

Southern Planning Committee

Agenda

Date: Wednesday, 25th August, 2021
Time: 10.00 am
Venue: The Ballroom, Sandbach Town Hall, High Street, Sandbach, CW11 1AX

PLEASE NOTE – This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. This may only be removed when seated.

The importance of undertaking a lateral flow test in advance of attending any committee meeting. Lateral Flow Testing: Towards the end of May, test kits were sent to all Members; the purpose being to ensure that Members had a ready supply of kits to facilitate self-testing prior to formal face to face meetings. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx

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.

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

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

3. Minutes of Previous Meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 28 July 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. 19/4896N, Land At Former Crewe L M R Sports Club, Goddard Street, Crewe, Erection of 73 dwellings, comprising 42 independent living apartments and 31 houses (all affordable homes) with associated access and landscaping for The Guinness Partnership Limited (Pages 9 - 34)

To consider the above application.

6. 20/1872N, Land To The North Of, Broad Street, Crewe, The construction of 25 dwellings; provision of associated access, drainage and hard and soft landscaping; and other associated works, for Mr I Harrison, Taylor Wimpey UK Limited (Pages 35 - 56)

To consider the above application.

7. 21/1711N, 396, Newcastle Road, Shavington, CW2 5JF, Erection of 1 no. detached bungalow and ancillary works for Mr & Mrs Timlett (Pages 57 - 72)

To consider the above application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors S Akers Smith (Vice-Chair), M Benson, P Butterill, S Davies, K Flavell, A Gage, A Kolker (Chair), D Marren, C Naismith, J Rhodes, L Smith and J Wray

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th July, 2021 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor A Kolker (Chair)
Councillor S Akers Smith (Vice-Chair)

Councillors M Benson, P Butterill, S Davies, A Gage, C Naismith, J Rhodes,
J Wray, M Hunter and H Faddes

OFFICERS IN ATTENDANCE

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

14 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor David Marren,
Councillor Laura Smith (Councillor Hazel Faddes substituted) and
Councillor Kathryn Flavell (Councillor Mike Hunter substituted).

15 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness, Councillor Mike Hunter declared that he was a
non-Executive Director of ANSA, however it was noted ANSA had not
been a consultee on any of the applications before the Committee on this
agenda.

16 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting 23 June 2021 be accepted as a correct
and accurate record.

17 PUBLIC SPEAKING

RESOLVED: That the public speaking procedure be noted.

- 18 **21/2010N, LAND WEST OF PARKSIDE, BUNBURY LANE, BUNBURY, CW6 9QZ, OUTLINE PLANNING APPLICATION FOR DEMOLITION OF ONE DWELLING AND ERECTION OF UP TO 15 DWELLINGS, ACCESS OFF BUNBURY LANE AND ALL OTHER MATTERS RESERVED FOR ROGER RYDER**

Consideration was given to the above application.

(Vice Chair of Bunbury Parish Council, Councillor Andrew Thomson and Mrs. Isabel Noonan, Local Resident Objector attended the meeting and spoke against the application).

RESOLVED:

That, for the reasons set out in the report, the application be REFUSED as recommended with the following additional reason;

3. The application site includes historic evidence of roosting bats. No bat activity survey has been provided to establish the presence/likely absence of roosting bats. Therefore, insufficient information has been provided within the application and the development is contrary to Policy SE3 of the Cheshire East Local Plan Strategy, NE.9 of the Crewe and Nantwich Replacement Local Plan and the NPPF.

Heads of Terms in the event of an appeal amended to remove the requirement for an education contribution.

- 19 **20/1132N WESTON HALL COMMERCIAL COMPLEX, MAIN ROAD, WESTON, REMOVAL OF CONDITION 9 ON APPROVAL 18/4123N - CHANGE OF USE OF BUILDINGS AND AREAS OF HARDSTANDING TO B8 (STORAGE & DISTRIBUTION) USE, REPLACEMENT OF REDUNDANT BUILDINGS AND ERECTION OF NEW BUILDINGS AND AREAS OF HARDSTANDING FOR B8 (STORAGE & DISTRIBUTION) USE, ANCILLARY OFFICES, AND ASSOCIATED WORKS C/O WSP INDIGO**

Consideration was given to the above application.

(Ward Councillor and one of the Councillors who called in the application Councillor Steven Edgar, Adjacent Ward Councillor and one of the Councillors who called in the application Councillor Janet Clowes, Weston and Basford Parish Councillor John Cornell and Local Resident Objector Robert Galloway attended the meeting and spoke against the application. The Agent for the Applicant, James Warrington attended the meeting and spoke in favour of it).

RESOLVED:

That the application be REFUSED against officer recommendation for the following reason;

The proposed removal of condition 9 would result in noise and disturbance to nearby residential properties causing harm to residential amenity. The proposal is contrary to policies SE12 and EG2 of the Cheshire East Local Plan Strategy, BE.1 of the Crewe and Nantwich Replacement Local Plan and E1 of Weston and Basford Neighbourhood Plan and the NPPF.

20 20/5581N 437, CREWE ROAD, WINTERLEY CW11 4RF, DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 2 NO. NEW RESIDENTIAL DWELLINGS, FOR MR. RICHARD WILLIAMSON

Consideration was given to the above application.

(Ward Councillor and the Councillor who called in the application Councillor Steven Edgar spoke against the application).

RESOLVED:

That for the reasons set out in the report, the application be APPROVED as recommended with the following additional condition;

- 1) Time limit
- 2) Approved plans
- 3) Submission of full details of materials
- 4) Soil imported for use in gardens to be tested and verified
- 5) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.
- 6) Provision of a risk assessment and if appropriate site sampling to address the risks posed by land contamination, followed by a remediation strategy if necessary
- 7) Provision of electric vehicle infrastructure
- 8) Boundary treatment to the rear boundary of No.435 Crewe Road, to be in place prior to any other construction work taking place.
- 9) Protection of breeding birds
- 10) Compliance with the mitigation methods set out in the submitted Ecological Assessment by Kingdom Ecology Ltd dated 30th June 2021
- 11) Submission of a strategy for the incorporation of features to enhance the biodiversity value of the development, including provisions for nesting birds, including house sparrow and roosting bats
- 12) Cycle Parking to be submitted and approved
- 13) Surfacing materials to be submitted and approved

14) Submission and approval of a construction management plan

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 Page 52 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 11.50 am

Councillor A Kolker (Chair)

Application No: 19/4896N

Location: Land At Former Crewe L M R Sports Club, GODDARD STREET, CREWE

Proposal: Erection of 73 dwellings, comprising 42 independent living apartments and 31 houses (all affordable homes) with associated access and landscaping.

Applicant: The Guinness Partnership Limited

Expiry Date: 05-Feb-2021

SUMMARY

The application site is located within the Crewe settlement boundary. Policy PG2 sets out that Crewe is a Principal Town where significant development will be encouraged to support its revitalisation, recognising its role as one of the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport. Policy PG7 sets out that Principal Towns such as Crewe are expected to accommodate in the order of 65 ha of employment land and 7,700 new homes.

Therefore, it is clear that the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

In this instance the majority of the site is located on an area of land which is designated as protected open space under policy RT.1: Protection of Open Spaces with Recreational or amenity value. The development would amount to the loss of this playing pitch, and in-line with policy a site has been identified, through the process of a Feasibility Study for an off-site contribution of £80,000 to be spent which would help create a wider improved sports facility at Sutton Lane playing fields. The Green Spaces officer has agreed that this is a suitable mitigation proposal.

However, currently Sport England has a holding objection remaining on the site in relation to the loss of the playing pitch. Where a local planning authority is minded to grant planning permission for an application, despite receiving an objection from Sport England, the authority shall consult the Secretary of State as stated within the Town And Country Planning (Consultation) (England) Direction 2021.

The proposal is for 100% affordable housing and this is a significant benefit of the development in an area where affordable housing is required. This should weigh heavily in support of the development, and the applicant is a RSL, with funding in place from Homes England, and therefore there is clear indication that the development could be on site relatively quickly. The site is in a very sustainable location within walking distance of

most amenities, such as shops, pubs, restaurants, bus stops, railway station, schools, leisure facilities and open space with Crewe Town Centre in walking distance.

A further positive of the scheme is the design which scores highly within the Building for life 12 assessment and the urban design officer considered will be a bench-mark for future affordable housing schemes.

The site has raised no significant issues in relation to landscaping, forestry, amenity, highways safety, impact on protected species, flood risk or drainage, subject to appropriate conditions.

However, the applicant has raised concerns in relation to the viability of the scheme and is unable to contribute towards the normal mitigation required in relation to Education, NHS, POS, or Bio-diversity net gain, and therefore these elements weigh negatively in the balance of the scheme.

It is therefore considered that, on balance, the benefit of the affordable housing provision on the site which has been un-used and derelict for over 10 years, with the addition of the mitigation contribution of £80,000 to be put towards the betterment of playing pitch elsewhere, outweighs the policy harm in relation to the loss of the pitch, and the lack of mitigation for Education, NHS, POS and Biodiversity net-gain.

It is therefore considered that the development is on balance acceptable and recommended for approval accordingly.

RECOMMENDATION

DELEGATE to the Head of Planning in consultation with the Chair of Southern Planning Committee for additional consultation with Sport England regarding the terms of the S106 Agreement to APPROVE subject to S106 Agreement and conditions

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee because it is a Small-Scale major development of over 20 units.

PROPOSAL

Full Planning Permission is sought for the erection of 73 dwellings; comprising 42 independent living apartments and 31 affordable dwellings; with associated access and landscaping.

SITE DESCRIPTION

The application site comprises a vacant plot which previously included a sports club building and associated outbuildings including a small grandstand. It is situated on the western side of Goddard Street, Crewe and is largely bound by residential development.

The site is located within the Crewe settlement boundary and is allocated as a protected open space within the development plan.

RELEVANT HISTORY

16/4175N - Erection of 74 one, two and three- bedroom dwellings – Refused 1st February 2017

Reason for Refusal

‘The proposed development, by virtue of its detailed design and density would result in the overdevelopment of the site, which in turn, would result in an unacceptable loss of amenity for the future occupiers of the development. The development would therefore be contrary to Local Plan policies BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan First Review 2011, Policy SE.1 (Design) of the Cheshire East Local Development Strategy Consultation Draft March 2016, and the NPPF’

12/0194N - Application for Prior Notification of Proposed Demolition – Approval not required 8th March 2012

P07/1181 - 38 Dwelling Houses and Three Flats and Car Parking for 57 Spaces with Cycle Parking, Smoking Shelter and Substation – Withdrawn 15th October 2009

7/09123 - Extension to existing social club premises – Approved 20th July 1982

7/07845 - Alterations and extension – Approved 9th April 1981

PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS);

MP1 (Presumption in favour of sustainable development)

PG1 (Overall Development Strategy)

PG2 (Settlement Hierarchy)

PG7 (Spatial Distribution of Development)

SD1 (Sustainable Development in Cheshire East),

SD2 (Sustainable Development Principles),

SC1 (Leisure and Recreation)

SC2 (Indoor and Outdoor Sports Facilities)

SC3 (Health and Wellbeing)

SC4 (Residential Mix)

SC5 (Affordable Homes)

SE1 (Design)

SE2 (Efficient Use of Land),

SE3 (Biodiversity and Geodiversity)

SE4 (The Landscape),

SE5 (Trees, Hedgerows and Woodland),

SE 6 (Green Infrastructure)
SE13 (Flood Risk and Water Management)
IN1 (Infrastructure)
IN2 (Developer Contributions)
CO1 (Sustainable Travel and Transport)
CO4 (Travel Plans and Transport Assessments)
Appendix C: Parking Standards

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

RES.2 - Unallocated Housing Sites,
RT.1 - Protection of Open Spaces with Recreational or Amenity Value,
RT.3 - Provision of Recreational Open Space and Children's Playspace in new housing developments,
BE.1 – Amenity,
BE.3 - Access and Parking,
BE.4 - Drainage, Utilities and Resources,
BE.6 - Development on Potentially Contaminated Land

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Other Considerations

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

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objections, subject to a S106 Agreement to provide a commuted sum of £5,000 for traffic management measures. In addition, a condition seeking the prior approval of a Construction Management Plan, and cycle parking provision. An informative is also suggested for a S38 agreement regarding the construction and future adoption of the internal layout

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; implementation of the acoustic mitigation, travel information pack, electric vehicle charging points, ultra low emission boilers, remediation scheme implementation, soil importation materials, unexpected contaminated land and informatives for construction hours, piling foundations, dust management plan, floating floor details,

CEC Flood Risk – No objection in principle, subject to UU completing satisfactory surveys on the surface water sewer network within Dunwoody way. Conditions suggested for surface water management plan and implementation in accordance with the FRA.

CEC Housing – No objections, confirm that the Affordable Housing Statement (as amendment) is now acceptable. Affordable housing provision should be secured by way of S106 Agreement.

CEC Open Space (ANSA) – POS (Public Open Space) and ROS (Recreational Open Space) as well as allotments and GI are required in accordance with Policy SE6 of the CELPS. In the absence of on-site provision for POS and ROS a commuted sum would be required of £93,000 for POS and £31,000 for ROS is required.

Also, loss of playing field requires mitigation and a solution to address Sport England's objections. Offsite contribution proposed to be used towards the Sutton Lane Pitch Improvement Project of £80,000. This is accepted and will be secured by S106 Agreement.

Sport England – Holding Objection. Commuted sum of £80,000 required as mitigation. Feasibility study accepted however, require more detailed information in relation to how the application links to the proposed mitigation site, what the financial contribution will be and how it will be secured and who will implement the works/including timescales.

