detriment to residential amenity by reason of noise, vibration, and emissions.

Concerns have been raised in terms of noise and disturbance caused by the use of the vehicular access in close proximity to the adjoining residential dwellings. The use of the site would have similar vehicle movement numbers to the use of the site for 6 dwellings (refused application 16/4306C), but the movements would be limited to office hours and Monday-Friday. This issue was not raised as a reason for refusal or as an issue within the appeal decision for application 16/4306C and this issue is considered to be acceptable.

The proposed development would comply with Policy GR6 of the CLP.

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 low emission boilers.

Contaminated Land

Conditions will be imposed to safeguard against contaminated land.

Trees and Hedgerows

There is tree and hedgerow cover on and adjoining the site. This includes a tree which is subject to a TPO located on the northern boundary. The hedgerows to the northern and eastern boundaries of the site are classed as important hedgerows as identified within plan 6.6.4 of the GNP.

The submitted plans show tree symbols but there is no tree survey or arboricultural impact assessment. There is no site survey/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Without this information the full arboricultural implications are not apparent. Based on the information provided it is not possible to determine whether the proposed development could be provided whilst retaining the trees and hedgerows to the site boundaries.

On this basis there is insufficient information contained within this application. The proposed development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.

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 and SD2 of the CELPS, EB2 of the GNP and the Goostrey Village Design Statement.

The application proposes two office blocks which would be of a single storey nature. Each building would include two pitched roof elements which would be linked via a central flat roofed section. The detailed design is modern with full height glazing. Building 1 would be finished in timber with zinc cladding, building 2 would be finished in brick and stone.

There is no consistent vernacular surrounding the site and the appearance although modern is considered to be representative of simple agricultural buildings which are found in the area. It is accepted that the Goostrey Village Design Guide states that 'flat roofs should be discouraged as

these are not characteristic of the village', however the flat roofed elements are a subordinate element of the design and would not appear duly prominent.

It is considered that the development complies with Policies; SE1, SD1 and SD2 of the CELPS, and EB2 of the GNP and the NPPF.

Ecology

Breeding Birds

If planning consent is granted conditions could be imposed to safeguard breeding birds as part of this development.

Hedgerow

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted 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.

Wildlife sensitive lighting

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.

The scheme should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

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. A condition could be imposed to secure biodiversity improvements for the site.

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 drainage details can be secured through the imposition of a condition to ensure that the development would comply with Policy SE13.

Land Levels

Finished floor levels of the proposed dwellings could be controlled through the imposition of a planning condition.

CONCLUSION

The site lies outside the settlement boundary for Goostrey and the principle of office development does not comply with Policies PG6, EG1 and EG2 of the CELPS. The development would result in the loss of open countryside.

In this case Jodrell Bank have confirmed that they oppose this development. The development would impair the efficiency of the Jodrell Bank Radio Telescope (World Heritage Site) and would be contrary to Policy PS10 of the CLP, Policy SE14 of the CELPS and Policies SC2 and HOU1 of the Goostrey Parish Neighbourhood Plan.

The site is sustainably located and is in easy walking distance to the centre of Goostrey and public transport and services and facilities within the village. The development complies with Policies SD1 and SD2 of the CELPS.

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.

The development could provide a safe and suitable access and sufficient parking provision. The development complies with policies CO1 and CO2 of the CELPS, GR14-GR17 of the CLP and EB2 of the GNP.

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

The ecological impact of the development are acceptable subject to the imposition of conditions. The proposed development complies with Policy SE3 of the CELPS and OCEH1 of the GNP.

There are trees/hedgerows on and surrounding the site. There is insufficient information contained relating to this issue and the development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.

The development is considered to be an acceptable design and complies with Policies; SE1, SD1 and SD2 of the CELPS, and EB2 of the GNP and the NPPF.

The harm in terms of JBO, the loss of open countryside and the lack of information in terms of trees/hedgerows outweighs the benefits and the application is recommended for refusal.

