

Southern Planning Committee

Agenda

Date: Wednesday 8th February 2023
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street,
Crewe CW1 2BJ

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

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

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

3. Minutes of Previous Meeting (Pages 3 - 6)

To approve the minutes of the meeting held on 11 January 2023.

Please contact Rachel Graves

E-Mail: rachel.graves@cheshireeast.gov.uk

To arrange to speak on an application at the meeting please email:
Speakingatplanning@cheshireeast.gov.uk

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. **22/2692N - LAND OFF, CREWE ROAD, WINTERLEY: Reserved Matters Planning Application (layout, scale, appearance and landscaping) following outline approval reference 19/3889N - Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N) (Pages 7 - 26)**

To consider the above planning application.

6. **22/2403N - COOLE ACRES FISHERY AND LEISURE PARK, COOLE LANE, NEWHALL, CW5 8AY: Remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods, accessways, parking & ancillary works (Pages 27 - 42)**

To consider the above planning application.

7. **22/3217C - RECIPHARM, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE: Outline application with all matters reserved except for access, for the erection of a new manufacturing building and associated plant and landscaping (Pages 43 - 56)**

To consider the above planning application.

8. **22/2887N - HOLLY HEDGE HOUSE, NEWCASTLE ROAD, HOUGH, CW2 5JS: Proposed demolition of stables and storage building and the construction of a detached one-bedroom dwelling (Pages 57 - 66)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors M Benson, J Bratherton, P Butterill (Vice-Chair), A Critchley, S Davies, A Gage, A Kolker (Chair), D Marren, C Naismith, S Pochin, L Smith and J Wray

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 11th January, 2023 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Kolker (Chair)
Councillor P Butterill (Vice-Chair)

Councillors M Benson, A Critchley, S Davies, A Gage, M Hunter, D Marren,
C Naismith, L Smith and J Wray

OFFICERS IN ATTENDANCE

Dan Evans, Principal Planning Officer
Andrew Goligher, Development Officer
Peter Jones, Senior Lawyer in the Planning and Highways Team
Rachel Graves, Democratic Services Officer

56 APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Bratherton and S Pochin.
Councillor M Hunter attended as substitute for Councillor Bratherton.

57 DECLARATIONS OF INTEREST/PRE DETERMINATION

No declarations of interest were made.

58 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 30 November 2023 be approved
as a correct record.

59 PUBLIC SPEAKING

The public speaking procedures were noted.

**60 22/0882C - LAND AT, WRIGHTS LANE, SANDBACH: ERECTION OF
25NO. DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING,
OPEN SPACE AND LANDSCAPING**

Consideration was given to the above planning application.

The following attend the meeting and spoke in relation to the application:
Mr Doug Hann (agent).

RESOLVED:

That the application be REFUSED for the following reasons:

- 1 The application site lies within allocation LPS53 of the Cheshire East Local Plan Strategy. The proposal does not comply with Criteria 1 & 2 of LPS53 as the development site straddles the buffer planting area and encroaches into the employment area as defined on Figure 15.64 of that policy. The piecemeal loss of parcels from the employment area to alternative uses has the potential to prejudice delivery of the employment site as a whole. The proposed development is contrary to Policies LPS53 and EG3 of the Cheshire East Local Plan Strategy.
- 2 The proposed development would not make a positive contribution to its surroundings. It would result in an inward facing development which turns its back on the footpath to the north and SuDS area to the east, it fails to provide an appropriate mix of open market house sizes, fails to comply with the CEC Design Guide in terms of surfacing and utilises standard house types which do not reflect local character. It is considered that the proposed development would not represent an acceptable design solution and conflicts with Polies SE1, SC4 and SD2 of the Cheshire East Local Plan Strategy, GEN1 and SC4 of the Site Allocation and Development Policies Document, H2 and H3 of the Sandbach Neighbourhood Plan and the CEC Design Guide.
- 3 The proposed development would create additional vehicle movements past the properties at 2-10 Wrights Lane and cause harm due to increased environmental disturbance and traffic generation. Furthermore, the proposed development does not demonstrate that an acceptable relationship can be achieved between the existing dwelling at No 2 Heath Close and the proposed dwellings at plots 16 and 17. The proposed development would fail to provide an acceptable level of amenity for future and existing occupants contrary to Policies HOU12 and HOU13 of the Site Allocation and Development Policies Document.
- 4 The proposed development would not provide sufficient public open space/children play space in quantum or quality. The open space which would be provided lacks natural surveillance, would be dominated by the SuDS feature and would not provide a useable level of open space. The proposed development would conflict with Policies SD2 and SE6 of the Cheshire East Local Plan Strategy and REC3 of the Site Allocation and Development Policies Document.
- 5 The Local Planning Authority considers that Wrights Lane by reason of its narrow nature would not provide a safe and suitable access to serve the proposed development and create conflict

between highway users. The proposed development would be contrary to policies INF3 of the SADPD and IFT1 of the SNP.

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

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
Education	£43,385.16 (primary education) £49,028.07 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of the 15 th dwelling
Outdoor recreation	Contribution of £23,000	Full amount prior to first occupation of the 15 th dwelling
Open Space	Scheme of Management	Scheme of Management to be secured and agreed with the LPA
Health Care Contribution	£29,759	Full amount prior to first occupation
Affordable Housing	Affordable housing	In accordance with details to be submitted and approved.
Car parking Provision	Scheme for the provision of car-parking for the occupants of 2-10 Wrights Lane for Long Term Lease at Peppercorn Rent	Prior to the commencement of development. Parking to be made available prior to first occupation of the development.

The meeting adjourned for a short break. Councillor L Smith left the meeting and did not return.

61 **22/0304C - LAND WEST OF PADGBURY LANE, CONGLETON:
PROPOSED ERECTION OF 3NO DWELLINGS OFF THISTLE WAY /
PADGBURY LANE. LAND PREVIOUSLY IDENTIFIED FOR 180SQ.M
HEALTH RELATED DEVELOPMENT (CLASS D1 USE)**

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Councillor S Akers Smith (ward councillor), Congleton Town Councillor Amanda Martin and Mr Roger Ball (objector).

RESOLVED:

That the application be REFUSED for the following reason:

The Local Planning Authority considers that the proposed development would result in an overdevelopment of the site and a cramped form of development causing harm to the character and appearance of the area. The proposal is contrary to policies SE1 and SD2 of the CELPS and GEN1 of the SADPD.

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

In the event of an appeal, agreement is given to enter into a S106 Agreement with the following Heads of Terms:

S106	Amount	Triggers
Affordable Housing	Affordable housing (1 rented unit)	In accordance with details to be submitted and approved

This decision was contrary to the recommendation in the report.

The meeting commenced at 10.10 am and concluded at 12.00 pm

Councillor A Kolker (Chair)

Application No: 22/2692N

Location: LAND OFF, CREWE ROAD, WINTERLEY

Proposal: Reserved Matters Planning Application (layout, scale, appearance and landscaping) following outline approval reference 19/3889N - Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N)

Applicant: T Hall, Duchy Homes Limited

Expiry Date: 01-Dec-2022

SUMMARY

The principle of development has already been established under outline approval ref 19/3889N. Therefore, the proposal remains acceptable from a pure land use perspective.

The matters sought for approval by this application, the Reserved Matters, which relate access, appearance, layout, scale and landscaping are all deemed to be acceptable. In addition, the proposals are not deemed to create any concerns in relation to amenity, ecology or flood risk, highway safety, subject to updated conditions where necessary.

The application is therefore recommended for approval

RECOMMENDATION

APPROVE subject to the conditions

REASON FOR REFERRAL

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

- 1) The affordable housing is not pepper-potted throughout the development. It is concentrated away from the larger properties
- 2) Of the 20 affordable homes none have 3 bedrooms, they are all 1 or 2 bedrooms
- 3) Of the market sale houses none are less than 3 bedrooms. Why is the bedroom number distribution not spread evenly over the whole development?
- 4) Needs improved climate change mitigation, solar panels. heat pumps, car charging, grey water systems. We should not be waiting for new environment legislation to be in place but preparing for it.

- 5) Need to clearly lay out the plans for long term maintenance of open spaces. Too many applications are unclear on this and result in the Council having to foot the bill in future
- 6) Size of garages. Are they really a suitable size to be a garage for a modern car? Or just a token to comply with parking spaces need. Car travel will be a necessity to some people on this development. Its is not close to local employment areas
- 7) Inadequate over all parking provision
- 8) Site is overdeveloped
- 9) Why are there no houses on the northern boundary? Is there an expectation of further development to the north?
- 10) There should be walking connectivity to the other Duchy Estate to the east. a) to allow easier access to the facilities in Winterley for the other new estate and b) to allow children access to all the play areas.
- 11) A condition to set up a liaison group with established residents, Parish Council and the developer.

PROPOSAL

Reserved Matters Planning Application (layout, scale, appearance and landscaping) for the erection of 55 Dwellings pursuant to outline planning permission reference 19/3889N (allowed on appeal under appeal reference APP/R0660/W/20/3251104 dated 01 March 2021).

SITE DESCRIPTION

The application site comprises a parcel of land sited just off the junction of Crewe Road and Pool Lane.

The area consists of predominantly residential properties to the east, west and south. Open countryside is located to the north of the site.

There is no significant variation in land levels on the site.

The site itself contains a large tree covered by Tree Preservation Order (TPO) just to the east of the centre of the site. There are also other trees covered by TPO to the northern and southern boundaries.

The site is located in the Village Infill Boundary for Winterley.

RELEVANT HISTORY

Application site

19/3889N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) (resubmission of 18/2726N) – Refused but allowed at appeal 01-Mar-2021

18/2726N – Outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) – refused 31-Oct-2018 for the following reasons:

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

The surrounding sites also have some relevant applications:

Site to the south-west

16/1487N - Reserved matters application seeking consent for appearance, landscaping, layout and scale, following outline planning permission for the construction of up to 45no. dwellings (13/4632N) – Approved 1st July 2016

13/4632N - Outline planning permission for the construction of up to 45 dwellings – Allowed at appeal – 14th January 2015

14/3393N - Outline planning permission for the construction of up to 45 dwellings (Resubmission of 13/4632N) – Refused 25th September 2014

14/3962N - Outline planning permission for the construction of up to 79 dwellings – Appeal dismissed 2nd February 2016

Site to the south

16/1728N – Outline application for residential development of up to 33 units with all others matters reserved, except for access and landscaping – Allowed at appeal 2 March 2017

Site to the east

18/1621C – Reserved matters consent is sought for appearance, landscaping, layout and scale – Approved 06-Sep-2018

16/3387N - Outline application for the erection of 29 dwellings with associated works. (Re-submission of 15/2844N) – Refused 29th September 2016 – Appeal Lodged – Appeal Allowed 20th March 2017

15/2844N - Outline application for the erection of 47 dwellings with associated works – Refused 1st October 2015

POLICY

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

Relevant policies of the Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries
PG10 Infill Villages
GEN 1 Design Principles
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU3 Self Build and Custom Build Dwellings
HOU10 Backland Development
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing Densities
HOU16 Small and Medium Sites
INF3 Highways Safety and Access

Haslington Neighbourhood Plan (HNP)

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

Other Material Considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

- | | |
|---------|--|
| 11 | Presumption in favour of sustainable development |
| 59 | Delivering a Sufficient Supply of Homes |
| 124-132 | Achieving well-designed places |
| 170-183 | Conserving and enhancing the natural environment |

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; working hours, piling and dust.

CEC Flood Risk – No objection

CEC Education – No comments received at the time of writing the report

CEC Public Open Space – No objection

CEC Housing – No objection

United Utilities – No objection and acceptable in principle

Haslington Parish Council - Object on the following grounds:

- Bedroom distribution not spread around the development
- Climate change mitigation not sufficient
- All properties needs EVC and should be conditioned
- Need plan to manage long term maintenance of open spaces
- Parking on site is congested and ned to ensure each garages can accommodate a parking space
- Inadequate parking provision
- Site is overdeveloped
- Why is no development on the northern boundary does this mean future plans for more housing?
- Connectivity needed to the duchy estate
- Liaison group condition required to work with local residents
- Winterley has no facilities and not an appropriate location for new housing
- Where is the barn owl survey ?
- Drainage issues
- Not clear how the surface water drainage plans impact the trees on the route from the development through to Hassall Road, e.g. T51 & T52
- The 2.5/3 storey properties are not in keeping with the rest of the area
- Some of the social housing type “Bodnant” have the garden/amenity space physically separated from the building

- Why no single storey properties either bungalows or apartments for either social or open market sale, there is proven demand in the parish.

REPRESENTATIONS

11 Letters of objection have been received raising concerns summarised as follows:

- Over development
- Site Red Line Boundary appears to cross onto the land belonging to the property at 27 Charles Barnett Road.
- Market homes are not less than 3 bedrooms so would deter older people from living here
- Affordable housing is not pepper potted
- Parking and garages are inadequate
- Connectivity needed to the duchy estate
- Need plan to manage long term maintenance of open spaces
- Highways safety concerns from use and construction access
- Flooding/drainage issues
- Winterley has no facilities and not an appropriate location for new housing
- Suggested amendment to the layout
- Not a great housing mix
- What local site is surplus soil being used on?
- Suggestions for duchy homes to act more sensitively towards the community
- Has a crime impact statement been prepared?
- Harm to wildlife

APPRAISAL

Principle of Development

The principle of the development has already been established under approval ref 19/3889N. Therefore, it is not the purpose of the application to re-explore this matter.