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

NHS Primary Care – Request a contribution of £54,288 to offset the impact from extra demand for housing. Triggers to be 50% upon commencement of development and 50% upon completion of 90% of the dwellings

CEC Education – No objection subject to developer contribution of £146,791. £65,078 for Primary Education, and £81,713 for Secondary Education. There is no SEN contribution required.

Crewe Police – Object, welcome the revised plan which makes significant changes to the entrance arrangement and will not significantly affect congestion on Goddard Street. However concerns raised over the introduction of two parking courts affecting plots 12-19. Recommend this is redesigned to allow curtilage parking.

Crewe Town Council – Crewe Town Council welcomes the application as a significant improvement on the previous scheme.

- It is requested that consideration be given to the relationship between the houses at the western edge of the site and the neighbouring 4 storey flats with reference to possible overlooking and loss of privacy of occupants of the new dwellings

- Parking restrictions will be required on Goddard Street at the entrance to the site to protect sightlines for traffic emerging from the site.

- The existing granite setts in Goddard Street should be retained and relayed and the existing tarmac patches replaced with matching setts to preserve the local heritage and act as a traffic calming measure.

- The scheme should incorporate appropriate measures as set out below to achieve a net gain in biodiversity in accordance with NPPF para 175 (d) and Policy Env 2 of the Publication Draft SADPD.

Within the structure of the houses:

- swift bricks
- bee bricks

- bat bricks
- house martin cups
- solar panels

Outside the structure(s):

- hedgehog-friendly fences
- water butts
- compost bins
- ponds
- fruit trees
- permeable driveways
- green walls and roofs
- hedges

Elsewhere in the development:

- wildlife verges
- wildlife tunnels under roads
- amphibian-friendly kerbs
- street trees
- native wildflowers and shrubs
- communal green spaces

REPRESENTATIONS

Letters of representation have been received from 7no households. The main issues raised are;

- Redevelopment of derelict site is welcomed,
- Impact on traffic congestion
- Access to the south of the site would be preferable and allow better pedestrian access to nearby facilities
- Development would be too close to neighbouring properties and noise during construction would adversely affect neighbours
- Additional homes are not required in this area
- New infrastructure is required to deal with the large number of new dwellings built in this area
- The loss of this greenspace is unacceptable, it is important for the wellbeing of the community
- Land should be used for a community based project such as a park or community centre
- Concerns raised relating to the location of the site entrance opposite the entrance to Goddard Court and the lowered curb/ambulance parking bay
- Existing sawmill business located adjacent to site and raised concerns that new neighbours will object to the noise created by this existing business on the site.

OFFICER APPRAISAL

Principle of Development

Residential Development

The application site is located within the Crewe settlement boundary. Policy PG2 sets out that Crewe is a Principal Town where significant development will be encouraged to support its revitalisation, recognising its role as one of the most important settlements in the borough.

Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport. Policy PG7 sets out that Principal Towns such as Crewe are expected to accommodate in the order of 65 ha of employment land and 7,700 new homes.

Therefore, it is clear that the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

Protected Open Space

In this instance the majority of the site is located on an area of land which is designated as protected open space under policy RT.1: Protection of Open Spaces with Recreational or amenity value.

Policy RT.1 states that development will not be permitted which would result in the loss of open space shown on the proposal map, which has recreational or amenity value. An exception may be made where;

- *A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance; or:*
- *The proposed development is ancillary to the principal use of the site as a playing field or open space and does not affect the quantity or quality of pitches or adversely affect their use.*
- *The proposed development affects only land incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area or any playing pitch, or the loss of any other sporting / ancillary facility on the site.*
- *The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.*
- *The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or open space.*

Similarly, the NPPF (2021) in paragraph 99 states that;

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Policy SC1 Leisure and Recreation of the CELPS states that the Council will... *'seek to protect and enhance existing leisure and recreational facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality is to be made'*. Additionally, Policy SE 6 of the CELPS 4 (i) states that development should protect and enhance existing open spaces and sport and recreation facilities.

The former use of the site was a Football Ground, and included a sports club building, associated outbuildings and a small grandstand. However, the site is now vacant with all the former buildings demolished. The applicant states that the site has not been available for sports pitch use since December 2007 and has no public access currently. The former buildings on the site were demolished in 2012. The site is identified as a 'lapsed' site within the Cheshire East Playing pitch Strategy and Action Plan.

Nevertheless, the site is still currently designated as a playing pitch in policy terms, and this designation has been carried forward into the Revised Publication Draft SADPD; albeit limited weight can be attributed to the SADPD at this time.

The applicant has submitted a Sports Need Assessment from 2016, and a Sports Planning Statement with the application, which highlights that during the previous 2016 application on the site, it was accepted that mitigation would be sought to enable the provision of off-site provision elsewhere. This was largely due to the lack of an up to date Playing Pitch Strategy at the time, and the LPA and Sport England considered a commuted sum of £70,000 (this amount has increased to £80,000 now) to be secured by means of a S106 Agreement would be an acceptable form of mitigation. Although, the application was refused at committee, this was on the grounds of design and amenity of the proposed development, not based on the policy departure.

The applicant was proposing the same option in this application, however since the previous application, some 5 years ago, the Council has adopted the Playing Pitch Strategy, and the required mitigation cost has increased to £80,000 as confirmed by Sport England.

Sport England raised a holding objection to the proposal originally based on the lack of detail of how and where the proposed commuted sum would be secured and used. Without this information Sport England state that they need to be confident that the contribution secured as part of this proposal will be used to create a genuine new playing field, to an equivalent or better quality, consistent with the NPPF (99b) and Sport England's Playing Field Policy. Where a local planning authority is minded to grant planning permission for an application, despite receiving an objection from Sport England, the authority shall consult the Secretary of State as stated within the Town and Country Planning (Consultation) (England) Direction 2021.

The Council's Greenspaces Officer, states that discussions around the loss of the playing field have taken place over a substantial period of time and have involved in depth discussions with the Cheshire FA, Football Foundation, ESAR and Sport England amongst others. The applicant engaged the services of a Sports Consultant to fully understand the implication of the loss of this facility in relation to the Playing Pitch Strategy [PPS] and how that loss could be mitigated. Initially the loss was to be mitigated through the payment of a commuted sum to be used in line with the PPS to provide additional capacity elsewhere, however no specific site/sites or projects were identified. That was on review not considered appropriate given the potential absence of suitable sites. The applicant agreed to conduct further work to identify an appropriate site where the

commuted sum could be directed to ensure suitable mitigation could be achieved following the loss of Goddard Street.

Two Feasibility studies have been carried out by the applicant, one which identified a site in Crewe but which revealed a substantial issue with the site and the scope of the feasibility and the level of commuted sum meant the site was not accepted for mitigation. The second feasibility study, at Sutton Lane Playing fields, a 20 minute drive from the application site. This feasibility study shows there are no known barriers to the enhancement of the facility, that the commuted sum could be used alongside other funding to improve capacity and quality of the playing fields and in conjunction with other projects, provide a significantly improved sporting offer of substantial benefit.

The commuted sum of £80,000 will be directed to Sutton Lane playing fields to progress Option 2 from the STRI Feasibility Study which will include but is not limited to, cut and fill earthworks and the installation of a new drainage system across the full site. This will make the entire playing field available for play, currently not feasible, and allow more layout options as well as improve pitch quality over the wetter months, thus increasing capacity and providing a better quality site. This alongside a proposed project by ESAR on the site, subject to planning, would make the site a focus for sport.

The Greenspaces Officer notes that to bring Option 2 forward when the full funding pot has been achieved, a detailed scheme will be developed which will also identify the maintenance requirements of the site both during the establishment period and in the longer term, extending the life of the pitches and maintaining quality. For the benefit of the committee, a commuted sum of £222,000 has been secured for use at Sutton Lane via a S106 on an outline application. There are a number of other options in terms of funding including other relevant developments where ROS commuted sums could be directed to Sutton Lane.

A commuted sum of £80,000 in mitigation for the loss of playing fields at Goddard Street will be required on commencement of development and will be secured via a S106 planning agreement. The commuted sum will be used at Sutton lane Playing fields to develop and implement Option 2 of the STRI feasibility study, The Sutton Lane Pitch Improvement Project. The commuted sum will be used as soon as the required funding is achieved, and CEC will implement the project at the earliest opportunity.

Sport England have confirmed that the second Feasibility Study for Sutton Lane, appears to be acceptable in terms of the site being capable of accommodating the use proposed. However still has outstanding queries in relation to how the application links, how the contribution will be secured and who will implement the permission and the likely timescales and have requested a draft heads of terms before their holding objection can be removed. However, there remains an objection from Sport England.

Nevertheless, it is clear that the applicant has tried to identify a suitable mitigation site for the £80,000 to be used towards, and it would create a better quality site than the existing, aiming to addressing the requirement within the NPPF (99b).

In this case the Sport England objection relates specifically to the mechanism to secure the contribution and to ensure that the sum is spent to create a genuine new playing field, to an equivalent or better quality. This will be dealt with as part of the completion of the S106 Agreement and it may be that the objection is withdrawn at that stage. It is suggested that further consultation

takes place with Sport England as part of the production of the S106 to see if the objection can be withdrawn. Where a local planning authority is minded to grant planning permission for an application, despite receiving an objection from Sport England, the authority shall consult the Secretary of State as stated within the Town and Country Planning (Consultation) (England) Direction 2021.

Viability

The NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

The applicant states that the scheme is an 100% affordable housing proposal and therefore the imposition of all the proposed financial contributions would make the scheme unviable, and therefore it supported by a financial viability appraisal.

The Council had this independently appraised. The Council's independent advisor conducted a full review of the financial viability assessment submitted by the Applicant. The review concluded that the scheme generates a negative residual land value of circa -£700,000 against a target benchmark land value (BLV) of £1,080,000, and therefore it appears the Scheme as submitted may not be capable of providing a policy compliant level of S106 contributions.

In terms of the request for S106 contributions there have come from education, NHS, Ecology, Sport England, POS and highways. The contributions are;

1. £80,000 towards the provision of offsite contribution to mitigate for the loss of the playing pitch
2. £5,000 towards traffic management measures
3. £146,791 towards primary and secondary school provision
4. £54,288 towards NHS provision
5. £93,000 towards off site play and amenity facilities (POS)
6. £31,000 towards off site outdoor sport provision (ROS)
7. Circa £50,000 Biodiversity net gain off site contribution

Despite the application having a negative return, the applicant states that they will pay the required Sport England contribution and the Highway contribution, amounting to £85,000.

These two contributions are considered to directly link to ensuring the development is policy compliant, and directly linked to improvements to highway safety. The NHS, Education, POS and Biodiversity requirements are mitigation to offset the impact of the development on the local area.

Therefore, as it stands the proposed development appears to be unviable. However, due to the nature of a social housing development scheme this is not an unusual situation and the development would provide significant benefits in terms of affordable housing provision.

Locational Sustainability

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

The site is within the Crewe Town settlement which is categorised as a Principle Town within Policy PG 2 of the CELPS. The site is considered to be locationally sustainable, and within walking distance of a number of services on Dunwoody Way, and the Town Centre. Within the town centre is a Bus Service Station which links the town to the wider area.

Housing Mix

Paragraph 62 of the Framework states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes’.

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix).

The site is split between the 30 x 1 bedroom apartments, 12 x 2 bedroomed apartment, 6 x 2 bedroomed houses and 25 x 3 bedroomed houses. The development is largely made up the 42 apartments and a mix of semi-detached properties and mews properties. It is therefore considered that the housing mix is reasonable for the location.

Affordable Housing

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;*
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;*
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough’s housing need the above thresholds and percentage requirements may be varied;*

The National Planning Policy Framework states that the provision of affordable homes should not be sought for residential developments that are not major developments. Major developments are defined as housing sites of 10 or more homes, or the site has an area of 0.5 hectares or more.

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

This is a proposed development of 73 dwellings in a Principal Town, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 22 dwellings to be provided as affordable homes.

The applicant has advised that they are providing a 100% affordable housing scheme consisting 42 units for independent living at an affordable rent, and 31 units for shared ownership tenure. Therefore, the affordable housing on this site is policy compliant.

The proposed tenures and types of housing are agreed by the Strategic Housing officer.

Other matters

An Affordable Housing Statement has been provided by the applicant which has addressed the Strategic Housing Officers initial concerns following the previous consultation. As such, this AHS has now been approved by Strategic Housing.

The affordable housing should meet the HCA's housing quality indicator (HQI) standards. The affordable housing provision should be secured by Section 106 agreement.

Open Space

Notwithstanding the loss of Open Space on which this development is sited upon, (this is considered within the principle section of this report), consideration is also required of the impact of the development upon local open space capacity in the area.

The Greenspaces Officer states that this application triggers the requirement for the provision of POS for play and amenity, and ROS for recreation and outdoor sports, as well as allotments and Green Infrastructure in accordance with Policy SE6 of the Cheshire East Local Plan Strategy.

There is no public open space provided as part of the scheme, but an area of communal private amenity space has been provided for the use of the apartments. The site is located in close proximity to an existing public open space, Samuel Street Park, which is within 400m of the application site, and includes a children's play area. The Greenspaces Officer confirms that in the absence of onsite provision the payment of commuted sums would normally be required, therefore the offsite contribution for POS for play and amenity provision would be, £93,000 based on family dwellings within the scheme, and ROS for outdoor sport would be £31,000. These contributions would be required prior to commencement of development and should be secured by S106 Agreement.

Without this financial contribution, there would be resultant social dis-benefit. This needs to be factored into the planning balance. This is further considered within the viability section of this report above.

