

# **Southern Planning Committee**

## **Agenda**

---

<b>Date:</b>	<b>Wednesday 15th March 2023</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

---

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

---

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be 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 5 - 10)**

To approve the minutes of the meeting held on 8 February 2023.

---

For requests for further information

**Contact:** Rachel Graves

**E-Mail:** [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@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 11 - 30)**

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 31 - 52)**

To consider the above planning application.

7. **21/5436C - LAND EAST AND WEST OF, CROXTON LANE, MIDDLEWICH, CHESHIRE: The erection of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way. (Pages 53 - 82)**

To consider the above planning application.

8. **22/4472N - SOUTH CHESHIRE MAGISTRATES COURT (LAW COURT), AND LAND TO WEST UP TO AND INCLUDING THE LIBRARY BUILDING, PRINCE ALBERT STREET, CREWE:**The dismantling of the existing library building (to be replaced by a new History Centre as part of a separate application by others), the dismantling of the existing raised concrete deck between the existing library building and the existing law courts, the construction of a new entrance extension to the western facade of the law court building and the installation of a new public realm landscape to replace the existing car park with connection to Memorial Square (Pages 83 - 100)

To consider the above planning application.

9. **22/4451N - CREWE LIBRARY, PRINCE ALBERT STREET, CREWE, CHESHIRE, CW1 2DH:** Construction of a new History Centre (Class F1) with related access, servicing, landscaping and other associated works, following the demolition of the former Crewe Library building (Pages 101 - 116)

To consider the above planning application.

10. **23/0101N - LAND OFF, CREWE ROAD, HASLINGTON:** Planning permission for the erection of 5 no. two storey dwellings with associated parking and landscaping (Pages 117 - 132)

To consider the above planning application.

11. **Planning Enforcement Update Report** (Pages 133 - 160)

To note the content of the report.

## **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

This page is intentionally left blank

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 8th February, 2023 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors A Critchley, S Davies, S Edgar, A Gage, D Marren, S Pochin,  
L Smith and J Wray

**OFFICERS IN ATTENDANCE**

Dan Evans, Principal Planning Officer  
Gareth Anderson, Principal Planning Officer  
Andrew Goligher, Highways Officer  
Andrew Poynton, Senior Planning and Highways Lawyer  
Rachel Graves, Democratic Services Officer

**62 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors M Benson, J Bratherton and  
C Naismith. Councillor S Edgar substituted for Councillor Benson.

**63 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In respect of application 22/2692N, Councillor S Edgar declared that he  
had called in the application and that he would speak as the ward member  
and then leave the meeting during consideration of the application and  
take no part in the debate or vote.

**64 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 11 January 2023 be approved as  
a correct record.

**65 PUBLIC SPEAKING**

The public speaking procedures were noted.

- 66 **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)**

Consideration was given to the above planning application.

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

Councillor Steven Edgar (ward councillor) and Mr Alan Corinaldi-Knott (agent).

**RESOLVED:**

That the application be DEFERRED for the following reasons:

1. further discussion to increase the garden sizes and dwelling sizes for certain plots
2. to consider the provision of a pedestrian link to the site to the North East.

- 67 **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**

Consideration was given to the above planning application.

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

Councillor Rachel Bailey (ward councillor), Newhall Parish Councillor Joe Batho, Sound & District Parish Councillor Paul Griffiths, Mr Mark Cooper (objector) and Mr Richard Lee (agent).

**RESOLVED:**

That the application be DEFERRED for the following reasons:

1. to allow Members to visit the site
2. for further information on need for the development.

*Councillor L Smith left the meeting before consideration of the following application and did not return to the meeting.*

68 **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**

Consideration was given to the above planning application.

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

Ms Rhian Smith (agent).

**RESOLVED:**

That for the reasons set out in the report the application be APPROVED, 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.

*Councillor D Marren the meeting before consideration of the following application and did not return to the meeting.*

**69 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**

Consideration was given to the above planning application.

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

Councillor Janet Clowes (ward councillor)

**RESOVLED:**

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

- 1 Three-year time limit
- 2 Approved Plans
- 3 Materials as per application
- 4 Electric Vehicle Infrastructure
- 5 Nesting birds
- 6 Biodiversity enhancement
- 7 Contaminated Land
- 8 Contaminated Land Contaminated Land
- 9 Verification Report
- 10 Imported soil tested for contamination
- 11 Ancillary to Holly Hedge
- 12 Within 3 months of the occupation of the accommodation hereby approved the mobile home to the rear of 1-6 Hough Cottages and its associated hard standing, boundary treatment and infrastructure shall be permanently removed from the site.

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.

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor A Kolker (Chair)





This page is intentionally left blank

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: 09-Feb-2023

### **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**

### **ACTION SINCE COMMITTEE DEFERRAL**

The application was heard at the planning committee meeting of 8<sup>th</sup> February and was deferred for the following reasons:

- To allows further discussion to increase the garden sizes and dwelling sizes for certain plots

Further discussion has taken place with the applicant and as a result the proposal has been reduced by 1 dwelling from 55 to 54 houses and the plot types for the substandard properties have been changed.

This has allowed the room sizes of those plots to be increased and now comply with NDSS. The plots with the substandard garden areas have also been sited closer to the road to allow the garden sizes to be increased in line with the 50sqm target (see space standards and amenity sections below)

- To consider the provision of a pedestrian link to the site to the North East

The applicant has reviewed the potential for a footpath as requested, however after looking at the deed plans for the homes on their Nursery Fields development, the area is fully in the deeds of the customer who purchased plot 24 and therefore does not lie within the applicants ownership or within any management company ownership. Also, the field to the north of the site is also not owned by the applicant so they will not be able to accommodate a footpath link.

## **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 54 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 54 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 Council's Urban Design Officer initially assessed the proposal and suggested some changes. Revised plans have been provided which are discussed below:

- To enhance the character of key plots including the side wall of Plot 54

Changes have been made to the proposed brick types – Wienerberger Westerton Orange and Wienerberger Durham Red – the plots where each of these brick types are to be used are shown on the layout by way of a different colour shading of each plot.

Regarding plot 54, no additional side windows are to be provided other than the than the first floor bathroom windows due to the need to overcome shading issues highlighted in the tree section of the main report. For this reason no ground floor side window is possible.

However in order to address the issue around plot 55, it is proposed to enclose that area of open space and bring it within the proposed curtilage of plot 55 so that there is no open space that is obscured from public view.

- swapping the roofs of plots 8/9 to gabled design to match predominate roof forms

With regard to the hipped roofs, the applicant does not propose to make any amendments to the house types however have moved what was plot 8 & 9 away from Plots 6-7 (2.5 storey) to assist with this street scene.

- 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

The coloured bitmac around the Open Space has been changed to tegular paving.

- 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)

The Section 106 agreement for the outline scheme requires the submission of a management plan for the open space and for this to be approved prior to the occupation of the development.

The agent advises that a management company has yet to be confirmed for the site, hence they consider it makes little sense to prepare and submit a management plan speculatively until such time that the management company is confirmed.

- 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 applicant has explored moving Plot 5 however this has not been possible because its current position is dealing with a previous tree shading issue similar, however to assist with breaking up the frontage parking, Duchy Homes have switched Plots 9 & 10 with Plot 8.

A further tree has also been added in the front garden of Plot 27.

The changes as noted above have been re-assessed by the Councils Urban Design Officer who raises no further concerns with the proposal subject to condition for the landscaping scheme to include some defensive planting/screening in front of the fence of Plot 55 as part of the landscape scheme.

Therefore the proposal is considered to be acceptable in design terms and complies with Policies SE1 & GEN1 of the CELPS and SADPD.

### 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:

	<b>Market housing</b>	<b>Intermediate housing</b>	<b>Low-cost rent Affordable housing for rent</b>
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 54 dwellings in total with 19 affordable units and 35 open market dwellings. The mix of houses per bedrooms and tenure split would be as below:

	Market Housing	Intermediate	Affordable Rent
1 bed	0 units <b>0%</b> (target 5%)	0 units <b>4%</b> (target 14%)	8 units <b>14%</b> (target 26%)
2 bed	6 units <b>11%</b> (target 23%)	5 units <b>9%</b> (target 53%)	2 units <b>4%</b> (target 42%)
3 bed	11 units <b>20%</b> (target 53%)	4 units <b>7%</b> (target 28%)	0 units <b>4%</b> (target 20%)
4 bed	9 units <b>16 %</b> (target 15%)	0 units <b>0%</b> (target 4%)	0 units <b>0%</b> (target 10%)
5+ bed	9 unit <b>16%</b> (target 3%)	0 units <b>0%</b> (target 1%)	0 units <b>0%</b> (target 3%)

This would therefore provide the below mix of houses for all tenure types:

- 1 bed units x 8 (14%)
- 2 bed units x 13 (24%)
- 3 bed units x 15 (28%)
- 4 bed units x 9 (17%)
- 5 bed units x 9 (17%)

As can be seen from the table above the mix would not be provided in full accordance 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 3 people – 70sqm
- 2 beds for 4 people – 79sqm
- 3 beds for 4 people – 84sqm
- 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
Dunstall 1 bed (2 people) – 58.16sqm	Complies
Benham 2 bed (3 people) – 70.90sqm	Complies
Windsor 3 bed (4 people) – 98.48sqm	Complies

As can be seen above, all the of plots now comply with the NDSS.

### 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.

19 affordable units are to be provided split between 9 intermediate and 10 affordable rent units. The bedroom and tenure split of the properties is as follows

	Intermediate	affordable
1 bed	0	8
2 bed	5	2
3 bed	4	0
4 bed	0	0
5 bed	0	0
Total	9	10

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 SPD recommends that family homes should provide 50sqm of private garden areas.

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.

Initially the majority of plots provided at least the 50sqm recommended garden area but with eight of the plots being less than the recommended minimum. These related to the 1-bedroom units. These plots have been sited closer to the road which has resulted in larger garden areas being provided with all plots now providing at least the 50sqm target.

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 Councils 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 54 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 applicants 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 be 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 needs 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.

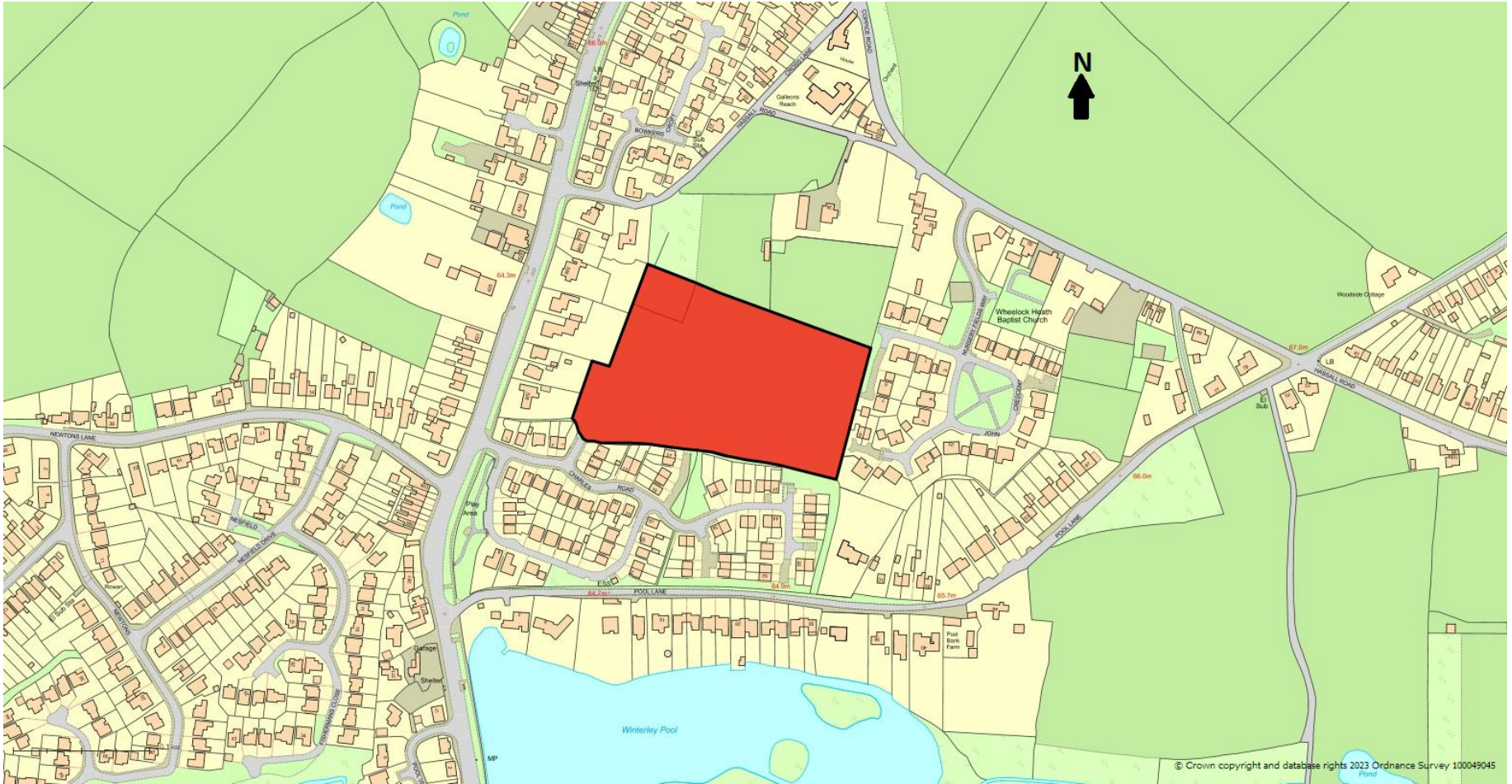
The application is therefore recommended for approval.

## **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.**



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: 16-Mar-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

### **ACTION SINCE DEFERRAL**

**The application was heard by committee on the 8<sup>th</sup> February 2023 and was deferred for the following reasons:**

- **To allow Members to visit the site**

A site visit has been arranged for Friday 10<sup>th</sup> March in advance of the 15<sup>th</sup> March planning committee.

- **For further information on need for the development**

An additional supporting statement has been provided by the applicant which further explores the need for the proposal and is discussed in detail in the principle of development section below but in essence it is considered that need has been demonstrated. The Councils Visitor Economy Manager also continues to support the scheme.

**In addition the following changes/information has been provided:**

- To address concerns about the accessibility of the site for future users, the applicant is now proposing a footpath link with the adjoining land owner to create a private footpath link between the Coole Acres site to the PROW – Newhall FP35, which then links to the canal towpath. This is a private arrangement between the applicant and the landowner, Overwater Marina. The footpath will remain private for use by visitors to Coole Acres and Overwater Marina. It is mutually beneficial to both parties, but the applicant has advised that they will not enter into a formal undertaking regarding its retention.
- A Highway Technical Note prepared by SCP has been provided. This confirms that there won't be any highway safety issues associated with the proposals. This has been accepted and agreed by the Councils Highways Engineer.
- A further landscaping scheme has been provided. Comments on suitability of this are awaited from the Councils Landscape Officer.

**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 of 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 and 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 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 23<sup>rd</sup> 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 points

**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 two existing enterprises (the caravan park to the north and the existing fishery with holiday accommodation on site) by 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 seeks to expand an existing business.

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

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 clearly 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.”

As this proposal seeks to expand existing enterprises, including one on the application site and one to the north, it is considered that the location of the proposal justifies this open countryside location rather than re-locating the existing enterprise and the use is clearly intrinsically linked with the countryside. It is also agreed that it makes sense to locate the proposed lodges adjacent to the existing caravan park, within an area of low flood risk.

There are also other comparable uses in the locality which have received planning permission at Wrenbury Fishery and Sunny Oak Caravan Site, Wirswall. Approval of these has accepted such uses as appropriate to countryside locations thus complying with Policy RUR8. Given the current proposal is for a similar use and scale, the same conclusion can be reached here. Furthermore, the current proposal also relates to a site-specific attraction: a lakeside setting and angling and seeks to expand an existing enterprise rather than create a new one.

Following deferral of the application from the 8<sup>th</sup> February Planning Committee a need assessment has been provided to consider if there is a need for the proposal. This firstly advises that the application site was chosen specifically following an application to extend the existing holiday park on the applicants site immediately to the north known as Sunnyside Touring Park. That application was withdrawn due to being sited within a flood zone 2 and 3, however a sequential test as part of the application revealed the current application site at Cool Acres to

be sequentially preferable being sited in a flood zone 1, hence one of the reasons why this site was chosen.