As a result, the proposal remains acceptable in principle from a pure land-use perspective,

The outline application gave approval for the access for the development and the Reserved Matters to be determined at this stage relate to the appearance, landscaping, layout, and scale.

Reserved Matters

Design (layout, scale and appearance)

Scale

The proposed scheme includes 55 new dwellings within a total site area of 2.1 hectares, a density of approximately 27 dwellings per gross hectare, which is consistent with the other consented sites which total 33 and 26 dwellings per hectare. The number of dwellings on the site was considered acceptable at the outline stage, but it should be noted that this falls below the density of 30 dwellings per hectare as set out in Policy HOU14 of the SADPD.

Property heights would also be predominantly 2 storey to respect the existing pattern of built form. Four properties (on plots 6, 7, 19 and 20) would be 2 ½ storey but would be well screened from public vantage points by other existing buildings or those within the development site itself. The material type in the locality is predominantly red/orange brick and tiled roofs, and this is to be replicated here and can be secured by condition.

Layout

The site is currently vacant but is enclosed by development on 3 sides.

The locality contains a mixture of property types ranging from regular 2 storey properties, link-detached/town houses, bungalow properties both detached and semi-detached and with mixed design. The proposal seeks a mix of detached, semi-detached and town house properties as such the properties could be accommodated in the street scene without causing significant harm to the existing pattern of built form especially noting the recently constructed development that surrounds the site.

The layout plan shows that the site is enclosed from view by the development to the south and east, the existing development to the west and the existing planting to the north. As a result, the properties will not be overly prominent from outside the application site.

The approved layout plan illustrated the provision of a perimeter road layout around the site. The current plan accords with the parameters plan however a more organic road layout has been proposed as requested by the Councils Urban Design Officer to better respect the character of the site and allows a degree of open space around the retained tree. This creates active frontages and making the retained tree and the green space a focal point.

The majority of parking would be provided within each plot, some to the front and some to the sides of properties which prevents the site being dominated by parking.

The Councils Urban Design Officer has assessed the proposal and has suggested some changes:

- To enhance the character of key plots
- swapping the roofs of plots 8/9 to gabled design to match predominate roof forms
- Concern over use of bitmac with coloured chippings in lieu of block for lanes and areas of shared surface and suggests the use of block
- Need for a management plan for landscaping on site minimum management period of 30 years and long term management of trees in private gardens (15 years)
- To overcome a localised issue with parking concentration, a solution would be to swap plot 5 with plots 6/7. This would enable the creation of landscaping between frontage parking and driveways.
- The updated external works layout drawing shows concrete post and gravel boarding projecting forward of the building line in several locations across the site. This should extend no further forward than the building line of the respective properties.

These comments have been relayed to the applicant so revised plans are expected, which will be commented further by the Councils Design Officer in the update report.

Appearance

There is no defined character in the locality given the mix of modern and traditional style properties. The proposed dwellings would be traditional in form with gable features and would be constructed of predominantly red brick and have tiled pitch roofs. Some dwellings would have pitched roofs to add a variety of roofscape across the development. Rendered elements are also included again to add some interest.

As a result, the appearance of which is similar to the other dwellings which surround the site.

Access

Access to the site was approved at outline and links into Charles Barnett Road. The internal road design is a looped design with a carriageway width of 4.8m, there is a mix of segregated footpaths and shared surface included in the design. In design terms, the road layout is acceptable and minimises the number of cul-de-sacs being provided.

The car parking provision for each of the units accords with the CEC parking standards and additional on-street parking spaces is provided in a number of locations.

In summary, the submitted internal road layout design meets technical requirements and is suitable for adoption and the levels of car parking do comply with the required standards set out in the CELPS.

The Councils Highways Engineer has also been consulted and has raised no objection.

Therefore, the proposal could be accommodated without significant harm to the existing highway network.

Landscaping

Condition 17 of the outline approval requires the submission of a landscaping scheme.

Each plot has its own private garden with corner plots having gardens to the side also to provide dual frontage. Fencing is provided for each plot with boundaries treatments to the street scene consisting of a mix of hedgerows and brick walls.

The wider site relies on the existing planting and hedging to the northern buffer with some additional planting to help provide a smooth rural transition. To the south the existing planting is used along with further additional planting. Various new trees are proposed through the site within the street scene to provide a green feel.

The public open space and LEAP are to be provided towards the east of the site and is arranged around the retention of an existing tree. The play area is sited to be a focal point for use by all and to make a feature of the tree.

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 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. However does not specify a housing mix.

Policy HOU1 of the emerging SADPD advise that housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. In particular it suggests a recommended mix as below as a starting point:

	Market housing	Intermediate housing	Low-cost rent Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

The proposal would provide 55 dwellings in total with 20 affordable units and 35 open market dwellings. The bedroom split is as below:

Open Market

1 bed units x 0
2 bed units x 6
3 bed units x 11
4 bed units x 9
5 bed units x 9

Affordable

1 bed units x 8
2 bed units x 8
3 bed units x 2
4 bed units x 0
5 bed units x 0

The proposal would provide the below mix:

	Market Housing	Intermediate	Affordable Rent
1 bed	0 units 0% (target 5%)	2 units 4% (target 14%)	6 units 11% (target 26%)
2 bed	6 units 11% (target 23%)	5 units 9% (target 53%)	3 units 5% (target 42%)
3 bed	11 units 20% (target 53%)	2 units 4% (target 28%)	2 units 4% (target 20%)
4 bed	9 units 16 % (target 15%)	0 units 0% (target 4%)	0 units 0% (target 10%)
5+ bed	9 unit 16% (target 3%)	0 units 0% (target 1%)	0 units 0% (target 3%)

This would therefore provide the below mix of houses:

- 1 bed units x 8 (15%)
- 2 bed units x 14 (25%)
- 3 bed units x 15 (27%)
- 4 bed units x 9 (16%)
- 5 bed units x 9 (16%)

As can be seen from the table above the mix would not be provided as per the recommendation in Policy HOU1. However, the text makes it clear that this is to be used as a starting point only and is not a ridged standard.

The aim of this policy appears to provide a mix of all housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. As noted above the proposal would be dominated by 2 and 3 bedroom properties with a similar mix remaining for 1, 4 and 5 bed units. Or to put it another way the split would be 67% smaller properties (1-3 beds) and 33% larger properties (4 and 5 beds).

As such this mix of housing would provide opportunity for all and thus is deemed to be acceptable.

Space standards

Policy HOU8 in the subtext notes that from six months of the date of adoption of the plan, all new residential dwellings will be required to be built to the Nationally Described Space Standard (NDSS) or any future successor.

The NDSS requires:

- 1 bed for 2 people – 50sqm
- 2 beds for 4 people – 79sqm
- 3 beds for 5 people – 93sqm
- 3 beds for 6 people – 102sqm
- 4 beds for 8 people – 124sqm
- 5 beds for 9 people – 128sqm
- 5 beds for 10 people – 128sqm

The proposal would provide:

Thornbury 2 bed (4 people) – 91.23sqm	Complies
Windsor 2 bed (4 people) – 98.47sqm	Complies
Willington 3 bed (6 people) – 117.52sqm	Complies
Harewood 3 bed (6 people) – 117.61sqm	Complies
Dunsmore 3 bed (6 people) – 123.09sqm	Complies
Cranbourne 4 bed (8 people) – 149.20sqm	Complies
Buckingham 4 bed (8 people) – 153.10sqm	Complies
Belgrave 4 bed (8 people) – 157.47sqm	Complies
Oakmere 5 bed – (9 people) 171.87sqm	Complies
Wavendon 5 bed (10 people) – 183.66sqm	Complies

Bodnant 1 bed (2 people) – 43.66sqm	6sqm short
Bramham 2 bed (4 people) – 63.73sqm	16sqm short
Stratford 3 bed (5 people) – 81.10sqm	12sqm short

As can be seen above, for the majority of plots the proposal complies with the NDSS. Whilst there is a slight shortfall for the Bodnant, Bramham and Stratford property types, the shortfall is limited and in any case the criteria cannot yet be applied until 6 months after adopted of the SADPD as noted in the subtext.

Affordable Housing

The outline planning permission secured the provision of 30% of the total number of units as affordable housing to be provided as a mix of homes for affordable rent and intermediate housing. A further 6% of the proposed dwellings were secured as “additional affordable housing units” to be provided as intermediate housing.

20 affordable units are to be provided split between 9 intermediate and 11 affordable rent units. The bedroom and tenure split of the properties is as follows

	Intermediate	affordable
1 bed	0	8
2 bed	5	3
3 bed	4	0
4 bed	0	0
5 bed	0	0
Total	9	11

This mix of affordable properties has been deemed acceptable by the Councils Housing Officer. It is further considered that as affordable units are spread to the eastern and central boundaries, acceptable “pepper potting” is achieved within the scheme.

Education

A requirement for contributions towards Primary & Secondary education was secured under S106 Agreement at outline stage.

Health

A requirement for contributions towards health was secured under S106 Agreement at outline stage.

Open Space

The site plan details the on-site provision of Local Area of Play (LEAP) and POS. This has been deemed acceptable by the Councils Open Space Officer. The public open space and an area of

equipped play is to be provided towards the east of the site and is arranged around the retention of an existing tree. The play area is sited to be a focal point for use by all and to make a feature of the tree.

Amenity

With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

The main residential properties affected by this development are 326-338 Crewe Road (even numbers), 4 Hassall Road and the closet plots of the developments approved to the south and west of the site.

326-338 Crewe Road

The majority of plots would be sited 40m away from properties on Crewe Road. These distances comply with the interface distances between buildings as recommended in HOU13 which suggests no significant harm through overlooking. The plots would also be sited between 10-11m away from the shared boundary to prevent significant harm through overlooking, overbearing or overshadowing.

Plot 1 would have its side elevation sited 32m to rear windows of Nos.326&328. This distance complies with the interface distances between buildings as recommended in HOU13 which suggests no significant harm through overlooking. The plot would be sited 3.5m to the shared boundary. No harm through overlooking of the garden areas as the only window serves an en-suite which can be conditioned to ensure it is fitted with obscure glazing. In terms of overbearing and overshadowing impact, the proposal will have some overbearing impact when viewed from the rear garden areas, however at 3.5m away from the boundary this is not considered to be significantly harmful and is not an uncommon layout in housing estates across the country, the layout is also between both garden areas so would not dominate the whole garden area. There is also likely to be some overshadowing of garden area, however this is not considered to be significant as it would only affect the small part of the garden area immediately adjacent to the boundary and is not considered the main usable area and this area of garden is already likely to be overshadowed to some degree by the existing boundary treatment.

4 Hassall Road

The nearest plot to this property (plot 12) would be sited over 30m away to the rear elevation. This distance complies with the interface distances between buildings as recommended in HOU13 which

suggests no significant harm through overlooking. The plot would also be sited 11m away from the shared boundary to prevent significant harm through overlooking, overbearing or overshadowing.

Closest plots of the developments approved to the south and east of the site

The plots comply with the recommended interface distances to side and rear elevations of properties to the south and east and would be sited at least 9.5m away from the shared boundaries. This would prevent any harmful impact through overlooking, overbearing or overshadowing.

There are some level changes proposed to some plots to the eastern boundary with a floor level increase noted at 0.8m, however the interface distances would comply with the separation distances set out in policy HOU13 and would prevent any harm through overbearing impact or loss of privacy. To the western boundary the largest noted level changes is 0.5m but given the large interface this also remains compliant with interface distances.

Environmental Protection have also raised no objections subject to conditions regarding noise report, piling, construction management plan, construction hours, dust and piling.

Future occupants

The proposals would provide in excess of the 50sqm of rear garden area as recommended in the SPD for the benefit of future occupants for the majority of plots.

Eight of the plots are less than the recommended minimum. These relate to 1-bedroom units and these plots are:

Plot 31 (30sqm)
Plot 32 (35sqm)
Plot 37 (36sqm)
Plot 36 (24sqm)
Plot 50 (17sqm)
Plot 51 (20sqm)
Plot 53 (35sqm)
Plot 54 (30sqm)

These plots are not family homes and as such would not require the same size of garden area. They are in essence flats/apartments. The SPD does not stipulate a recommended size of garden areas for flats/apartments but advises that in the case of developments which are made up of flats, where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal areas of open space; these should be located so they can be used by all the residents equally. It also advises that the amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided 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. Policy HOU13 does not set an expected size of garden area but advises proposals for dwellings houses shall include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

In this instance a plan has been provided for the smallest unit with a garden area of 17sqm, this indicates sufficient room in the garden area for bin & cycle storage, outdoor seating, washing line and

BBQ area. Given that these units have just 1 bedroom with less demand for outdoor space, they are sited opposite the internal public open space for use by future occupiers and the garden plan provided demonstrates the capabilities of the smallest garden area which is considered to provide a usable garden area. Nevertheless, this shortfall needs to be weighed in the overall planning balance.