Education

Cheshire East had 96.3% of its schools rated as outstanding or good by Ofsted in 2016. Children's Services is committed to putting residents first and creating greater opportunities for our young

people to live rewarding lives by delivering and maintaining a high standard of education in the Borough.

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The Education team consider that the proposed development of 31 family dwellings is expected to generate:

6 primary children (31 x 0.19)
5 secondary children (31 x 0.15)
0 SEN children (31 x 0.51 x 0.023%)

Children's Services has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to an immediate basic need of primary places demographically and pupil projections showing a further need from additional housing in the locality identified in The Council's Local Plan. The two largest expansions being Monks Coppenhall Primary School, by an additional 210 places, and Hungerford Primary Academy by an additional 210 places. Additionally, Children's Services is in the process of creating new Secondary provision in Crewe, namely Oakfield Lodge.

Children's Services is expanding the primary schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards. The proposed development picks up the primary schools within 2 miles and the secondary school within 3 miles; on this basis Children's Services is seeking a full primary and secondary claim and will receive the payments for the works paid for by the Council up front to mitigate the 6 primary children and 5 secondary children.

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

6 primary children x £11,919 x 0.91 = £65,078
5 secondary children x £17,959 x 0.91 = £81,713
Total education contribution: £146,791

Without a secured contribution of £146,791, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. This is further considered within the viability section of this report above.

Health

The South Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that funding is required towards the health infrastructure to support the development of Grosvenor Medical Centre, Milcroft Medical Centre, Earnswood Medical Centre and Hungerford Road Surgery.

The mitigation requested is based on the following formula and the assumption of 74 units of a housing mix of 1, 2, and 3 bed properties.

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

The requested contribution is therefore calculated as £54,288. It is therefore considered that the financial contribution can be secured as part of a legal agreement to mitigate the harm.

Without this contribution there is an objection raised to the development. This is further considered within the viability section of this report above.

Residential Amenity

The application site is surrounded by residential development on all sides. The site is bounded by 3 and 4 storey apartment blocks to the south and west of the site, a row of traditional terrace properties back on to the site at the north and on the opposite side of Goddard Street are two storey.

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principal windows and 13.5m principal windows and flank elevations or non-habitable windows. However, the adopted standards within the Cheshire East Design Guide allow for a slightly lower standard of separation of front elevations to around 18m. This area of Crewe is mixed in style with tightly compacted terraced properties to the north, 2, 3 and 4 storey apartment blocks to the east, west and south.

The majority of the dwellings will meet the 21m distance with a few slightly below, nevertheless in these cases there is no direct overlooking of principle windows due to the location and orientation of the buildings. The orientation of the dwellings and their fenestration has been designed to avoid significant detrimental impact on existing neighbouring amenity. Furthermore, tree planting is proposed along the northern boundary to help mitigate the impact. It is therefore considered unlikely that the development will have any significantly detrimental impact on neighbouring amenity by means of overlooking or over shadowing.

The Council also has a standard of 50m² garden areas for future occupiers. The plan shows that all the dwellings achieve the required amount. The apartments have no private amenity space, nevertheless the proposal included communal amenity space which is considered sufficient given the local access to public open space is within walking distance of the site.

Environmental Protection have raised no objections to the proposal subject to conditions regarding the implementation of the acoustic mitigation, travel information pack, electric vehicle charging points, ultra-low emission boilers, remediation scheme implementation, soil importation materials, unexpected contaminated land. These conditions are considered to be reasonable.

Highways

Sustainable access

There will be a continuous pedestrian footway from the site to the local centre of West Street where bus stops and a number of services and amenities are located. There will also be a footway connection to Morrisons to the south of the site, and the wider Crewe area including the town centre which is within walking distance.

Approximately 160m south of the site access there is a pedestrian and cycle access off Richard Moon Street providing a connection onto the local off-road cycle path along Dunwoody Way, Morrisons, and the National Cycle Route 451 which is a short distance away off Flag Lane, Victoria Avenue and Queens Park.

The site access is approximately a 70m walk from the bus stops on West Street and 240m from stops on Underwood Lane, which provide regular weekday and weekend services, with up to 7 buses per hour in either direction from early morning to evening. Destinations include the wider Crewe area, Winsford, Northwich, Shavington, Nantwich and Newcastle.

Safe and suitable access

The access has been designed to adoptable standards for this size of development. It will have dropped kerbs and tactile paving and there will be sufficient visibility.

All but one of the residential properties will be provided with off-road parking in accordance with CEC standards which is considered acceptable given the sustainable location.

The 42 apartments include 30 one bed and 12 two bed units and will have below standard provision with 31 spaces. Car ownership data for apartments in this area, which is reflective of the local demographics and sustainable location, is low and indicates that there will be sufficient parking for residents and for visitors. The provision is therefore acceptable.

Cycle parking is also proposed within the building but the number of spaces proposed is unclear and details of this should be conditioned.

The new vehicle access will be located approximately 60m south of West Street which is of sufficient distance. Whilst on a site visit on-street parking was observed to occur on both sides of Goddard Street. There are existing parking restrictions on Goddard Street but additional traffic management measures may be required. Therefore, as with the previous application in 2016, a contribution from the applicant towards this will be required.

Network Capacity

A development of this type and size would generate approximately 30 two-way vehicle trips during either of the peak hours, or up to 1 vehicle every 2 minutes, and any highways impact is considered minimal.

Conclusion

The proposal is for 73 affordable residential units off Goddard Street in Crewe. It is in an urban location with pedestrian access available to local amenities and services, and bus stops.

The proposal access, layout, and parking provision are acceptable and no objection is raised subject to a condition for cycle parking provision, CMP and an informative for a S38 Agreement.

Furthermore, a contribution of £5,000 is sought for traffic management measures which should be secured by S106 Agreement.

Landscape

This is a brownfield site to the north west of Crewe. Much of the site is overgrown grassland and scrub with various boundary treatments. There is some hard standing. There are occasional trees /saplings present on the boundaries with a line of mature Cupressus Leylandii (fronting Goddard Street).

Traditional terraced and mixed use development lies to the north, separated by a gated alley, Goddard Street lies to the east (with a traditional sett surface), new apartment developments lie to the west and south east and an area of mounded rough ground to the south west.

The Landscape Officer notes that the Design Officer has been heavily involved in the layout revisions and notes that comments are mainly positive. It is considered that a landscape implementation and maintenance condition should be included in any permission.

Trees

There are some trees present on the site, mainly around the boundaries. These include an offsite Sycamore, some saplings and a line of mature Cupressus Leylandii (fronting Goddard Street).

The Arboricultural Impact Assessment has been updated (now revision B dated 13/8/20). It remains that the Leylandii hedge and a number of saplings would be removed. The revised layout would involve new hard standing in the rooting area of the retained off site Sycamore tree on the western boundary. Supervised precautionary working practices are recommended for this area. In the event of approval of the development, a standard tree protection scheme should be sought by condition, together with a condition requiring arboricultural supervision.

Design

Building for life 12 Assessment of the development has been carried out by the Council's Urban Design officer.

Integrating into the neighbourhood

1. Connections

The proposal is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. There are clear and easy routes to adjacent existing development on Goddard Street with the development layout providing a looped circulation route. The proposal is well designed and although the constraints of the site do not allow direct connection to the existing

developments surrounding the site, the enclosure and legibility aid secure and permeable movement throughout the development. A green therefore is easily awarded.

2. Facilities and Services

The site lies close to the centre of Crewe where a full range of facilities and services can be accessed. There are shops, pubs, schools and local/national transport hubs, within easy walking distance of the site. In addition, there are a number of local parks located within a short walk to the site and a wide range of usable areas of public open space within the wider area. As a result, a green light is readily awarded.

3. Public Transport

The closest bus stops to the scheme are located on West Street, a short distance from the proposed site access. From services found there, access can be gained into Crewe town Centre and to the National Rail station with its excellent services to Manchester and London. As a result, a green light is awarded.

4. Meeting Local Housing Requirement

As a proposal of 100% affordable housing, the proportion and range of affordable housing has been agreed by the Local Planning Authority as meeting the needs of the local housing requirements. Ideally a development should have a diverse range of tenures, open market and affordable to secure a diverse mix of community. Normally, pepper potting shared ownership homes, where the type matches the open market types in styling and size contributes to the diverse mix and organic nature of a development. The quality of design is very high for an affordable development of this nature and raises the standard for future development of affordable homes and investment into the area. The mix and diversity that SC5 and the CEC Design Guide requires is not achieved here. However, over time the development will settle into a range of tenures and the diverse community that SC5 and the design guide aspires to achieve will be realised. As a result of this an amber light is awarded

Creating a place

5. Character

It is acknowledged in Volume 2 of the Cheshire East Borough Design Guide (CEC, 2017ii, pp27-28) that standard house types can 'offer a positive alternative to bespoke units if re-elevated, detailed and where necessary amended to suit the location' as indeed they can. Although it is encouraged in the design guide (house types, making them unique) to take elements of the local vernacular and contextual characteristics and detailing, it is also expected that these elements will be used in such a way as to provide a distinct and unique character to the new development.

A thorough local character study has been undertaken and the approach adopted has been successful in representing local character details and styling throughout the development. The local architectural detailing and styling references have informed the character areas with a mix of traditional and more modern designs in different areas appropriate for the location. A green is awarded here.

6. Working with the site and its context

The development and its concept use the constraints of the site to form the layout of the streets to great effect. The boundary stones have been retained and reused as a feature close to the main entrance, however this detail has somehow become lost within the updated layout design. The constraint of an inward looking and bounded site has been transformed into an asset and resulted in a unique feature of the site in the form of a semi-communal amenity space and looped shared surface street. The site is bounded by existing traditional terraces, and whilst not fully achieving the same connection through to the adjoining development, the design has laid down provision to enable a secure and high-quality green oasis that will serve both communities, raising the bar for future local developments. A green is awarded here.

7. Creating well defined streets and spaces

There is a clear hierarchy leading from the main entrance into and through the site. This is illustrated by the street, boundary and architectural details to reinforce the hierarchy. There are perimeter blocks with corner turning types that are enhanced by the layering of high-quality boundary treatments and soft landscaping throughout the development. Even though there is a clear hierarchy, the road and surface material details (Hard landscaping plan) do not comply with the specifications as outlined in the Design Guide, and for this reason an amber has been awarded here.

8. Easy to find way around

With the hierarchy, looped main street, and features stationed at nodal points along the main circulation routes make the site highly legible. Corner turning types have provided strong architectural features and designs to enable an increase in legibility across the site. This, in combination with feature buildings at nodal points throughout the layout, help to create easily recognisable unique spaces with which to navigate and orientate. A green is awarded here.

Streets and Homes

9. Streets for all

The loop road incorporates landscaped enhanced pinch points to calm traffic speeds and aid the pedestrian/cycle routes through the development. The material changes along routes also serve as a cue that the spaces belong as much to the pedestrian/cyclist as to the car. At nodal points there are a number of landscaped green spaces which, combined with a change in surface material, denotes a public space that could be used for informal community social events.

The hierarchy is clearly identifiable with surface material changes denoting different character areas such as the primary access street, home zone type areas and shared surface squares. The boundary treatment and the layering of soft and hard structural landscaping further enhances the hierarchy, providing an outstanding level of greening within the development. The development is easily walkable with a circuit provided within the development. A green is awarded here.

10. Car Parking

A mix of parking solutions is encouraged by the CEC Design Guide so that the street scene isn't dominated by vehicles. The development has achieved a varied mix of parking solutions across the site. Parking courtyards have been well landscaped and are overlooked, providing adequate surveillance for security, and gating measures have been incorporated to enhance the security to the rear courtyard parking. The parking court to the rear of the independent living apartments is well landscaped and could provide a unique tree-lined multifunctional community space that could be utilised by the residents for events throughout the year.

Typical parking details show that there is adequate room for circulation to rear of properties for practical purposes ie. Bin storage. There inevitably is some front of plot parking spaces dotted throughout the development, but these are broken up into short runs with soft landscaping to soften the visual effect on the street scene and traffic calming. On balance this is considered acceptable and a green is awarded.

11. Public and Private spaces

Houses have reasonably sized rear gardens and some space to the front too which is well defined. Boundary treatments are considered and generally appropriate to the character areas. Whilst there aren't any useable pockets of accessible open space across the development, the open aspect amenity space to the rear of the independent living block provides elements of a green square that can be accessed visually by all residents. There are only a couple of the plots where, the rear elevations are open to view from the public spaces on street. An upgrade of these elevations to match the quality of the primary elevations would improve this aspect greatly. On balance an amber light is awarded.

12. External storage and amenity space

As mentioned before, houses have reasonably sized rear gardens, large enough to house the bin/recycling stores that are indicated in the application. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. There is also space for other storage including that of bicycles, particularly useful as the houses are without garages. There are details for the communal stores for the independent living apartments, such as bin and scooter stores. A green light is awarded here.

Conclusion

The site has achieved 9 greens and 3 ambers. The Design Officer confirms that overall, we have reached a point where the scheme is now supportable. There has been a large amount of work undertaken by the design teams that has resulted in an outstanding proposed development. The Design Officer therefore supports the scheme.

The Design Officer suggested that conditions are imposed in relation hardsurfacing, and external materials. However, details of hardsurfacing have since been submitted and the Design Officer has agreed they are now suitable and in accordance with the Design Guide. Conditions will be attached to ensure compliance with the details proposed.

It is noted that the Design out Crime Officer at Crewe Police has raised objections to the proposal due to the rear parking courts for plots 13 – 19. The officer considered that the parking courts should be removed, and curtilage parking introduced, on safety grounds. Whilst this has not been

revised as suggested, the most recent amendments to the scheme show these parking areas now gated to ensure they are secured for parking only and remove the ability for anti-social behaviour to occur in the area and this should encourage the occupants to use the parking areas; and this is considered to address the issues raised by the Crewe Police Officer in their consultation response.