The assessment also highlights the support for this type of use within the Cheshire East Countryside as contained within the Cheshire East Council Visitor Economy Strategy (2016-2020) in particular page 7 notes

*“Cheshire East has an amazing array of self-catering properties, however there is a need to increase its numbers and profile in the ‘outdoor’ accommodation arena with an increase in quality Glamping and Caravan & Camping sites, in line with Cheshire East Council Planning Policies. 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”.*

Further reference is also made to page 9 which notes

“Whilst continuing to promote the quality hotel offer in Cheshire East, there are particular opportunities to showcase our self-catering, glamping, camping and caravanning offer as offering both value for money and quality. This can be linked with the outdoor offer including walks and cycling, along with itineraries around places to visit and places to eat and drink”

The report also looks at current and potential supply in the south of Cheshire East using the following sources:

- Existing CEC licensed sites. The assessment excludes residential caravan parks, traveller and gypsy sites and caravan/lodge parks in the northern part of Cheshire East
- Other advertised operating sites
- Sites with recent planning permissions for similar uses

The figures of which are summarised in the table below, shows that there are a total of 270 pitches in the south of Cheshire East, of which 29 (10.7%) are for static caravans/lodges/pods. This falls below the north west average of 61% and the national average of 47% as sourced the UK Caravan and Camping Alliance, suggesting a greater need than supply within Cheshire East.

	Static Caravans & Lodges	Glamping Pods	Touring/Seasonal Caravan Pitches	<b>Totals</b>
Pitches on CEC licensed & other sites operating in the south of Cheshire East	10	19	241	<b>270</b>
Sites in the south of Cheshire East with recent planning permission	48	9	32	<b>89</b>
<b>Totals</b>	<b>58</b>	<b>28</b>	<b>273</b>	<b>359</b>

This application is for 19 lodges and 2 mobile camping pods. This represents an increase of just 7.7% on the total number of pitches in the south of Cheshire East and a 72% increase over what currently exists.

In addition to the existing site provision the potential pipeline of new or extended sites that may come forward has also been considered. The sites identified comprise new sites and extensions to existing sites approved in the past 5 years where the development is yet to be completed.

Of the 87 recently consented pitches identified, 57 are static caravan/lodges/pods. Whilst this number is greater than recent permissions for touring/seasonal pitches, the actual proportion of the total number of pitches (including those already operating) is 15.8% for static caravans/lodges/pods. This remains well below the north west average of 61% and the national average of 47%.

Finally the report also provides occupancy data for the existing holiday lodge at Cool Acres. This confirms a high level of demand for such accommodation at the site.

The Council's Visitor Economy Manager's has also been consulted both at the initial application and again on the additional need assessment. He continues to advise that the application proposal will meet the objectives identified within the Cheshire East Council Visitor Economy Strategy (2016- 2020) advising that:

"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 makes reference to the Cheshire East Council Visitor Economy Strategy (2016- 2020) in particular page 7 which notes:

"Cheshire East has an amazing array of self-catering properties, however there is a need to increase its numbers and profile in the 'outdoor' accommodation arena with an increase in quality Glamping and Caravan & Camping sites, in line with Cheshire East Council Planning

Policies. 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 it is clear that there remains a need for this type of use/tourist accommodation despite other similar uses in the locality therefore the proposal is considered to be 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.

It is also not unusual to see caravans in the open countryside and 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. As a result, the actual visual impact is considered to be limited.

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 lodge 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 site, thus the lodges would be visible from the heritage asset and as such 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 existing enterprises, the countryside location is considered justified rather than being sited elsewhere. The proposal seeks to utilise the existing infrastructure as this shares existing access/roadway into the site. 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/creation 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 existing uses on site and to the north so clearly this countryside location is 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 which provides facilities for users of the site. 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, as is the countryside attraction.

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 and walking/cycling routes. 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 this property and 35m to the shared boundary. These separation distances are 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 uses. 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 and this is not considered to be a noisy or unreasonable use for this location. Similarly, the separation distances, 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.

At the February planning committee some concerns were expressed about the suitability of the local road network to accommodate the proposal and as such the application was deferred to allow members to visit the site. In the meantime the applicant has provided an updated highways report to look at accident reports and traffic data. This has been assessed by the Councils Highways Engineer along with a speed assessment commissioned by Audlem Parish Council which took place in November 22. The Councils Highways Engineer advises that he continues to have no objections advising”

*“The highways technical note forecasts that the development will generate approximately 50 two-way vehicle trips during a typical day, with the vehicle trips not condensed into a normal peak hour, and this is considered a reasonable assessment. Some of these would come to/from the south and some to/from the north and given the width of Coole Lane the highways impact is considered negligible.*

*Coole Lane is part of the national cycle route and is considered safe for cyclists and there have been no accidents on Coole Lane involving pedestrians. Coole Lane has sufficient width for pedestrians and vehicles, and has good forward visibility.*

*The PC submitted speed survey data but this is a distance from the site and not considered to be relevant to this application. The speed surveys carried out as part of the adjacent Sunnyside Touring Park are more relevant, and the splays already conditioned with this current application and more than enough to accommodate these speeds.*

Following concerns from members of the planning committee about the safety of the area for pedestrians, the applicant has also recently provided a private footway link between Coole Acres and the Marina site, which is mutually beneficial to both parties with visitors being able to access the Marina and its facilities more directly. Similarly, visitors to the Marina will be able to access the fishing lakes.

Ordinarily the footpath link would be secured by condition/ legal agreement, however the land owners have made it clear that they are not prepared to do this. The applicant has however engaged SCP to review the highway situation on Coole Lane, including trip rates, recorded speeds and pedestrian safety. SCP has also reviewed the additional survey information that has been provided and confirm that this does not change their opinion which is based upon the TRICS data base for comparable developments:

"The development proposals would be anticipated to lead to an imperceptible increase in traffic movement, pedestrian movement and cycle movement via the existing site access. As such it is concluded that the development proposals would not alter the existing conditions along Coole Lane with the bridge reopened.

It is therefore concluded that the assessments undertaken by the Highways Officer are correct and his conclusions are therefore supported by this assessment."

Therefore whilst it would be preferable to secure retention of the footpath by condition/legal agreement, given that it has not been demonstrated to be reasonably necessary to make the proposal safer, it is not deemed reasonable to do so and would not pass the relevant tests for a lawful condition. However given the fact that the footpath has already been provided there is a clear intent for this to be used. There is also a benefit to both the application site and the marina for users to cross sites which is beneficial to both sites suggesting it is likely to remain in situ.

Therefore, it is not considered that the proposal would in any 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.

It is 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.

The Councils Landscape Officer has been consulted and initially required further information/plans to ensure the proposals integrate more landscaping between the proposed units and to strengthen the southern edge boundary hedge with more 'native hedge planting and remove the existing recently planted junior Cupressus x leylandii hedge.

As a result a revised landscaping plan has been provided with additional planting to the western boundary. This has been re-assessed by the Councils Landscaping Officer who advises that the current landscape proposals have begun to address his initial comments and recommends that if the scheme is approved conditions be added to require a landscaping scheme to include removal of a Cupressus x leylandii hedge and the planting of a native hedge in same location and addition of occasional planting of some Pinus sylvestris within the native tree planting mix to help with screening. He has also suggested a landscape management plan condition. These can be secured by condition.

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 now 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.

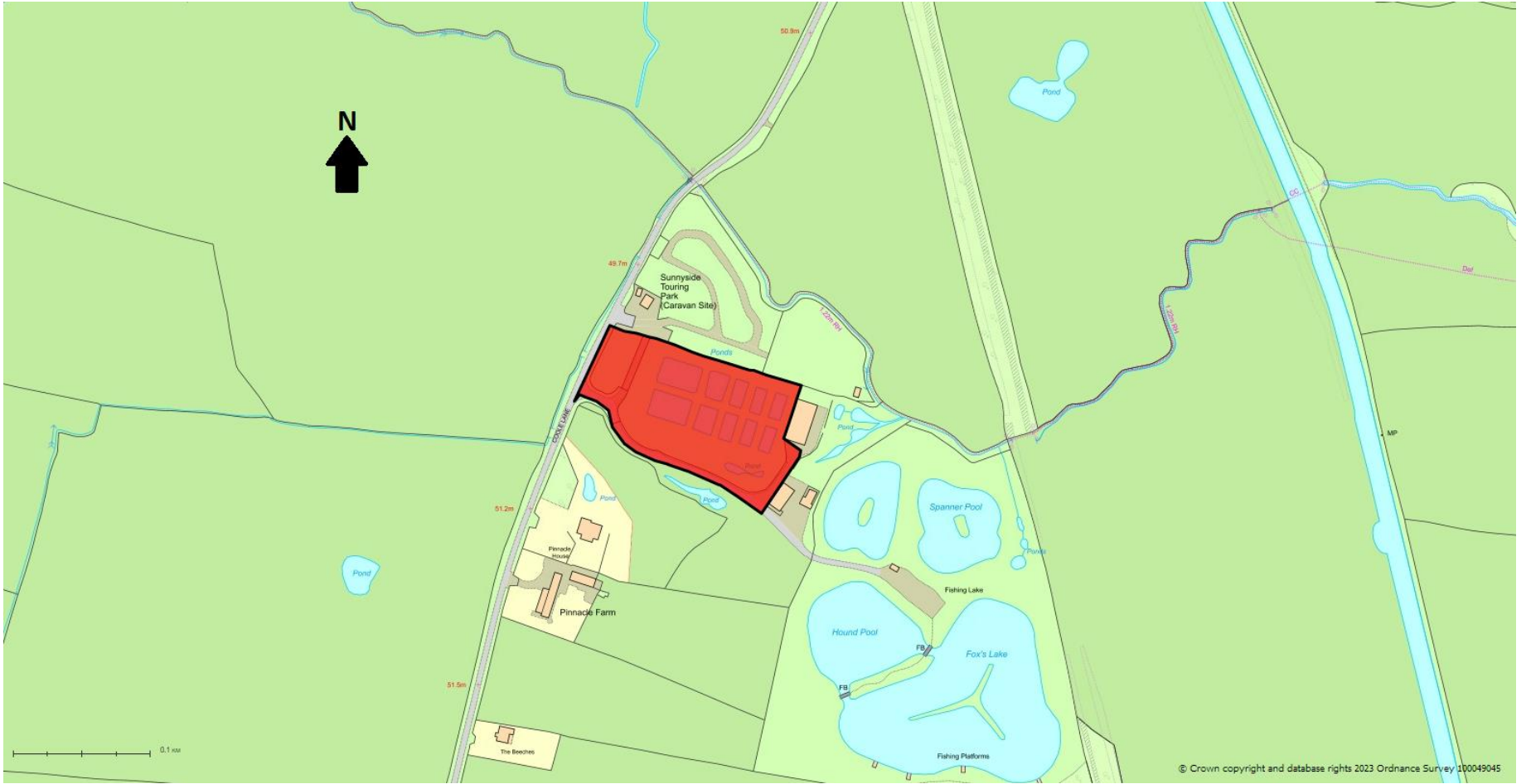
## **RECOMMENDATIONS**

**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 a landscaping scheme including management for the landscaping of southern boundary
- 16) Implementation of landscaping and 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.





This page is intentionally left blank

Application No: 21/5436C

Location: Land East and West of, CROXTON LANE, MIDDLEWICH, CHESHIRE

Proposal: The erection of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way.

Applicant: Brenig Construction Ltd, Anwyl Land Ltd & Mrs D M Frances-Hayhurst Foundation

Expiry Date: 17-Mar-2023

## SUMMARY

The principle of development is considered to be acceptable and the site is allocated for development within Policy MID1 of the SADPD.

The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

The proposal would have neutral impact upon the setting of the adjacent Conservation Area and the proposal complies with policies SE7 of the CELPS, and HER1 and HER3 of the SADPD. The impact upon archaeology could be mitigated via the imposition of a planning condition.

In terms of the POS is considered to be acceptable and would be secured via the completion of a S106 Agreement.

An acceptable landscaping scheme could be secured via the imposition of a planning condition and the development is acceptable in terms of its impact upon ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, and policies ENV3, EN5 and ENV6 of the SADPD.

The impact upon the trees and hedgerows on the site is considered to be acceptable and complies with Policy ENV6 of the SADPD and SE5 of the SADPD.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2, CO2 and SE1 of the CELPS and policy INF3 of the SADPD.

The concerns regarding brine subsidence are noted, but this issue will be resolved at the Building Regulations stage.

The development complies with the Development Plan as a whole and is recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to the completion of a S106 Agreement and subject to conditions.**

### **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee as it relates to a residential development of between 20-199 dwellings.

### **SITE DESCRIPTION**

The site of the proposed development extends to 2.26 ha and forms two parts of land on either side of Croxton Lane. The site forms part of MID1 of the SADPD. To the south is residential development fronting Croxton Lane, Nursery Close and Canalside Way. There is also an individual dwelling to the north of the site.

To the north and east of the site is the Trent and Mersey Canal which is located within a Conservation Area.

Public Footpath Middlewich FP13 crosses the eastern parcel of the site.

To the north-west of the site is the Middlewich Household Waste Recycling Centre.

The majority of the site is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

### **PROPOSAL**

This is a full application for the erection of 52 dwellings. Each site would be accessed via a new access from Croxton Lane

The proposed development would have the following housing mix;

- 4 x one bedroom dwellings
- 21 x two bedroom dwellings

- 19 x three bedroom dwellings
- 8 x four bedroom dwellings

All dwellings would be two-stories in height.

The development includes 30.8% affordable housing provision (16 units).

## **RELEVANT HISTORY**

The site has no planning history.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

SC4 – Residential Mix

CO1 - Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

### **Site Allocations and Development Policies Document**

PG9 – Settlement Boundaries

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

HER1 – Heritage Assets

HER3 – Conservation Areas  
HER8 - Archaeology  
RUR5 – Best and Most Versatile Agricultural Land  
HOU1 – Housing Mix  
HOU8 – Space, Accessibility and Wheelchair Housing Standards  
HOU12 – Amenity  
HOU13 – Residential Standards  
HOU14 – Housing Density  
HOU15 – Housing Density  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highways Safety and Access  
INF9 – Utilities  
INF10 – Canals and Mooring Facilities  
REC2 – Indoor Sport and Recreation Implementation  
REC3 – Open Space Implementation  
MID1 – East and West of Croxton Lane

### **Middlewich Neighbourhood Plan**

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'

### **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

60-80. Wide choice of quality homes

126-136. Requiring good design

189-208. Conserving and Enhancing the Historic Environment

### **CONSULTATIONS**

**CE Flood Risk Manager:** No objection in principle. However, further information is required to manage surface water on the site.

There appears to be some form of flow path or ordinary watercourse on the western boundary. It is important that any proposed properties are situated outside of this pluvial flood risk, with appropriate FFL's in this area to ensure properties are not at risk during extreme storm events. Changes in land levels should be agreed with the LLFA and potentially supported with an appropriate boundary treatment to ensure no transfer or displacement of surface water onto adjacent third-party land.

SuDs are actively promoted on sites where this is practicable. The applicant is directed to the technical standards provided by government relating to the design, construction, operation and maintenance of SuDS that have been published as guidance.

The Flood Risk Officer would expect the drainage strategy for this development to be able to account for 1 in 100-year rainfall event plus 40% allowance for climate change, with the



appropriate drainage modelling and calculations to support the chosen method of surface water drainage. Further information will also be required regarding the proposed pond attenuation basins, including design slope stability calculations as necessary to ensure they offer sufficient robustness as a water retaining structure and risk against collapse/failure. Additionally, further discussions will need to take place regarding the catchment the swale is serving to ensure it meets the requirements of the Water Industry Act, as well as the inlet/outlet arrangement for the attenuation pond, particularly if the development is intended to be offered for adoption to United Utilities. The LLFA advises these matters are discussed with United Utilities.

It is noted that the existing highway drain present to the south of the western parcel of site is intended to be diverted. The developer is advised and reminded that this will require formal consent from Cheshire East Highways for these works. If any ordinary watercourses are identified on site, the LLFA should be made aware as any alterations to these structures would require formal consent from ourselves under Land Drainage Act 1991.

Conditions are suggested.

**United Utilities:** The proposals are acceptable in principle to United Utilities subject to conditions relating to;

- Surface Water Drainage
- Foul and surface water drained on separate systems
- Surface water drainage management

A public sewer crosses the site and UU will not permit building over it. An access strip of 6m (3m either side) will be required. To establish if a sewer diversion is possible then this should be discussed with UU.

**Canal & River Trust:** Offer the following comments;

- Acknowledge the widening of the planting along the northern boundary buffer to the canal. The boundary hedge/vegetation should be managed/maintained for the lifetime of the development. Any planting shall be native species.
- The excavation of the attenuation pond and the foundations closest to the canal should be carefully managed to ensure that the structural integrity of the canal is safeguarded. Cross-sections should be provided in relation to this matter.
- The submitted layout shows that the properties closest to the canal corridor would have a lower density with side elevations facing the canal. Generally, the C&RT seek to resist such layouts, however given the mature retained vegetation the development would not be visible.
- The formation of the outfall to the canal would require some vegetation clearance along the northern boundary and this will need to be carefully managed to protect the canal and in terms of replacement planting.
- The outfall should be fitted with oil interceptors
- Surface water drainage condition suggested
- The towpath within the vicinity of the site needs to be upgraded in order to fulfil its roll identified in the Local Plan. The towpath provides an important leisure and recreational route. The C&RT request a financial contribution for increased maintenance costs or to upgrade the towpath surface.
- A Construction Environment Management Plan should be secured via the imposition of a planning condition.