RECOMMENDATIONS

REFUSE for the following reasons;

1. The proposed development is for a new office development that would impair the efficiency of the Jodrell Bank Radio Telescopes which is a World Heritage Site. The proposal is therefore considered to be contrary to Policy PS10 of the Congleton Borough Local Plan First

Review 2005, Policy SE14 of the CELPS and Policies SC2 and EB2 of the Goostrey Parish Neighbourhood Plan.

2. The proposed development is not an appropriate form of development in the open countryside as per Policy PG6 nor does not fall within any of the exceptions listed in this policy and thus constitutes an unwarranted form of development in the open countryside. This would result in an urban encroachment into the open countryside which would harm the character and appearance of the area. The proposal is contrary to Policies PG6 (Open Countryside), EG1 (Economic Prosperity) and EG2 (Rural Economy) of the Cheshire East Local Plan Strategy 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.

3. There is tree/hedgerow cover on and adjoining the site (including a tree protected by a Tree Preservation Order). The application does not include an arboricultural impact assessment/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Based on the information provided it is not possible to determine whether the proposed development could be accommodated on site whilst retaining the trees and hedgerows. There is insufficient information contained within this application and proposed development would not comply with Policy SE 5 of the CELPS and VDLC3 of the GNP.

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

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Application No: 20/5479C

Location: 39, ELM DRIVE, HOLMES CHAPEL, CW4 7QA

Proposal: Partial change of use from residential to a mixed use for residential and childcare on domestic premises (re-submission of planning application reference 20/2742C)

Applicant: Mrs Foden

Expiry Date: 02-Apr-2021

SUMMARY

This application seeks retrospective planning permission for the partial change of use from C3 to combined C3 and D1 (*childcare on domestic premises*) at 39 Elm Drive in Holmes Chapel

The childcare nursery business (*Little Monkeys*) operation at this residential property has gradually intensified over time since 2014 until it was found to require planning permission by the Council's Planning Enforcement Service following an investigation. There were 6 children being looked after and this has risen to up to 12 children with the facility for a pre-school and an after-school club for an additional 5 children.

In respect of the matter of the impact of the proposals on the amenity of neighbouring properties in terms of noise and disturbance, the key concern with regard to the previous application was the noise generated by use of the rear play area and that this cannot be controlled.

This has now been sufficiently addressed and it is considered that, on balance, the application proposals would not result in any significant loss of amenity, through the careful and responsible management of the operations on site restricting outdoor play to a limited number of children and limited hours per day.

The proposals provide adequate parking and the number of visitors to the premise would not have an unacceptable impact on highway safety.

SUMMARY RECOMMENDATION

APPROVE subject to planning conditions

REASON FOR REPORT:

This application was referred to Southern Planning Committee at the request of Cllr Les Gilbert for the following reason;

“The application is a re-submission of 20/2742C which was called in but subsequently refused under delegated powers for the following reasons:-

“The proposed use would cause unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of nearby residential property. The approval of the development would therefore be contrary to the national planning policy guidance, CELPS Policies SD2, SE1, SE2 and CBLP Policy GR6 insofar as these policies strive to protect the living conditions of neighbouring residents.”

The application offers conditions which are intended to overcome the reasons for refusal. Consideration is required of the following:-

- 1. Whether the proposed conditions are sufficient for this purpose.*
- 2. If so, whether they are enforceable.*
- 3. Whether CE Highways, in the absence of local knowledge, have under-estimated the implications of the absence of off-street drop-off, pick-up and parking facilities for the use of four staff and parents of up to twelve children.”*

PROPOSAL:

This application proposals seeks retrospective planning permission for the partial change of use from C3 to combined C3 and D1 (childcare on domestic premises) at 39 Elm Drive in Holmes Chapel.

The business is owned by the applicant and her daughter and they have a total of two full-time employees who work varied shifts from Monday to Friday, only three members of staff work at any one time.

Currently as a result of the circumstances surrounding Covid-19 and the impact on the business, only the business owners and one child care assistant are currently working, with the remaining members of the staff on furlough leave, this allow for business continuity and maintaining the correct child to staff ratios.

The maximum number of children cared for at the site is a maximum of 12 at any one time.

DESCRIPTION OF SITE AND CONTEXT:

The application site is a detached two-storey dwelling on a modern housing estate, so the surrounding area is predominantly residential in character.