Ecology

The application includes a protected species survey, which the Councils Ecologist has considered.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. In the absence of mitigation the proposed development would have a localised impact upon this species.

If planning consent is granted the Ecologist recommends that gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed by condition.

Bats

Whilst the application site offers limited opportunities for roosting bats and the site does not appear particularly important for foraging bats, bats are likely to commute and forage around the site to some extent. The Councils Ecologist advises that the tree planting proposed as part of the landscaping of the site would at least partially compensate for the loss of existing habitat for bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Nesting Birds

The Council's Ecologist has suggested a condition is imposed if permission is granted to safeguard breeding birds during construction.

Biodiversity net gain/Defra metric

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The ecologist recommended that the applicant undertook and submitted an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity in accordance with this Local Plan policy.

The applicant confirms that the proposed development would result in a net reduction in biodiversity, (calculated at 1.53 biodiversity units) and sought a net gain. As delivering additional habitat on site has not been possible, a commuted sum for improvements elsewhere was discussed

with the Council's Ecologist and the Cheshire Wildlife Trust to deliver habitat creation on land in their control. CWT undertook a Defra Metric calculation of the existing site and advised that CWT would be able to supply the biodiversity net gain (BNG) units required for the cost of £48,992 +VAT. This calculation included a 10% Biodiversity Net Gain (as CWT require this level of increase to get involved with offsetting). The applicant has queried this sum, but no revised amount has been set out.

Nevertheless, as set out above in the Viability section, the application is running at a shortfall, and the applicant is not able to fund the required contribution. Therefore, the scheme fails to deliver a Biodiversity net gain as required by Policy SE3 of the CELPS. This is another matter which should be added to the planning balance as a negative of the scheme.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. Proposals have been submitted for the provision of features for nesting birds and roosting bats and the Ecologist confirms these are acceptable subject to a condition for their implementation.

Air Quality

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

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

- Travel Information Pack
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

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

Flood Risk

An FRA was submitted with the application, and the Flood Risk Officers have confirmed that the drainage scheme is acceptable and the development should be implemented in adherence to the scheme.

United Utilities have been consulted on the application have raised no objection, subject to conditions for foul and surface water to be drained separately and a detailed strategy for SUDs to be submitted.

CIL Compliance

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

An offsite contribution of £80,000 is required as mitigation for the loss of the Goddard Playing field. The sum is required to address the Policy objection of the loss of a playing field and is therefore directly related to the development. A site at Sutton Lane playing fields has been identified as the next suitable option for mitigation and the contribution can be used to help facilitate the Sutton Lane Playing Fields Improvement Project. The requirement to secure the commuted sum by legal agreement is considered to be fair and reasonable to ensure the mitigation is secured and used offsite appropriately.

A contribution of £5,000 is required for highways improvements, in relation to traffic management measures in relation to updating existing parking restrictions on Goddard Street. This is directly related to the development to ensure the increased use of the site and access is mitigated by means of highways improvements. This is considered to be fairly and reasonably related in scale and kind.

The development is an affordable housing scheme and therefore given the lack of some of the normal mitigation contributions it is reasonable and necessary to secure the 100% affordable housing by means of a legal agreement. Furthermore, the tenure mix of affordable rent and shared ownership will be secured also. This is considered to be reasonable and fair.

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

PLANNING BALANCE

The application site is located within the Crewe settlement boundary. Policy PG2 sets out that Crewe is a Principal Town where significant development will be encouraged to support its revitalisation, recognising its role as one of the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport. Policy PG7 sets out that Principal Towns such as Crewe are expected to accommodate in the order of 65 ha of employment land and 7,700 new homes.

Therefore, it is clear that the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

In this instance the majority of the site is located on an area of land which is designated as protected open space under policy RT.1: Protection of Open Spaces with Recreational or amenity value. The development would amount to the loss of this playing pitch, and in-line with policy a site has been identified, through the process of a Feasibility Study for an off-site contribution of £80,000 to be spent which would help create a wider improved sports facility at Sutton Lane playing fields. The Green Spaces officer has agreed that this is a suitable mitigation proposal.

However, currently Sport England has a holding objection remaining on the site in relation to the loss of the playing pitch. Where a local planning authority is minded to grant planning permission for an application, despite receiving an objection from Sport England, the authority shall consult the Secretary of State as stated within the Town And Country Planning (Consultation) (England) Direction 2021.

The proposal is for 100% affordable housing and this is a significant benefit of the development in an area where affordable housing is required. This should weigh heavily in support of the development, and the applicant is a RSL, with funding in place from Homes England, and therefore there is clear indication that the development could be on site relatively quickly. The site is in a very sustainable location within walking distance of most amenities, such as shops, pubs, restaurants, bus stops, railway station, schools, leisure facilities and open space with Crewe Town Centre in walking distance.

A further positive of the scheme is the design which scores highly within the Building for life 12 assessment and the urban design officer considered will be a bench-mark for future affordable housing schemes.

The site has raised no significant issues in relation to landscaping, forestry, amenity, highways safety, impact on protected species, flood risk or drainage, subject to appropriate conditions.

However, the applicant has raised concerns in relation to the viability of the scheme and is unable to contribute towards the normal mitigation required in relation to Education, NHS, POS, or Bio-diversity net gain, and therefore these elements weigh negatively in the balance of the scheme.

It is therefore considered that, on balance the benefit of the affordable housing provision on the site which as be un-used and derelict for over 10 years, with the addition of the mitigation contribution of £80,000 to be put towards the betterment of playing pitch elsewhere, outweighs the policy harm in relation to the loss of the pitch, and the lack of mitigation for Education, NHS, POS and Biodiversity net-gain.

It is therefore considered that the development is on balance acceptable and recommended for approval accordingly.

RECOMMENDATION:

DELEGATE to the Head of Planning in consultation with the Chair of Southern Planning Committee for additional consultation with Sport England regarding the terms of the S106 Agreement to APPROVE subject to S106 Agreement to secure:

S106	Amount	Triggers
Affordable Housing	100% affordable housing provision 31 dwellings – shared ownership 42 independent living apartments – affordable rent	All development to accord with Affordable Housing Statement
Recreational Open Space	Contribution of £80,000 towards the Sutton Lane Playing pitch	Contribution – Prior to commencement of development

Highways	£5,000 towards improvements to Goddard Street	Contribution - Prior to first occupation
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And the following Conditions

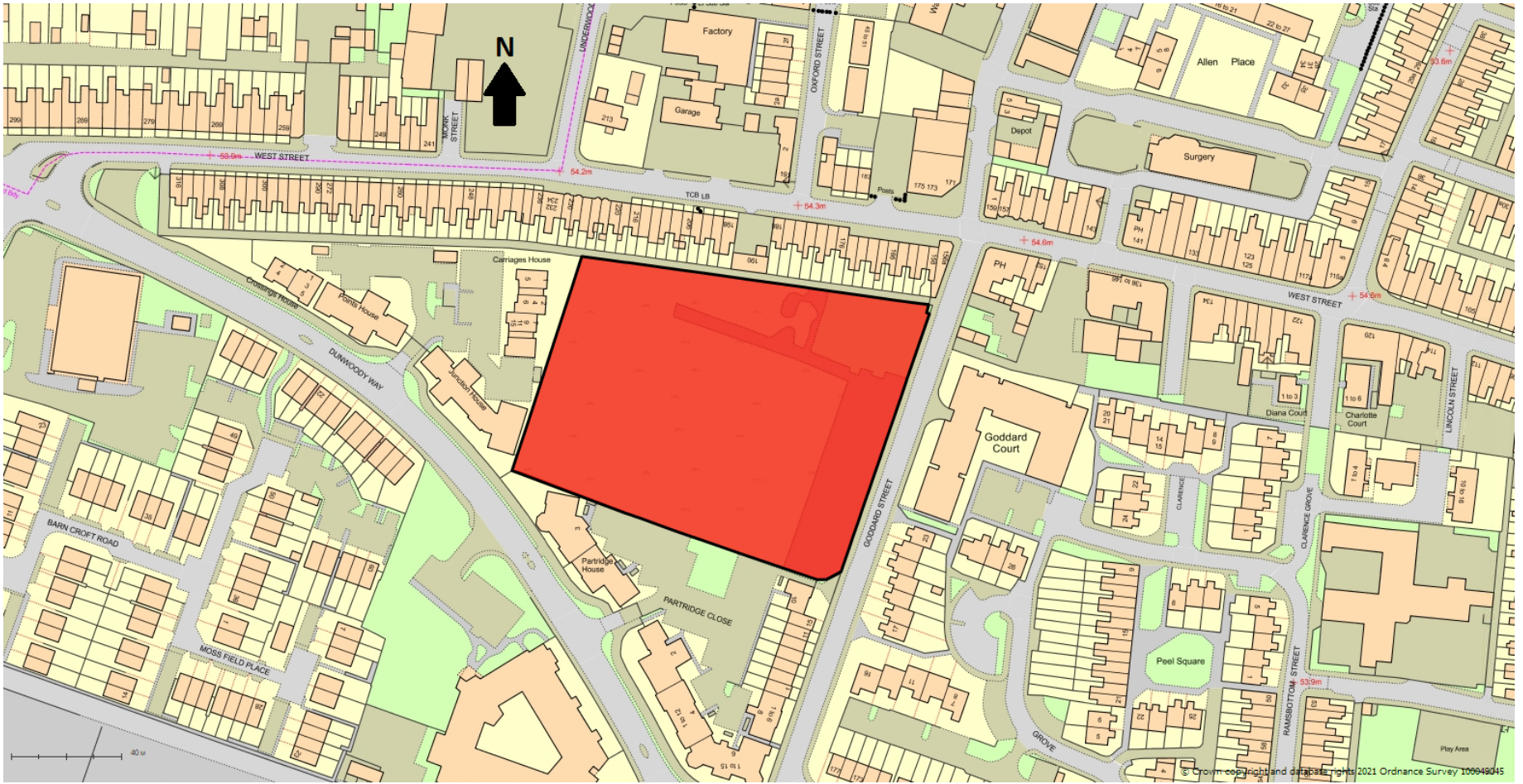
1. Standard Time
2. Approved plans
3. Materials
4. Surfacing materials
5. Landscape Scheme
6. Landscape Implementation
7. Tree Protection scheme
8. AIA to be adhered to
9. Bat and bird boxes and gaps for hedgehog are to be provided on site in accordance with the submitted Bat and Bird Box Scheme prepared by Ascerta plan reference P.736.16.04 dated 26/11/2020
10. Safeguard Nesting Birds
11. Lighting strategy – prior to occupation
12. Details of cycle parking – prior to occupation
13. Prior to commencement – CMP required
14. Detailed strategy/design limiting the surface water runoff generated by the proposal, and associated management /maintenance plan - required prior to commencement
15. Development to adhere to FRA
16. Foul and surface water to be drained separately
17. Contaminated Land – adherence with Remediation scheme / prior to occupation verification report to be submitted
18. Contaminate land – Soil Importation
19. Contaminate land - Unexpected Contamination
20. Noise mitigation to be implemented and retained
21. Travel Information Pack – prior to occupation
22. Prior to occupation – EVI
23. Prior to occupation – Low emission boilers

Should the objection from Sport England not be withdrawn following the completion of the S106 Agreement the application shall be referred to the Secretary of State as stated within the Town and Country Planning (Consultation) (England) Direction 2021.

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

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

S106	Amount	Triggers
Affordable Housing	100% affordable housing provision 31 dwellings – shared ownership 42 independent living apartments – affordable rent	All development to accord with Affordable Housing Statement
Recreational Open Space	Contribution of £80,000 towards the Sutton Lane Playing pitch	Contribution – Prior to commencement of development
Highways	£5,000 towards improvements to Goddard Street	Contribution - Prior to first occupation



Application No: 20/1872N

Location: Land To The North Of, BROAD STREET, CREWE

Proposal: The construction of 25 dwellings; provision of associated access, drainage and hard and soft landscaping; and other associated works

Applicant: Mr I Harrison, Taylor Wimpey UK Limited

Expiry Date: 28-Jul-2021

SUMMARY

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 only permits certain forms of development. The erection of new housing is not one of them.

However, the principle of the residential development of the site has already been established by approval of 11/1643N and the proposal is considered to be acceptable from a pure land use perspective.

The main dis-benefit is the loss of the commercial element approved as part of the wider scheme. However it has been demonstrated through marketing evidence that the commercial element is not viable. A further dis-benefit would be the tenure split is not fully in accordance with the split required by Policy, however this would still provide much needed affordable housing for local people. A further dis-benefit would be the slight shortfall in size of rear garden area for x3 plots.

The development would provide benefits in terms of 30% affordable housing provision, open market provision and delivery of economic benefits during construction and through the spending of future occupiers.

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

As such the benefits are considered to outweigh the dis-benefits and the proposal is considered to constitute sustainable development. Therefore para 11 of the NPPF applies which advises of the presumption in favour of sustainable development and there are no material considerations which dictate otherwise, as such the proposal should be approved without delay.

RECOMMENDATION

APPROVE

REASON FOR REFERRAL AND UPDATE FROM PREVIOUS COMMITTEE

The application has been referred to committee as the number of dwellings proposed meets the threshold for committee referral.

The application was first heard at the 28th October 2020 committee and was deferred for the following reasons:

- For the outcome of the Flood Risk discussions and a final consultation response from the flood risk officer to be provided

The Councils Flood Risk team have since visited the site and having received further information from the applicant regarding site drainage, now raise no objection subject to conditions requiring compliance with the submitted Flood Risk Assessment, details of finished floor levels and details of a drainage strategy.