Therefore, the proposal could be accommodated without significant harm to living conditions of neighbouring properties.

Environmental amenity

Condition 11 of the outline approval requires submission of EVC. These have been provided and deemed acceptable by Environment Protection Officers.

Condition 12 of the outline approval advises prior to the development commencing, a Construction Environmental Management Plan shall be submitted to and agreed by the planning authority. This remains outstanding prior to commencement.

Ecology

There are a number of conditions attached to the outline permission at this site relating to ecology, these are assessed below:

Condition 20 Updated badger survey

An updated badger survey as required by this condition has been submitted. The latest survey confirms the presence of an active badger sett in close proximity to the application site. The sett was previously thought to be a main sett, but has now been classified as an outlying sett due to only a single badger being observed during the survey.

In order to avoid the risk of badgers being harmed during the construction works, it is currently being proposed to close the sett under the terms of a Natural England license. This approach is deemed acceptable by the Councils Ecologist.

Condition 22 Proposed lighting scheme

The revised lighting scheme includes a plan (reference 23785-D-01 rev C) of lighting contours which includes the 1 lux contour. The lighting scheme as proposed would result in light spill of greater than 1 lux on retained hedgerows and trees which is likely to have an adverse effect upon foraging and commuting bats.

The Councils Ecologist advise that that the lighting scheme must be revised to avoid this. This can be resecured by condition to ensure a revised plan is provided prior to first occupation.

Condition 23 A strategy for the incorporation of features to enhance the biodiversity value of the proposed development

Two documents have been submitted in order to comply with this condition:

- Biodiversity Enhancement Management Plan November 22 (Rev 04)

- Biodiversity Net Gain Design Stage Assessment November 22 (Rev 03)

The Council's Ecologist advises that these fulfil the requirements of the condition

Condition 24 Prior to the commencement of development an updated barn owl survey is to be undertaken.

The applicant is reminded of the requirements of this condition prior to the commencement of development as per the outline permission.

Additional conditions required

The Council's Ecologist advises that a condition should be attached to safeguard nesting birds which prevents removal of any vegetation, or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds.

Therefore subject to conditions the proposal would not cause significant harm from an ecological perspective.

Trees

Condition 19 of the outline approval required any reserved matters application to be supported by an Arboricultural Impact Assessment.

The application is supported by an Arboricultural Impact Assessment. Selected individual and groups of trees within the site are protected by the Cheshire East Borough Council (Haslington – Winterley Land to the north of Pool Lane) Tree Preservation Order 2019.

The Assessment states two trees and two groups, a low (C category) Whitebeam, a moderate (B Category) Cherry, a moderate (B Category) group of Holly and low (C category) group of Hawthorn will require removal to accommodate the development. The trees are not protected by the TPO and it is agreed that their removal will not have a significant adverse impact on the wider amenity of the area. Sufficient amenity space is available within the site to provide suitable replacement trees as part of a detailed landscape scheme.

The Assessment at Para 4.5.4 states there will be encroachment of 6-12% within the Root Protection Area (RPA) of retained trees (T1, T4, T14 and T22). This is to accommodate an internal road (T1 and T14) and driveways (T1 and T22). Whilst this accords with Section 7.4.2.3 of BS58237:2012 which states that 'new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA', the road will need to be constructed using a no dig solution such as a cellular confinement system to avoid damage to roots.

Such solutions are generally acceptable for private driveways, (subject to site conditions) however would not normally be appropriate where the internal road is to be constructed to an adoptable standard as required by the highway authority. It should also be noted that the Assessment (para 4.11.1) states that the provision of new service runs have not been provided which may impact on effectiveness of any no dig construction.

The Council's Forestry officer initially had concerns with the location of the road in the no dig solution for the internal road around protected tree (T14). However revised plan and arboricultural report has been received which has been reviewed by the Forestry officer who now considers the relatively minor encroachment into the RPA of T14 supervised excavation is deemed a reasonable approach in this instance and that no dig cell web construction for the footpath is acceptable.

T4 is scheduled for removal which is not contested subject to suitable replacement.

Concerns were also raised regarding the proximity of plot 55 (plot changed to plot 55 so all correct) to protected Oak (T11) as this relationship meant that the garden area would suffer from shading thus putting the tree under pressure for future removal. As a result, a revised plan has been received which has swapped this plot for a different property type with a much larger rear garden area. The shading plan indicates that half of this garden area would be in shade during the afternoon. Given the size of the garden area remaining for this property this is not considered to be an unacceptable relationship as half would remain unshaded. The Forestry officer is also happy with this relationship.

The Forestry officer therefore raises no objection subject to conditions requiring compliance with the Arboricultural Method Statement/Tree Protection and for a revised landscaping scheme to include additional replacement trees.

Therefore, it is considered that subject to conditions that the proposal will not cause significant harm to existing landscape features and complies with Policies SE5 & ENV6 of the CELPS and SADPD.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and it is over 1 hectare. As such a Flood Risk Assessment was provided and deemed acceptable at reserved matters stage.

Condition 10 of the outline approval requires submission of a drainage strategy.

United Utilities have been consulted and raise no objection. They do however request that the developer provides evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable. This will therefore be a matter to be addressed between the applicant and United Utilities.

The Council's Flood Risk Team (LLFA) have also been consulted who advise given the soakaways are now designed to the worst-case testing scenario and are appropriately positioned away from existing boundaries, they would have no objection in principle to this approach. Additionally, they would have no objection in principle to the Micro Drainage modelling completed, this should be submitted at discharge of condition stage, for further scrutiny.

Finally, their previous comments mentioned the following statement: "There is also a potential for boundary treatment given land levels appear to be increasing circa 200- 800mm across the site". This information is yet to be clarified and the LLFA would expect the developer to submit sectional details through the areas of interest and provide boundary treatment where necessary. However, they are happy that this is not fundamental to the scheme and that the proposal is acceptable from a drainage/flood risk perspective. Therefore, this can be dealt with through the applicant's discharge of conditions application for condition 10 attached to the outline consent.

As a result, the proposal can be accommodated without causing any significant drainage/flood risk concerns and the [proposal complies with Policies SE13 CELPS and ENV16 SADPD.

Other conditions

Condition 6 requires the reserved matters shall be in broad compliance with the Site Plan 17061 (P1) 100D. The proposed site plan is considered to be so.

Condition 8 requires submission of land levels.

Other matters

The majority of representations have been addressed above in the report. The remaining comments are addressed below:

- Climate change mitigation not sufficient – *the proposal provides EVC and all of the properties are built to latest building regulation standards, this will include providing shower heat recovery, solar panels and enhanced thermal bridging details. The surface water drainage is also designed to latest standards accommodating for climate change and using a sustainable drainage system.*
- All properties need EVC and should be conditioned – *Environmental protection officers are satisfied with the EVC provision.*
- Need plan to manage long term maintenance of open spaces – *this is to be dealt with by management company.*
- Connectivity needed to the duchy estate – *the Council needs to consider the application as submitted.*
- Liaison group condition required to work with local residents/ Suggestions for duchy homes to act more sensitively towards the community – *Such a condition is not considered necessary in view of the size of the proposed scheme.*
- Winterley has no facilities and not an appropriate location for new housing – *the principle of residential development has already been accepted.*
- Where is the barn owl survey – *This is still a pre-commencement requirement.*
- Why no single storey properties either bungalows or apartments for either social or open market sale, there is proven demand in the parish – *8 one bedroom units are proposed.*
- Site Red Line Boundary appears to cross onto the land belonging to the property at 27 Charles Barnett Road – *ownership plan does not show any encroachment, in any case would be a civil issue.*
- Parking and garages are inadequate – *All garages are suitable to accommodate a vehicle*

- What local site is surplus soil being used on? – *This is not relevant to the determination of the Reserved Matters application*
- Has a crime impact statement been prepared? – *No such statement provided however the layout shows plots overlooking to POS area to provide good natural surveillance.*

Conclusions

The principle of development has already been established under outline approval ref 19/3889N. Therefore, the proposal remains acceptable from a pure land use perspective.

The matters sought for approval by this application, the Reserved Matters, which relate to design (scale, layout and appearance) and landscaping are all deemed to be acceptable. In addition, the proposals are not deemed to create any concerns in relation to amenity, ecology, landscape or flood risk, highway safety, subject to updated conditions where necessary.

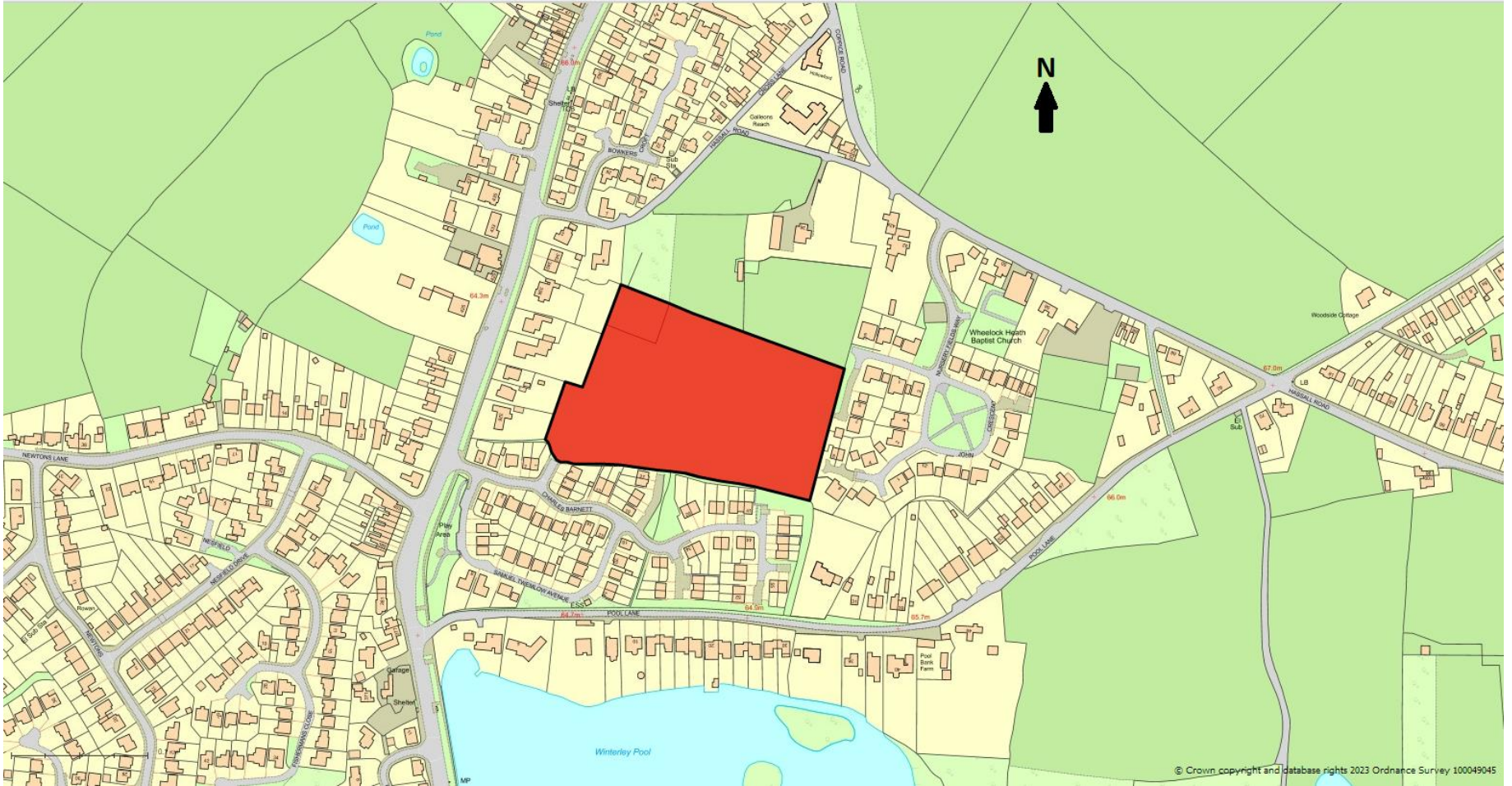
The application is therefore recommended for approval.

RECOMMENDATION:

APPROVE subject to the conditions

- 1. Development carried out to the approved plans**
- 2. Obscure glazing to be fitted to side facing en-suite window of plot 1**
- 3. Prior to the installation of any external lighting details to be provided**
- 4. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds**
- 5. Development to be carried out in accordance with Arboricultural Method Statement (Urban Green Drawing UG_1511_ARB_AMS_02 dated 17/01/23) submitted to the Council on 26/01/2023.**
- 6. Provision of landscaping plan**
- 7. Landscaping implementation**

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



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Application No: 22/2403N

Location: Coole Acres Fishery And Leisure Park, COOLE LANE, NEWHALL, CW5 8AY

Proposal: Remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods, accessways, parking & ancillary works

Applicant: Mr & Mrs Finney

Expiry Date: 11-Jan-2023

SUMMARY

The proposal is considered to be acceptable in principle being essential for the purposes of leisure and recreation and other uses appropriate to a rural area.