The property fronts onto Elm Drive and it has a private garden area situated to the rear and a hard surfaced driveway covering most of the frontage with fringe landscaping along the side boundaries, which can accommodate up to four private cars (two rows of two in a 'nose to tail' type layout).

The application site is within the Settlement Zone Line of Holmes Chapel.

RELEVANT HISTORY:

The application is a re-submission of 20/2742C which was called in but subsequently refused under delegated powers for the following reasons:-

“The proposed use would cause unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of nearby residential property. The approval of the development would therefore be contrary to the national planning policy guidance, CELPS Policies SD2, SE1, SE2 and CBLP Policy GR6 insofar as these policies strive to protect the living conditions of neighbouring residents.”

NATIONAL & LOCAL POLICY:

National Policy:

National Planning Policy Framework
National Planning Practice Guidance

Cheshire East Local Plan Strategy (CELP):

The relevant policies of the CELPS are listed below: -

Policy MP1 – Presumption in Favour of Sustainable Development;
Policy SD1 – Sustainable Development in Cheshire East;
Policy SD2 – Sustainable Development Principles;
Policy PG1 – Overall Development Strategy;
Policy PG2 – Settlement Hierarchy;
Policy SE1 – Design;
Policy SE2 – Efficient Use of Land;
Policy EG1 – Economic Prosperity;
Policy CO1 – Sustainable Travel and Transport; and
Appendix C – Parking Standards.

Congleton Borough Local Plan First Review (CBLP):

Following the adoption of the CELPS, a number of policies of the CBLP have been saved. The relevant saved policies of the CBLP are summarised below;

Policy GR6 – Amenity and Health; and
Policy GR9 – Accessibility, Servicing and Parking Provision.

The Holmes Chapel Neighbourhood Plan (HCNP):

The Holmes Chapel Neighbourhood Plan (HCNP) referendum was held on the 9 March 2017. The plan was made on the 18 April 2017. The relevant policies of the PNP are summarised below: -

Policy CW4 – Child Care Facilities;
Policy TT1 – Promoting Sustainable Transport; and
Policy TT3 – Parking.

CONSULTATIONS (External to Planning):

Jodrell Bank:

No comments received.

Head of Strategic Infrastructure:

No objections, as this is a quiet residential street that with no restrictions on parking on both sides of the road.

Environmental Protection:

The Council's Environmental Protection Section has been made aware of this site due to them operating without permission. The main concerns that have been raised in the past have been noise from children playing and the vehicles dropping-off the children.

With regards to both these points the Council's Environmental Protection do not regulate vehicles on the highway and statutory nuisance legislation do not allow for the Council to tell children to be quiet.

The Council's Environmental Protection Section has reviewed the planning application and the Conditions that they have proposed to reduce the impact of noise to local residential properties. With this in mind they have no objections to the application.

VIEWS OF THE PARISH COUNCIL:

Holmes Chapel Parish Council:

Holmes Chapel Parish Council considered this application and appreciates the value of childcare provision and recognises the need for more provision in the village, however they have objected to this application for the following reasons:

1. The Parish Council considers the care of 12 children in this setting to be too many and inappropriate for both the size of building and the location in a residential area. The premises are not conducive to this level of childcare as well as serving as a residential property.
2. We do not consider that this application adequately addresses the reasons provided for refusal from Cheshire East and we support the original refusal from Cheshire East to this application (ref 20/2742C).

REPRESENTATIONS:

The application has been duly advertised by means of direct neighbour notification.

Twenty letter of support from residents and customers have been received and their comments can be summarised as follows: -

- They provide great and much needed childcare to the area of which we use; and
- We have had no problems with their current operation and hope for continued success for the future.

Three letter of representation has been received from residents have been received and their objections can be summarised as follows: -

- Inadequate parking provision;
- Highway Safety;
- Noise Nuisance / Pollution; and
- Insufficient information submitted with the application in that there has not been sufficient detail provided on child numbers and the ratio to staff, a management plan for the inside and outside areas of the property, a transport statement or justification for reduced parking standards; and no noise assessment.