- To reconsider that parking layout within the site – so it is in-front of the relevant dwellings

The parking layout has been revised so that parking predominantly occurs to the front of the plots the parking spaces would serve. There remains a slight overhang of parking from plots 664 and 657, however this is very limited overhang and thus would not have any significant visual impact or be overly noticeable on site.

- To consider parking along the main access road

The proposed parking provision has now been increased meaning that parking for all dwellings and the apartments is fully in compliance with Council parking standards. Therefore it is unlikely that any parking on street would be required by future occupants. In any case if this occurs this would be outside of the remit for consideration in this planning application.

- Further information on the marketing of the site and consider if existing report is out of date

An update marketing appraisal has been provided from Legat Owen, who undertook the initial assessment. This has considered the current marketing situation and advises that since the initial assessment the Co-operative Group have occupied the former Skoda garage on Remer Street, which has in their opinion sterilized need for further retail on the site. The report also notes that the pandemic is also stifling demand for new public houses. Therefore the report

advises that the initial conclusions remain that there is no interest currently or any reasonable prospect in the future for retail/public house in this location.

- Clarification as to why no education response is required

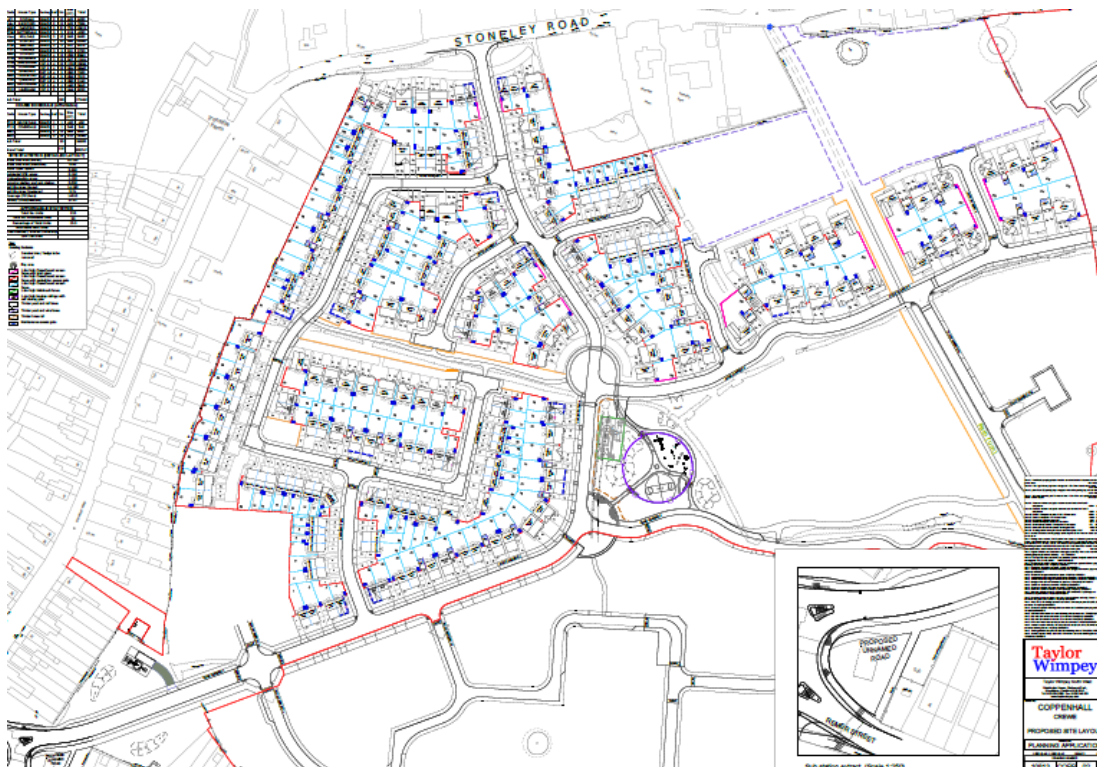
The Councils Education team have now advised that they require a contribution of £54,231 for primary education and £65,372 for secondary education giving a total education contribution of £119,603. This was initially missed given staffing absence.

- Update on what Play space has been provided within the site and where this is located.

The Play Area for the wider development was approved by the Council as part of the Phase 1 Reserved Matters consent [Ref: 13/4725N] and is shown on Play Area Layout Drawing D3921.016 Rev B below with the play area shown by the purple circle.

The Play Area has since been provided on site in accordance with these requirements.

The Play Area is located in the centre of the Stonleley Park development, approximately 250m to the north-east of the application site. It is therefore well within walking distance and is directly accessible from the application site via Broad Street.



The above presents a summary of the above issues, therefore further detail is provided in the relevant sections below.

PROPOSAL

Full consent is sought for the construction of 25 dwellings; provision of associated access, drainage and hard and soft landscaping; and other associated works

SITE DESCRIPTION

The site forms part of a wider site which gained consent for a mixed-use commercial/residential development of up to 650 houses. The application site totals 0.48 hectares of land and the overall site relates to approximately 24.2 hectares of land, situated to the north of Remer Street, Coppenhall, Crewe.

The site to be developed was shown on the approved scheme as providing the commercial area consisting of retail and a public house.

The site is physically located just off the site access and backs onto existing properties located off Stoneley Road to the west. There is a bund located to the east. To the south by the main access road and to the north and east is Phase 1 of the wider Coppenhall East development.

The site is shown as forming open countryside as per the Local Plan however the whole site has consent for development and the site is also shown as being sited in the settlement boundary in the Emerging SADPD.

RELEVANT HISTORY

17/5048N – Reserved Matters application pursuant to outline planning permission 11/1643N for the construction of 417 dwellings, associated on site highways infrastructure, car parking and pedestrian / cycle routes, creation of open space and allotments, and associated works – approved 09-Feb-2018

16/3833N – Reserved Matters application pursuant to outline planning permission 11/1643N for the construction of 18 dwellings, associated on site highways infrastructure, car parking and pedestrian / cycle routes and the creation of a central green area of formal open space and associated works – approved 09-Dec-2016

13/4725N – Reserved matters application pursuant to outline planning permission 11/1643N for the construction of 215 dwellings, associated on site highways infrastructure, car parking and pedestrian/cycle routes, formal and informal open space provision and associated works – Approved – 07-May-2014

11/1643N – Outline Application for the Erection of 650 Dwellings, a Public House, a Local Shop and Associated Infrastructure and Open Space Provision Together with the Demolition of the Former Cross Keys Public House – Approved subject to section 106 Agreement – 23-Sep-2013

ADOPTED PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Green Infrastructure
SE9 – Energy Efficient Development,
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 – Residential Mix
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions

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

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)
CF3 (Retention of Community Facilities)

National Planning Policy Framework (NPPF)

The relevant paragraphs include;

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

124-132. Achieving well-designed places

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

National Planning Practice Guidance

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection

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

CEC Flood Risk – No objection subject to drainage conditions

CEC Education – Contribution of £119,603 required towards primary and secondary education

CEC Open Space – No objection given the over provision on the main site. However a contribution requested towards indoor sport of £4550 is required.

CEC Housing – No objection subject to 30% affordable housing provision

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

South Cheshire Clinical Commissioning Group (NHS) – Under the threshold to require a contribution

United Utilities – No objection subject to drainage conditions

Crewe Town Council – Crewe Town Council is disappointed that the promised community facilities will not be available on the estate. The Town Council objects to the inadequate affordable housing provision within the application and supports the comments of the Development Officer Strategic Housing with regard to the shortfall in the amount of affordable housing proposed, the inappropriate mix, and the failure to “pepper pot” the provision across the development.

REPRESENTATIONS

40 letters of objection received regarding the following:

- Existing properties for sale on the wider development so why are more needed
- The site is currently being used as green space by children and should remain open/undeveloped
- Loss of light and privacy to neighbouring properties
- Increased traffic/congestion
- Noise disturbance from use of the flats
- Antisocial behaviour problems

- Approved plans show a pub and shop and this should remain
- Apartments on site entry will be harmful to appearance of the estate
- Harm to wildlife
- Main estate should be finished before works start on this site
- Proposal should include retail with residential above

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 only permits certain forms of development. The erection of new housing is not one of them.

However the principle of the residential development of the site has already been established by approval of 11/1643N and the emerging SADPD also shows the settlement boundary being re-drawn to include the site within it, thus no longer classifying the site as forming open countryside.

Therefore the proposal is considered to be acceptable from a pure land use perspective.

Housing Land Supply

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

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

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

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement 2020 indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three year

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2020) was published on the 11th March 2021. The published report confirms a deliverable five year housing land supply of 6.4 years.

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

In the context of five year housing land supply and the Housing Delivery Test, relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Loss of public house and retail element

The outline scheme gained planning permission for a mixed use commercial/residential development, with the current site shown as providing the commercial area consisting of retail and a public house. The current proposal seeks to replace the commercial development with the erection of 25 houses.

Given that the current proposal would result in the loss of both commercial elements it will need to be justified why the public house and retail elements are no longer required.

To this extend the Council requested at pre-application stage that this should consists of a marketing exercise/evidence to show what uses were advertised, where they were advertised and with whom, how long the uses were advertised, what the interest was for the uses including offers and expressions of interest and ultimately why it is considered a future occupier of the uses would not come forward. Usually this marketing period would be expected to be in the region of 2 years in line with policies relating to loss of employment uses.

To this end a Marketing Report prepared by Legat Owen has been provided in support of the application which has undertaken a marketing exercise to attract potential developers and occupiers for this element of the scheme. This has included the following steps:

- An 'off market' targeted approach towards the convenience store operators, discount food stores and pub companies marketing commenced in October 2017;
- Formal marketing of the site in February 2018 comprising the following:
 - Marketing board erected at the entrance into the development highlighting the availability of the site for sale.
 - Targeted in-house mailshot to retail stores, pub operators and commercial developers.
 - Advertising in the Estates Gazette, a large property industry trade magazine.
 - Property listed on the Legat Owen website together with ShopProperty, Zoopla, EGI and Costar and mailing to their daily/weekly alerts.
 - Preparation and distribution of marketing brochures.

The property was circulated by way of a Legat Owen mailshot on 28th February 2018 to some 300 retailers and developers with a national exposure which resulted in a number of initial enquiries. The property also appeared in the Estates Gazette magazine on 24th March 2018 and 31st March 2018. It was also listed on the Estates Gazette website.

Despite this marketing effort, and whilst the convenience retail sector is still currently buoyant, there has been no interest in the site from potential occupiers.

The Legat Owen report identifies two main constraints for the site and the delivery of a retail/leisure scheme.

Firstly, the site sits approximately 200m into the development and lacks visibility and frontage from the roundabout and main road. This meant the site was unsuitable for the majority of the retail/leisure occupiers.

Secondly, there is an extant planning permission for the change of use of the former Skoda garage on Remer Street. This building fronts onto the Remer Street roundabout and was considered by potential occupiers as a much better position for any convenience store. When compared against the former Skoda garage, the land within the Taylor Wimpey development is effectively a secondary location and would be unlikely to generate the sales levels required to facilitate the investment required in a convenience store. It is also noted that even with its superior position, the former Skoda garage has yet to come forward for retail development, which indicates that demand from occupiers in this location is limited.

The report concludes that a retail/leisure led scheme is only likely to be viable for a national occupier in this location. It notes that, despite a targeted campaign to attract such occupiers to the site, there has been no real interest. Developers have also approached the occupiers with a view of trying to piece together a retail scheme and faced the same challenges. The report therefore concludes that the site is unlikely to come forward for retail/leisure uses for a considerable amount of time, if at all, particularly given the availability of the former Skoda garage and general state of the retail/leisure market. Therefore it would appear that the commercial element of this scheme is not viable.

It is also worth noting that the outline permission and Section 106 Agreement do not impose any conditions concerning the provision of the public house and local shop. Therefore there is no requirement for the developer to deliver the facilities and could in theory simply choose not to develop this part of the site.

The site is well served by existing facilities and it is not considered that the commercial uses are required to make the site sustainable, as there are other local shops and public houses available within walking distance. For example, there is a foodstore and a public house to the west of the site on Bradfield Road and North Street, and Coppenhall Local Centre is located on to the south of the site on Coronation Crescent, all of which are within 1km. In addition, it is also noted that there is an extant planning permission for the change of use of the former Skoda garage on Remer Street, opposite the main site entrance to Coppenhall East, to retail use.

CELPS Policy EG 5 also states that the Principal Towns (including Crewe) will be the main focus for retail development, with town centres promoted as the primary location for main town centre uses including retail. It states that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. As retail on this site does not comply with the town centre first principle it would not comply with Policy EG 5.

Therefore on balance it is considered that the submitted marketing report has demonstrated that the site has been sufficiently marketed for the commercial use but this has returned no interested parties and as such demonstrates that the commercial element of the outline scheme is not viable currently and unlikely to be so moving forward. There is also no planning control imposed to the outline scheme which actually requires the commercial elements to be delivered so there is a risk that this part of the site could simply be left undeveloped in light of the commercial element being unviable.

A further marketing report/update by Legat Owen has also been provided since the October planning committee. This has considered the current marketing situation and advises that since the initial assessment the Co-operative Group have occupied the former Skoda garage on Remer Street, which has in their opinion sterilized need for further retail on the site. The report also notes that the pandemic is also stifling demand for new public houses. Therefore the update report advises that the initial conclusions remain that there is no interest currently or any reasonable prospect in the future for retail/public house in this location.

As a result whilst the loss of the commercial elements is regrettable the loss appears to be justified and its replacement with housing would secure the development of the site. Whilst there is no certainty that the housing scheme would actually be delivered this is currently the case for the commercial element.