- Welcome the retention and bolstering of the hedgerow. The LPA should satisfy itself with the submitted Hedgerow Assessment.
- Informatives suggested for the decision notice

**CEC Education:** The following contributions are required to mitigate the impact of the development;

- £130,741.52 (secondary education)
- £45,500 (SEN)

**Strategic Housing Manager:** Following the receipt of an Affordable Housing Statement no objection is raised to this development.

**Environment Agency:** No comments received.

**Cheshire Brine Subsidence Board:** The Brine Board is of the opinion that the site is within an area which has previously been affected by brine subsidence and future movements cannot be discounted. In addition, there are a number of past claims for damage due to subsidence from brine pumping for properties within the vicinity of the site. The Brine Board recommends that precautions are incorporated within the design of the proposed development.

Such precautions may includes;

- Foundations – reinforced concrete raft
- Services – use of flexible materials in service runs; maximise gradients of drains; avoid soakaways
- Superstructure – incorporation of flexibility (flexible couplings within portal frames and maximise use of movement joints.

The board would be willing to discuss alternative design options when a ground dissolution/ brine extraction related risk assessment is submitted, with proposed foundation designs that are designed to overcome the potential effects of brine pumping related subsidence.

As a further requirement the board hereby confirms their request for you to a copy of their consultation response to any document by which the decision on this application is communicated to the applicant. It is important to recognise that there is a second statutory obligation to consult the CBSCB at the Building Control approval stage and that failure to comply at this stage could seriously jeopardise rights of redress, property sales and insurance.

**NHS:** Request a contribution to mitigate the impact of the proposed development.

**Cadent Gas:** No comments received.

**Archaeology:** Standard condition suggested.

**PROW:** The development if approved will affect Footpaths No 13 and 14 in Middlewich.

The issues with the street furniture being placed along the legal line of the footpath is now resolved.

The only outstanding matter as stated in the previous response relates to details of the specifications of the footpath, surfacing, widths, furniture etc. These have not been provided nor the detail of the future management within a site management plan.

The PROW Officer has no objection to this application.

**Strategic Highways Manager:** No objections are raised subject to a condition to secure the off-site highway access works including the new footways and speed limit change.

**Environmental Health:** The following conditions are suggested;

- Implementation of the noise mitigation measures within the acoustic report
- Low emission boilers
- Submission and approval of a Contaminated Land Report
- Submission of a Verification Report before occupation
- Importation of soils
- Unexpected contamination

**Public Open Space:** Initial concerns have been addressed following the submission of revised plans. All that remains is the LEAP design, natural play elements, artwork and other infrastructure such as seating, planters to be submitted at a later stage.

## **VIEWS OF THE PARISH COUNCIL**

**Middlewich Town Council:** Objects to the application on the following grounds;

- Issues with ground stability and brine subsidence, as identified in the comments made by the Cheshire Brine Board.
- Development close to the canal should be rejected. The canal bed is believed to be puddled clay and has the potential to be disturbed during construction.
- Risk of subsidence. A ground dissolution/brine related risk assessment must be carried out prior to determination.
- The application site lies in close proximity to a former landfill site. A survey must be undertaken to ensure that the build will not affect the methane drainage system.
- The original area for soakaway enabled a timely absorption of water run-off. The development will decrease absorption and increase the water flow rate and cause the attenuation pond to overflow.
- Not clear what is proposed on the western parcel in terms of flood attenuation
- Impact upon air quality – CEC has committed to reduce NO2 and particulate matter. Levels are increasing in the Chester Road AQMA. The proposal will increase pollution issues.
- EV Charging does not provide direct mitigation
- Additional traffic flows during the construction phase should be addressed.
- Concern over the stability of the bank to the Canal
- Queuing construction traffic on Croxton Lane and concerns relating to access/egress for plant and machinery
- Interactions with users of the waste recycling facility
- Mud and debris will be deposited on road surfaces
- Potential loss of archaeological deposits
- Loss of amenities
- Concerns relating to pedestrian access during construction of the development

- Loss of part of the car-park to the west side of Croxton Lane
- Impact upon school places within the vicinity of the site
- Lack of health care/doctors/dentists provision
- Impact upon leisure facilities
- The site is too far from a bus stop to encourage use
- Potholes in the existing highway
- Concern over the impact upon the PROW

## REPRESENTATIONS

Representations have been received from 66 addresses on the following grounds:

- Concern over the impact of development on traffic safety, congestion, disturbance and pollution.
- Access and traffic from the direction of Chester Road will impact air quality in an area already designated an Air Quality Management Area (AQMA).
- The 30mph speed limit zone and electronic speed monitor need moving to the town side of the humpback river bridge.
- Concerns over timing of traffic survey undertaken during the summer months when people still working from home.
- Concerns over traffic impact on Middlewich when the M6 is closed.
- The Middlewich Eastern By-pass needs building first.
- The access is not adequate, limited visibility. Impacts of narrow bridge on visibility.
- Concerns about the impact of HGV traffic on narrow roads.
- There is a need more pelican crossings in the town.
- Objection to the reduction of parking available in the layby used by walkers accessing Croxton Trail, Croxton Park and the Canal.
- Middlewich does not have the infrastructure (including school places / doctors / dentists / pharmacies) for more houses. This should be provided first before development.
- Middlewich has in the Local Plan Strategy (LPS) allocated very substantial housing development. Too many new housing estates and surplus to requirements. Development should be directed towards Congleton and Crewe.
- Object due to impact on recycling centre / tip. It would also result in considerable additional traffic into Middlewich Recycling Centre. The access to Middlewich Recycling Centre is also single lane with no footpath causing a potential hazard to pedestrians.
- Flooding / drainage problems on the site including under the bridge from King Street to Croxton Lane.
- Land should be used to extend the adjacent Croxton Park.
- Object to the loss of greenspace / recreational space.
- A town that already lacks leisure facilities, youth facilities and police presence will not improve with added homes and people.
- Bus services in the town are being reduced.
- Concerned over construction impacts including parking.
- No proposed diversion route for footpath 13. What is the diversion route?
- Development is in the open countryside.
- The applicant relies on the Site Allocations and Development Policies Document (SADPD) which does not grant planning permission. This proposal is premature.

- The canal marks an important heritage constraint. Great weight must be given not only to the heritage asset itself, its presence, but also its setting.
- Concerns of amenity impacts including overlooking, loss of light, privacy and noise impacts.
- Concerns over the poor design of the site - it will present ugliness in this distinctive landscape and countryside. Negative effect on character and appearance.
- The proposal represents unsustainable development.
- There will be a loss of animal habitat, land used regularly for walkers and dog walking and removal of safe car parking.
- There are also issues with subsidence, potential contamination from previous waste treatment and the security of the canal.
- Impact of lighting scheme on ecology.
- Impact on birds.
- Increased risk of flooding.
- Concern over the maintenance of landscaping
- Residents on the Elan Homes Development have to pay to maintain the PROW this will cause extra wear and tear
- Previous objections to the development still stand
- Agree with the objection from Middlewich Town Council
- Lack of visitor parking
- Loss of agricultural land
- Sets a precedence for further residential development upon agricultural land
- Lack of time to consider amended plans
- Proximity to the adjoining properties
- Loss of privacy
- The site would be better used to provide access to the green recycling centre
- Lack of investment in infrastructure – the infrastructure should be provided before the new houses
- Concerns that the site may be abandoned due to rising material prices

## **APPRAISAL**

### **Principle of Development**

The site lies within the Middlewich Settlement Boundary as defined on the adopted proposals map. Policy PG9 states that 'within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'.

The SADPD also allocates the site for residential development as part of Policy MID1. MID1 allocates the site for residential development and the delivery of around 50 new homes. The development must;

- safeguard and protect, through an undeveloped and open landscaped buffer zone, the existing Trent and Mersey Canal Conservation Area;
- provide an offset from the existing recycling centre and achieve an acceptable level of residential amenity for prospective residents including in terms of noise and disturbance;

- retain existing mature hedgerows around the boundaries of the site as far as possible; and
- provide for improvements to the surface of the canal towpath to encourage its use as a traffic-free route for pedestrians and cyclists between the site and town centre, where this meets the test for planning obligations as set out in the NPPF and CIL Regulations.

The principle of residential development on this site is therefore acceptable.

### Housing Mix

Policy SC4 of the submission version of the CELPS requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 4 x one bedroom dwellings
- 21 x two bedroom dwellings
- 19 x three bedroom dwellings
- 8 x four bedroom dwellings

All dwellings would be two-stories in height, including the apartments. The development proposes 30% affordable housing (16 units in total).

Policy HOU1 of the SADPD states that housing development should deliver a range and mix of house types, sizes and tenures. All major developments should respond to housing need, and this includes the indicative house types and tenures and sizes identified at Table 8.1. This is assessed below;

	Market Housing		Intermediate Housing		Affordable Housing for Rent	
	Table 8.1	Proposal	Table 8.1	Proposal	Table 8.1	Proposal
1 bedroom	5%	0%	14%	0%	26%	36.4%
2 bedroom	23%	25%	53%	100%	42%	63.6%
3 bedroom	53%	52.7%	28%	0%	20%	0%
4 bedroom	15%	22.3%	4%	0%	10%	0%
5+ bedroom	3%	0%	1%	0%	3%	0%

Whilst the proposals above do not strictly accord with Table 8.1, it is clear that table 8.1 is indicative. The proposal clearly provides a mix of house types and the mix is considered to be appropriate. It should also be noted that the affordable housing mix is assessed below and complies with the need requirements identified by the housing officer.

Policy HOU3 states that all housing developments providing more than 30 homes should provide a proportion of serviced plots where there is evidence of unmet demand. The Council currently has a sufficient supply of self and custom build units as identified within the Councils Annual Monitoring Report so there is no evidence of unmet demand.

Policy HOU8 of the SADPD states that in order to meet the needs of the Borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their

lifetime, the following accessibility and wheelchair standard will be applied to major developments;

- At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings

The applicant has confirmed that the proposed development would comply with the requirements of M4 (2) house types (30%) and M4 (3) house types (6%). Determining compliance with the accessibility and wheelchair adaptable standards is the role of Building Control, but the proposed development does comply with Policy HOU8. This matter will be controlled via the imposition of planning conditions.

In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6*

The applicant has provided an assessment which demonstrates that 39 of the dwellings (75%) across the entire development are NDSS compliant. This is demonstrated within the table below. The 13 dwellings which fall below are just 2m<sup>2</sup> and 3m<sup>2</sup> below the standard, due to the small shortfall in the NDSS compliance and the 6-month transitional period referred to by the SADPD Inspector this is considered to represent to be acceptable.

House Type	Size (Bed/Person)	NDSS Standard (m2)	Actual (m2)	Difference NDSS v Actual (+/-) m2	No of Plots
B	3 bed semi 3b4p	84	81	-3	6
D	4 bed detached 3b4p	106	110	4	3
F1	4 bed detached 4b6p	106	121	15	1
F2	5 bed detached 4b6p	106	121	15	2
W M4(3)	4 bed detached 4b5p	132	132	0	2
NT2	3 bed detached 3b5p	93	91	-2	2
NT3	3 bed detached 3b5p	93	93	0	10
X M4 (3)	3 bed detached 3b5p	93	121	28	1
Y M4 (2)	2 bed semi 2b3p	70	81	11	4
Z1 M4 (2)	2 bed semi/mews 2b3p	70	75	5	5
Z2 M4 (2)	2 bed semi/mews 2b3p	70	72	2	7
L	Ground Floor Flat 2p	50	51	1	2
L	First Floor Flat 2 p	50	63	13	2
J	2 bed mews 2b 3p	70	67	-3	5
				<b>TOTAL</b>	<b>52</b>

## Affordable Housing

This is a proposed development of 52 dwellings on the edge of a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 (15.6) dwellings to be provided as affordable homes. The application proposes 16 affordable units and they would be split as follows 11 units as affordable/social rent and 5 units as intermediate tenure. This meets the required split of 65:35.

The current number of those on the Cheshire Homechoice waiting list with Middlewich as their first choice is 388. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Middlewich	<b>166</b>	<b>111</b>	<b>74</b>	<b>20</b>	<b>17</b>		<b>388</b>

There is also still a need for Intermediate units that will cater for those 1<sup>st</sup> time buyers, those making a new household and families who cannot buy on the open market.

The Affordable Housing Statement identifies that the development will provide the following mix;

### Rented

4 x one bedroom

7 x two bedrooms

### Intermediate Tenure

5 x two bedrooms



The affordable housing provision on site is acceptable, as is the proposed location of the affordable units is acceptable as they are provided in 4 groups within the development. The application complies with Policy SC5 of the CELPS.

### **Public Open Space**

This layout shows that that the proposed development would provide open space to the western parcel, with a smaller amount to the northern parcel. The open space to the western parcel would include the provision of a Locally Equipped Area for Play (LEAP). The open space provision on site would meet the requirements of Policy SE6 of the CELPS, and no objection is raised by the Councils POS officer.

Details of the specifications of the LEAP design, natural play elements, artwork and other infrastructure such as seating and planters could be secured via the imposition of a planning condition.

The management of the POS would be secured as part of a management company secured as part of the outline consent.

### **Outdoor Sport**

The proposed development will increase demand on existing facilities and to mitigate this impact a contribution will be required of £1,000 per family dwelling and £500 per two bed apartment. This will be secured via a S106 Agreement.

### **Public Rights of Way**

The eastern parcel of land includes Middlewich FP13 which crosses the site. This would be retained along its current route within a green corridor and its treatment is considered to be acceptable.

For the western parcel Middlewich FP14 runs beyond the northern and western boundaries and would not be affected by the proposed development.

The PROW Officer has considered the application and raised no objection, subject to details of the specification of the footpath, surfacing, widths and street furniture. These details could be controlled via the imposition of a planning condition.

It is noted that Policy MID1 of the SADPD requires a contribution to the surface of the canal towpath to encourage a traffic free route for pedestrians and cyclists between the site and the town centre. This is provided that the contribution meets the planning obligation tests set out within the NPPF and the CIL Regulations. In this case the applicant does not consider this to be CIL compliant and this is accepted. The towpath is fully surfaced between the site and the town centre as is the only PROW (Middlewich FP13) which runs through the housing estate to the south.

### **Education**

The proposed development of 52 dwellings is expected to generate:

10 - Primary children  
8 - Secondary children  
1 - SEN children

The development is expected to impact on secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

The 8 secondary age children expected from this development will exacerbate the shortfall.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The 1 child expected from this development will exacerbate the shortfall.

There are no capacity issues at local primary schools.

To alleviate forecast pressures, contribution of £130,741.52 (Secondary) and £45,500 (SEN) will be required to mitigate the impact of this development and these contributions will be secured as part of a S106 Agreement.

## **NHS**

The potential impact upon healthcare provision in Middlewich is noted and comments from the NHS states that the patient lists are increasing at Oaklands Medical Practice and Water's Edge Medical Centre. The NHS has stated that both practices are 'at capacity' and that expansion of the existing buildings is being considered.

In order to mitigate the impact of this development a contribution has been requested and this will be secured as part of a S106 Agreement. Based on the formula provided within the NHS consultation response a contribution of £62,252 will be required to mitigate the impact of the development.

## **Residential Amenity**

Policy HOU13 of the SADPD includes reference to separation distances as follows

21 metres for typical rear separation distance  
18 metres for typical frontage separation distance  
14 metres for a habitable room facing a non-habitable room

### Eastern Parcel

The main properties affected by this development are those which front Canalside Way to the south of the site.

No 5 Canalside Way has a blank side elevation the side and there would be a separation distance of 6m to the side elevation of Plot 26 which has a blank side elevation facing the site. This relationship is considered to be acceptable.

No's 7-10 Canalside Way have rear elevations facing north, but there would not be any properties directly facing these properties. The nearest relationship is the corner of plot 37 with a separation distance of 21m. The relationship is considered to be acceptable.

No 13 Canalside Way has a side elevation facing the application site. This property has one window to its side elevation facing the site which serves an en-suite. There would be a separation distance of 10.5m (at the closest point) to the side of plot 37 which has a single en-suite window to the side. This relationship is considered to be acceptable.

### Western Parcel

To the south of the site is a dwelling known as Ashdene which fronts Croxton Lane and dwellings fronting Nursery Close. To the north is a detached dwelling known as The White House.