The proposal would not cause significant harm to the character/appearance of the area, landscaping setting, ecology, trees, amenity, highway safety, ecology or flood risk.

Landscape Management condition requiring additional planting can prevent harm to the setting of the heritage asset on the adjacent site.

The proposal is also supported in terms of providing towards the rural economy, sport and recreation and the visitor economy.

As a result, the proposal is considered to constitute sustainable development and should be approved.

RECOMMENDATION: Approve subject to conditions

REASON FOR REFERRAL

Call in request from Cllr Rachel Bailey on the following grounds:

- 1) This application appears to be an amendment to the previously withdrawn 20/5853N, which was subject to a call in. I ask that points from that 'call in' are considered, particularly: (a) the risk of flooding and the Environment Agency's stated request for the provision of a 'Comprehensive Flood Risk Assessment' and (b) the Inspector's comments in relation to the risk of urbanisation of a rural area should areas of hard standing be required/created.

- 2) Highways: (a) the need of a full repair to Finnaker Bridge; albeit a local Highway Authority matter (b) Consideration of the current impact on accessibility to the site and (c) need for the creation to safe walking routes for visitors.

DESCRIPTION OF SITE AND CONTEXT

The site is part of an existing fishery and angling centre initially granted approval under 09/0819N and has been established and developed since this approval. It currently comprises fishing lakes, hatchery pools, café/reception building, hatchery storage/maintenance building, existing holiday lodge, licenced caravan and camping site, access tracks, car parking area service areas.

The north-eastern boundary of the site is adjoined by a small stream and is demarcated by a simple post and wire fence. To the south-west of the site there is a two storey brick dwelling at Pinnacle Farm. The boundaries with this property also comprise post and rail fencing. To the east the site is adjoined by a dismantled railway line and is defined by a mature hedgerow boundary. Further to the east is the Shropshire Union canal which is partly within an embankment. Access from the site is taken via a field gate onto Coole Lane.

DETAILS OF PROPOSAL

The proposal seeks the remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods, accessways, parking & ancillary works.

SITE VISIT

A site visit was carried out by the case officer on 23rd November 2022.

RELEVANT HISTORY

20/2770N – Proposed siting of mobile home for use as holiday let – approved 02-Mar-2021

18/2051N – Variation of conditions 18 & 29 on approval 09/0819N for change of use from agricultural to fish rearing & angling centre, formation of ponds & lakes, erection of buildings and provision of access & parking (refused but part allowed at appeal 18-Jul-2019)

17/5861N - Removal of condition 18 and variation of condition 29 on 09/0819N – Refused 5th January 2018

16/5007N - Removal of condition 18 & variation of condition 29 on approved 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking – Refused 7th December 2016

14/3925N - Variation of Condition 29 on approved application 09/0819N - Approval required for revised plans showing changes to layout – Withdrawn 9th June 2015

14/0775N - Variation of Condition 18 (retention of dwelling and business for further 3 years) on approval 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking – Withdrawn 9th June 2015

09/0819N - Change of Use From Agriculture to Fish Rearing and Angling Centre and Formation of Ponds and Lakes, Erection of Buildings (including temporary dwelling) and Provision of Access and Parking – Approved 11th March 2010

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Policy

Cheshire East Local Plan Strategy (CELPS)

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 1 – Overall Development Strategy

Policy PG 6 – Open Countryside

Policy SD 1 – Sustainable Development in Cheshire East

Policy SD2 – Sustainable Development Principles

Policy SE 1 – Design

Policy SE2 – Efficient Use of Land

Policy SE3 – Biodiversity and Geodiversity

Policy SE 4 – The Landscape

Policy SE5 – Trees, Woodlands

Policy SE7 – Historic Environment

Policy SE13 – Flood Risk and Water Management

Policy EG1 – Economic Prosperity

Policy EG2 – Rural Economy

Policy EG4 – Tourism

Policy SC1 – Leisure and Recreation

Policy CS2 – Indoor and Outdoor Sports Facilities

Policy SC3 – Health and wellbeing

Policy CO1 – Sustainable Travel and Transport

Relevant policies of the Site Allocations and Development Policies Document (SADPD):

PG9 Settlement Boundaries

GEN 1 Design Principles

EVN1&2 Ecology

ENV3 Landscape Character

ENV5 Landscaping

ENV6 Trees, Hedgerows and Woodlands

ENV15 New Development and Existing Uses

ENV16 Surface Water Management and Flood Risk

HER1 Heritage Assets

HOU10 Backland Development
HOU12 Amenity
INF3 Highways Safety and Access
RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries
RUR8 Visitor accommodation outside of settlement boundaries
RUR9 Caravan and camping sites

Newhall Parish Neighbourhood Plan (NPNP)

LC1 – Character and design
LC2 – Landscape character
NEGS1 – Natural Environment and biodiversity
HER1 – Built heritage and conservation
LE1 – Rural economy
LE2 – Tourism
T2 – Sustainable travel
T3 – Vehicular access through the parish
CF1 – Community facilities
CF3 – Foul and surface water drainage

CONSIDERATIONS (External to Planning)

CEC Environmental Health (Cheshire East): No objection subject to contaminated land conditions and electric vehicle charging

CEC Highways: No objection

CEC Flood Risk: No objection subject to condition to comply with the FRA and to provide a drainage strategy

CEC Tourism Officer – No objection and supports the proposal

Environment Agency – No objection subject to conditions requiring compliance with the FRA

United Utilities – No objection

View of the Parish/Town Council:

Sound & District Parish Council – Objection on the following grounds:

- Contrary to appeal decision relating to Planning Application 17/3932N
- Contrary to SADPD Policy RUR8 as it does not make best use of existing infrastructure, buildings are not the minimum necessary, harm to landscape
- Contrary to Policy LC2 Newhall Neighbourhood Plan as does not respect the landscape character
- Contrary to Policy SE7 of CELPS and Policy HER1 of the NNP in that it will harm the setting and significance of the Grade II listed building, Pinnacle Farm
- No, or inadequate, documentation has been lodged by the Applicants dealing with the issues of flood risk and the protection of biodiversity at the site

Newhall Parish Council – Objection on the following grounds:

- Visibility of the proposal would be in conflict with the surrounding environment and the rural character of the area. This would not satisfy the requirements of NNP policies LC1 Character and Design and LC2 Landscape Character.
- The development site is immediately adjacent to the grade II listed building 'Pinnacle House', placing lodges some 65m from this building. This would have significant negative impact and would not comply with Policy HER1 Built Heritage and Conservation Area.
- Although the development meets some of the requirements of policies LE1 Rural Economy and LE2 Tourism - and NPC are keen to encourage appropriate business in the parish - it is felt that these considerations do not outweigh the conflicts with NNP policies detailed above

Other Representations:

15 letter received regarding the following:

- Lodge onsite is subject to an enforcement notice
- Urbanizing impact
- Lodges could be used as permanent accommodation
- Previous appeal for sunnyside
- Harm to setting of Listed Building Pinnacle House
- Wardens lodge forward of build line
- Front walls not in keeping
- Cumulative impact from other consented sites
- Question evidence of need
- Highway safety
- Harm to ecology
- No need for wardens lodge
- Hard standing is excessive
- Flooding concerns
- What materials will lodges be made from
- Lighting should not impact on amenity
- How will waste disposal be handled
- Roadway and bridge already in poor state of repair

3 letters of support given spending to local business

OFFICER APPRAISAL

Principle of Development

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

essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. There are also a number of exceptions:

- i. where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;
- ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension
- iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace.
- iv. for extensions to existing dwellings where the extension is not disproportionate to the original dwelling.
- v. for development that is essential for the expansion or redevelopment of an existing business.
- vi. for development that is essential for the conservation and enhancement of a heritage asset.

The proposal seeks consent to expand an existing enterprise as a fishery and holiday accommodation on site with the remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods. Therefore, the proposal is clearly aimed at tourism and outdoor recreation and also seek to expand an existing business.

The question therefore is whether or not the proposal is essential to the running/expansion of the existing enterprise.

It is accepted that rural tourism in its own right is one of the "other uses appropriate to a rural area" in the context of Policy PG6 given the link that to promote the area for rural tourism and informal countryside recreation (as per Policies EG2 and EG4), then there is a need to provide suitable tourist accommodation within the countryside for that purpose.

Policy RUR8 clarifies the requirements of Policy PG6 in respect of development that is essential for uses appropriate to a rural area that will be permitted in the Open Countryside. It assists in the assessment of those types of visitor accommodation that specifically require a countryside location and are appropriate to a rural area. The policy applies to all development proposals for visitor accommodation where there is some form of static accommodation.

The latter part of para 1 of Policy RUR8 advises:

"....Certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside."

Based upon the assessment of comparable proposals in the locality of a similar scale (Wrenbury Fishery & Sunny Oak Caravan Site, Whitchurch Road, Wirswall), it is clear that the proposal comprises a use that is appropriate to a rural area, conforming to Policy RUR8. Furthermore, it relates to a site-specific attraction: a lakeside setting and angling

The application proposal also relates to the expansion of an existing business at Sunnyside Caravan Park to the north and the existing fishery accommodation on site to the east therefore it is agreed that it makes sense to locate the proposed lodges adjacent to the existing park, within an area of low flood risk, associated with the creation of a more natural lake and associated wildlife habitat to replace the hatchery pools.

The Council's Visitor Economy Manager's has also been consulted who advises that the application proposal will meet the objectives identified within the Cheshire East Council Visitor Economy Strategy (2016- 2020). He states:

"Cheshire East needs to increase its numbers and profile in the 'outdoor' accommodation arena with an increase in quality Glamping, Caravan & Camping sites. Consumers are looking for outdoor rural breaks rather than city centre breaks and this is anticipated to continue at least in the medium term. Cheshire is perfectly positioned to take advantage in this staycation boom. And these visitors will assist the economy of the rural area and potentially link it with the many and varied walking and cycling trails in Cheshire East."

He also advises that self-catering accommodation is of a much higher importance in rural areas. The expenditure in rural areas is more than double for self-catering than for serviced accommodation. He has also advised that this trend is even more noticeable when looking at longer holidays where self-catering accommodation equates to almost 64% of expenditure.

Furthermore, the Council's post pandemic "Cheshire East Tourism Recovery Plan 2021" (page 7, 5th para) which states:

"Demand for self-catering accommodation is likely to be strong along with visits to see family and friends as people seek to reconnect with loved ones that they have not seen for so long. With little to do during lockdown other than go on walks or cycle rides, many people will embrace a more active outdoor lifestyle, which will translate into holiday preferences. Therefore, it is expected that the staycation demand is set to grow strongly, with research showing that the staycation has been growing for the past 10 years and will grow at a faster pace post-pandemic. The rise will be especially strong around the traditional self-catering proposition and the growing popularity of camping and glamping."

According to Visit England, demand for this type of accommodation is continuing to grow with the shift in holiday habits and the growth of "staycations".

As a result given the benefit to the expansion of the existing business and the evidence of need for such tourism facilities/accommodation is considered that the proposal is essential for outdoor recreation and is a use appropriate to a rural area and therefore the principle of the development is acceptable from a pure land use perspective.

Issues of character, design, amenity, economy, flood risk are addressed below.

Character and Appearance

The proposal seeks the remodelling of hatchery ponds to create a new lake, use of land for the siting of 19 no. holiday lodges, 2 no. mobile camping pods, accessways, parking & ancillary works.

The lodges and pods would be sited around the lake. The lodges measure 4.1m wide, 12.7m length and 3.4m high (including the supporting legs). The pods measure 3.5m wide, 6.5m length and 3m high. As such the height of the lodges is fairly limited.

On top of this the site benefits from existing 2m high hedging to the existing site to the north, hedging and trees to the west facing the road, hedging and existing buildings to the east to the rear of the site and some limited young trees to the southern boundary to Pinnacle House. Therefore, the lodges would not be overly prominent when viewed from the wider setting and would have a similar visual relationship to the consented site to the north where only a small section of roof is visible above the planting. To some degree the proposal would be seen in context with the existing consented site to the north and the existing building to the east of the site and thus would be clustered rather than being viewed as isolated development.

As a result, the actual visual impact is considered to be limited as the tallest structure would be the lodges at 3.4m high. Given that it is not unusual to see caravans in the open countryside, it is not considered that their presence would be overly harmful to the character/appearance of the area and to some extent would be viewed as an extension to the existing accommodation on site. As noted above the site also benefits from boundary screening which would limit the visual prominence of the development.

Additional hard standing is proposed to the northern boundary to access the pitches and a section outside each pitch for parking. However this would be predominantly screened from view by the sites enclosure. However to be consistent with the decision to the north the detail of the hard standing can be secured by condition to ensure that only the least required hard standing is provided to prevent any urbanising impact.

It is also accepted that given the in principle policy support for such uses in the open countryside it is inevitable that such development would have some visual impact.

Therefore, no significant harm to the overall character/appearance of the area. Therefore, the proposal complies with Policy SE1, GEN1 , RUR8 of the CELPS & SADPD.