Housing Mix

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

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

The housing mix consists of 21 x 2 beds and 4 x 3 beds that includes semi-detached, terraced houses, bungalows and apartments to meet the needs for various types of housing. This is considered a suitable housing mix considering that larger 4 bedroom plus properties have been provided on the wider site.

Affordable Housing

This is a full application for up to 25 dwellings and as per Policy SC5 there is a requirement for 30% of dwellings to be provided as affordable dwellings with a split of 65/35 between social rented and intermediate housing.

In order to meet the Council's Policy on Affordable Housing there is therefore a requirement for 8 dwellings to be provided as affordable dwellings with 5 units provided as Affordable/Social Rent and 3 units as Intermediate tenure. In this instance the proposal seeks to provide x8 affordable units as intermediate tenure.

The Council Housing Officer initially objected to the scheme as the homes choice waiting list indicated a need for both 1 and 2 bedroom properties however the proposal indicates that all the affordable units are to be 2 bedroom properties only. He was also concerned with the lack of pepper potting around the site.

However further justification has been provided from the applicant for the proposed mix which in essence advises that a greater mix of 1 beds was provided elsewhere on the wider site. As for pepper potting it has been confirmed that the affordable units are tenure blind given the siting in an apartment block which also contains open market housing. As a result the Housing Officers objection has been withdrawn based on the number of affordable units being provided and the placement of the units on the site.

It remains that the proposed 100% intermediate tenure, is not fully in accordance with the recommended split 65/35 between social rented and intermediate housing. However the applicant has introduced an argument regarding the viability of the scheme and therefore a pragmatic view has been taken here, given the overall benefits of this scheme on a previously consented site, to accept a different affordable model in terms of tenure but which will still provide affordable housing for local people.

The applicant has also requested that the intermediate tenure be controlled for 6 months and if no Registered Provider (RP) comes forward that the units be available as open market dwellings. This is not considered to be appropriate by the Council's Housing Officer given the willingness to depart from the policy required tenure split and the very short time period under intermediate tenure.

If the applicant sells all the affordable units to an RP as shared ownership, that is acceptable. If no RP wants them, the applicant can come back to the Council and advise of this, then the Councils can consider the units as Discounted Market Sale, where they will have a discount off the open market value in perpetuity.

Therefore the housing mix can be secured as part of a Section 106 Agreement.

Open Space

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

It should be noted that the proposal is not a stand alone development but forms part of the wider Coppenhall East development. This development is to provide 5ha of open space (3.38ha assessable recreational open space) consisting of children's play space, formal open space and amenity space including a sports pitch. This provision was in excess of that required by policy at 2.23ha.

The current proposal would generate 1,625sqm of open space (0.163ha). Therefore the previous over provision more than covers the increased demand from the current proposal.

The Open Space Officer has been consulted and has raised no objection given the initial over provision.

The proposal also requires a contribution towards Indoor Sport in line with Policies SC1 and SC2 of the CELPS. The above development will increase the need for local indoor leisure provision and as such a financial contribution should be sought towards Crewe Lifestyle Centre being the nearest provision.

The Indoor Built Facility Strategy has identified that for Crewe there should be a focus on improvement of provision as set out in the Strategy. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand may not be sufficient to require substantial indoor facility investment through capital build (although some of the new population may use the existing swimming pool and sports hall facilities at Crewe Lifestyle Centre), there is currently a need to improve the quality and number of health and fitness provision to accommodate localised demand for indoor physical activity.

Contribution required

The total contribution requested towards indoor sport is £4,550. This can be secured as part of Section 106 Agreement.

Education

The Councils Education department have been consulted and initially advised that no contribution was sought in this instance due to sufficient school places already having been provided. However, this was actually incorrect and was the result of a staffing change over.

The evidence now is for a retrospective claim for works paid for upfront by The Council in anticipation of forthcoming sites from the Local Plan. When expanding a school, the education department have to expand in line with how schools operate and their Form of Entry. You cannot expand by a classroom at a time, the Council expand by their intake x 7. In this instance Monks Coppenhall showed an immediate shortfall of nearly 100 places and further housing identified in the local plan of Crewe North warranted a further 100 places, resulting in a 210 expansion at Monks Coppenhall. The current forecasts still stand correct that the school will continue to fill up, forecasting 91.2% capacity by 2024 from developments currently approved. This does not include developments still to come.

The spare capacity at Monks Coppenhall has been paid for by the Council however the education team are requesting the developer pays their proportionate share for the children that will attend from their site identified in the Local Plan.

Stoneley Park development is the catchment school for Monks Coppenhall and the education department were clear with the papers taken to Portfolio Holder at the time that the strategic expansion would be creating additional places however this would be filled with further housing in the immediate area. Stoneley Park also has a new path from the site for parents to access Monks Coppenhall from a shorter route.

This is the same for the new secondary provision being built adjacent the Stoneley Park development on Warmingham Road.

The formula for the calculations is as follows:

$25 \text{ dwellings} \times 0.19 = 5 \text{ primary children} \times £11,919 \times 0.91 \text{ (Cheshire East weighting factor)} = £54,231$

$25 \text{ dwellings} \times 0.15 = 4 \text{ secondary children} \times £17,959 \times 0.91 \text{ (Cheshire East weighting factor)} = £65,371$

$25 \times 0.51 \times 2.3\% = 0$ (The development is not expected to impact SEN provision)

Total education contribution = £119,602

Since this project began the Council has consistently sought claims to fund the strategic expansions and will continue to seek retrospective claims for projects funded upfront for sites anticipated in the Local Plan for schools that are necessary to the proposed development, until the total money spent is reimbursed. The spare capacity built for anticipated children will be directly attending the school and the Council are asking for a proportionate share based on children expected from the development. The request is CIL compliant.

The requested contribution would therefore be secured by Section 106 Agreement.

Health

The number of units is below the threshold where such contributions can be secured.

Location of the site

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

In this instance the site was deemed to locationally sustainable through approval of the main Coppenhall East scheme and as such it would be difficult to argue the same would not apply here given that it forms part of the same site.

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

Residential Amenity

The main residential properties affected by this development are existing properties to the east 33-39 Stoneley Road and the surrounding consented scheme (plots 15-21 to the north, 1-10 to the east and plots across the road to the south)

33-39 Stoneley Road

The plots to the western boundary facing properties on Stoneley road are single storey bungalows and would achieve a 21m separation distance to the nearest properties on Stoneley Road. These distances comply with the recommended interface distances as noted in the SPD and it is therefore considered sufficient to prevent any significant harm to living conditions through overbearing, overshadowing or loss of privacy between windows.

Given the single storey nature of these plots there would not be any harm by reason of overlooking of the rear garden areas of properties on Stoneley Road.

Consented scheme

All plots would provide at least the recommended interface distances of 13.5 and 21m as noted in the SPD therefore considered sufficient to prevent any significant harm to living conditions through overbearing, overshadowing or loss of privacy between windows.

Future occupants

Most plots would provide at least and in most cases exceed, the recommended minimum amount of garden area of 50sqm as noted in the SPD. However Plots 655, 654 and 658 would be slightly shy of this recommended standard at between 38sqm and 45sqm. The purpose of the recommended garden size is to ensure that properties have sufficient open space to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area. Therefore whilst the size would be slightly below this standard it would provide some private amenity space for use by future occupants to undertake the duties noted above. It is also worth noting that the figure in the SPD is for guidance purposes only and is not a ridged standard. Therefore on balance the small shortfall in garden size of not considered to be significant to amenity of future occupiers. Residents of the

apartment block will have access to all of the land around the apartment block and will also have access to the open space within the wider Stoneley Park development, including the village green, which is within a short walking distance.

Environmental Protection have also raised no objections subject to a number of conditions/informatives including; piling, dust, working hours for construction, travel information pack, electric vehicle charging points and boilers

As a result it is considered that the proposal can be accommodated on site without causing significant harm to living conditions of neighbouring properties or future occupiers of the surrounding consented site.

Highways

The proposal seeks to provide an additional 25 units in the Coppenhall East development. It would provide a standard adoptable road access and a turning facility.

Initially the parking provision was shy of the required parking provision as per the Local Plan. Revised plans have since been received which shows that 18 spaces are provided for the x9, two bedroom properties and 18 spaces for the apartments. The parking provision is now fully in accordance with parking standards.

The Councils Highways Engineer has raised no objection as he considers parking to be in accordance with standards and he also considers the road design to be acceptable. Any parking which occurs on street once the proposal has been implemented would be out of the scope of this planning application given the sufficient level of parking provision provided.

In terms of cycle parking, the plans indicate that enclosed storage would be sited to the west of the apartment block and would provide parking for x12 cycles. There is no mention of cycle parking for the houses however clearly there is room in the garden areas for such provision. Therefore it is considered that cycle parking could be secured by condition.

As a result it is considered that the additional 25 units can be accommodated without causing any detrimental highway impacts.

Landscape

The application site is located inside the existing consented Coppenhall East development where the landscape impacts were addressed as part of the consented scheme.

The site itself was also previously allocated for commercial uses so the proposal to swap these for houses would not have any greater visual impact on the wider landscape.

Trees

This application has no significant arboricultural implications. The supporting Arboricultural Impact Assessment identifies a 3 metre crown lifting of the eastern section of an offsite Ash tree (T1) where it overhangs the site to accommodate the installation of boundary fencing and also proposes the boundary fence posts are sited so as to avoid existing stems of trees located on or close to the site boundary.

A Tree Protection Plan is included in the Assessment which provides for adequate protection of offsite and boundary trees in accordance with BS5837:2012.

The Councils Arborist has also been consulted and has raised no objection subject to condition requiring the development to be carried out in accordance with the submitted Arboricultural Impact.

Therefore the proposal can be accommodated without any undue impact to existing trees/landscape features.

Design

The design philosophy in terms of design, layout and appearance, mirrors that of the wider Coppenhall East development within which the application site sits. It provides a cul-de-sac style layout with property types consisting of semi-detached, terraced houses, bungalows and apartments.

The apartment block seeks to provide a landmark feature at the site entrance and mirrors that of the apartment block immediately across the road in terms of style, shape and design.

Some plots would see parking to the frontage, but this again mirrors the layout of the consented scheme.

The Councils Urban Design officer has been consulted and has raised concerns that the proposal would lose the original mixed use design concept by not providing the commercial units and the layout would not comply with some elements of the current Design Guide SPD.

These concerns are noted, however as detailed above the commercial element has been deemed not viable and thus its loss has been justified. It is also worth noting that the site is not a stand alone development but relates to the wider Coppenhall East development which was granted prior to the adoption of the Design Guide. Therefore the proposal has been designed to integrate with this wider development which is considered to be the correct approach here rather than have two competing design philosophies within the site.

Some attempts have been made to accord where possible with the design guide such as the potential to provide a pedestrian route through to the development at the north end of the site. Unfortunately, the land on the opposite side of the site boundary, through which this connection would need to pass, has been deeded to the owner of Plot 21 on the wider Stoneley Park development and is therefore not available for provision of a pedestrian connection.

The comments regarding the improvement of the boundary between the development and the existing buildings to create a buffer has also been explored however the site already benefits from well established boundaries created by the existing boundary fencing.

With regard to the provision of an active façade on the gable-end wall of plot 660, Taylor Wimpey have confirmed that they would be happy to consider this option and accept a planning condition seeking additional fenestration and more detailed elements to this elevation.

When providing routes between bin stores and streets, the most convenient routes for occupants have been identified for the layout proposed. Rear garden areas have been designed to accommodate storage such as garden sheds for cycle storage etc.

Finally grassed amenity space is provided to serve the apartment block and residents will also have access to the open space within the wider Stoneley Park development.

As a result it is considered that the scheme could be provided without causing significant harm to the overall character/appearance of the area.

Ecology

Designated Sites

The application site is located with Natural England's SSSI impact risk zones, however the proposed development is not of a type that triggers the need for consultation with Natural England. No further action in respect of designated site is therefore required.

Protected Species

With the exception of nesting birds the Councils Ecologist advises that protected species are not reasonable likely to be affected by the proposed development. However If planning consent is granted he recommends a condition is imposed to safeguard nesting birds.

Lighting

A detailed lighting scheme has been submitted this does not cause any concerns.

Biodiversity Net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to ensure that the application complies with this policy requirement in a measurable way the Councils Ecologist recommends the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. This can be provided in the update report as the ecological impacts are known and this will simply identify the level of mitigation required.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity. If the proposed development is found to result in a residual loss of biodiversity then additional habitat creation proposals, either on or off site, will be required to secure an overall net gain.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. A strategy for the provision of bat and bat boxes and gaps for hedgerows has been submitted as part of the Ecological Assessment Accompanying this application. A gap is shown at the base of the proposed fencing plans.

If planning consent is granted the Councils Ecologist advises that a condition should be imposed which requires the ecological enhancement measures as stated are implemented.

Air Quality

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

This proposal is for the residential development of to 25 dwellings. This scheme does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

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

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

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

Flood Risk

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) and Drainage Management Strategy have been provided in support of this application.

The FRA has reviewed all sources of flood risk both to and resulting from the proposed development site. The proposals are considered to be at very low flood risk from the reviewed sources and consultations have not identified any historical incidents of flooding to the site.

The nearest watercourse to site is an unnamed Ordinary Watercourse located 270m to the north of the development site. The potential flood risks associated with this Ordinary Watercourse, are considered to be low, due to the small catchment size and elevated surrounding topography.