Ashdene has two ground floor windows (serving a bathroom and a secondary window serving a kitchen) and Juliette Balcony (serving a landing) facing the application site. There would be a separation distance of 5m (at the closest point) to the blank side elevation of plot 1, and although No 1 would project beyond the front elevation there would be no breach of the 45-degree code. The relationship is considered to be acceptable.

To the properties fronting Nursery Close there would be a separation distance of between 21-29m and the relationship is considered to be acceptable.

The dwellings at plots 20-25 would be over 34m to the front elevation of The White House. This relationship is considered to be acceptable.

The impact upon surrounding residential amenity is considered to be acceptable and complies with Policies HOU12 and HOU13 of the SADPD.

### **Noise/Disturbance (including the impact from the recycling centre)**

Policy MID1 of the SADPD states that the development must provide an offset from the existing recycling centre and achieve an acceptable level of residential amenity for prospective residents including in terms of noise and disturbance. A buffer would be provided in the form of retained hedgerow, additional landscaping/open space and an internal access road. This complies with the requirements of the policy and noise the noise impact is considered to be acceptable as assessed below.

The application site is in close proximity to Croxton Lane (A530) and the Middlewich Household Waste Recycling Centre. In support of this application an Acoustic Report has been provided.

The Acoustic Report shows that there is only a 1-2dB difference between ambient noise levels during periods when the Household Waste Recycling Centre was open and the residual noise levels during periods immediately before/after, when it was closed.

Noise levels closest to Croxton Lane require some mitigation measures for private rear gardens closest to Croxton Lane as well as some modest noise reductions adjacent to the Household Waste Recycling Centre. This will take the form of 1.8m acoustic fencing for certain plots.

Subject to noise mitigation measures being secured, there is no objection to this application.

### **Air Quality**

Air quality impacts have been considered within the air quality assessment submitted in support of the application.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all the modelled pollutants.

Middlewich has two Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

The Councils Environmental Health Officer has raised no objection to this application and considers that a condition relating to low emission boilers is necessary to ensure that local air quality is not adversely impacted for existing and future residents.

Electric Vehicle Charging points will also be secured via the imposition of a planning condition.

### **Contaminated Land**

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. This site is within 250m of two known landfill sites or area of ground that has the potential to create gas.

The issue of contaminated land has been considered by the Councils Environmental Health Officer subject to the imposition of planning conditions relating to contaminated land.

### **Levels**

In the interests of residential amenity, the appearance of the site and drainage, the details of the existing and proposed levels will be controlled via a planning condition.

### **Highways**

The access to each of the sites is proposed from priority junctions that are staggered on the A530 Croxton Lane. It is proposed that the western access will cross and sever the existing parking lay-by, one side will be closed, and the remainder retained with a turning head provided.

This off-site work will be subject of a S278 Agreement with the highway authority, where the design is subject to a technical check and safety audit. Vehicle speeds on Croxton Lane have been measured and there is sufficient visibility available at both proposed access points.

There are two single main access points that serve each side of the proposed development the initial section sections are formal 5.5m carriageways with 2m footways and subsequently 4.8m shared surface roads. There are some private parking courts proposed which would not be adopted.

Parking provision for each of the units has been provided in accordance with CEC parking standards and is considered acceptable. The applicant has submitted swept paths and a refuse collection strategy to indicate that all properties can be accessed.

The provision of 52 dwellings does not normally require an assessment of the traffic impact as this is not considered to be a level where a severe capacity impact would arise. However, background traffic counts have been undertaken on Croxton Lane that indicate that flows are well below its link capacity and can accommodate the predicted peak hour traffic generation of 25 trips from the site.

The site will require connection to the existing footpath network, and it is proposed to provide new 2m footway connections on both sides of Croxton Lane to the existing paths from the site access points.

It is also intended to relocate the 30mph speed limit to a location in advance of the canal bridge, this would help reduce speeds prior to the residential area. Whilst this is supported, it is important that the application does not rely on the speed limit TRO and as such has been assessed on current vehicular speeds and visibility requirements. Given that there will be a S278 Agreement, the change in speed limit should be included in this agreement.

The development complies with Policy INF3 of the SADPD and policies SD1 and CO2 of the CELPS.

### **Trees and Hedgerows**

The application site benefits from established hedgerows surrounding the perimeter of both areas of existing agricultural land which is proposed for development, with the Croxton Lane boundaries benefiting from established trees on verges to either side of the highway with occasional trees elsewhere around the site. The site is not afforded any statutory protection but is adjacent to, and visible from the Trent & Mersey Canal, Middlewich Kent Green Conservation Area.

The proposed development for 52 dwellings on the site has been supported by an Arboricultural Impact Assessment. The report has identified the presence of 12 individual and 2 groups of moderate quality B Category trees, 5 individual and 2 groups of low-quality C Category trees, and 3 U Category trees considered unsuitable for retention irrespective of development by virtue of their condition. Of these, 3 trees are shown for removal to accommodate the site access and visibility splays including 2 B Category trees (T5/T15) and C Category tree (T6).

The trees shown for removal is regrettable but accepted given that quite extensive replacement tree planting appears to be indicated throughout the site, although it's considered that tree planting to the Croxton Lane boundary should be enhanced and strengthened to offset the proposed losses in this location.

Policy MID1 of the SADPD states that development must retain existing mature hedgerows around the boundaries of the site as far as possible.

A total of 6 hedgerows have been surveyed on the site and the majority of these hedgerows would be retained as part of the proposed development, whilst approximately 100m of hedgerow will be removed. This is largely due to the formation of the vehicular and pedestrian access points. The proposal would comply with Policy MID1 in terms of the hedgerows on site.

## **Design**

### Number of Dwellings/Density

The application proposes 52 dwellings which complies with MID1 of the SADPD which allocates the site for 'around 50 new homes'.

### Connections

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

Each site would have its own access point onto Croxton Lane with connections onto the footpaths to the south on for the eastern parcel and to the north and south for the western parcel. This would provide access toward the services and facilities within Middlewich to the south.

The eastern parcel includes the line of FP13 which would be retained along its current route. There would be improvements to the servicing and street furniture to the footpath which would be controlled via the imposition of a planning condition.

The Trent and Mersey Canal adjoins the site. The canal is set at a lower level to the application site and there is a mature hedgerow boundary to the eastern parcel of the site. Given these constraints it is not possible to provide a direct access to the canal from each parcel. However, the proposed development will be able to obtain access via Croxton Lane to the north (on both sides) and via FP13 for the eastern parcel.

### Facilities and services

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

The site is allocated for development within the SADPD and it is therefore considered that the has access to facilities and services.

### Public transport

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

There are no bus routes along Croxton Lane, but the site does provide good pedestrian and cycle access towards the town centre and Chester Road (where bus stops/services are located).

### Meeting local housing requirements

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

This is considered within the housing mix and affordable housing sections above and is considered to be acceptable.

### Character

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

Middlewich is located within the Salt & Engineering Towns area and the design cues for this are include the following;

- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.
- All eras of architecture are found within the settlement character area
- Existing landscape features should be retained on site to preserve the landscape character.

There is a variation of house-types adjoin the site. There majority appear to be two-stories in height. To the western parcel of the site is a development which is currently under construction, and the eastern parcel adjoins a site which has recently been constructed. The dwellings in the area predominantly detached and semi-detached, with a mix of hipped and pitched roofs, the material pallet also includes a mix of red brick and render and includes a mix of grey and red tiled roofs. The age of the surrounding dwellings is mixed but is largely post-war in age.

The dwellings in the locality of the site include a number of design features such as projecting gables, bay windows (single storey), porch detailing, window header and sill details, brick banding, ridge tile detailing, and chimneys.

The proposed dwellings would vary from two storey units with a gabled roof design. The roof heights vary across the development which would add some interest.

The proposed development provides two-character areas, the canal area which is located within the eastern part of the eastern parcel. This area includes a lower density to the development where it adjoins the Conservation Area. The canal character area also a variation in materials with the provision of weatherboard cladding (a mix of dark grey and green-grey) and all units would have chimneys. This is considered to be an appropriate design solution.

The remaining part of the site is known as the heart character area. This area includes largely brick units (although render is introduced at some focal points). Many of the design cues within this location are incorporated into the development with features such as projecting gables,

window header and sill details, chimneys, brick banding and porch detailing (although all appear to be open porches/canopies).

Details of external materials and boundary treatment have been provided and are considered to be acceptable. These details would be controlled via the imposition of a planning condition.

### Working with the site and its context

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

The site includes a number of natural features such as trees and hedgerows which are located to the boundaries of the site. There are also trees within the Croxton Lane frontage which are an important feature.

The trees to Croxton Lane would be largely retained with limited losses associated with the formation of the access points. All vegetation to the boundaries of the site would be retained. This helps to soften the visual impact of the proposed development.

The eastern part of the site shares a close relationship with the Trent and Mersey Canal and the Canal Conservation Area. Whilst the proposed dwellings do not have an active frontage with the canal, they are largely screened by the tall mature hedgerow boundary. The retention of the hedgerow boundary to the canal is important and the relationship is considered to be acceptable.

### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The majority of the open space would be to the eastern parcel of the site and would be centrally located and extend to the northern boundary of the site. The proposed dwellings would actively face onto the open space and provide natural surveillance.

A smaller portion would be located to northern boundary of the western parcel and again this would be well overlooked by the dwellings which adjoin this area.

The proposed dwellings would be sited to ensure that they overlook the proposed highway network, the PROW and the open space on the site. The development would use corner-turning units on the corner plots.

Internally within the site the proposed development would include a mix of car-parking solutions. The car-parking to the front of the proposed dwellings would be within small pockets and would be broken up with landscaping. Parking would also be provided to the side of the dwellings and within small parking courtyards.

In terms of the landscaping within the development this is discussed elsewhere within the report and includes a comprehensive scheme of tree-planting.

### Easy to find your way around

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



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

### Streets for all

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

It is considered that the proposed highways design is appropriate and avoids large straight stretches which would encourage speeding. The surfacing materials would be controlled via the imposition of a planning condition.

### Car parking

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

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be acceptable with the parking also provided to the side/rear of the dwellings and within parking courtyards.

### Public and private spaces

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

The management of the open space and landscape buffers is secured as part of the S106 Agreement.

### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. A condition will be imposed to secure cycle storage details for the proposed apartments.

### Design Conclusion

On the basis of the above assessment, it is considered that the proposed development represents an acceptable design solution. The development would comply with Polies SE1 and SD2 of the CELPS, GEN1 of the SADPD and the CEC Design Guide.

### **Built Heritage**

The application site adjoins the Trent and Mersey Canal Conservation Area and a mature boundary hedge forms to the boundary to the western parcel. To the eastern parcel the access to the Household Waste Recycling Centre separates the site from the Canal.

Policy MID1 states that the development must safeguard and protect, through an undeveloped and open landscaped buffer zone, the existing Trent and Mersey Canal Conservation Area. The hedgerow buffer would be retained, and the landscape master plans shows that it would be supplemented with additional planting (this would be secured via a condition). The proposal complies with this requirement of MID1.

The development of this site has the potential to impact upon the setting of the Conservation Area. As large stretches of the canal are bordered by mature hedgerow boundaries, it is considered that the proposal would have a neutral impact upon the setting of the Conservation Area. This is subject to the imposition of planning conditions relating to materials, landscaping and fenestration details.

## **Archaeology**

The information held on the Cheshire Historic Environment Records highlight a number of items that have been recovered from the proposed development area and the area surrounding the proposed development. These items include a copper alloy annulet from the 17<sup>th</sup> century and musket ball and powder measure, both recovered from within the proposed development area.

A map regression exercise indicates that there has been very little in the way of landscape alterations in the area of the proposed development, suggesting that there is a high likelihood of potential casual loss artefacts.

The archaeological potential and interest of the site is not sufficient to justify an archaeological objection to the development or to generate a requirement for further predetermination evaluation. It is recommended, however, that if planning permission is granted the site should be subject to programme of further archaeological mitigation, with the work secured by condition.

## **Landscape**

The impact upon the wider landscape is considered to be acceptable and the site is allocated for residential development within the SADPD.

The detailed landscaping for the site can be controlled through the imposition of standard planning conditions.

## **Ecology**

### Breeding Birds

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

### Amphibians

There is a considered low risk that the proposed development may have an adverse impact upon amphibian species which may occur within an adjacent water body. The Councils Ecologist as stated that he is happy that the risks will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within section 4.2.1 of the *Preliminary Ecology Appraisal* (UES, 22/09/2021).

### Biodiversity Net Gain (BNG)

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). The applicant has submitted a *Biodiversity Offsetting Report* outlining the results of an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3, which predicts a significant loss of biodiversity units.

The submitted ecology report includes a biodiversity net gain calculation which predicts a 2.08 unit loss in habitat units.

This could be addressed by way of a commuted sum secured by a Section 106 agreement to fund offsite habitat creation/enhancement within Cheshire East. As agreed with the applicant's ecologist, in order to achieve a 10% net gain for biodiversity, the commuted sum would be for 2.7 units.

Under the current habitat unit cost calculations of £12,266 per unit, and the council's £1,200 administration fee, the commuted sum would be for:  
£33,118.20 (units) + £3,240 (admin fee) = £36,358.20 (total).

### Applications next to water courses

The application site is located near a watercourse. Rivers and streams provide wildlife with ecologically important corridors which they use to move between fragmented habitats.

In order to protect the watercourse's function as a wildlife corridor, the applicant should provide a method statement which includes:

- General pollution avoidance measures
- Measures to avoid silt pollution of the watercourse
- A buffer zone of fenced-off, unmanaged semi-natural habitat should be retained along the length of the watercourse to protect it from disturbance during and after the construction phase.

This could be controlled via the imposition of a planning condition.

### Wildlife sensitive lighting

This issue could be controlled through the imposition of a standard 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. These details could be controlled via the imposition of a planning condition.

Subject to the above the proposed development complies with Policy SE3 of the CELPS and ENV2 of the SADPD.

## **Climate Change**

Policy ENV7 of the SADPD requires that all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This could be controlled via the imposition of a planning condition.

## **Brine Subsidence**

The concerns raised in terms of brine subsidence are noted. In this case the Brine Board have considered that application and have stated that the site is within an area which has previously been affected by brine subsidence. The Brine Board have suggested a number of precautions in terms of the build design of the proposed development such as foundation design, service design and superstructure design.

The matter of brine subsidence will be dealt with at the Building Regulations stage when the foundation design etc is developed and obtains approval.

An informative will be added to the decision notice, to advise the applicant of the Brine Boards concerns.

## **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the outline application.

The application has been considered by the Councils Flood Risk Officer, United Utilities and the Canal and River Trust, who have all raised no objection to the proposed development.

The Councils Flood Risk Officer has noted that there is a flow path or ordinary watercourse to the western boundary of the site. Conditions could be imposed in relation to the finished floor levels as suggested by the Flood Risk Officer together with the condition relating to the detailed drainage design.

The drainage strategy for this development would need to account for 1 in 100-year rainfall event plus 40% allowance for climate change, with the appropriate drainage modelling and calculations to support the chosen method of surface water drainage. This will include further details regarding the attenuation basin and swale details.

The existing highway drain present to the south of the western parcel of site is intended to be diverted. This will require formal consent from Cheshire East Highways for these works.

The Councils Flood Risk Team and United Utilities have been consulted as part of this application. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

## **PLANNING BALANCE**

The principle of development is considered to be acceptable and the site is allocated for development within Policy MID1 of the SADPD.

The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

The proposal would have neutral impact upon the setting of the adjacent Conservation Area and the proposal complies with policies SE7 of the CELPS, and HER1 and HER3 of the SADPD. The impact upon archaeology could be mitigated via the imposition of a planning condition.

In terms of the POS is considered to be acceptable and would be secured via the completion of a S106 Agreement.

An acceptable landscaping scheme could be secured via the imposition of a planning condition and the development is acceptable in terms of its impact upon ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, and policies ENV3, EN5 and ENV6 of the SADPD.

The impact upon the trees and hedgerows on the site is considered to be acceptable and complies with Policy ENV6 of the SADPD and SE5 of the SADPD.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2, CO2 and SE1 of the CELPS and policy INF3 of the SADPD.

The concerns regarding brine subsidence are noted, but this issue will be resolved at the Building Regulations stage.

The development complies with the Development Plan as a whole and is recommended for approval.