Heritage

The neighbouring property known as Pinnacle Farm House is a Grade II Listed Building. The nearest lodged would be sited 70m away from this building.

The Councils heritage officer has been consulted who considers that the proposal in its current form would affect the setting of the Listed Building owing to the flat and open nature of the sites and would cause less than substantial harm to the heritage asset.

The heritage officer has however suggested that with appropriate screening to the southern boundary, the harm to the setting would be prevented. At present there is very limited planting to the southern boundary. To off-set this it would appropriate to secure a planting scheme by condition. The standard condition for planting only requires protection for 5 years, after which point there is no control over the retention of the planting. If the planting was removed then the harm to the setting of the Listed Building would remain.

Therefore a landscape management plan condition is required which would secure retention of the planting for a 30 year period which would allow the planting to be planted and established over a longer period of time to screen the proposal.

Therefore it is considered that harm to the Listed Building can be prevented through the imposition of a condition and would comply with Policies SE7 & HER1 of the CELPS & SADPD.

Rural Economy, Tourism & Leisure and Recreation

RUR6 advises that proposals for outdoor sport, leisure and recreation in the open countryside will be permitted provided they accord with other policies in the development plan and:

- i. it can be demonstrated that a countryside location is necessary for the proposal;
- ii. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- iii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the operation of the site(14); are well-related to each other and existing buildings and do not form scattered development or development isolated from the main sports, leisure or recreation use of the site;
- iv. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape either on its own or cumulatively with other developments; and
- v. appropriate landscaping and screening is provided.

As explained in the principle section as this relates to an existing business the location is considered justified. The proposal seeks to utilise an existing fishery and holiday accommodation site so uses part of the existing access/roadway. The proposal seeks to provide the minimum development necessary as the buildings provided are just the lodges and pods. No separate toilet/shower blocks etc are provided and the internal access rack is limited to the areas serving the units only and the location of buildings on site are not scattered or isolated. Appropriate landscaping is provided to most boundaries with additional planning to the southern boundary to be secured through the imposition of a condition.

Policy EG2 advises that proposals that create or extend rural based tourist attractions, visitor facilities and recreational uses will be supported provided it supports the rural economy, and could not reasonably be expected to locate within a designated centre, no harm to open countryside/appearance of the area and has adequate infrastructure.

The proposal would clearly benefit the rural economy as it would support retention of jobs and local spending power from visitors/users of the site. Given the nature of the use relying on the access to the countryside it would not be appropriate for the use to locate within a designated centre and this also relates to an existing use on site so clearly the location remains appropriate. The low level nature of the lodges would not cause significant harm to the appearance of the countryside. There are shops in Audlem 2.1 miles away and in Nantwich 6 miles away. Furthermore, the rural roads and footpaths in the area make recreational cycling and walking an attractive proposition. Therefore it is considered that the site has adequate infrastructure.

EG4 advises that proposals which promote the enhancement and expansion of existing visitor attractions / tourist accommodation, and the provision of new visitor and tourism facilities, in sustainable and appropriate locations will be supported if in sustainable locations, use sustainable transport modes, evidence that tourist facility is required with a particular countryside attraction, access to services, no harm to landscape or amenity and adequate infrastructure.

SC1 advises that proposal which support and promote the provision of better leisure, community and recreation facilities, where there is a need for such facilities will be supported where they are in highly assessable locations, no harm to the landscape, amenity, biodiversity and support the visitor economy and based on existing visitor attractions.

The proposal is not considered to cause significant harm to amenity given the separation distances to nearest neighbouring properties and the use itself is not expected to generate significant noise/disturbance over and above the permitted use. In terms of biodiversity it is not expected that the additional units would pose any significant harm to wildlife. The use is considered to support the visitor economy. The existing visitor attractions are the countryside itself and the offer of walking and cycling. The issue of accessibility and impact on the landscape has been addressed above.

SC3 advises that new developments that improve health and well-being will be supported where they provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design, access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation and sound safety standards.

The proposal offers access to the countryside and its associated recreational activities (walking, fishing and cycling etc) and is therefore considered to improve health and well-being. The site itself also has access to surrounding areas of open space in the countryside. The site is not known to have any safety issues and the site has been deemed not to cause any significant harm to the existing highway network by the Councils Highways Engineer. The issue of access to services has been addressed above

Residential Amenity

The nearest neighboring property is sited to the south, The closest unit would be sited over 70m away to the property and 35m to the shared boundary. This separation distance is considered significant to prevent any significant harm to the living conditions of the occupiers of these properties through overbearing/overshadowing or loss of privacy.

Some element of noise disturbance would already be expected from the existing fishery and holiday accommodation. It is not considered that the siting of further holiday lodges would result in any significant increase in noise/disturbance that would justify a refusal of planning permission as this is not considered to be a noisy or unreasonable use for this location. Similarly, separation distance, along with the proposed intervening planting, is not expected that the proposal would pose any significant increase in noise and disturbance over and above that associated with the existing use.

Therefore, the proposal would have no adverse impact on existing levels of residential amenity.

Access and Parking

The site is located adjacent to the existing fishery and the proposal is for additional holiday units which will utilise an existing vehicle access onto Coole Lane.

The 120m visibility splays conditioned with a previous application approval remain acceptable. The access width and gate set back distance are sufficient to serve the development and there will be an acceptable level of car parking within the site.

Due to the location the development is unlikely to generate a significant number of pedestrian movements. The national cycle route 552 runs past the site frontage on Coole Lane, which is a C-class road with adequate width to cater for the limited number of vehicle movements that the proposal will generate.

Cycle parking will also be provided within the site

The Councils Highways Engineer has also been consulted and has advised that he has no objections.

Therefore, it is not considered that the proposal would in any way serve highway safety impacts and accords with Policies CO1 & INF3 of the CELPS and SADPD.

Ecology

Great Crested Newts

The majority of ponds within 250m of the application site are unsuitable for great crested newts due to the presence of fish or because they lack sufficient open water. One pond has been identified as potentially offering suitable breeding habitat for this species. The application site however offers very limited habitat for great crested newts and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

The Councils Ecologist advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

However, he advises that if planning consent is granted a condition should be attached requiring compliance with the newt reasonable avoidance measures.

Hedgehog and Reptiles

Whilst both hedgehogs and reptiles could occur on the application site on a transitory basis the application site is unlikely to be significantly important for these species. The Councils Ecologist therefore advises that these species are not reasonably likely to be present or affected by the proposed development.

Other Protected Species

No evidence of this species was recorded during the submitted survey and the Councils Ecologist advise that it is not reasonable likely to be present or affected by the proposed development.

Lighting

The proposed lighting is considered to be acceptable by the Councils Ecologist subject to condition that any lighting installed is done to the agreed details.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The application is supported by an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity version 3.1 'metric' methodology.

The application is supported by a revised Biodiversity metric and additional habitat creation measures have been incorporated into the proposed development. The proposed development would now result in a net gain for biodiversity as required by Local Plan Policies.

The Councils Ecologist however advises that a condition should be imposed requiring the Habitat Creation, Monitoring and Management measures detailed in the submitted Biodiversity Net gain report prepared by Elite Ecology dated October 2022 to be implemented in full.

Ecological Enhancement

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. The applicant has submitted proposals for the provision of hedgehog boxes, Reptile hibernacula and a number of other features,

If planning consent is granted the Councils Ecologist recommends a condition to secure the implementation of these measures.

The suggested conditions are considered reasonable and necessary and can be added to any decision notice.

Therefore subject to conditions it appears that the proposal can be accommodated without significant ecological harm and complies with Policies SE3, EVN1&2 of the CELPS and SADPD.

Trees/Landscape

The site does not form part of any protected landscape.

The Councils Landscape Officer has been consulted and has not raised any objection to the proposal however he has suggested some amendments to the proposed landscaping to the southern boundary. This can be secured through the imposition of a condition.

It is also accepted that there would be some inevitable impact on the landscape setting given the in-principle support for the proposal.

The site is also predominantly screened from view of the wider setting by the existing and proposed boundary planting.

Therefore subject to additional planting being secured to the southern boundary it is considered that the proposal could be secured without significant landscape harm and complies with Policies SE4 & ENV5 of the CELS and SADPD.

Drainage/Flood Risk

The application site is located within a Flood Zone 1 to 3 but the lodges are sited in Flood Zone 1. Therefore a Flood Risk Assessment (FRA) has been provided.

This concludes that the proposal can be developed and operated safely for its life time in respect of the modelled flood risk and in accordance with national planning guidance. The developed lodges should have FFL above 5035mm AOD and any ground raising within the extend should be compensated elsewhere without increasing existing flood risk.

Surface water generated by the proposed development will be managed in accordance with the proposed drainage strategy.

The Environment Agency have been consulted who initially raised a holding objection as no FRA was provided. However they have since removed their objection on receipt of the FRA and now raise no objection subject to condition requiring compliance with the FRA.

The Councils Flood Risk Team have also been consulted who advise that based on the recently submitted JBA Flood Risk Assessment ((FRA) and the Environment Agencies comments acceptance, they have no objection in principle to the proposed development at this location. However, they advise that all construction must be undertaken in strict accordance with the approved FRA and a drainage strategy is required with can be secured by condition.

United Utilities have also been consulted who raise no objection.

Therefore it is considered reasonable to attach a condition requiring compliance with the FRA and surface water drainage strategy.

As a result the proposals will not cause any significant issues from a flooding/drainage perspective and complies with Policies SE13 & ENV16 of the CELPS and SADPD.

Other

The majority of comments made through representations have already been addressed above in the report however a few comments remain unaddressed which are considered below:

- Lodge onsite is subject to an enforcement notice – *this is not relevant to the above application as each one is judged on its merits*
- Lodges could be used as permanent accommodation – *this would be prevented by condition*
- Previous appeal for sunnyside and urbanising impact– *each case needs to be considered on its own merits and the appeal relates to the site to the north not this site. In any case the concern related to the urbanising impact of the hard standing. In this instance the only new hard surfacing is to the northern boundary and to serve each lodge. The final material can be secured by condition to ensure the minimum necessary to prevent an urbanising impact*
- Wardens lodge forward of build line – *the wardens lodge has since been removed from the proposal*
- Front walls not in keeping – *these do not form part of the application*
- Cumulative impact from other consented sites – *the proposal has been considered alongside other uses*
- Hard standing is excessive – *details of hard standing material to be secured by condition*
- What materials will lodges be made from - *this will be secured by condition*
- Lighting should not impact on amenity – *this will be secured by condition*
- How will waste disposal be handled – *waste storage area shown to the north*
- Roadway and bridge already in poor state of repair – *this is not relevant to the current application and no repair requests have been made by the highway engineer*
- Need for Flood Risk Assessment – *provided and deemed acceptable by both the EA and Councils Flood Risk Team*
- Accessibility of the site/safe walking – *this relates to an existing use which has already been deemed a suitable location for the use*

CONCLUSIONS AND REASONS(S) FOR THE DECISION

The proposal is considered to be acceptable in principle being essential for the purposes of leisure and recreation and other uses appropriate to a rural area.

The proposal would not cause significant harm to the character/appearance of the area, landscaping setting, ecology, trees, amenity, highway safety, ecology or flood risk.

A condition requiring additional planting can prevent harm to the setting of the heritage asset on the adjacent site.

The proposal is also supported in terms of providing towards the rural economy, sport and recreation and the visitor economy.