OFFICER APPRAISAL

Procedural Matters:

Since the original application was submitted the Use Classes Order has been amended so that Use Class D1 has been changed to use class E(f). However as the site retains a residential use it is excluded from use Class E(f) and the development is considered to be a Sui Generis use.

Principle of Development:

The childcare nursery business that is in operation at this residential property trades under the name 'Little Monkeys'. The application is 'Retrospective', and the business has gradually intensified over time since 2014 until it was found to require planning permission by the Council's Planning Enforcement Service following an investigation.

Childcare is currently provided for up to a maximum of nine children at any one time, aged between nine months and three years old, up to pre-school age. However, the application proposals seek to increase to number of children. There would be a maximum of twelve children cared for on site at any one time.

This application was refused permission on 20 October 2020. This application provides additional information to overcome the concerns raised.

The main issues remaining in this case are:

1. Whether the increase in the number of children attending the day nursery has adversely affected the living conditions of surrounding residents by reason of noise and disturbance; and
2. Whether the proposals provide adequate parking and would the number of visitors to the premise unacceptably impact highway safety.

Residential Amenity:

The proposal is situated in a residential area with existing dwelling houses situated on both sides and opposite. The use of the property for childcare purposes has increased over time and is now at a much greater level and scale than a standard Childminder.

The Local Planning Authority accepts that Childminding can be an acceptable ancillary use in a residential area and can provide a useful and helpful facility to local residents with minimal adverse impact.

This business is now however operating on a commercial basis, similar to a Children's Day Nursery.

One of the most common problems arising from day nurseries is noise disturbance to neighbours. Nurseries with a larger number of children are better suited to large buildings with extensive grounds (they are usually associated with other schools).

Use of the outside space:

The sole reason for refusal of the earlier application was that the proposed use would cause unacceptable levels of noise and disturbance to the occupiers of nearby residential property. This was in particular reference to the noise resulting from children playing in the rear garden.

There is no acoustic report submitted with the original or this revised application, therefore the Council has no objective means of quantifying the noise impacts across the day. Nevertheless, it is logical to assume that the volume will vary according to how many children are playing in the outdoor space.

The applicants have stated that the use of the outside space is currently limited to two hours per day, with a one-hour morning play session and a one-hour afternoon play session.

It is accepted that these outdoor play sessions form a crucial part in the structure of the children's day.

In the morning outdoor play will not start before 10am and in the afternoon outdoor play will resume from around 3pm.

Historically all nine children have had their outdoor play time together.

As part of the application proposals, it is proposed that the number of children outside at any one time would be restricted to six children.

In addition to the outdoor play space, the business will continue to use other open spaces including the park to the rear of the property.

The applicants have stated that it is rare that children are taken into the garden in the winter months (due to the damage to the turf) instead they go further afield to local parks. On rare occasions they are taken into the garden for an hour in the morning.

The applicants have also stated that, during the spring and summer, day care children will play outside in groups of six in the morning. In the afternoon, day care children and after-school children will play outside in groups between 3:30pm and 4:00pm and between 4:30pm and 5:30pm.

In addition, to the childminding service provided, the business also offers wrap-around care in the form of breakfast and after school care (where capacity allows), with the children attending the nearby Hermitage Primary School and Happy Days Pre-School. The wrap-around care is provided for an additional four children, during term-time only. Overall, the applicants have stated that the total number of children on site will be restricted to twelve at any one time.

Conditions:

There remains concerns, given the small nature of the rear garden and close proximity of neighbouring properties, that unacceptable disturbance may arise from the numbers of children playing outdoors, particularly simultaneously and in fine weather when the neighbours are most likely to be enjoying their gardens.

There remains insufficient technical evidence to demonstrate that the increase in numbers has not had an unacceptable adverse effect on the living conditions of residents.

That being said, Conditions have been suggested which could be used to ensure good management practices. These being:

1. Development in accord with approved plans

The development hereby approved shall be carried out in total accordance with the approved plans numbered: -

- Site Location Plan (2583/100); and
- Existing Floor Plan (2583/101);

2. The house of use restricted to 0700 to 1800 Monday to Fridays.

The use shall not be open to children attending the day care facility outside the following hours 0700 to 1800 Monday to Fridays and not at any time on Saturdays, Sundays and Bank or Public Holidays.