**RECOMMENDATION:**

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	Affordable housing	In accordance with details to be submitted and approved.
<b>Amenity Green Space and Play Provision</b>	On site provision of Open Space and a LEAP.  Scheme of Management to be submitted and approved	Shall be provided on the eastern parcel before first occupation. Shall be provided on the western parcel before first occupation.
<b>Outdoor Sports Contribution</b>	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the occupation of the 15 <sup>th</sup> dwelling
<b>NHS</b>	£62,252	To be paid prior to the first occupation of the 30 <sup>th</sup> dwelling
<b>Education</b>	£130,741.52 (Secondary) £45,500 (SEN)	Secondary to be provided prior to first occupation SEN to be paid prior to the first occupation of the 30 <sup>th</sup> dwelling
<b>Biodiversity Net Gain</b>	£36,358.20	To be paid prior to the occupation of the 15 <sup>th</sup> dwelling

**and the following conditions;**

- 1. Standard time 3 years**
- 2. Approved plans**
- 3. Noise mitigation measures**
- 4. PROW details of the specification of the footpath, surfacing, widths and street furniture.**
- 5. Low emission boiler provision**
- 6. Electric Vehicle Charging provision**
- 7. Contaminated Land Assessment to be submitted and approved**
- 8. Contaminated Land Verification Report**
- 9. Contaminated Land Importation of Soil**
- 10. Unexpected contamination**
- 11. Oil interceptors to be provided**
- 12. Detailed drainage strategy / appropriate boundary treatment design / associated management & maintenance plan for the site**
- 13. Land levels to be submitted and approved**
- 14. Materials compliance with the submitted details**
- 15. Boundary treatment compliance with the submitted details**
- 16. Fenestration details including window reveal to be submitted and approved**

17. Archaeology details to be submitted and approved
18. Breeding birds – timing of works
19. Amphibians – Reasonable avoidance measures
20. Lighting details to be submitted and approved
21. Method statement for the protection of watercourse
22. Ecological Enhancements to be submitted and approved
23. 10% of energy needs to be from renewable or low carbon energy
24. Prior to the commencement of development, a timetable for the implementation of the highway works shall be submitted to the LPA for approval in writing. The development shall comply with the approved timetable
25. Bin/Cycle storage details for the proposed apartments
26. Landscaping to be submitted
27. Landscaping to be completed
28. Compliance with the hard surfacing details
29. Details of the specifications of the LEAP design, natural play elements, artwork and other infrastructure such as seating and planters to be submitted and approved.
30. At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings.
31. At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

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.

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	Affordable housing	In accordance with details to be submitted and approved.
<b>Amenity Green Space and Play Provision</b>	On site provision of Open Space and a LEAP.  Scheme of Management to be submitted and approved	Shall be provided on the eastern parcel before first occupation.  Shall be provided on the western parcel before first occupation.
<b>Outdoor Sports Contribution</b>	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the occupation of the 15 <sup>th</sup> dwelling

<b>NHS</b>	£62,252	To be paid prior to the first occupation of the 30 <sup>th</sup> dwelling
<b>Education</b>	£130,741.52 (Secondary) £45,500 (SEN)	Secondary to be provided prior to first occupation SEN to be paid prior to the first occupation of the 30 <sup>th</sup> dwelling
<b>Biodiversity Net Gain</b>	£36,358.20	To be paid prior to the occupation of the 15 <sup>th</sup> dwelling





This page is intentionally left blank

Application No: 22/4472N

Location: SOUTH CHESHIRE MAGISTRATES COURT (LAW COURT), AND LAND TO WEST UP TO AND INCLUDING THE LIBRARY BUILDING, PRINCE ALBERT STREET, CREWE.

Proposal: The dismantling of the existing library building (to be replaced by a new History Centre as part of a separate application by others), the dismantling of the existing raised concrete deck between the existing library building and the existing law courts, the construction of a new entrance extension to the western facade of the law court building and the installation of a new public realm landscape to replace the existing car park with connection to Memorial Square.

Applicant: Mr Charles Jarvis, Cheshire East Borough Council

Expiry Date: 13-Jan-2023

## SUMMARY

The application proposes the demolition of the old Crewe Library building and the raised concourse between the existing library building, Magistrates Courts, and the police station, and the delivery of a new landscaped public realm.

The proposals accord with the Councils objective of remodelling the civic hub with the Civic and Cultural quarter in Crewe town Centre. In conjunction with the intrinsically linked development of the History Centre (22/4451N), this public realm improvement project will deliver town centre redevelopment in accordance with the objectives of Policies RET 9 and RET 10 of the SADPD.

The demolition of the Library is considered acceptable in urban design terms, and also given the very significant structural and technical issues it cannot be successfully re-purposed to accommodate the Archive and associated facilities.

It is considered that the public realm scheme represents a significant physical and visual improvement on the civic offering, urban landscape and green offer within this key part of the town centre. The scheme incorporates the design qualities found within Memorial Square and removal of dated and problematic undercroft/raised concourse will importantly open up a direct pedestrian route from the square to other key civic elements to the south with clearer views towards Christ Church (grade 2) . The proposed entrance extension to the Magistrates Court will also result in a high-quality civic design response and a positive backdrop to Memorial Square.

The proposal are therefore of a siting and design which accords with the objectives of CELPS Policy SE1 and SE4 , and policies RET 9 and RET 10 of the SADPD.

The development will not adversely affect the amenities of nearby residents and also achieve an acceptable relationship with the adjacent Magistrates Courts building. It is considered the proposal therefore complies with policy SE1 of the CELPS and Policy HOU12 of the SADPD.

The site is in Crewe town centre with existing pedestrian and public transport infrastructure within the vicinity of the site, or within short walking distance. The proposed replacement car park for the existing undercroft car park (Civic Centre) is of acceptable layout and design including sufficient numbers of disabled persons spaces and EV charging bays with safe vehicular and pedestrian access from Street. Notwithstanding the reduction in parking spaces the proposals will not have an adverse impact overall town centre parking provision.

Other issues including designing out crime have been addressed, subject to condition requiring the provision of secure cycle parking and detailed scheme for the treatment of the former "sunken garden" including the provision of public art. In addition, to ensure measures are undertaken to mitigate the impact of construction/demolition work on the Magistrates Court and nearby residential properties a condition is recommended for the submission and approval of an updated CEMP.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the SADPD and advice contained within the NPPF.

**Recommendation: APPROVE subject to Conditions**

## **REASON FOR REFERRAL**

Given Council interest/ownership of the site

## **SITE DESCRIPTION**

The application site is located within Crewe town centre to the south of Memorial Square and between Prince Albert Street to the west and the South Cheshire Magistrates Court building to the east. Crewe Police Station adjoins the southern site boundary. Crewe Street and the Grade II listed Christ Church lie to the south of the site.

The site includes the Crewe Library building which dates from 1967 and forms part of a wider civic complex comprising the Magistrates Court and Police Station. It also includes the raised pedestrian concourse which provides the main public access to the Library and the adjacent Magistrates' Court building, as well as first floor access to the police station.

A public car park (Civic Centre) is located beneath the raised concourse. This also provides access to a staff car parking area located below the southern end of the Magistrates Courts building.

Crewe Library closed in 2016 and was relocated to the Lifestyle Centre on the southern end of Memorial Square. The building has remained vacant since this time.

The site forms part of the civil and cultural quarter of Crewe town centre, which also contains the Lifestyle Centre, the Lyceum Theatre, the Market Hall and Lyceum Square.

## **PROPOSAL**

This application proposes the demolition of the old Library building, and the raised concourse/undercroft car park between the existing library building, Magistrates Courts, and the police station.

This application also proposes the delivery of a new, landscaped public realm incorporating a smaller replacement public car park and a north/south pedestrian connection from Memorial Square through to Christ Church (Grade II). A two storey addition is proposed on the western facade of the Courts Building to provide a new entrance and public access to its first floor following the removal of the upper concourse.

A separate and intrinsically linked planning application (22/4451N) to these proposals has been submitted for a two storey, building known as the History Centre to occupy the footprint of the demolished library. The proposed building will accommodate the Cheshire Archives and local studies services as well as space for research and exhibitions and also a ground floor café. This application is also on the agenda for consideration at this meeting.

## **RELEVANT HISTORY**

None relevant

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

LPS 1 - Central Crewe  
MP 1 - Presumption in Favour of Sustainable Development  
PG 2 - Settlement Hierarchy  
SD 1 - Sustainable Development in Cheshire East  
SD 2 - Sustainable Development Principles  
EG 5 - Promoting a Town Centre First Approach to Retail and Commerce  
SC 1 - Leisure and Recreation  
SC 3 - Health and Well-being  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodlands  
SE 7 - The Historic Environment  
SE 9 - Energy efficient Development  
SE 12 - Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
CO. 1 - Sustainable travel and transport

## **Site Allocations and Development Policies Document (SADPD)**

PG 9 - Settlement boundaries s  
GEN 1 - Design Principles  
GEN 2 - Security at crowded places  
ENV 3 - Landscape Character  
ENV 6 - Trees, hedgerows and woodland implementation  
ENV 15 - New development and existing uses  
ENV 16 - Surface water management and flood risk  
HER 1 - Heritage Assets  
HER 4 - Listed Buildings  
HER 8 - Archaeology  
RET 9 - Environmental improvements, public realm and design in town centres  
RET 10 - Crewe Town Centre  
HOU 12 - Amenity  
INF 2 - Public Car Parks  
INF 3 - Highway Safety and Access  
INF 9 - Utilities  
REC 5 - Community facilities

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
Crewe Town Centre Regeneration Strategy  
Crewe Town Centre Public Realm Strategy  
A Cultural Strategy for Crewe 2019 -2029

### **CONSULTATIONS (Summary)**

**Environmental Health:** No objection subject to conditions for remediation of contamination and amendment of the CEMP submitted with the application for Saturday working hours of 0900-1400. Informatives are recommended in respect of Construction hours for Noise Generative Works, requirements for Piling, floor floating and provision of a Site Specific Dust Management Plan (DMP)

**Cheshire Archaeology Planning Advisory Service -** No objection, and comments that it is unlikely that there will be any surviving below ground remains of those houses at this site given the extensive 1960's building.

**Highways:** No objection subject to a condition subject to a condition for cycle storage

**United Utilities -** Object, as land drainage is shown to be going into the public sewer. But further adds that should planning permission be granted a planning condition is attached requiring that prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme are submitted to, and approved by the LPA.

**Cheshire Constabulary, Designing Out Crime Office – Comments.** A series of issues need to be addressed to reduce the potential for crime and anti social behaviour in relation to CCTV provision, lighting, secure cycle storage, measures to secure the retained undercroft staff car park below the courts building and proposals for the existing “Sunken Garden”.

**Cadent Gas :** No objection

#### **VIEWS OF THE TOWN COUNCIL:**

**Crewe Town Council :** Supports the principle of development but raises the following observations and concerns:

- i. Reduction in town centre parking capacity, particularly that used for access to the Library and Lifestyle Centre*
- ii. The car park design layout should include for more disabled parking bays*
- iii. The car park design layout should include for more family-friendly parking bays*
- iv. The car park design layout should include for an increased proportion of EV charging bays.*

#### **OTHER REPRESENTATIONS:**

A total of 5 representations have been received objecting to the application and the points raised are summarised below;

- The existing library building should be re-purposed. The proposed demolition goes against Cheshire East's stated aims of achieving Net Zero. Construction and building accounts for 40% of the U.K.'s carbon emissions and demolition causes two-thirds of the country's total waste.
- No serious consideration was given to repurposing, or altering, this award winning landmark building.
- Alternative and cost effective reuse of existing library building suggested for a college specialising in Financial Literacy, with accommodation for the Archives provided through the renovation of Christ Church.
- The design of the new building is totally unacceptable for the Cultural Quarter, being sandwiched between the Victorian Christ Church and Edwardian Municipal Buildings and reflecting neither.
- The existing utilitarian building must be replaced with an ambitious and remarkable structure that blends in with the surrounding architecture.
- Removal of parking spaces used by visitors to Crewe Lifestyle Centre.
- Provision of parking for the lifestyle centre must be a requirement for any approval.
- Potential of increased anti-social behaviour on Memorial Square and plans for an ice-cream van would be wholly out of character with the surroundings.
- Inadequate public consultation

A representation has also been received in “overall support” of the application but raises issue as summarised below;

- Lack of information for how this proposal would integrate with the Southern Gateway connectivity corridor scheme. Need for wayfinding signs and there is a lack of detailing regarding the artwork and place-finding panel paving.
- Crewe's Public squares have a lack of railway heritage and history. A pre-commencement condition could be placed regarding the artwork and history features and to work with the Heritage Centre to place some railway artwork or features within the square to improve place making, and making this a true link with the town.
- Free standing exhibition boards are proposed as part of the Ly2 development on Lyceum Square, part of the Cultural Quarter. Including this could tie in the development as all are part of the same site allocation.
- Cycle stands should also form part of placemaking, perhaps being steel hoops which spell out words around the centre including 'Crewe', 'Heritage' or 'Memorial'.
- Regarding the design of the planters, contrasting colour planters could be included which match the Ly2 development to tie in the two areas and integrate with the Southern Gateway landscaping proposals.
- A Path, seat or landscaping is required for the patch of grass in the southwest corner and closest to the Southern Gateway development (This is the former "sunken garden" for which landscaping proposals and location for public art have been submitted).
- The proposal incorporates 4 electric car charging points, Will all other car parking spaces have passive provision?
- Why are the disabled parking spaces next to the stairs and not located in the centre part nearer the ramp? Are any disabled parking spaces having EV provision?

A representation received from Cushman and Wakefield on behalf of HM Courts and Tribunals Service (HMCTS) in respect of 22/4451N and raises the following concerns which are also relevant this application;

*"The HMCTS understand the wide-ranging benefits that the proposed development would deliver however HMCTS do have concerns regarding the likely impacts to the court operation from the proposed development as it is constructed and brought into operation. Any disturbance or disruption from external activity, particularly significant external noise, is likely to interfere with evidence being given in the many cases that the court hears. This would lead to adjournments and delays to cases and have a detrimental impact on HMCTS performance and those that use the court building."*

*"It is imperative that safeguards and mitigation measures are put in place and enforced to protect the effective and smooth running of court activity through all phases of construction. It is therefore respectfully requested that the following actions are undertaken by the applicant and enforced by the Council:*

- *Submission of an assessment of construction noise on the court operation in collaboration with HMCTS so that the levels of construction noise that will adversely impact court proceedings can be properly understood and assessed. This will allow adequate and robust management and mitigation measures to be identified and enforced through any future planning conditions, specifically those that relate to the proposed Construction Environmental Management Plan.*
- *Where construction operations will emit significant noise impacts that are likely to disrupt the proper functioning of the court, such activities should take place outside of*



*core court hours, the core hours being 09:00 – 16:00. This will require bespoke construction hours to be agreed with HMCTS to limit disruption of any sort to court proceedings and enshrined within the proposed Construction Environmental Management Plan and any bespoke planning condition related to noise emissions.*

- A further assessment of construction vibration on the court operation and building so that any adverse impact can be properly understood and assessed. This will allow adequate and robust management and mitigation measures to be identified and enforced through any future planning conditions, specifically those that relate to a Construction Environmental Management Plan.*
- Future planning conditions to ensure that any Construction Environmental Management Plan includes the requirement for construction traffic entering and leaving the site to be closely controlled, vehicles that make deliveries will travel via designated traffic routes to be agreed with the LPA and other interested parties including HMCTS, and that construction traffic will be controlled by means of a vehicle arrival and departure management plan to achieve an even spread of vehicle movements during the working day.*
- The internal configuration of the building and new public realm/spaces are designed to ensure that there is no overlooking to any of the following private and sensitive areas, hearing rooms, administration offices, and witness/judge/CPS/prisoner entrances. “*

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary of Crewe where there is a presumption in favour of development. Policy PG 2 (Settlement Hierarchy) of the CELPS identifies Crewe as a principal town where significant development will be encouraged to support its revitalisation and recognising its role as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

In principle, the proposals are supported by CELPS Policy LPS1, which identifies Central Crewe, including the town centre, as an opportunity to regenerate under-exploited assets and provide a strong mix of uses. In particular Policy LPS1 seeks to achieve this through;

- support for an enhanced cultural offer
- a focus of civic functions
- support for multi use facilities to drive footfall and a diversity of uses within the town centre

The proposed development further accords with CELP Policy EG5 which supports a town centre first approach, including proposals for cultural development.

SADPD Policy RET 10 supports opportunities for improving and regenerating Crewe town centre and in particular states that within the Civic and Cultural Quarter Development Area (CCQDA) the following development schemes will be supported;

*i the re-use or redevelopment of the former library buildings for a range of civic, cultural, community and other town centre uses, including a potential history centre*

In addition, Policy RET 10 also supports town centre public realm improvements that improve the quality of the public spaces, including green spaces, enhance the setting of heritage assets, enhance the setting of heritage assets and improve routes across the town centre for pedestrians and cyclists.

The Civic and Cultural Quarter brings together a range of leisure, cultural and civic functions including the Lifestyle Centre and the Municipal Buildings, in addition to the area around Memorial Square and Christ Church. The supporting text of policy RET 10 adds that, “The vision for the quarter will look to remodel the civic hub, currently comprising the former library, police station, law courts and undercroft car parking”.