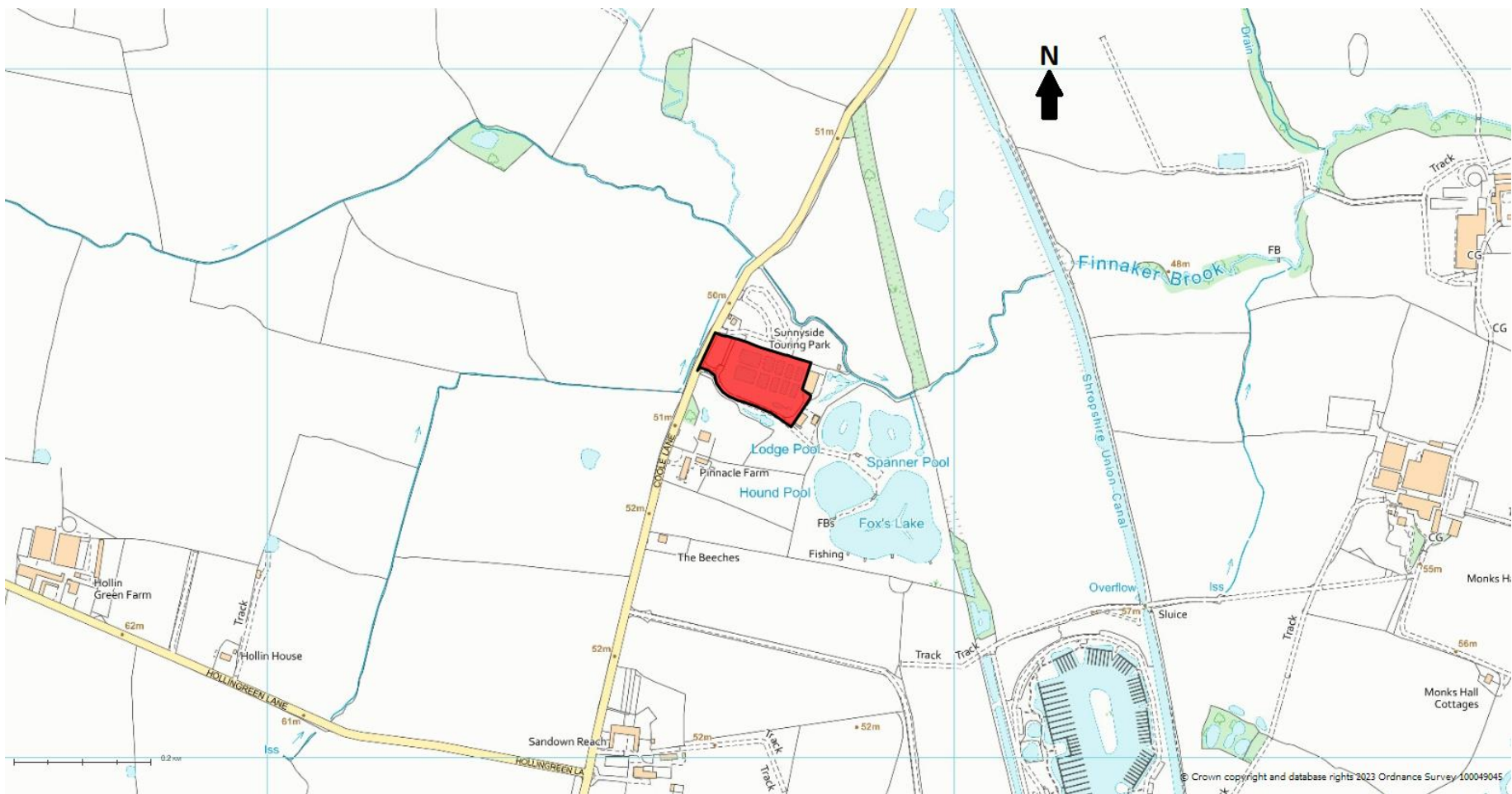
As a result, the proposal is considered to constitute sustainable development and should be approved.

RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1) Time limit
- 2) Plans
- 3) Materials
- 4) Compliance with the FRA
- 5) Drainage strategy to be provided
- 6) Lighting as per approved details
- 7) Implementation of Great Crested Newt Reasonable Avoidance
- 8) Implementation of Habitat Creation, Monitoring and Management measures
- 9) Implementation of ecological enhancement measures
- 10) Electric Vehicle Charging provision
- 11) Contaminated land – risk assessment
- 12) Contaminated land – verification report
- 13) Contaminated land – soil testing
- 14) Contaminated land – unexpected contamination
- 15) Submission of management scheme for the landscaping of southern boundary
- 16) Implementation of landscaping management scheme
- 17) Occupancy condition
- 18) Log of users
- 19) Details of hard standing

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



Application No: 22/3217C

Location: Recipharm, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE

Proposal: Outline application with all matters reserved except for access, for the erection of a new manufacturing building and associated plant and landscaping

Applicant: Nick Atkinson, Recipharm HC Limited

Expiry Date: 10-Feb-2023

CONCLUSION:

The site is previously developed land within a Strategic Employment Area, the principle of the proposed development is supported within the CELPS (Policy EG1), the SADPD (EMP1) and the HCNP (Policy ES2).

The proposed development is considered acceptable and uses the established existing site access to London Road. The proposal would not have a material traffic impact on the local road network. The proposed development is considered to comply with policies CO1 and CO2 of the CELPS, INF3 of the SADPD, and TT2 and TT3 of the HCNP.

The matters of appearance, landscape, layout and scale are all reserved. There is no reason why an acceptable scheme could not be secured at the Reserved Matters stage to deal with design, amenity, noise and parking provision

The development will be acceptable in terms of its drainage/flood risk implications and in terms of the impact upon ecology.

The development would result in the loss of 10 Lombardy Poplar trees. Due to the industrial nature of the site usage and limited public access, in addition to the species present and the relatively short safe and useful life expectancy of Lombardy Poplar, there are no objections to the principal of their removal. Replacement planting will be secured at the Reserved Matters stage.

The development complies with the Development Plan as a whole.

SUMMARY RECOMMENDATION:

APPROVE subject to the following conditions

PROPOSAL

This is an outline planning application for the erection of a new manufacturing building and associated plant and landscaping. Access is to be determined at this stage with all other matters reserved.

Vehicular access would be taken via the existing employment site onto London Road (A50).

SITE DESCRIPTION

The application site consists of a parcel of previously developed land to the northern part of the Recipharm site. The site is located within the Holmes Chapel Settlement Boundary.

There are industrial buildings to the north and east associated with the existing business. The main part of the site has a concrete slab associated where a former building which stood on the site and the northern part of the site is landscaped.

To the south of the site is the tree lined River Croco.

Part of the application site is located within Flood Zone 1.

RELEVANT HISTORY

15/3847C - Part A: Outline permission with all matters reserved except for means of access for: • Extensions to Area 12 Manufacturing building, Area 11 Warehousing building, Area 77 Laboratory building and Area 37 Stability building; • Relocation of service buildings and the erection of storage tanks, substation and associated plant; and • Provision of additional staff car parking Part B: Full planning permission for: • Extension to Area 13 Building to create new reception area, canteen and office floor space (2,775m²) • Demolition of Building 15; and • Alterations to internal roads and servicing area, provision of new internal HGV lay by, installation of new access gates and associated boundary treatments – Approved 26th November 2015

15/2154C - Variation of Condition 13 with respect to permission 12/2217C; Reserved Matters Application pursuant to Outline planning permission 11/1682C proposing full details for the appearance, landscaping, layout and scale for a residential development comprising 224 dwellings, internal access road, open space and landscaping on the Former Fisons site, Marsh Lane, Holmes Chapel – Approved 4th September 2015

12/0311C - Removal of Condition 40 of Approved Application 11/1682C - Relating to Details of Mini Roundabout – Withdrawn 19th June 2012

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works – Approved 9th December 2011

08/0405/FUL - New energy centre and assoc. ancillary equipment, new sprinkler water storage tank and pump house – Approved 15th May 2008

06/1272/FUL - Proposed new single storey fibre-glass enclosure for new sub station – Approved 22nd January 2007

05/1026/FUL - Erection of security fences, gates, barriers, security cabin, flag poles, landscaping, vehicle layby and footpaths within the existing site boundary – Approved 14th November 2005

28429/3 - Demolition of existing single storey sheet clad warehouse and erection of single storey temporary building complex for scientific laboratories and offices – Approved 24th September 1996

22637/3 - Workshop, temporary offices and temporary store – Approved 2nd October 1990

20589/3 - Dismantling and reconstruction of existing stores with an addition of new extension and first floor area – Approved 24th January 1989

14688/3 - Re-locating three existing temporary buildings to allow future construction works – Approved 9th February 1983

POLICIES

Cheshire East Local Plan Strategy

PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
EG1 – Economic Prosperity
EG3 – Existing and Allocated Employment Sites
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 8 – Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO2 – Enabling Business Growth through Transport Infrastructure
CO4 – Travel Plans and Transport Assessments

Cheshire East Draft Site Allocations and Development Policies Document (SADPD)

GEN1 – Design Principles
ENV2 – Ecological Implementation

ENV3 – Landscape Character
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV7 – Climate Change
ENV12 – Air Quality
ENV14 – Light Pollution
ENV16 – Surface water Management and Flood Risk
RUR5 – Best and Most Versatile Agricultural Land
EMP1 – Strategic Employment Allocations
HOU12 – Amenity
INF1 – Cycleways, Bridleways and Footpaths
INF3 – Highways Safety and Access
INF9 – Utilities

Neighbourhood Plan

The Holmes Chapel Neighbourhood Plan was made on 18th April 2017

ES2 – Encourage Greater Employment Opportunities
CE5 – Character and Design
CE7 - Water Management on New Developments
TT1 - Promoting Sustainable Transport
TT2 – Congestion and Highway Safety
TT3 - Parking

National Policy

The National Planning Policy Framework

CONSULTATIONS

Head of Strategic Infrastructure: No objection.

Jodrell Bank: No comments received.

Cadent Gas: No comments received.

United Utilities: General advice provided and a drainage condition suggested.

Flood Risk Manager: Conditions are suggested relating to a drainage strategy and finished floor levels.

Environment Agency: The development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. Recommend that the Council considers EA Guidance.

Recommend consultation with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, the EA recommend that the environmental protection of controlled waters is

considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.

Environmental Health: Conditions suggested relating to noise mitigation, external lighting, travel plan, low emission boilers and contaminated land.

VIEWS OF THE PARISH/TOWN COUNCIL

Holmes Chapel Parish Council: The Parish Council has no objection and is supportive in principle of the development; however, the Parish Council wish to be fully aware of any reserved matters so that they can make further representation regarding the development.

Brereton Parish Council: Brereton Parish Council are concerned about the land being contaminated and wish to see further evidence that allays these concerns.

REPRESENTATIONS

A letter of objection has been received from a local household which raises the following points;

- This application places several potentially explosive cylinders beside residential properties containing families with young children. This is a dangerous proposal and should not be allowed to go any further.

A letter of objection has been submitted on behalf of Bridgemount Property Ltd which raises the following points;

- Bridgemount were not notified of the planning application.
- Bridgemount own Plot C of the wider site (to the west of this application site).
- Plots A and B have been developed for residential use and Plot C has a lawfully implemented permission for a Sainsburys supermarket.
- Bridgemount is seeking to bring forward a viable development as a sole C3 use or a mixed-use development and is engaging with housebuilders and commercial operators. It is intended that an application will be made in the coming months
- Whilst the Bridgemount site does not benefit from planning permission or an allocation it would constitute an appropriate location for residential use.
- Application 12/2217C establishes the precedent of residential development on plot C as it is a brownfield site within the settlement boundary. It is well related to services and facilities, and appropriate mitigation could be secured between the site and the existing Recipharm site.
- The Gladman scheme opposite was allowed by the SoS and it was confirmed that that site was sustainable.
- In terms of loss of employment site, the position has changed since 12/2217C was approved. Policy E10 of the CLP is no longer saved and Policy EG3 of the CELPS does not relate to this site.
- The Bridgemount site was identified as being suitable, achievable and deliverable in the SHLAA, it is within the settlement boundary, and policies within the Development Plan support the redevelopment of previously developed land.
- The principle of residential development is acceptable on the Bridgemount site (Plot C), and this should be viewed as an 'agent for change' in relation to the ongoing and future operations of the Recipharm site. It is important that the Recipharm application does not undermine the future delivery of the Bridgemount site for a residential development (full or in part).

- The current Recipharm application makes no reference to the Bridgemount site and its possible future redevelopment.
- The application does not include plans or technical detail in terms of the formation of the access
- The parameters plan lacks any specific details. It is important to ensure that the proposed new building acknowledges the appropriate off-set distances to the Bridgemount site. Cross sections should be provided to understand the relationship with the future residential development.
- The illustrative plans identify that a new pipe bridge will be required along the western shared boundary with the Bridgemount site. This is not included within the description of development and no details have been provided. This could undermine the delivery of the Bridgemount site.
- No landscaping is indicated along the boundary with the Bridgemount site.
- The Council should assess the visual impact of the development from the Bridgemount site.
- The number of jobs created raises issues in terms of the impact upon the surrounding road network particularly the A54/A50 junction where the Council has been pooling S106 contributions.
- The dates for the Noise Impact Assessment should be confirmed.
- No information has been provided regarding the source of the noise levels and assumptions.
- Background noise levels have been taken from a single point and there may be higher background noise levels. Background noise levels should be taken from other locations.
- The prediction noise levels should be confirmed.
- The assessment assumes that doors to the manufacturing building will remain closed, but this will not be possible with HGV's servicing the site.
- Some indication should be given to the potential impact upon noise sensitive receptors – this is not fully assessed within the report
- No details of vehicular movements through the night have been provided
- Surprised at the view taken in terms of the A54/A50 junction
- The proposal will result in increased traffic at the junction of the A54/A50 - 14 vehicles in the morning peak and 11 vehicles in the evening peak
- CEC have previously stated that the proposed A54/A50 roundabout junction is absolutely necessary to mitigate the existing and future issues. CEC have acknowledged that there is a significant funding gap to prevent the implementation of the roundabout improvement.
- A contribution should be sought from this development for the A54/A50 junction.
- CEC Highways have stated that they will seek a contribution from the Bridgemount site despite acknowledging that the Sainsburys permission has been lawfully implemented. It is not appropriate for a development which proposes a significant uplift in employment numbers to be the subject of such a basic assessment

APPRAISAL

Principle of Development

Recipharm is a global pharmaceutical Contract Development and Manufacturing Organisation, and they provide pharmaceutical companies development and manufacturing services including inhalation products and devices. The proposal aims to create a manufacturing facility which provides a more sustainable way of producing new metered dose inhaler products.

The application is in outline form but seeks consent for a new manufacturing plant with a maximum height parameter of 15m. To the north of the site the application includes a plant exclusion zone, which is required as the new low greenhouse gas emitting propellants are potentially flammable and they require additional measures to safely manufacture them. The propellant storage area will have space for three tanks.