The surface water discharge options have been assessed within the FRA in accordance with the sustainable drainage hierarchy. The FRA concludes that infiltration or connection into the nearby Ordinary Watercourse are not feasible options. The proposal is therefore to connect surface water run-off generated by this small development site into the new surface water sewer serving the wider site area, located within Broad Street.

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

The Councils Flood Risk Team has also been consulted who advise that they have no objections in principle to the proposals however following a site walkover undertaken 12/11/2020 onsite flooding was apparent following the removal of spoil.

The Councils Flood Risk team have since visited the site and having received further information from the applicant regarding site drainage, now raise no objection subject to conditions requiring compliance with the submitted Flood Risk Assessment, details of finished floor levels and details of a drainage strategy.

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

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

Social/Economic

The development would provide both open market and affordable housing which is a social benefit and would also provide some economic benefit through jobs during construction and through local spending by future occupants.

Other

The majority of representations have been addressed above in the report, however a few remain which are addressed below:

- Existing properties for sale on the wider development so why are more needed – *the availability of existing houses is not relevant to the determination of a planning application and the proposal seeks to site houses within the settlement boundary which is where planning policies seek to direct development*
- The site is currently being used as green space by children and should remain open/undeveloped – *the approved plans show this area as being reserved for commercial development therefore any use as green space is not what was approved and sufficient green space was provided as part of the wider development*
- Noise disturbance from use of the flats/antisocial behaviour problems – *it is not expected that the residential use would pose any significant noise and disturbance problems over and above that which would exist from the consented commercial use or the surrounding residential uses. Any issues of anti-social behaviour would be a matter for the police and not relevant to the determination of a planning application*
- Approved plans show a pub and shop and this should remain – *as noted above the commercial element has been deemed unviable and there are no controls to ensure that the commercial elements are provided*
- Apartments on site entry will be harmful to appearance of the estate – *the apartment block mirrors that of the consented apartment block directly across the road and thus would add some continuity and provide a landmark building at the site entrance*
- Main estate should be finished before works start on this site – *this would not be a reason to withhold planning permission*
- Proposal should include retail with residential above – *this was discussed but not brought forward by the developer therefore the application has to be assessed as submitted*

PLANNING BALANCE

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 only permits certain forms of development. The erection of new housing is not one of them.

However the principle of the residential development of the site has already been established by approval of 11/1643N and the proposal is considered to be acceptable from a pure land use perspective.

The main dis-benefit is the loss of the commercial element approved as part of the wider scheme. However it has been demonstrated through marketing evidence that the commercial element is not viable. A further dis-benefit would be the tenure split is not fully in accordance with the split required by Policy, however this would still provide much needed affordable housing for local people. A further dis-benefit would be the slight shortfall in size of rear garden area for x3 plots.

The development would provide benefits in terms of 30% affordable housing provision, open market provision and delivery of economic benefits during construction and through the spending of future occupiers.

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

As such the benefits are considered to outweigh the dis-benefits and the proposal is considered to constitute sustainable development. Therefore para 11 of the NPPF applies which advises of the presumption in favour of sustainable development and there are no material considerations which dictate otherwise, as such the proposal should be approved without delay.

RECOMMENDATION:

APPROVE subject to a **S106 Agreement** with the following **Heads of Terms**;

S106	Amount	Triggers
Affordable Housing	30% (100% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase
Indoor Sport	Contribution of £4,550 for Indoor sport to be used towards supporting Crewe Lifestyle Centre	Prior to first occupation
Education	Contribution of 119,602 towards Primary and Secondary school provision	50% Prior to first occupation 50% at occupation of 12th dwelling

- 1 Time limit
- 2 Approved plans
- 3 Materials as provided
- 4 No removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year
- 5 Bat and bird boxes are to be provided in site in accordance with the approved Ecological Assessment Report along with the gaps for hedgehogs shown on submitted Boundary Treatment Detail plans reference SF 43 and SF 43
- 6 Boilers to be provided as per approved specification
- 7 Piling
- 8 Dust
- 9 Travel Information Pack
- 10 Electric Vehicle Charging
- 11 Contaminated land 1
- 12 Contaminated land 2
- 13 Contaminated land 3
- 14 Contaminated land 4
- 15 Development in accordance with the submitted Flood Risk Assessment
- 16 Drainage strategy
- 17 Foul and surface water shall be drained on separate systems
- 18 Ground levels and Finished floor levels (FFLs) need to be approved in writing by the LLFA
- 19 The development shall be carried out in accordance with the Arboricultural Impact Assessment (TEP Version 2.0) and Tree Protection Plan
- 20 Cycle storage details
- 21 Additional fenestration/detailed elements to the active façade on the gable-end wall of plot 660
- 22 Compliance with the FRA

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

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

S106	Amount	Triggers
Affordable Housing	30% (100% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase
Indoor Sport	Contribution of £4,550 for Indoor sport to be used towards supporting Crewe Lifestyle Centre	Prior to first occupation

Education	Contribution of £119,603 towards primary and secondary education	50% Prior to first occupation 50% at occupation of 12th dwelling



Application No: 21/1711N

Location: 396, NEWCASTLE ROAD, SHAVINGTON, CW2 5JF

Proposal: Erection of 1 no. detached bungalow and ancillary works.

Applicant: Mr & Mrs Timlett

Expiry Date: 31-Aug-2021

MAIN ISSUES

- Principle of Development
- Design and Character of the Area
- Forestry
- Amenity
- Highways
- Flood Risk and Drainage
- Air Quality
- Ecology

SUMMARY

The site is located within the settlement boundary of Shavington and the principle of residential development on the site is acceptable.

The site is sustainably located and is within easy walking distance of public transport and services and facilities within Shavington.

The proposal is considered to have a neutral impact in terms of design, highways safety, ecology, flood risk and amenity.

The benefits would be the provision of an open market dwelling and the usual social and economic benefits during construction.

It is considered that the development constitutes sustainable development and should therefore be approved and there are no material considerations which dictate otherwise.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as one of the applicant's is a member of staff employed within the Development Management and Policy service area.

DESCRIPTION OF SITE AND CONTEXT

The application relates to an area of hardstanding to the rear (south west) of no. 396 Newcastle Road, Shavington along with a section of the existing garden area associated with the property. The existing gravelled vehicular access off the shared access point from Newcastle Road provides access to the area of land to the rear of the existing property, which at the time of the Officer site visit was largely vacant other than a small area being used for storage purposes and a small open fronted timber building.

The application site is roughly rectangular in shape, excluding the access into the site, and includes an area of land currently in use as garden to no. 396 Newcastle Road. The site area extends to some 600sqm including the site access.

The boundary of the garden area of no. 396 Newcastle Road is currently delineated by a mature hedgerow which would be removed in order to incorporate part of the rear garden area into the application site boundary. The existing property would retain a rear garden area in excess of 250sqm.

The access into the site is currently delineated by a fence to the south eastern boundary and a mature hedgerow to the north western boundary. The south western and north western boundaries of the site are delineated by a close boarded fence.

The site lies within the settlement boundary of Shavington as designated in the Cheshire East Local Plan Strategy with the land to the immediate south east designated as open countryside. To the north west and south west of the site are properties fronting onto Stock Lane. A field access runs along the south western boundary of the site.

DETAILS OF PROPOSAL

The application proposes the construction of a single storey, detached dwelling within an area of land to the rear (south west) of no. 396 Newcastle Road, Shavington, which was granted planning permission in 2010 for its use as a garden and parking area (09/3882N).

The proposal would provide an open plan kitchen, dining area and living room area, two bedrooms and a wet room. Garden areas would be provided to the side and rear of the proposed dwelling, with parking provided to the front of the property. Parking for no. 396 Newcastle Road would be retained within the front garden area.

The dwelling would have a footprint of approx. 96sqm and would be approx. 2.5m to the eaves and 5.4m to the ridge, at its highest point. No details of the materials for the proposed dwelling have been provided with the application.

The proposed dwelling would be sited some 7.8m from the existing dwelling (at its closest point) and 1.3m from the eastern boundary (at its closest point). A distance of approx. 13.2m would be provided to Crewe Road, a slightly increased distance to the highway than the existing property (9.4m).

RELEVANT HISTORY

10/2689N	Single Storey Side Extension	Planning Permission granted on 07.09.2010
09/3882N	Change of Use of Small Area of Land at Side & Rear of Property from Agricultural Use to Garden & Parking Area	Planning Permission granted on 23.02.2010
P03/0106	Conservatory	Planning Permission granted on 03.03.2003
P01/0410	Replacement Garage	Planning Permission granted on 27.06.2001

POLICIES

Cheshire East Local Plan Strategy

MP1 - Presumption in Favour of Sustainable Development

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

SE1 - Design

SE2 - Efficient Use of Land

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE6 - Green Infrastructure

SE8 - Renewable and Low Carbon Energy

SE12 - Pollution, Land Contamination and Land Instability

SE13 - Flood Risk and Water Management

CO1 - Sustainable Travel and Transport

CO2 - Enabling Business Growth Through Transport Infrastructure

CO4 - Travel Plans and Transport Assessments

Appendix C: Parking Standards

Borough of Crewe and Nantwich Replacement Local Plan

NE.5 - Nature Conservation and Habitats

BE.1 - Amenity

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

RES.11 - Improvements and Alterations of Existing Dwellings

TRAN.9 - Car Parking Standards

SPD - Extensions and Householder Development (July 2008)

Shavington-cum-Gresty Neighbourhood Plan

HOU1 - New Housing

HOU2 - Housing Mix and Type

HOU4 - Local Character and Housing Design

ENV2 - Trees and Hedgerows

ENV3 - Water Management and Drainage

TRA1 - Sustainable Transport

TRA2 - Parking

Other Material Considerations

National Planning Policy Framework (NPPF)

Development on Backland and Gardens SPD

Cheshire East Design Guide SPD

CONSULTATIONS (External to Planning)

Nature Conservation Officer: Recommends a condition relating to breeding birds.

Natural England: No comments to make.

Tree Officer: No objection.

Landscape Officer: Recommends conditions relating to the submission of a landscaping scheme and the implementation of the approved scheme.

Environmental Protection: Recommends conditions relating to electric vehicle charging infrastructure and contamination.

United Utilities: The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Flood Officer: Recommends a condition relating to the submission of a detailed drainage strategy / design, associated management / maintenance plan for the site.

Strategic Transport: No objection subject to informative relating to the requirement for a S184 licence to create the new vehicle crossing.

VIEWS OF THE PARISH / TOWN COUNCIL

The site lies within the parish of Shavington-cum-Gresty, with land to the south west within the parish of Hough and land to the south west and north west within the parish of Wybunbury.

Shavington Parish Council: No comments received.

Hough and Chorlton Council: Objection on the following summarised grounds:

- The site lies outside of the curtilage of the domestic garden
- By virtue of the clearly delineated separation of the domestic garden curtilage of the principal dwelling, the site is effectively in open countryside
- The proposal is contrary to Policy PG6 of the CELPS as it does not satisfy any of the exception criteria for building in open countryside and is not considered in-fill development as it does not in-fill a small gap in an otherwise built-up street frontage

- The shared site access is in close proximity to the complex traffic lights controlling traffic at this staggered junction
- The proposal is contrary to the Shavington Neighbourhood Plan and the Wybunbury Combined Parishes Neighbourhood Plan as both determine that development should not be permitted outside settlement boundaries, in open countryside in a local green gap

Wybunbury Parish Council: Objection on the following summarised grounds:

- Issues with flooding of the adjoining site
- The property is currently used for residential and commercial purposes
- Increase in density on the corner of Newcastle Road and Stock Lane
- Highway safety concerns
- Within designated green gap within the Wybunbury Combined Parishes Neighbourhood Plan
- No reason provided for dwelling

OTHER REPRESENTATIONS

Councillor Clowes: 'After careful consideration and discussion with both Wybunbury Parish Council and with Hough & Chorlton Parish Council, I am registering my wish to call-in this application on the following material [planning grounds:

1. This application is a clear and unacceptable example of 'Backfill' development.

Whilst in the ownership of the principal dwelling, it is clear from the photographic evidence provided by the applicant in their design and access statement, that;

2. the site lies outside the curtilage of the domestic garden (which is clearly delineated by well-established conifer and beech hedges and the walls of outbuildings that open into the domestic garden).

Walnut House (No.1 Stock Lane) can be seen just beyond the back of the site. The field access path runs alongside the fence to the left of this photo whilst the garden of 396 Newcastle road lies to the right, separated from the site by these substantial hedges.

It is also clear that the application requires that:

3. these same hedges will need to be ripped out and a significant part of the domestic garden curtilage of the principal dwelling reconfigured to accommodate the proposed footprint of the bungalow and vehicle turning space.

4. By virtue of the clearly delineated separation of the domestic garden curtilage of the principal dwelling;

the current available land holding is effectively in Open Countryside. (This is contrary to the CELPS PG6 Open Countryside)

- This application does not satisfy any of the exception criteria for building in open countryside (PG6 section 3).

- The site is primarily situated adjacent to agricultural and equestrian land to the east and south. A field access track runs from Stock Lane into the field alongside the proposed site bungalow. (Between Walnut House (No1 Stock Lane and No.3 Stock Lane).
 - It should be noted that an application for housing development on an adjacent field (20/3436N) has been refused now that Cheshire East has a Local Plan in Place and has a robust housing land supply (in excess of six years). This site was refused because of its detrimental impact on the open countryside.
5. This application may not be considered in-fill development as it does not in-fill a small gap in an otherwise built-up street frontage. (It is back-fill development on a site that has no relationship to the street scene of Newcastle Road).
6. The Parish Councils have concerns regarding the proposed access. The site may only be currently accessed by a field gate off the Newcastle Road. This is adjacent to the access to 396, Newcastle Road – both in close proximity to the complex traffic lights controlling traffic at this staggered junction. At this same point, the road splits into two lanes to allow traffic to turn right.
7. We share the drainage officers' concerns regarding potential flooding and drainage issues in and around this site, The water table in this area is high and surface water accumulation is common. Surface water run-off from roofs and drives will not function well through ground-based soak-aways (SUDS). This was identified as an issue in application 20/3436N adjacent to this site.