In line with CELPS Policy SE1 “Design”, SADPD Policy RET 9 further supports town centre development provided this makes a positive contribution to their surroundings. Policy RE9 sets out the principles that town centre development should follow including designing buildings and spaces that create a sense of identity, are adaptable, accessible, inclusive, easily understood, and enhance local character and where the public realm associated with new development positively integrates with that of the wider town centre.

These proposals are intrinsically linked to the development of the proposed History Centre which is the subject of planning application of 22/4471N. This will deliver town centre redevelopment within the Civic and Cultural Quarter Development Area in accordance with the objectives of Policies RET 9 and RET 10 of the SADPD. Detailed issues relating to the demolition of the library and on course, car parking provision, design of the public realm and the proposed extension to the Magistrates Courts building are addressed below.

## **Background**

The proposals seek the demolition of the vacant library building and the existing decked concourse structure to create ‘at grade’ southerly public realm connection between Memorial Square and the southern part of the civic quarter. The former library is to be replaced by a History Centre building which is the subject of planning application 22/4451N, whilst a new contemporary entrance to the law courts is also proposed, echoing the design approach of the proposed History Centre.

A smaller replacement public car park is to be provided on the eastern part of the former civic centre car park at its original level with a landscaped embanked edge and crinkle crankle (serpentine) wall between it and the new public realm. The scheme will result in some established tree loss but new areas of soft landscaping, comprising planting beds, rain gardens and tree planting are proposed, both within the car park and main public realm. It will significantly enhance soft landscape coverage compared to the current situation and result in a far more positive public realm to the south of memorial Square, enabling further potential for civic life and activity.

The entire scheme is therefore subject to two planning applications (22/4472N & 22/4451N) and will be delivered in 2 overall phases. The first phase being the demolition, ground re-modelling, the provision of the re-configured car park and eastern part of the public realm and the new entrance to the law courts. Phase 2 will entail the development of the new History Centre building and the remaining, western area of public realm.

Planning application (22/3996N) relating to the Southern Gateway connectivity corridor scheme, proposes a new public realm area including a pedestrian walkway/cycleway between High Street and the rear of the Lifestyle Centre to Moss Square. Whilst the northern end of this route is located on the southern side of Christ Church, this is however a short distance from which to access the proposed north/south pedestrian connection from Crewe Street through to Memorial Square of this application (22/4472N).

### **Demolition and Redevelopment**

Memorial Square is an important civic space situated at the heart of the Civic and Cultural Quarter of the town centre and is positively enclosed by the listed Municipal Buildings and recently regenerated Market Hall to the north. The square was re-designed to a high standard over 20 years ago and has become the main focus of civic activities, with the re-location of the listed war memorial to that space and its hosting of various town events.

However, Immediately to the south of Memorial Square, and in conjunction with the old library building and law courts, is a very dated and problematic sub-terranean car park, with a raised concourse deck above which provides access to the law courts and the library at equivalent first floor level. The concourse space is accessible by steps from Memorial Square and a ramp from Prince Albert Street entrance into Memorial Square.

The car park structure is showing its age and the area is largely hidden from public view, except by car park users. The upper concourse has little positive landscaping and has a tired, bleak character, with limited scope for improvement given its elevated nature and design. Both the parking and the space above are unwelcoming at night and experience antisocial behaviour.

Importantly, the car park structure also constrains direct pedestrian flow and visibility from Memorial Square towards Crewe Street and the remainder of the civic quarter (Lifestyle Centre and Christ Church). The change in levels, with an oppressive, enclosed environment, inhibits connectivity, and essentially 'disconnects' the southern part of the civic quarter from Memorial Square, despite their close proximity.

The library building has been vacant since the transfer of library services to the Lifestyle Centre some years ago. The Council's Design Officer considers the library building is a non-jarring, brick, contemporary building that architecturally 'of its time'. Furthermore, in rejecting an application to list the library, Historic England concluded that, "the standard, functional design of the late-1960s former library in Crewe means that it lacks special architectural and historic interest to merit listing in a national context"

The submitted Design and Access Statement explains the rationale why the existing building is not able to be re-purposed for the proposed History Centre. This is principally due to a series of technical considerations, including a significant structural issues and required need for airtightness, given the specific needs for an archive facility. which cannot be achieved through a retrofit of the existing library building

The new history centre building will occupy the same footprint to that of the library but with levels raised to ensure it sits at grade to the levels of Memorial Square and Prince Albert

Street. The Design Officer considers this will result in a far better and responsive design than exists currently. The positioning and orientation of the building will help to frame Memorial Square and the new public realm, also creating active frontage/usage that will further animate this public space.

As a result the demolition of the Library is considered acceptable in urban design terms, and also given the very significant structural and technical issues the existing building cannot be successfully repurposed to accommodate the Archive and associated facilities.

## **Landscape, Character and Design**

### **Public Realm**

The Council's Landscape Officer considers that the proposed public realm scheme will significantly improve a failing landscape, rejuvenate, revitalise and open up an important piece of the 'Civic' jigsaw which is present in and around the site.

At present the key existing landscape features are the dark/foreboding undercroft parking area, an elevated stark, featureless, mostly treeless civic plaza (upper concourse) and a key route to the Magistrates Courts (None DDA compliant), a key roadside tree-lined frontage to Prince Albert Street and a secondary roadside frontage to Crewe Street which offers future potential links to other interesting opportunities/relationships with Christ Church and beyond.

The landscape scheme intends to carry on the design qualities found within Memorial Square through opening up a direct pedestrian route from the square to other key civic elements to the south. This will include clearer views towards Christ Church and Crewe Lifestyle centre.

Furthermore, the inclusion of rain gardens is an evolution of that design, reflecting national and local policy objectives around sustainable drainage, seeking to incorporate surface-based SuDS with multiple benefits.

The Landscape Officer recommended that some modest adjustments to the detail of the scheme to tighten the landscape design including that the key visual route and connection to Magistrates Court are kept open from street views, and some in-paving trees should be moved to facilitate this.

In particular the Landscape Officer advises that trees should be relocated from the circled paved area to create clear line of sight from Prince Albert Street to the Magistrates Court and also to allow a strong visible connection between the Town Hall and the new Library. Tree types should also be compact fastigate varieties mixed along the proposed North to South pedestrian footway.

Where feasible trees should be moved to the neighbouring planting beds adjacent to proposed parking. It is considered that addition trees should be planted within planting bed island of the proposed car parking area, and which are "car friendly" to soften the carpark environs if practicable.

The Landscape Officer considers that details for the securing of the retained area of undercroft parking below the Magistrates Courts building should include screening to

enhance this area. Whilst, this area is outside of the application site and not within the Councils ownership, the applicant has been liaising with HM Courts and Tribunal Service to develop a design solution for securing the undercroft. It is anticipated that in the longer term HM Courts and Tribunal Service will install security screening / fencing and automatic gates to secure the area. However as an interim solution, and to also address concerns raised by Cheshire Constabulary (Designing Out Crime Officer), the proposals have been amended to include the installation of a 2.3m high, weldmesh security fence and access gates to secure the boundary between the application site and HMCTS land to prevent unauthorised access from the new car park into the retained undercroft.

A condition requiring the submission of further details of planting specification and details of the landscape scheme will enable the adjustments to the proposed scheme recommended by the Landscape Officer to be addressed. A condition is also recommended requiring a schedule of landscape maintenance.

In response to representations concerning some derailed aspects of the scheme, it is advised that the proposed display panels are intended to be similar to those installed as part of the Ly<sup>2</sup> development. However the environment, design and function of the Lyceum Square is not intended to be replicated in this location, which provides a very different setting adjacent to the Courts and Memorial Square.

In addition the existing "sunken garden" located on the corner of Prince Albert Street and Crewe Street has been a place of antisocial behaviour as it is hidden by its lower levels and obscured by design features. To address this, the "sunken garden" is to be removed and the ground levels raised to that of the adjoining public footway. Given its prominent, corner location it is considered that public artwork can be sited here. However, artwork within the scheme is yet to be commissioned and furthermore details regarding how Crewe's heritage can be reflected within this artwork, paving and public realm will be explored in the future. Similarly once the artwork is commissioned for the south west corner further consideration will be given to the public realm and provision of street furniture. A condition is therefore recommended with regard to the details for the provision of public art within the "former sunken garden".

A condition is also recommended requiring details of boundary treatment (such as low railings and/or an extended hedge planting) to be provided between the former sunken garden and the adjoining ear service area of the History Centre to discourage pedestrians from using this back of house area as a short cut/desire line.

In summary, the Landscape Officer considers that the scheme therefore represents a physical and visual improvement on the civic offering, urban landscape and green offer within this key part of the town centre.

#### Extension to Magistrates Building

The Magistrates Court Building is a three storey building dating from the mid 1960s, with the main courts and public areas on the first floor. The public entrance to the building is currently located at first floor level off the existing raised concourse which also links to the old library and police station.

A two story extension is proposed to the western façade of the lawcourts building to allow access to the existing entrance at first floor following the removal of the raised concourse deck as part of the wider Public Realm project.

The Council's Design officer advises that the design of the entrance extension draws on the design of the proposed History Centre (22/4451N) , creating a smaller 'bookend' to the new public realm, whilst also dovetailing with the architecture of the Court building. A feature full length window will overlook the new public space toward the History Centre, with active elements on the north/south elevations toward Memorial Square and the car park.

However the Design Officer also considers that the detailed design should explore how lighting can be used innovatively to help animate the square at night. A condition is recommended requiring the approval details of lighting.

Overall, the design of the extension to the Magistrates Court will result in a high-quality civic design response and a positive backdrop to Memorial Square.

### **Amenity**

Residential properties will not be adversely affected by the public realm proposals including the provision of the new car park or the extension to the Magistrates Courts building. The impact on residential amenity of the new History Centre and specifically on the apartments of Imperial Chambers located on the opposite side of Prince Albert Steet is addressed in the consideration of planning application 22/ 4451N.

The removal of the upper concourse and the undercroft public car park, will have significant benefits in improving the appearance of the area adjacent to the Magistrates Courts as well as reducing the potential for criminal activity and anti social behaviour.

Furthermore, the removal of the existing concours will essentially remove overlooking of upper floor windows within the western elevation of the court building. Therefore, the public realm proposals will not have an adverse impact on the operations of the Magistrates Court.

### **Highways**

#### Sustainable access

The site is in the Crewe town centre with existing pedestrian and public transport infrastructure within the vicinity of the site or within a short walking distance. The site is considered well located to cater for staff or visitors to travel by sustainable modes of travel.

#### Safe and suitable access

An existing vehicle access off Crewe Street currently in use is proposed to be restricted to maintenance vehicle access to the public realm only, with entry controlled by retractable bollards. A new vehicle access with pedestrian access from Crewe Street will serve the new surface level car park and be of a sufficient width and visibility.

## Parking

A total of 89 car parking spaces are provided the existing civic centre car park, but this will be replaced with a new public car park of 32 spaces including 4 spaces for disabled persons. 2 further space are provided within the service area to the rear of the proposed History Centre. This results in a net reduction of 55 parking spaces.

The closest car parks to the site are Oak Street, Thomas Street , Chester Street, Gatefield, and Holly Bank. A Crewe town centre parking study was carried out, which analysed pre-covid ticketing data, and indicated that the Chester Street car park was almost fully utilised but the others were not, and that there would be sufficient spare capacity to cater for the loss/reduction in spaces of the Civic Centre car park. Nevertheless, there are plans for a new multi-storey car park in Crewe a short walk away which would provide almost 400 spaces and is due to become operational early 2024.

In terms of the proposed numbers of disabled person spaces and family friendly spaces the highway officer has further advised that the provision is sufficient. In particular disabled provision at 13% (4 spaces) exceeds normally applied CEC standards. Furthermore the Highway Officer also considers that the layout of the new car park is satisfactorily, and particularly the location of disabled spaces on the western side of the car park which are adjacent to a footway providing direct access to the ramp serving Memorial Square.

The Environmental Protection Officer has advised that the overall provision of 4 electric vehicular charging bays within the public car park (13%) is acceptable as it exceeds the recommended 10% provision as set out in the Low Emissions Strategy.

The existing Magistrates Courts undercroft staff parking will be retained and accessed via Crewe Street through the new car park.

Cycle parking is to proposed to be provided, although the Highway Officer recommends that a condition is imposed to ensure that this is suitably secure and sheltered.

## Conclusion

The proposal is considered acceptable by the Highway Officer and no objections are raised to the application subject to a condition requiring details of sheltered. secure cycle storage.

## **Designing out Crime**

The Cheshire Constabulary Designing Out Crime Officer (DOCO) has raised a series of detailed issues in respect to planning applications 22/4472N and 22/4451N given the need to discourage criminal and anti-social behaviour. In respect of the public realm scheme and proposed parking areas these concerns primarily relate to;

- CCTV and lighting provision
- Amount of seating proposed
- Measures required to secure the retained undercroft parking beneath the Magistrates Court building
- The inclusion of the “sunken garden” within and the development provision of public artwork here
- Lockable barrier should be provided to the new car park

- Pavement required to serve car park
- Provision of suitably located secure and sheltered cycle storage

The Designing Out Crime Officer (DOCO) has advised that the details of proposed CCTV coverage by CEC, provision of lighting within the areas of public realm and the location/ amount of seating (to include anti-skate studs where necessary) are considered acceptable following a review of the submitted information

As set out above, the proposals have been amended to include the installation of a 2.3m high, weldmesh security fence incorporating access gates to secure the party boundary and prevent unauthorised access from the new car park into the retained undercroft below the Courts building. The DOCO acknowledges this to be a temporary solution as the undercroft is the responsibility of the Law Courts, but prefers that a final measure to secure this area would be with an aesthetically pleasing grill/ fencing /gating solution to Secured by Design Standard.

The public realm proposes that the existing “sunken garden”, will be removed with ground levels raised to the level of the adjoining public footway. As this this will be prominent corner location it is proposed public artwork is located here. However, the artwork has yet to be commissioned and will be subject to further consultation, to involve the Designing Out Crime Officer. Following clarification of the proposals for the existing “sunken garden” and associated location of artwork the DOCO considers that the original concerns have been addressed

The proposals have also been amended to include lockable gates as a part of a height restriction barrier to the new car park and also footpaths have now provided on either side of the car park entrance. The DOCO advises this has addressed the original issues raised.

Although the provision of appropriate secure cycle storage is also being addressed in respect of the application for the History Centre building (22/4451N), cycle storage is also being required to be located within the area of public realm / new car park. It is accepted cycle storage should be located close to the entrance doors of buildings and within areas of reasonable footfall and guardianship. It is recommended that a planning condition requiring the approval details of the location of secure, covered cycle storage is attached.

## **Drainage**

United Utilities have raised an objection to application 22/4451N on the basis that the plans show land drainage going into the public sewer on Crewe Street. Although notwithstanding this, a planning condition is recommended requiring the approval of details of the drainage system.

The proposals of this application (22/4472N) include a sustainable surface water drainage system to serve the entire development prepared with regard to the principles of the Cheshire East Council Sustainable Drainage Systems design guide. In particular, the use of rain gardens / bio-retention is encouraged in the guide as an infiltration system to control surface water run-off.



The library and its predominantly hard surfaced environs already drain to the existing sewer. This scheme seeks to introduce a greater area of soft landscape and includes SuDS within the design, creating the potential for significant betterment in slowing the flow of surface water to the mains sewer, as set out in the submitted drainage report.

The surface water drainage scheme is currently being assessed by the LLFA and its comments will be reported in an update to Southern Planning Committee.

## **Other Matters**

### Impact on the Magistrates Courts during construction

A Construction Environmental Management Plan (CEMP) has been submitted with this application. This sets out arrangements for mitigation measures to reduce noise, dust and vibration levels, including a traffic management /logistics plan, working hours and delivery times. However In response to the concerns raised by the planning agent acting on behalf of HM Courts and Tribunals Service (HMCTS) additional information has been submitted in respect of managing the impact on the Magistrates Court buildings during the course of the development.