The site is previously developed land within a settlement boundary for Holmes Chapel. The site is identified as a Strategic Employment Area as part of Policy EMP1 of the SADPD. As part of Policy EMP1 it states that the strategic employment sites are of particular significance to the economy of Cheshire East and that they will be protected. Proposals for future investment for employment uses in these areas will be supported subject to other policies of the Development Plan.

The support for the redevelopment of the site is echoed within Policy EG1 of the CELPS, which states that employment development (B1, B2 and B8) will be supported within the Principal Towns, Key Service Centres and Local Service Centres.

Policy ES2 (Encourage Greater Employment Opportunities) of the HCNP sets out the desire to encourage the establishment and growth of high-quality employment opportunities. Policy ES2 then sets out that proposals to retain land currently used for industrial and employment purposes will be supported. This is subject to the provision of secure and environmentally sensitive off-street parking set out in Policy TT3 (Parking) and compliance with policy CE5 (Character and Design).

The site is previously developed land within a Strategic Employment Area, the principle of the proposed development is supported within the CELPS (Policy EG1), the SADPD (EMP1) and the HCNP (Policy ES2).

Highways Implications

The supporting Transport Statement identifies that the proposal would have a Gross Internal Area of 3,610sq.m. is this correct – should it not be 9,432sqm para 3.5 of Planning Statement. Based upon this floorspace the applicant has assessed the likely trip generation arising from the development having a maximum of 21 peak hour trips. This level of generation is not considered to have a material impact on the local road network or significant enough to warrant mitigation measures to be provided.

The concerns relating to the impact upon the A50/A54 junction are noted. The peak traffic generation from this development is 14 vehicles in the AM Peak (08:00-09:00) and 11 vehicles in the PM Peak (17:00-18:00), this amounts to just 3.3% AM and 0.01% PM impact based upon the level of traffic flow using the A50/A54 junction. Given that any contributions need to be directly related to the impact, it is not considered that a contribution to improve the junction could be required.

Although car parking and cycle parking is a matter to be considered in a reserved matters application there is sufficient existing parking on the site (511 spaces) which can accommodate additional parking demand.

The proposed development is considered acceptable and uses the established existing site access to London Road. The proposal would not have a material traffic impact on the local road network.

The proposed development is considered to comply with policies CO1 and CO2 of the CELPS, INF3 of the SADPD, and TT2 and TT3 of the HCNP.

Cycle Provision

Cycle parking and changing facilities will be a requirement of any reserved matters application and this can be secured via the imposition of a planning condition.

Amenity

The nearest residential properties are to the north of the site, and the indicative plan shows that there would be a separation distance of 97m from the proposed building to the boundary of the site and 47m from the nearest tank. Given the separation distances involved there is unlikely to be any implications in terms of privacy, overbearing impact or loss of light.

Noise

The nearest residential properties are located to the north of the site fronting Severn Way. In support of the application, the applicant has submitted a Noise Impact Assessment and this comments as follows;

- As an outline application the exact noise sources for the proposed B2/B8 usage are not known and the only viable modelling which can be done is for the HGV movements and unloading/loading activities along with fork lift truck movements.
- It is assumed that internal noise levels would be restricted below 80dB as per the other areas of the site. A typical industrial façade gives a sound reduction of 31dB. External noise levels are expected to be at most 49dB radiating from the façade itself.
- In terms of the daytime assessment, the predicted rating falls below the existing typical background sound level at the closest residential properties and no mitigation measures will be required.
- In terms of the night-time assessment again the predicted rating levels fall below the background sound levels. It is also prudent to consider potential sleep disturbance and a 13dB reduction for an open window, shows that internal noise levels would be low enough to achieve levels below the 30dB criterion.
- Any fixed plant would have a low noise level and any impact would be negligible

The impact of the noise from fixed plant and operation on the proposed development has been assessed in accordance with the relevant British Standard. The reports methodology, conclusion and recommendations are accepted by the Environmental Health Officer and there is no reason that an acceptable scheme could not be secured at the Reserved Matters stage

As the application is in outline form and the layout and building design will be determined at a later date, it is considered reasonable to attach a condition to require the Reserved Matters applications to be accompanied by an updated Noise Impact Assessment.

Air Quality

In support of the application the developer has submitted a qualitative screening assessment. The report states that a detailed assessment into the impacts of NO₂, PM₁₀ and PM_{2.5} during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows, and concludes, that the development impacts on local air quality would be not significant. The report also concludes that the potential dust impacts during construction would also be not significant subject to appropriate dust mitigation measures.

That being said, there is still 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. Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. Conditions could be imposed in terms of low emission boilers and the submission of a Travel Plan.

Subject to the imposition of these conditions the proposed development would comply with policies SE12 of the CELPS and ENV12 of the SADPD.

Contaminated Land

The application site is previously developed land and there are records of landfill within the former Fisons site. The Environmental Health Officer has considered this application and raised no objection. The impact in terms of contaminated land can be controlled via the imposition of a planning conditions. There is no conflict with Policy SE12 of the CELPS.

Design

The site is within the existing Recipharm site and there are utilitarian employment buildings which surround the site. Public views of the site would be limited although the proposal would be visible from the recently constructed residential development to the north fronting Severn Way.

The application includes indicative plans and elevations. However, the matters of the appearance, landscaping, layout and scale are reserved for later approval. There is no reason why an acceptable design could not be achieved at the Reserved Matters stage that would comply with policies SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD and CE5 of the HCNP.

Ecology

Bats

Buildings and trees on site were assessed within Ecological Impact Assessment as offering a negligible potential for roosting bats. This has been accepted by the Councils Ecologist and no further survey effort for bats is required in support of this application.

Breeding Birds

If planning consent is granted, a condition could be imposed to safeguard breeding birds.

Great Crested Newts

Due to the surrounding good newt habitat and nearby ponds, the Councils Ecologist has stated that the proposed development presents a potential low risk to newts. This could be mitigated against by the implementation of reasonable avoidance measures. As a result, an appropriate method statement prepared by an ecologist in support of any future reserved matters application can be secured via the imposition of a planning condition.

Ecological Enhancement

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

Trees

The application site presently benefits from a linear group of Lombardy Poplars (10 in total) which run north to south within the site edged red, no statutory protection applies to these trees.

The application has been supported by a Preliminary Arboricultural Assessment. The report has surveyed the trees in accordance with BS5837:2012 Trees in relation to design, demolition and construction and categorised them as 9 high quality A Category trees and 1 moderate quality B Category tree. The submitted preliminary Tree Retention and Removal Plan indicates that all trees would be removed to accommodate the proposal. Given the industrial nature of the site usage and limited public access, in addition to the species present and the relatively short safe and useful life expectancy of Lombardy Poplar, there are no objections to the principal of their removal.

However, Local Plan Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience and support biodiversity. This planning application provides an opportunity to incorporate new planting in accordance with this policy. It is recommended that if planning permission is granted any reserved matters application should be supported by a landscape scheme to meet the requirements of this policy and to ensure the delivery of adequate mitigation for any tree losses arising.

Energy Efficient Development

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

‘non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.’

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above

Flood Risk and Drainage

To the south of the site is the River Croco. The site covered by this application is located within Flood Zone 1 (Low Probability of Flooding) according to the Environment Agency Flood Maps.

The site is largely hardstanding and no flood risk/drainage objections have been raised by the Environment Agency, United Utilities or the Councils Flood Risk Manager. The proposed drainage details can be secured via the imposition of a planning condition.

Jodrell Bank

Although the application falls within the Jodrell Bank Radio Telescope consultation Zone Line, Jodrell Bank have not commented on the proposals, suggesting they raise no objections.

Other issues

The letter of objection submitted on behalf of Bridgemount largely relates to a potential future development on land adjoining the application site. This adjacent land does not have any form of planning consent for residential development, it is not allocated for development within the Development Plan and the applicant for this current application states that there is a restrictive covenant which prevents residential development on that site. In comparison the Recipharm site is allocated as a Strategic Employment Site within the Development Plan. It is considered that any future application on the Bridgemount Site would need to take into account the potential issues caused by the Recipharm Site.

A letter of objection expresses concern over the risk from the proposed tanks within the proposed development. The appellant has clarified that the tanks will contain a medical grade propellant called HFA-152a. HFA-152a is an existing propellant, already used in some consumer aerosols (like clean sprays, hair sprays, deodorants, etc), and offers reduced global warming potential versus existing propellants used for inhalers (HFA-134a and HFA-227ea). The applicant has stated that;

'The design of the new manufacturing facility, and associated propellant storage tanks have been designed in consideration of the flammable properties of the propellant. The British Aerosols Manufacturing Association (BAMA) provides guidance for the safe manufacturing of aerosols products with flammable propellants. Such guidance has been adopted by the consumer aerosols manufacturing industry and has been followed as the basis of safe design with the proposed new facility at Recipharm Holmes Chapel. For bulk storage of propellant, the BAMA guide references the LPG (Liquified Petroleum Gas) Regulations, which define the requirements for the segregation of storage tanks. The LPG regulations have been followed for the design of the facility; the separation distance between the storage tanks and the Recipharm boundary fence line exceeds the minimum requirements defined within the LPG regulations. Both the BAMA guides and the LPG regulations are referenced by the HSE as the source of information relating to safe manufacturing of aerosols with flammable propellants. The design of the facility, storage and process equipment would be subject to process safety risk assessment, including DSEAR, Hazard Study and Layers of Protection Analysis. By undertaking these assessments Recipharm will be able to ensure, and be able to demonstrate, that the design adequately addresses hazards associated with the use of a flammable propellant'

Should the tanks store more than 50 tonnes of HFA-152a, then Hazardous Substances Consent will be required. The Control of Major Accident Hazards (COMAH) regulations will also need to be considered.

The impact in terms of Health and Safety will be addressed under other legislation and regulated by the Health and Safety Executive (HSE) and any risk of explosion will be dealt with under their regulatory regimes.

PLANNING BALANCE

The site is previously developed land within a Strategic Employment Area, the principle of the proposed development is supported within the CELPS (Policy EG1), the SADPD (EMP1) and the HCNP (Policy ES2).

The proposed development is considered acceptable and uses the established existing site access to London Road. The proposal would not have a material traffic impact on the local road network. The proposed development is considered to comply with policies CO1 and CO2 of the CELPS, INF3 of the SADPD, and TT2 and TT3 of the HCNP.

The matters of appearance, landscape, layout and scale are all reserved. There is no reason why an acceptable scheme could not be secured at the Reserved Matters stage to deal with design, amenity, noise and parking provision

The development will be acceptable in terms of its drainage/flood risk implications and in terms of the impact upon ecology.

The development would result in the loss of 10 Lombardy Poplar trees. Due to the industrial nature of the site usage and limited public access, in addition to the species present and the relatively short safe and useful life expectancy of Lombardy Poplar, there are no objections to the principal of their removal. Replacement planting will be secured at the Reserved Matters stage.

The development complies with the Development Plan as a whole.

RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Standard Outline 1**
- 2. Standard Outline 2**
- 3. Standard Outline 3**
- 4. Approved Plans**
- 5. Reserved Matters for Landscaping to include a scheme of replacement tree planting**
- 6. Detailed Drainage Design to be submitted and approved**
- 7. Finished Floor Levels to be submitted and approved**
- 8. Submission of a scheme for decentralised and renewable or low carbon energy sources**
- 9. Ecological Enhancement Strategy to be submitted and approved**
- 10. Breeding bird details to be submitted and approved**
- 11. Reserved Matters applications to include Reasonable Avoidance Measures for Great Crested Newts**
- 12. Low emission boilers to be provided**
- 13. Travel Plan to be submitted and approved**
- 14. Reserved Matters to include an updated Noise Impact Assessment**
- 15. Reserved Matters to include cycle parking and changing facilities**

- 16. Contaminated Land – submission of a Phase I Report and if required a Phase II Report**
- 17. Contaminated Land - submission of a Verification Report prior to first occupation**
- 18. Contaminated Land – Importation of soil**
- 19. Contaminated Land – Unexpected contamination**

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



Application No: 22/2887N

Location: HOLLY HEDGE HOUSE, NEWCASTLE ROAD, HOUGH, CW2 5JS

Proposal: Proposed demolition of stables and storage building and the construction of a detached one-bedroom dwelling.

Applicant: Mrs Angela Eardley

Expiry Date: 12-Sep-2022

SUMMARY

The application site is found within the residential curtilage of Holly Hedge a two-storey detached dwelling on Newcastle Road within the Hough Village Infill Boundary as defined by the Site Allocations and Development Policies Document and the Wybunbury Combined Parishes Neighbourhood Plan.

This application seeks approval for the demolition of the existing building and the construction of a two-storey detached dwelling.

The application site is located within the Hough Village Infill Boundary, as such Policy PG.10 (Infill Villages) of the SADPD applies. This Policy states that Infill villages have a defined village infill boundary, as shown on the adopted policies map, but are within the open countryside and do not have a settlement boundary. As the proposed development is a replacement building and not 'infill' development then Policy PG.6 of the CELPS also applies. This Policy permits development that is for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace.