With no detailed drainage report, this application must be refused.

8. There is no indication in the application that this property will meet an exceptional local housing need or that it will be offered as 'affordable' housing and so is contrary to CELPS Policy SC6.
9. This site lies on the boundary of both Shavington and Hough Parishes.

This site also lies on the Shavington settlement boundary but the track leading to the site and the site to the rear of 396 Newcastle Road lie outside the settlement boundary (suggesting it may have been purchased at a later date).

- The Shavington Neighbourhood Plan (Referendum 6th May 2021) and the Wybunbury Combined Parishes Neighbourhood Plan (made February 2020) both determine that development should not be permitted outside settlement boundaries or in open countryside.
- The site lies in an area identified as a Local Green Gap (Policy GG1, WCP NP) where development is not permitted in order to prevent coalescence between settlements.
- We would ask that Natural England are included as a statutory consultee due to the relative proximity of the SSSI / Ramsar site of Wybunbury Moss.

For the above reasons, I politely request that this application is REFUSED.'

OFFICER APPRAISAL

Site Visit

The case officer visited the site on 30 June 2021.

Principle of Development

The application site is located within a residential area within the settlement boundary of Shavington, a Local Service Centre as set out in the Cheshire East Local Plan Strategy (CELPS). Policy PG2 states that in Local Service Centres '...small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities'.

As a windfall site Policy SE2 of the CELPS states that development should:

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development;
- Build upon existing concentrations of activities and existing infrastructure;
- Not require major investment in new infrastructure, including transport, water supply and sewerage. Where this is unavoidable, development should be appropriately phased to coincide with new infrastructure provision; and
- Consider the consequences of the proposal for sustainable development having regard to Policy SD 1 and Policy SD 2.

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things '...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...'.

Policy SD1 of the CELPS 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 of the CELPS then provides suggested distances to services and amenities.

Policy HOU1 of the Shavington-cum-Gresty Neighbourhood Plan (SNP) sets out that within the settlement boundary, proposals for housing development (including change of use) will be supported where they are in keeping with the scale, role and function of Shavington-cum-Gresty and do not conflict with any other relevant policies in the local plan.

In this case the site is located close to public transport links on Newcastle Road and services and facilities could easily be accessed by non-motorised forms of transport. As such the site is considered to be sustainable.

It is noted that Hough and Chorlton Council Parish Council and Councillor Clowes consider the application site to be outside of the garden area of no. 396 Newcastle Road and therefore should be considered as open countryside, however the site was which was granted planning permission in 2010 for its use as a garden and parking area (09/3882N). Therefore, Policy PG6 of the CELPS and the exceptions set out in that policy are not a consideration in this case.

The principle of development on this site is considered to be acceptable, with the site considered to be sustainably located in compliance with policies PG2, SD1 and SE2 of the Cheshire East Local Plan Strategy and Policy HOU1 of the Shavington-cum-Gresty Neighbourhood Plan.

Design and Character of the Area

The importance of securing high quality design is specified within the NPPF and Paragraph 126 of the NPPF states that 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 130 of the NPPF sets out the planning policies and decisions should ensure that developments, amongst other criteria, '... are visually attractive as a result of good architecture, layout and appropriate and effective landscaping...' and '...are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)...'

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.

Policy SD2 of the CELPS states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy HOU4 of the SNP sets outs that development adjoining open countryside should provide a sympathetic transition between the built form and wider countryside. The policy also seeks, amongst other criteria, new development to be bordered by boundary treatments appropriate to its location, use traditional materials and detailing where appropriate, be of a design that

reflects the wide variety of building styles and materials which characterise the settlement and be of a density appropriate to the site and its surroundings. In addition, Policy HOU2 of the SNP seeks housing developments within the parish to comprise a mix of house types, including smaller homes such as bungalows, apartments, terraced and semi-detached properties.

The proposed dwelling, whilst sited to the rear of no. 396 Newcastle Road, would be seen within the context of built development on Newcastle Road and Stock Lane when approaching Shavington from the east. The proposed dwelling would be single storey in height, and whilst not reflective of properties on this section of Newcastle Road, would reflect properties to the northern extent of Stock Lane which are bungalows and dormer bungalows. Therefore, it would not be contrary to the existing urban grain. It would also be set well back from the road and thus would not be overly prominent in the street scene.

The site does not have a frontage to the highway and as such is considered to be backland development. In terms of the plot size, it is not considered that the proposed dwelling would appear as a cramped form of development or result in the overdevelopment of the site, have a footprint of some 96sqm and rear and side garden areas, excluding any parking and access areas, in excess of 110sqm. Whilst a section of the garden area of the existing property would be incorporated into the application site boundary, a rear garden area in excess of 250sqm, excluding any parking and access areas, would be retained. It is noted that there are a number of existing small scale backland developments along Stock Lane (to the rear of no's 25 and 27 Stock Lane and no's 46 and 48 Stock Lane) and that a residential development of 28 dwellings has recently been constructed to the rear of properties along the northern side of Newcastle Road. It is not therefore considered that the construction of a dwelling on the site, and of the footprint proposed, would be out of keeping with the character of the wider area.

Whilst materials have not been specified within the application, it is noted that there are a variety of styles and designs of dwellings in the locality, with materials predominantly render and/or brick to the walls with tiled roofs. It is recommended that a condition is imposed requiring the materials to be submitted for approval.

The proposed development therefore complies with policies SD1, SD2 and SE1 of the Cheshire East Local Plan Strategy and policies HOU2 and HOU4 of the Shavington-cum-Gresty Neighbourhood Plan.

Forestry

The Council's Tree Officer has advised the site is bounded by agricultural land on the east and south sides, these boundaries are not hedged and no significant hedges or trees are to be affected by the development. To the west of the site are existing domestic properties and neither these nor the interior of the site contain any trees or hedges of significance that will be affected by the proposed development. Further, it is considered that the proposal will be unlikely to present future pressure for pruning or removal of trees.

Whilst acknowledging that the proposal would result in the partial removal of a section of hedgerow within the application site, it is noted that the Council's Tree Officer does not consider this to be a hedgerow of significance. Details of boundary treatment and landscaping are recommended to be sought by condition along with finished floor levels of the proposed dwelling, to ensure that the final details of the development are acceptable, and that the development is appropriately landscaped given its edge of settlement location.

The proposed development therefore complies with policies SE5 of the Cheshire East Local Plan Strategy and policies ENV2 of the Shavington-cum-Gresty Neighbourhood Plan.

Amenity

Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan (BCNRLP) requires proposals to not prejudice the amenity of occupiers of adjacent property by reason of, amongst other criteria, overshadowing or overlooking. Policies SD2 and SE1 of the CELPS seek to ensure an appropriate level of privacy for new and existing residential properties. In addition, Policy HOU4 of the SNP sets out that new development should be positioned such that it does not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, or in any other way.

Given the distances retained (at least 21m to the rear elevations of neighbouring properties, including no. 396 Newcastle Road), the relationship with the adjoining dwellings and that the proposed dwelling is single storey in height, it is not considered the proposal would result in a significant loss of light or have an overbearing impact to the occupiers of the adjoining properties.

It is however recommended that conditions are imposed requiring details of the boundary treatments to be submitted and agreed and removing permitted development rights which would allow for the extension and alteration of the property, including the roof space, in order to ensure that neighbouring privacy and amenity is retained.

The proposed development therefore complies with policies SD2 and SE1 of the Cheshire East Local Plan Strategy, Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan and Policy HOU4 of the Shavington-cum-Gresty Neighbourhood Plan.

Highways

Policy CO2 of the CELPS identifies that 'proposals should adhere to the current adopted Cheshire East Council Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards)', with Policy SD1 of the CELPS seeking to ensure that developments, wherever

possibly, provide sufficient car parking in accordance with adopted highway standards. Policy BE.3 of the BCNRLP requires new development to provide safe vehicular access and egress arrangements, whilst Policy RES.11 requires development to result in not loss of parking spaces required to meet the standards set out in Appendix 8.1. In addition, Policy HOU4 of the Shavington-cum-Gresty Neighbourhood Plan sets out that new development should have off-street parking in accordance with the number of spaces defined in the Cheshire East Local Plan Strategy Parking Standards.

The proposed dwelling would be accessed off the existing gravelled vehicular access off the shared access point from Newcastle Road. This existing access provides access to the area of land to the rear of the existing property, and was approved under application 09/3882N. At that time, the Local Highway Authority (LHA) raised no objection to the construction of the access subject to it being constructed in accordance with Cheshire East Council specifications.

The comments of Wybunbury and Hough and Chorlton Council Parish Council's and Councillor Clowes are noted in respect of highway safety concerns. The access is close to crossroads and associated traffic signals and this has been acknowledged by the LLHA in their consideration of the current application. However, whilst noting that the access may not be ideal, the LHA has advised that the principle of the access at this location has already been accepted and a single additional dwelling will add little traffic. Additionally, it has been noted that there have been no recorded traffic accidents at the location over the last three years. Therefore, no objections to the proposal have been raised by the LHA.

In terms of parking provision, two parking spaces for the proposed dwelling would be provided to the front of the property with parking for up to 3 vehicles being retained within the front garden area of no. 396 Newcastle Road. The LHA have advised that there will be sufficient room within the site for parking and turning.

The proposed development therefore complies with policies CO2, SD1 and Appendix C of the Cheshire East Local Plan Strategy, policies BE.3 and RES.11 of the Borough of Crewe and Nantwich Replacement Local Plan and Policy HOU4 of the Shavington-cum-Gresty Neighbourhood Plan

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. Policy HOU4 of the Shavington-cum-Gresty Neighbourhood Plan sets out that all developments should incorporate SUDS which minimises surface water run-off and that every reasonable option should be investigated before discharging surface water into a public sewerage network, in line with the surface water hierarchy. This is also reflected in Policy ENV3 of the SNP.

United Utilities have been consulted as part of this application and have advised that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Whilst the comments of Wybunbury Parish Council and Councillor Clowes are noted in respect of the flooding of the adjoining site, the Council's Flood Risk Officer has advised that there are no objections in principle to the proposed development however additional information is requested regarding the management of surface water on the site. The site lies within Flood Zone 1 as designated by the Environment Agency. It is noted that the site possesses some surface water risk (topographic low spots) within the site boundary that will need to be managed and that there is an existing surface water risk in close proximity to the site boundary. As such, it has been advised that it is imperative that all surface water is managed and retained on site, in order to not exacerbate any localised issues. It is considered that the matters raised can be dealt with by condition, as suggested by the Flood Risk Officer, requiring a detailed drainage strategy / design, associated management / maintenance plan for the site, to include information regarding surface water run-off rates, designs storm period and intensity and any temporary storage facilities included.

Subject to the imposition of the drainage condition as suggested by the Council's Flood Risk Officer, the development complies with Policy SE13 of the Cheshire East Local Plan Strategy and policies HOU4 and ENV3 of the Shavington-cum-Gresty Neighbourhood Plan.

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.

Ecology

Policy SE3 of the CELPS 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 the policy outlined above. A planning condition could be imposed to secure a scheme of ecological enhancements.

It is noted that an existing mature hedgerow forming the boundary of the garden area of no. 396 Newcastle Road is to be removed in order to construct the proposed dwelling. As suggested

by the Council's Nature Conservation Officer, it is recommended that a condition is imposed in respect of the timing of any works in order to safeguard nesting birds.

Other Matters

In relation to comments made in respect of the site being located within a 'green gap' as set out in the SNP and Wybunbury Combined Parishes Neighbourhood Plan (WCNP), it is noted that the green gap as defined in the WCNP extends up to the site boundary but does not include the application site as it is outside of the parish of Wybunbury and their neighbourhood parish area. The SNP does not include a green gap policy and the site is not within a Strategic Green Gap as designated in the CELPS.

It is noted that planning permission for the residential development of land to the east/south-east of the application site has been refused planning permission, most recently in February 2021 (20/3436N). However, the land to the east/south-east is located within the open countryside, as designated in the CELPS, whereas the application site is sited within the settlement boundary of Shavington. As such, the principle of development on the application site is considered to be acceptable and consideration of the proposal against Policy PG6 of the CELPS is not required.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within the settlement boundary of Shavington and the principle of residential development on the site is acceptable. The site is sustainably located and is within easy walking distance of public transport and services and facilities within Shavington.

The proposal is considered to have a neutral impact in terms of design, highways safety, ecology, flood risk and amenity. The benefits would be the provision of an open market dwelling and the usual social and economic benefits during construction.

It is considered that the development constitutes sustainable development and should therefore be approved and there are no material considerations which dictate otherwise. The proposal is considered acceptable in this instance and complies with the Development Plan and guidance within the NPPF.

Recommendation: Approve subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Drainage Details

4. Details of Ground Levels to be Submitted
5. Submission of Samples of Building Materials
6. Landscaping to Include Details of Boundary Treatment
7. Biodiversity Enhancement
8. Electric Vehicle Charging Points
9. Provision of Car Parking
10. Protection for Breeding Birds
11. Landscaping Conditions (Implementation)
12. Soil Importation
13. Unexpected Contamination
14. PD Rights – Extensions and Alterations

Informatives:

1. NPPF
2. Community Infrastructure Levy (CIL)
3. Highways - S184 Licence
4. Noise from Construction Works
5. Contaminated Land

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.