The applicant has advised that, “Cheshire East Council have been liaising with HM Courts & Tribunals Service (HMCTS) on an ongoing basis since September 2021 with regard to the design of both the extension to the court building and the wider project, including the potential impact from noise and vibration. Monthly co-ordination meetings have been held since August 2022 “, and as result the following arrangements are proposed in respect of noise monitoring;

- An independent specialist consultant will be appointed jointly by Cheshire East Council and HMCTS. They will assess the proposed works, existing environment and activities with the Court, and adjacent site and establish the upper limits for noise and vibration levels. These upper limits will be agreed by both parties and included in the Heads of Terms agreement. The consultant will be retained throughout the construction period to undertake site visits, review the monitoring data provided by the contractor and assist in dealing with any noise or vibration related matters;
- A specialist company is to be appointed by the contractor to install noise, vibration and dust monitoring stations around the construction site and noise monitoring equipment will be installed within the courts building which will continually monitor the noise levels. If these exceed the agreed upper limit then an alert will be issued to the Contractor and they will immediately cease the activity in question;
- Activities which are considered higher risk in terms of noise and vibration will be undertaken outside the core hours for the Court. This will involve additional weekend working on Saturdays and selected Sundays

It is therefore recommended that a condition be imposed requiring the submitted CEMP be updated to incorporate the addition measures and arrangements to mitigate the impact on the Magistrates Courts, as set out above, and further to engagement between Cheshire East Council and HMCTS.

## Public Consultation

The Council's Statement of Community Involvement SPD (January 2022) states that for, "For significant or major applications, developers will be encouraged to carry out pre-application consultation with interested local parties and community bodies".

The applicant has advised that an extensive programme of pre-application engagement was undertaken to provide CEC Officers and Members, Crewe Town Council, local residents, businesses and other key stakeholders the opportunity to view and comment on the development proposals, prior to the submission of the planning application. A Public Consultation Exercise was carried out on 13th October 2022 for both the Public Realm Proposals and the Court Extension Design at the Municipal Buildings, Crewe.

In terms, of the planning application publicity and consultation has been undertaken in accordance with the statutory requirements and the procedures of The Council's Publicity for Planning Applications Protocol.

## **CONCLUSION**

The proposals accord with the Council's objective of remodelling the civic hub with the Civic and Cultural quarter in Crewe town Centre. In conjunction with the intrinsically linked development of the History Centre (22/4451N), this public realm improvement project will deliver town centre redevelopment in accordance with the objectives of Policies RET 9 and RET 10 of the SADPD.

The demolition of the Library is considered acceptable in urban design terms, and also given the very significant structural and technical issues it cannot be successfully re-purposed to accommodate the Archive and associated facilities.

It is considered that the public realm scheme represents a significant physical and visual improvement on the civic offering, urban landscape and green offer within this key part of the town centre. The scheme incorporates the design qualities found within Memorial Square and removal of dated and problematic undercroft/raised concourse will importantly open up a direct pedestrian route from the square to other key civic elements to the south with clearer views towards Christ Church (grade 2) . The proposed entrance extension to the Magistrates Court will also result in a high-quality civic design response and a positive backdrop to Memorial Square.

The proposal are therefore of a siting and design which accords with the objectives of CELPS Policy SE1 and SE4 , and policies RET 9 and RET 10 of the SADPD.

The development will not adversely affect the amenities of nearby residents and also achieve an acceptable relationship with the adjacent Magistrates Courts building. It is considered the proposal therefore complies with policy SE1 of the CELPS and Policy HOU12 of the SADPD.

The site is in Crewe town centre with existing pedestrian and public transport infrastructure within the vicinity of the site, or within short walking distance. The proposed replacement car park for the existing undercroft car park (Civic Centre) is of acceptable layout and design

including sufficient numbers of disabled persons spaces and EV charging bays with safe vehicular and pedestrian access from Street Notwithstanding the reduction in parking spaces the proposals will not have an adverse impact overall town centre parking provision.

Other issues including designing out crime have been addressed, subject to condition requiring the provision of secure cycle parking and detailed scheme for the treatment of the former “sunken garden” including the provision of public art. In addition, to ensure measures are undertaken to mitigate the impact of construction/demolition work on the Magistrates Court and nearby residential properties a condition is recommended for the submission and approval of an updated CEMP.

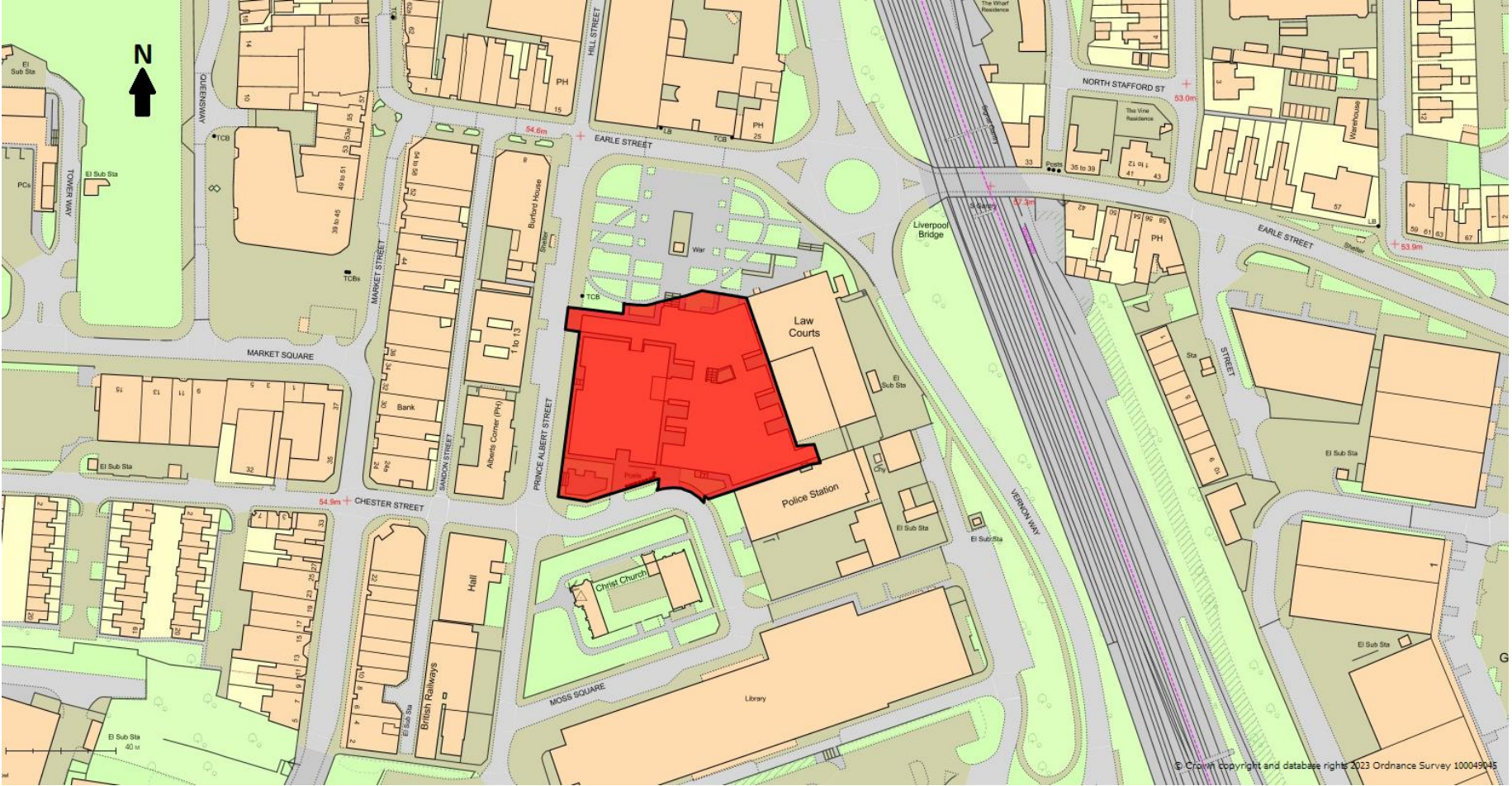
On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the SADPD and advice contained within the NPPF.

### **RECOMMENDATION:**

**APPROVE** subject to the following condition

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans**
- 3. Details of materials and finishes**
- 4. Details of lighting/illumination of extension to Magistrates Building**
- 5. Details of secure cycle storage/parking**
- 6. Details of the siting and provision of public artwork**
- 7. Provision of boundary treatment between former sunken garden and rear service area of History Centre**
- 8. Submission/approval of tree planting specification**
- 9. Implementation & maintenance of landscaping**
- 10. Submission and approval of full details of Drainage scheme**
- 11. Provision of ultra low emission boilers**
- 12. Contaminated land - Submission and approval of Remediation Strategy**
- 13. Contaminated land - Submission and approval of Verification Report**
- 14. Contaminated land – soil testing**
- 15. Measures to deal with unexpected contamination**
- 16. Submission of updated CEMP**

**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**



Application No: 22/4451N

Location: CREWE LIBRARY, PRINCE ALBERT STREET, CREWE, CHESHIRE, CW1 2DH

Proposal: Construction of a new History Centre (Class F1) with related access, servicing, landscaping and other associated works, following the demolition of the former Crewe Library building.

Applicant: The Cheshire Archives & Local Studies Service

Expiry Date: 17-Feb-2023

### SUMMARY

The application proposes a two-storey building on the site of Crewe Library known as the History Centre to re-house the Cheshire East Archive collections within a purpose built facility, and also provide space for events/exhibitions, research and a café. The proposal development of the History Centre accords with the Councils objective of remodelling the civic hub with the Civic and Cultural quarter. In conjunction with the intrinsically linked public realm improvement scheme (22/4472N), it will deliver town centre redevelopment in accordance with the objectives of Policies RET 9 and RET 10 of the SADPD.

Whilst of a contemporary architectural design, the History Centre is considered to constitute a high quality development that will achieve a positive relationship with Memorial Square, the surrounding townscape and the new area of public realm. The History Centre is therefore of a siting and design which accords with the objectives of CELPS Policy SE1 and SE 7, and policies RET 9 and RET 10 of the SADPD.

The development will not have an unacceptable impact upon the amenity of those living nearby and also achieve an acceptable relationship with the adjacent Magistrates Courts building. It is considered the proposal therefore complies with policy SE1 of the CELPS and Policy HOU12 of the SADPD.

The site is in Crewe town centre with existing pedestrian and public transport infrastructure within the vicinity of the site, or within short walking distance. As the site is considered well located to cater for staff or visitors to travel by sustainable modes of travel, the use of the History Centre will not have an adversely impact on town centre parking provision or harmful highway impact as a result of traffic generation.

The proposals will have a neutral impact on ecology and trees given the landscaping and additional tree planting provided within the adjacent public realm scheme. Other issues including designing out crime have been addressed, subject to a condition requiring the provision of secure cycle parking. In addition, to ensure measures are undertaken to mitigate the impact during construction on the Magistrates Court and nearby residential properties a condition is recommended for the approval of a CEMP.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the SADPD and advice contained within the NPPF.

**Recommendation: APPROVE subject to Conditions**

## **REASON FOR REFERRAL**

Referred due to Council interest/ownership of the site.

## **SITE DESCRIPTION**

The application site is located within Crewe town centre to the south of Memorial Square and alongside Prince Albert Street to the west. It comprises the Crewe Library building which dates from 1967 and forms part of a wider civic complex comprising the Magistrates Court and Police Station. A raised pedestrian concourse provides the main public access to the Library and the adjacent Magistrates' Court building to east, as well as first floor access to Crewe Police Station.

Crewe Street and the Grade II listed Christ Church lie to the south of the site.

A public car park (Civic Centre) is located beneath the raised concourse accessed from Crewe Street. This undercroft carpark also provides access to a staff car parking area located below the southern end of the Magistrates Courts building.

Crewe Library closed in 2016 and was relocated to the Lifestyle Centre on the southern end of Memorial Square. The building has remained vacant since this time.

The site forms part of the civil and cultural quarter of Crewe town centre, which also contains the Lifestyle Centre, the Lyceum Theatre, the Market Hall and Lyceum Square.

## **PROPOSALS**

The proposals are part of a Cheshire-wide project, 'Cheshire's Archives: a story shared' which is being funded by Cheshire East Council, Cheshire West and Chester Council, and the National Lottery Heritage Fund. This aims to deliver two new History Centres in Chester and Crewe to replace the Archives service's current facility on Duke Street in Chester. The collections date back more than 900 years and archives need to be stored in strict airtight conditions to manage the temperature and humidity 24 hours a day which is near impossible to achieve in the existing building.

It is therefore proposed to re-house the Cheshire East collections within a purpose built facility known as the History Centre to provide a climate controlled environment to better preserve and display local archival materials.

The proposed History Centre is a two-storey building of contemporary design, and also of similar scale and massing to the library building it is to replace.

At ground floor level, the front and side façades of the building are mainly glazed together with the use of red facing brickwork. The first floor level overhangs the ground floor, and perforated metal cladding is proposed to wrap around the upper storey, but also incorporates a large glazed area overlooking Memorial Square towards the Municipal Buildings (grade II) and Crewe Market Hall (grade II).

The main entrance is located opposite Memorial Square. The ground floor of the building will accommodate open plan exhibition space within the entrance areas which then wraps around

a stage/ auditorium, and a café with internal and external seating areas. The archive itself is central to the building plan, and is housed within a windowless blockwork compartment.

The first floor level accommodation primarily comprises of a research space, meeting rooms and secure storage.

A separate and intrinsically linked planning application (22/4472N) has been submitted concurrently with this application for the demolition of the old Library building and the undercroft public car park enabling the construction of the proposed History Centre. This also proposes the creation of new public realm, new car parking and a new entrance for the adjacent Magistrates' Court. Planning Application 22/4472N is also on the agenda for consideration at this meeting.

## **RELEVANT HISTORY**

None relevant

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

LPS 1 - Central Crewe  
MP 1 - Presumption in Favour of Sustainable Development  
PG 2 - Settlement Hierarchy  
SD 1 - Sustainable Development in Cheshire East  
SD 2 - Sustainable Development Principles  
EG 5 - Promoting a Town Centre First Approach to Retail and Commerce  
SC 1 - Leisure and Recreation  
SC 3 - Health and Well-being  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodlands  
SE 7 - The Historic Environment  
SE 9 - Energy efficient Development  
SE 12 - Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management  
CO. 1 - Sustainable travel and transport

### **Site Allocations and Development Policies Document (SADPD)**

PG 9 - Settlement boundaries  
GEN 1 - Design Principles  
GEN 2 - Security at crowded places  
ENV 3 - Landscape Character  
ENV 6 - Trees, hedgerows and woodland implementation  
ENV 15 - New development and existing uses



ENV 16 - Surface water management and flood risk  
HER 1 - Heritage Assets  
HER 4 - Listed Buildings  
HER 8 - Archaeology  
RET 9 - Environmental improvements, public realm and design in town centres  
RET 10 - Crewe Town Centre  
HOU 12 - Amenity  
INF 2 - Public Car Parks  
INF 3 - Highway Safety and Access  
INF 9 - Utilities  
REC 5 - Community facilities

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
Crewe Town Centre Regeneration Strategy  
Crewe Town Centre Public Realm Strategy  
A Cultural Strategy for Crewe 2019 -2029

### **CONSULTATIONS (Summary)**

**Environmental Health:** No objection subject to condition for the remediation of contamination and the provision of Ultra Low Emission Boilers, and attachment of informative in respect of Construction hours, Noise Generative Works, requirements for Piling works and floor floating, and provision of a Site Specific Dust Management Plan (DMP).

**Cheshire Archaeology Planning Advisory Service -** No objection and comments that it is unlikely that there will be any surviving below ground remains of those houses at this site given the extensive 1960's building.

**Highways -** No objection subject to a condition subject to a condition for cycle storage

**United Utilities -** Object, as land drainage is shown to be going into the public sewer. But further adds that should planning permission be granted a planning condition is attached requiring that prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme are submitted to, and approved by the LPA.

**Cheshire Constabulary, Designing Out Crime Officer -** Comments. A series of issues need to be addressed in relation to CCTV provision, lighting, access control measures, increased natural surveillance, secure cycle storage, and measures to reduce the potential for anti social behaviour.