Following on from the above, Policy E.5 of the Neighbourhood Plan states that:

All new development will be expected to respect and enhance the setting of the existing settlements and the surrounding countryside, maintaining, and where possible, enhancing locally important open spaces, significant local views and vistas.

The proposed dwelling will be slightly higher than the existing building and larger in terms of volume, it will have a slightly smaller footprint. As such, it is not considered that the proposed dwelling would be materially larger than the building which it will replace. As such, it is not considered that the proposed development will have any significant visual impact upon the surrounding open countryside. Therefore, the proposal is in accordance with Policy PG.6 and E.5.

There are no significant amenity issues with regard to neighbouring dwellings, ecology or highways.

Therefore, it is considered that the principle of development is acceptable, given that the proposal accords with the above Policies.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee at the request of Cllr Clowes for the following reasons:

Holly Hedge House is situated in its own domestic curtilage off Newcastle Road. I have had to register a number of planning enforcement issues in relation to this site together with the open countryside fields owned by Holly Hedge House to the rear of the property that have been subject to a number of unplanned developments, effectively creating a substantial equestrian business with extensive stables, menage and storage barns:

- | | | |
|----|-------------|--------------|
| 1. | FS412625748 | (01.04.2022) |
| 2. | FS373501755 | (25.10.2021) |
| 3. | FS361650706 | (07.09.2021) |

In addition, the applicant currently lives in a large mobile home which has been placed in very close proximity of the rear boundaries of properties (Hough Cottages) on Newcastle Road, (these properties do not have gardens, just tiny yards) next to Holly Hedge House.

The mobile home has been 'enhanced' by permanent decking around the mobile home, a fenced boundary and hot tub. it was these developments (amongst others) that led to alerting planning enforcement on numerous occasions.

Clarification is required to identify whether or not the demolition and rebuilding of a one-bedroom dwelling on the footprint of the existing Holly Hedge Barn is intended to provide permanent replacement accommodation to replace the mobile home. As the barn is situated within the domestic curtilage of Holly Hedge House, it is not clear whether this new dwelling is intended to be "subservient to the principal dwelling" or not. This is important as both properties would have to share an access, not only with each other but also to the equestrian business beyond.

The new dwelling has no designated parking places. The shared access with Holly Hedge House and equestrian business, severely limits the area available within the domestic curtilage for levels of parking (3-4 spaces) and turning space.

The new dwelling has no allocated amenity space within the domestic curtilage of Holly Hedge House. Whilst this is a one bed-room dwelling, it is a spacious home but has no allocated outside space other than a balcony from the bedroom.

One concern raised with Planning enforcement relates to the access into the domestic curtilage of vehicles to both the equestrian business and Holly Hedge House.

The access has been significantly extended (including the removal of hedges on Newcastle Road) and in order to accommodate large equestrian, supply and construction vehicles, the access has been extended backwards into the domestic curtilage of Holly Hedge House and demarcated by substantial wooden gate (approximately 3.5m high). This has reduced the domestic curtilage available for parking spaces and was implemented without planning permission.

The proposed dwelling effectively lies immediately adjacent to the access/egress route to the business with minimal distancing (in safety terms) between the road and the access into the

dwelling. Horse boxes and business-related vehicles will have to pass (literally) within inches of the door.

If these significant concerns can be addressed, the parish council and affected residents have asked that a condition be applied that the mobile home and all related structures (decking, fencing, two sheds and hot tub) are removed from their position in the open countryside.

DESCRIPTION OF SITE AND CONTEXT

The application site is found within the residential curtilage of Holly Hedge a two-storey detached dwelling on Newcastle Road within the Hough Village Infill Boundary as defined by the Site Allocations and Development Policies Document. The proposal will remain ancillary to Holly hedge and not be a separate dwelling in its own right.

The building to which this application relates is two-storey stable/store.

DETAILS OF PROPOSAL

This application seeks approval for the demolition of the existing building and the construction of a two-storey one bedroom detached dwelling that will remain as ancillary to Holly Hedge.

RELEVANT HISTORY

18/3913N - Provision of replacement stable block - approved with conditions 2018

P92/0122 - Erection of stable block - approved with conditions 1992

7/19755 - Stable block - approved with conditions 1991

POLICIES

Cheshire East Local Plan Strategy

PG6 – Open Countryside
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

Site Allocations and Development Policies Document

PG.10 - Infill Villages
GEN.1 – Design Principles
ENV.1 - Ecological Network
ENV.3 – Landscape Character
ENV.5 - Landscaping
HOU.10 - Backland Development

HOU.12 – Amenity

HOU.13 – Residential Standards

INF.3 – Highway Safety and Access

Neighbourhood Plan - Wybunbury Combined - Made Plan

H.1 - Location of New Houses

H.4 - Design

E.1 - Woodland, Trees, Hedgerows and Boundary Fencing

National policy

NPPF

CONSIDERATIONS (External to Planning)

United Utilities - no objection

Environmental Protection - no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Hough & Chorlton Parish Council

The Parish Council would like to OBJECT to this application on the following grounds -

1. Holly Hedge House is situated in its own domestic curtilage off Newcastle Road. There are a number of enforcement issues raised on the site - 1. FS412625748 (01.04.2022) 2. FS373501755 (25.10.2021) 3. FS361650706 (07.09.2021) In addition, the applicant currently lives in a large mobile home which has been placed in very close proximity of the rear boundaries of properties (Hough Cottages) on Newcastle Road, (these properties do not have gardens, just tiny yards) next to Holly Hedge House.

The mobile home has been 'enhanced' by permanent decking around the mobile home, a fenced boundary and hot tub. it was these developments (amongst others) that led to alerting planning enforcement on numerous occasions.

Clarification is required to identify whether or not the demolition and rebuilding of a one-bedroom dwelling on the footprint of the existing Holly Hedge Barn is intended to provide permanent replacement accommodation to replace the mobile home.

2. As the barn is situated within the domestic curtilage of Holly Hedge House, it is not clear whether this new dwelling is intended to be "subservient to the principal dwelling" or not. This is important as both properties would have to share an access, not only with each other but also to the equestrian business beyond.

3. The new dwelling has no designated parking places. The shared access with Holly Hedge House and equestrian business, severely limits the area available within the domestic curtilage for levels of parking (3-4 spaces) and turning space.

4. The new dwelling has no allocated amenity space within the domestic curtilage of Holly Hedge House. Whilst this is a one bed-room dwelling, it is a spacious home but has no allocated outside space other than a balcony from the bedroom.

5. One concern raised with Planning enforcement relates to the access into the domestic curtilage of vehicles to both the equestrian business and Holly Hedge House. The access has been significantly extended (including the removal of hedges on Newcastle Road) and in order to accommodate large equestrian, supply and construction vehicles, the access has been extended backwards into the domestic curtilage of Holly Hedge House and demarcated by substantial wooden gate (approximately 3.5m high). This has reduced the domestic curtilage available for parking spaces and was implemented without planning permission.

The proposed dwelling effectively lies immediately adjacent to the access/egress route to the business with minimal distancing (in safety terms) between the road and the access into the dwelling. Horse boxes and business-related vehicles will have to pass (literally) within inches of the door.

If these concerns can be addressed, the parish council and affected residents have asked that a condition be applied that the mobile home and all related structures (decking, fencing, two sheds and hot tub) are removed from their position in the open countryside.

OTHER REPRESENTATIONS

One letter of representation has been received from the occupiers of a neighbouring property which makes the following general points:

- Concerns over ground works affecting neighbouring property
- Controlled working hours

OFFICER APPRAISAL

Procedural Matters

With regard to the comments submitted by the Parish Council, there have been a number of concerns raised regarding the application site and the equine activities. These have been investigated by the Council's Planning Enforcement Team with all cases now having been closed. In any event this application is concerned with whether the proposed dwelling is acceptable and not.

Principle of Development

The application site is located within the Hough Village Infill Boundary, as such Policy PG.10 (Infill Villages) of the SADPD applies. This Policy states that Infill villages have a defined village infill boundary, as shown on the adopted policies map, but are within the open countryside and do not have a settlement boundary. As the proposed development is a replacement building and not 'infill' development then Policy PG.6 of the CELPS also applies. This Policy permits development that is for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace.

Policy H1 of the WCPNP identifies that the site falls within the infill boundary for Hough and that limited infilling will be supported where it is in keeping with the scale, character and appearance of its surroundings and the local area; does not give rise to unacceptable impacts; and does not involve the loss of undeveloped land that makes a positive contribution to the character of the area.

Following on from the above, Policy E.5 of the Neighbourhood Plan states that:

All new development will be expected to respect and enhance the setting of the existing settlements and the surrounding countryside, maintaining, and where possible, enhancing locally important open spaces, significant local views and vistas.

In terms of scale of the proposed dwelling, the existing building has a footprint of approximately 60sq metres and a height of 6.1 metres, while the proposed dwelling will have a footprint of approximately 56sq metres and a height of 6.4 metres. The volume of the existing building is approximately 230cu.m, the proposed dwelling will have a volume of approximately 257cu.m. Following on from this the proposed dwelling will also occupy the same footprint as the existing building.

With the above in mind, it is considered that the while the proposed dwelling will be slightly higher than the existing building and slightly larger in terms of volume, it will have a slightly smaller footprint. As such, it is not considered that the proposed dwelling would be materially larger than the building which it will replace and is in accordance with Policy PG.6.

Design and Open Countryside

Policy PG.6 states that development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character, so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

As discussed above, the proposed dwelling is not considered to be materially larger than the building it will replace and is in accordance with PG.6 in that regard.

In terms of design, the proposed dwelling will be of a relatively simple design with a balcony area to the north elevation. It will not be too dissimilar to the existing building and will also be located on the same footprint within an existing linear development. In terms of scale, bulk and mass, it is not considered that the visual impact of the proposed dwelling would have a significant materially visual change to the existing streetscene or the surrounding open countryside.

With the above in mind, it is considered that the proposed development is of an appropriate design and will not cause any significant visual impact to the streetscene or the surrounding open countryside.

Amenity

The nearest neighbouring dwelling is adjacent to the site to the west (known as Dale House). This dwelling has a side elevation facing towards the application site, which does not contain any windows, as such there will not be any significant amenity impact from this perspective. The north elevation of Dale House has a window, but it is unclear what room this window serves. However, the proposed dwelling will occupy the same footprint as the existing building, as such it is not considered that there will be any significant change to the existing amenity situation with regards to this window. Following on from this, the proposed balcony will be in such a position so as to prevent any easy viewing back towards the neighbouring dwelling.

To the east is a row of terraced dwellings with the closest to the application site being approximately 20 metres away. This dwelling has a side elevation facing towards the application site, however much of it is screened by the existing dwelling at Holly Hedge. There are three windows to the first floor of the east elevation of the proposed dwelling. One will serve a bathroom, while the other two are considered to be secondary windows serving the bedroom.

With the above in mind, it is not considered that there will be any significant amenity impact caused by the proposed development.

There are other neighbouring dwellings to the south on the opposite side of Newcastle Road, however the closest of these sits approximately 28 metres away and there will not be any directly facing principal elevation relationships.

In terms of private amenity space for the proposed development, there is no Policy requirement for this as it will remain ancillary to Holly Hedge and have use of the existing amenity space.

Overall, it is not considered that the proposed development will have any significant impact on neighbouring residential amenity.

Highways

The proposal is for a single one bed dwelling in place of the existing stables, which will be ancillary to the existing dwelling. The existing dwelling has three bedrooms and the proposal will make use of the existing vehicle access off Newcastle Road which will also be shared with the equestrian site.

The existing vehicle access is wide and sufficient to cater for the additional vehicle trips the proposal will generate, which in any case will be minimal. The equestrian site is for personal use only by the applicant and does not generate a significant number of vehicle trips.

Given the total number of bedrooms, three car parking spaces are required. There is space to the front for a car and beyond the gate there is space for another four spaces at least, while maintaining access to the equestrian site.

The Council's Highways Officer considers that the access and parking provision are acceptable and no objection is raised.

Ecology

The application has been supported by an Ecology Survey.

Bats

A Protected Species Survey in respect of bats was submitted with the application. This survey did not identify any legally protected roosts.

There are no other Protected Species or ecology concerns.

With the above in mind, it is not considered that the proposed development will have any detrimental effect on Protected Species either on or close to the application site. Should approval be granted a condition will be attached requiring the submission of a strategy to enhance the biodiversity of the site.

CONCLUSIONS

It is considered that the proposal is of an acceptable design that would have minimal impact upon the character and appearance of the countryside or the streetscene. No significant harm would be caused to the amenities of the surrounding residential properties or highway safety. The development complies with the Development Plan as a whole.

RECOMMENDATIONS

APPROVE with conditions

1. **Three year time limit**
1. **Approved Plans**
2. **Materials as per application**
3. **Electric Vehicle Infrastructure**
4. **Nesting birds**
5. **Biodiversity enhancement**
6. **Contaminated Land**
7. **Contaminated Land Contaminated Land**
8. **Verification Report**
9. **Imported soil tested for contamination**
10. **Ancillary to Holly Hedge**

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



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