3. Maximum number of children restricted to 12.

At no time during the hours of operation specified in Condition 2 above shall there be more than 12 children attending the day care facility.

4. Operating Hours of the garden.

The rear outside garden shall only be used for children's play between the hours of 10:00 and 12:00 and 15:00 and 18:00 Monday to Fridays and not at any time on Saturdays, Sundays and Bank or Public Holidays.

5. *Maximum number of children in the garden.*

At no time during the hours of operation specified in Condition 4 above, the number of children in the rear outside garden area shall be limited to a maximum of 6 children at any one time.

Given the compact nature of the site, the Council would need to have the necessary confidence that these suggested Conditions are a reliable mechanism, to mitigate any harmful noise impacts. It is noted that any outdoor play would be fully supervised at all times.

Having considered these proposed Conditions in light of the Planning Practice Guidance (PPG), it is accepted that they are commonly used and meet the test for Conditions.

In terms of a fall-back, it is noted that if the applicants were to reduce their operation to a level which would not require Planning Permission, there would be the potential for six children playing outdoors for an unrestricted amount of time during the day. The current application provides an opportunity through the imposition of Conditions to limit not only the number of children outdoors but also the hours of outdoor play, further reducing any potential disturbance to neighbouring properties.

Temporary Permission:

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

In respect of the potential for a temporary permission, the applicant has stated that their preference is for a permanent permission as this offers them the security they need in terms of their ability to offer places for children and security to parents, as well as certainty for their employees.

Residential Amenity Conclusion:

Bearing all the above in mind, it is considered, on balance, that the planning applications would not conflict with Local Planning Policies SD2, SE1, SE2 and GR6 insofar as these policies strive to protect the living conditions of neighbouring residents.

Highway Safety, Access and Parking:

Residents have raised concerns regarding parking and highway impacts.

The increase in the number of children attending the nursery will almost certainly have resulted in additional vehicle trips to the site. However, pick-ups and drop-offs are staggered and there is provision within the site for two visitor parking spaces, together with unrestricted kerbside parking in the immediate vicinity.

The applicant estimates that only half of children travel by car and likewise several members of staff make the journey to work on foot. Whilst the Council have no reason to doubt the reports of inconsiderate and illegal parking by parents, Elm Drive has the capacity to safely accommodate the traffic generated by the development.

Overall it is remains considered that the proposals would not cause an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe enough to warrant refusal in line with the tests in Paragraph 109 of the NPPF.

CONCLUSIONS:

The applicants provide a childminding service which is a well-established and responsibly run facility, supported by local parents. As a result of the high-quality service provided, the business has grown in recent years, culminating in the requirement for the current planning application.

This well-supported business, at the proposed level, should ideally be undertaken from more appropriate commercial premises in a less sensitive location. However, it is accepted that the application proposals provide much needed childcare within the Holmes Chapel area. The application site is sustainably located, with both staff and attending children accessing the site by a mix of private vehicle, public transport and by foot. Adequate parking provision is available for staff and it is considered that the proposals would not result in any harm to highways safety as a result of the pick-up and drop-off of children.

In respect of the matter of the impact of the proposals on the amenity of neighbouring properties in terms of noise and disturbance, the key concern with regard to the previous application was the noise generated by the use of the rear play area and that this cannot be controlled. This has now been sufficiently addressed and it is considered that, on balance, the application proposals would not result in any significant loss of amenity, through the careful and responsible management of the operations on site restricting outdoor play to only a limited number of hours per day.

The proposals also support the wider sustainability and community ambitions of both the Development Plan and the Framework, providing a vital community facility and through the development of the business in recent years providing local employment opportunities.

RECOMMENDATION:

APPROVE with the following conditions.

- 1. Approved Plans.**
- 2. The house of use restricted to 0700 to 1800 Monday to Fridays.**
- 3. Maximum number of children restricted to 12.**
- 4. The rear outside play area shall only be used for children's play between the hours of 10:15 and 18:00.**
- 5. The number of children playing the garden to be restricted to a maximum of 6 at any one time.**

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.



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