**Cadent Gas :** No objection



## **VIEWS OF THE TOWN COUNCIL:**

**Crewe Town Council** : Supports the principle of development but raises the following observations and concerns:

- i. Reduction in town centre parking capacity, particularly that used for access to the Library and Lifestyle Centre*
- ii. The car park design layout should include for more disabled parking bays*
- iii. The car park design layout should include for more family-friendly parking bays*
- iv. The car park design layout should include for an increased proportion of EV charging bays.*

## **OTHER REPRESENTATIONS:**

5 representations have been received objecting to the application on grounds summarised below;

- The existing building should be re-purposed. The proposed demolition goes against Cheshire East's stated aims of achieving Net Zero. Construction and building accounts for 40% of the U.K.'s carbon emissions and demolition causes two-thirds of the country's total waste.
- No serious consideration given to repurposing, or altering, this award winning landmark building.
- Alternative and cost effective reuse of existing library building suggested for a college specialising in Financial Literacy, with accommodation for the Archives provided through the renovation of Christ Church.
- The design of the new building is totally unacceptable for the Cultural Quarter and sandwiched between Victorian Christ Church and Edwardian Municipal Buildings reflecting neither.
- The existing utilitarian building must be replaced with an ambitious and remarkable structure that blends in with the surrounding architecture.
- Removal of parking space which are used by visitors to Crewe Lifestyle Centre.
- Provision of parking for the lifestyle centre must be a requirement for any approval.
- Potential for increased anti-social behaviour on Memorial Square.
- Inadequate public consultation

A representation has been received which neither objects or supports the application, raising points summarised as follows;

- From the corner of Prince Albert Street and Crewe Street there is nothing legible about what the building is or the location of its entrance.
- Signage on the building is required as this corner will also be at the first point of entry from the Southern Gateway access point which is a key link to South Crewe and the railway station.
- Provision of 2 car parking spaces within the rear service area does not allow sufficient space for a refuse vehicle to leave in forward gear. Tracking information is required or should be provided through a condition.
- Will car parking spaces have passive electric car charging points?
- Further details required of the cladding design for the building

- Clarification required of proposed illumination in the evening and impact of lighting on neighbouring properties
- Will the cafe be open when the History Centre is closed with its own self-contained access point, or is it incidental to the History Centre?
- Part of the red line boundary includes some aspects of Public Realm. Will seating and short stay cycle parking be a feature near to the entrance of the site?
- Cycle hoops should be of a design that forms part of the placemaking.
- Details required for the provision of secure cycle storage for employees of the site

A representation has been received by Cushman and Wakefield on behalf of HM Courts and Tribunals Service (HMCTS) raising the following concerns;

*“The HMCTS understand the wide-ranging benefits that the proposed development would deliver however HMCTS do have concerns regarding the likely impacts to the court operation from the proposed development as it is constructed and brought into operation. Any disturbance or disruption from external activity, particularly significant external noise, is likely to interfere with evidence being given in the many cases that the court hears. This would lead to adjournments and delays to cases and have a detrimental impact on HMCTS performance and those that use the court building.”*

*“It is imperative that safeguards and mitigation measures are put in place and enforced to protect the effective and smooth running of court activity through all phases of construction. It is therefore respectfully requested that the following actions are undertaken by the applicant and enforced by the Council:*

- *Submission of an assessment of construction noise on the court operation in collaboration with HMCTS so that the levels of construction noise that will adversely impact court proceedings can be properly understood and assessed. This will allow adequate and robust management and mitigation measures to be identified and enforced through any future planning conditions, specifically those that relate to the proposed Construction Environmental Management Plan.*
- *Where construction operations will emit significant noise impacts that are likely to disrupt the proper functioning of the court, such activities should take place outside of core court hours, the core hours being 09:00 – 16:00. This will require bespoke construction hours to be agreed with HMCTS to limit disruption of any sort to court proceedings and enshrined within the proposed Construction Environmental Management Plan and any bespoke planning condition related to noise emissions.*
- *A further assessment of construction vibration on the court operation and building so that any adverse impact can be properly understood and assessed. This will allow adequate and robust management and mitigation measures to be identified and enforced through any future planning conditions, specifically those that relate to a Construction Environmental Management Plan.*
- *Future planning conditions to ensure that any Construction Environmental Management Plan includes the requirement for construction traffic entering and leaving the site to be closely controlled, vehicles that make deliveries will travel via designated traffic routes to be agreed with the LPA and other interested parties including HMCTS, and that construction traffic will be controlled by means of a vehicle arrival and departure management plan to achieve an even spread of vehicle movements during the working day.*

- *The internal configuration of the building and new public realm/spaces are designed to ensure that there is no overlooking to any of the following private and sensitive areas, hearing rooms, administration offices, and witness/judge/CPS/prisoner entrances. “*

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within the settlement boundary of Crewe where there is a presumption in favour of development. Policy PG 2 (Settlement Hierarchy) of the CELPS identifies Crewe as a principal town where significant development will be encouraged to support its revitalisation and recognising its role as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

In principle, the proposals are supported by CELPS Policy LPS1, which identifies Central Crewe, including the town centre, as an opportunity to regenerate under-exploited assets and provide a strong mix of uses. In particular Policy LPS1 seeks to achieve this through;

- support for an enhanced cultural offer
- a focus of civic functions
- support for multi use facilities to drive footfall and a diversity of uses within the town centre

The proposed development would further accord with CELPS Policy EG5 which supports a town centre first approach, including proposals for cultural development.

SADPD Policy RET 10 supports opportunities for improving and regenerating Crewe town centre and in particular states that within the Civic and Cultural Quarter Development Area (CCQDA) the following development schemes will be supported;

*i the re-use or redevelopment of the former library buildings for a range of civic, cultural, community and other town centre uses, including a potential history centre*

In addition Policy RET 10 also supports town centre public realm improvements that improve the quality of the public spaces, including green spaces, enhance the setting of heritage assets, enhance the setting of heritage assets and improve routes across the town centre for pedestrians and cyclists.

The Civic and Cultural Quarter brings together a range of leisure, cultural and civic functions including the Lifestyle Centre and the Municipal Buildings, in addition to the area around Memorial Square and Christ Church. The supporting text of policy RET 10 adds that, “The vision for the quarter will look to remodel the civic hub, currently comprising the former library, police station, law courts and undercroft car parking”.

In line with CELPS Policy SE1 “Design”, SADPD Policy RET 9 further supports town centre development provided this makes a positive contribution to their surroundings. Policy RE9 sets out the principles that town centre development should follow including designing buildings and spaces that create a sense of identity, are adaptable, accessible, inclusive, easily understood, and enhance local character and where the public realm associated with new development positively integrates with that of the wider town centre.

These proposals are intrinsically linked with the public realm improvement project of planning application 22/4472N. The entire regeneration scheme is therefore the subject of two planning applications (22/4472N & 22/4451N) and will be delivered in 2 overall phases. The first phase will principally relate to the delivery of public realm improvements involving the demolition of the former library and raised concourse, ground re-modelling, the provision of the re-configured car park and eastern part of the public realm, and the new entrance to the law courts. Phase 2 will entail the development of the new History Centre building on the site of the demolished library and the remaining western area of public realm.

The delivery of the History Centre together with the public realm project proposed under 22/4472N, will deliver town centre redevelopment within the Civic and Cultural Quarter Development Area in accordance with the objectives of Policies RET 9 and RET 10 of the SADPD. Detailed issues relating to the siting and design of the History Centre development are addressed below.

## Design

Issues relating to the demolition of the existing library building, concourse and undercroft are addressed as part of application 22/4472N. However, the Council's Design Officer considers the existing library building is a non-jarring, brick, contemporary building that architecturally 'of its time'. Furthermore, in rejecting an application to list the library, Historic England concluded that, "the standard, functional design of the late-1960s former library in Crewe means that it lacks special architectural and historic interest to merit listing in a national context"

The submitted Design and Access Statement explains the rationale why the existing building is not able to be re-purposed for the proposed History Centre. This is principally due to a series of technical considerations, including significant structural issues and required need for airtightness for storage of the archive collection. Therefore given the specific needs for the archive facility, and also to achieve the "design vision" for the proposed History Centre including the creation of a 'transparent' and welcoming entrance onto Memorial Square, this cannot be delivered through a repurposing or retrofit of the existing library building.

The new History Centre building will occupy the same footprint to that of the library but with levels raised to ensure it sits at grade to the levels of Memorial Square and Prince Albert Street. The Design Officer considers this will result in a far better and responsive design than exists currently. The positioning and orientation of the building will help to frame Memorial Square and the new public realm, also creating active frontage/usage that will further animate this public space.

The design of the History Centre maintains the general scale of the existing library, with its primary elevation addressing Memorial Square and associated public buildings. Feature glazing and fenestration create active corners at the front of the building and also active sides to the new public realm and Prince Albert Street.

The building is to be constructed in red brick and a cladding system comprising solid, mesh and perforated cladding to the upper storey. The design of that is to be finalised as part of the

detailed design and finalisation of materials. This will also allow the opportunity to animate the building during day and night-time, integrating artwork and interpretation and also creating the opportunity to accent the building with lighting. Planning conditions are recommended requiring details of materials, including that of the upper floor cladding and also the provision lighting/illumination.

Both the front elevation and part of the sides are activated by feature curtain glazing with the front upper storey defined by a cowed full width, full height 'window' onto the square and with a recessed but open and transparent understorey with "spill out " space onto the new public realm. It is recognised services are to be concealed within the building and this results in the southern elevation not containing openings and thus plainer and less active architecturally than the other elevations.

In summary, the Design Officer advises that the History Centre will positively address Memorial Square and the new southern area of public realm, whilst also having an enhanced relationship to Prince Albert Street. In this context, and following review of the submitted Heritage Assessment, the proposed development is not considered to have a harmful effect on designated heritage assets including the grade 2 listed buildings of Christ Church to the south or Crewe Market Building and the Municipal Buildings beyond Memorial square to the north, and overall would preserve their settings.

Whilst of contemporary design and the architecture of the building and its materiality is clearly of today, The Design Officer considers it sites positively in the townscape, whilst offering the potential to animate the area during night-time and add to the general ambience, particularly Memorial Square. The largely outward-looking design will also significantly improve upon the contribution of the current library building to the surrounding streetscape.

The History Centre development is therefore of a siting and design which accords with the objectives of CELPS policy SE1 and SE 7 and policies RET 9 and RET 10 of the SADPD.

## **Amenity**

SADPD Policy HOU 12 (Amenity) requires that new development should not be permitted if it is deemed to cause unacceptable harm upon neighbouring amenity such as from overlooking, visual intrusion or noise and disturbance.

The development occupies the footprint of the old library and is of a similar scale and mass to the existing building. Furthermore although the upper floor of the new building incorporates glazing to serve staff facilities and a meeting room within the Prince Albert Street elevation, the existing library contains a series of first floor windows. As a result the proposed History Centre would not therefore have any greater impact on residential amenities of any neighbouring properties including the flats of Imperial Chambers on the opposite side of Prince Albert Street. However to safeguard amenity, a condition is recommended requiring details of the specification of external lighting prior to its installation.

Furthermore, following assessment of the submitted noise report, the Council's Environmental Health Officer does not consider that the use or operation of the History Centre will generate unacceptable levels of noise and disturbance to nearby properties in this town centre location.

In term of the relationship of the new building with the Magistrates Courts, a distance of 42m will remain between the western elevation of the Courts building and the facing eastern elevation of the History Centre at the closest point. Given this separation distance, coupled with the removal of the existing raised concourse adjacent to the western elevation of the Magistrates Courts building, it is not considered that the siting and design of the History Centre would result in unacceptable overlooking of private or sensitive areas of the Magistrates Courts.

It is considered the proposal therefore complies with policy SE1 of the CELPS and Policy HOU12 of the SADPD.

## **Highways**

The existing Library building is to be demolished and replaced with a History Centre, which also includes the removal of the adjoining concourse and undercroft public car park. Planning application 22/4472N proposes a smaller replacement car park as part of a public realm project and is accessed from Crewe Street.

### Sustainable access

The site is in Crewe town centre with existing pedestrian and public transport infrastructure within the vicinity of the site or within a short walking distance. The site is considered well located to cater for staff or visitors to travel by sustainable modes of travel.

### Safe and suitable access

An existing vehicle access off Crewe Street which is currently in use will be restricted to maintenance vehicle access to the public realm only, with entry controlled by retractable bollards.

A further existing vehicle access off Crewe Street is unused. It is proposed to bring this back into use and provide access to a servicing/delivery area including 2 car parking spaces at the rear of the new History Centre. Refuse collection is to take place from the highway.

The Council's Highway Officer has further advised that swept path analysis (tracking) provided within the Transport Assessment satisfactorily demonstrates that the proposed rear service area is of sufficient size for satisfactory use by delivery vehicles.

### Parking

There are currently 89 car parking spaces with the adjacent civic centre car park but this will be replaced with a new public car park of 32 spaces proposed by application 22/4472N. Two additional spaces for use by the history centre itself are provided within its rear service areas. This results in a net reduction of 55 parking spaces.

The closest car parks to the site are Oak Street, Thomas Street, Chester Street, Gatefield, and Holly Bank. A Crewe town centre parking study was carried out, which analysed pre-covid ticketing data, and indicated that the Chester Street car park was almost fully utilised but the others were not, and that there would be sufficient spare capacity to cater for the proposed loss/reduction spaces from the replacement of the existing Civic Centre car park. Nevertheless, there are plans for a new multi-storey car park in Crewe a short walk away which would provide almost 400 spaces and which is due to become operational early 2024.

As set out in application 22/4472N, the Highway Officer considers the layout of the new car park to be acceptable and the proposed numbers of disabled person spaces (13%) to be sufficient.

Cycle parking is to be provided, although the Highway Officer recommends that a condition is imposed to ensure that this is suitably secure and sheltered.

#### Network Capacity

The applicant has stated that on a typical day occupancy would be 45 visitors and a group of 10 to 20 people. On event days there would be a maximum of 150 people. Using the modal split of other museums/exhibition centres indicates that the majority would arrive by methods other than the car. The maximum car parking demand of the site would be expected to be around 15. Given the sustainable location of the site this is considered to be a reasonable assessment, and relative to the existing use the highways impact will be minimal.

#### Conclusion

The Strategic Highway Manager raises no objection to the development, subject to a condition requiring the approval of details for secure cycle storage.

### **Designing out Crime**

The Cheshire Constabulary Designing Out Crime Officer (DOCO) raised a series of issues in relation to both planning applications 22/4472N and 22/4451N with regard to the need to discourage crime and anti-social behaviour. In respect of the proposed History Centre building these principally concerned the provision of effective security measures including CCTV, provision of lighting and secure cycle parking provision.

Following assessment of additional information, and discussions with the applicant, the DOCO has advised that arrangements for the provision of CCTV, the provision of lighting including illumination of cladding and measures to secure the interior and exterior of building have addressed the concerns originally raised.

Original concerns were also raised by the DOCO in respect of the building's first floor overhang and the potential for loitering/congregation here with the increased risk of anti-social behaviour. However, the DOCO has since accepted that given the overhang is less than 1m in depth together with the provision of CCTV surveillance and lighting, that such issues can be adequately mitigated.

However, the DOCO remains concerned in respect of the overall provision and standard of secure cycle storage. In response, the applicant considers that 25 cycle spaces are appropriate to serve the History Centre. Some will be provided at entrance to the building with loop storage was selected due to maintaining the key view to the façade of the building from across Memorial Square. The building's perimeter to the east and west has full height curtain walling, and the glazing adds surveillance to the cycle storage proposed in these locations. Additionally there will be CCTV coverage of this area and also staff (2No.) cycle storage provision will be provided within the building.

Nevertheless given the concerns raised by the DOCO, and also that further details are required by CEC Highways Officer, a condition is recommended to secure the provision of suitable, sheltered and secure cycle parking/storage.

### **Energy Efficient Development**

Cheshire East Council has committed to being carbon neutral by 2025. In response to this commitment, the applicant states that the design of the Crewe History Centre will aim to help set this new building on a pathway to net zero carbon. To achieve this, a Net Zero Carbon design approach that follows the UK Green Building Council framework has been adopted to ensure that the CO2 associated with the building's operation will be minimised.

The submitted Sustainability and Energy Statement sets out that the provision of mechanical and electrical services for the History Centre have been designed to deliver a controlled environment for the building. This is to be achieved through reducing energy consumption by maximising energy efficiency in the design of the fabric of the building and also the application of low carbon and renewable technologies including;

- Roof mounted photovoltaics generating electricity for the building.
- Air source heat pump heating and cooling
- Hot water will be generated by local point of use electric water heaters.

The energy Statement concludes that the History Centre will generate over 10% of its energy requirements from renewable sources and the design of the building will achieve a high energy efficiency rating, in accordance with the requirements of CELPS Policy SE.9 (Energy Efficient Development).

### **Ecology**

The Council's Ecologist does not consider that the proposed development results in any significant ecological issues.

It is recognised that a small number of urban trees are to be felled as part of the proposed development. However the Council's Ecologist has advised that the landscape proposals of 22/4472N incorporate sufficient tree planting that achieves satisfactory mitigation for tree removal. This further ensures that the development does not result in a loss of biodiversity.

### **Drainage**

United Utilities have raised an objection to the application on the basis that the plans show land drainage going into the public sewer on Crewe Street. Although notwithstanding this, a planning condition is recommended requiring the approval of details of the drainage system.

The proposals of application 22/4472N include a surface water drainage system to serve the entire public realm and History Centre development, prepared with regard to the principles of the Cheshire East Council Sustainable Drainage Systems design guide. As recommended,



the drainage system includes the use of rain gardens / bio-retention as an infiltration system to control surface water run-off.

The library and its predominantly hard surfaced environs already drain to the existing sewer. This scheme seeks to introduce a greater area of soft landscape and includes SuDS within the design, creating the potential for significant betterment in slowing the flow of surface water to the mains sewer, as set out in the submitted drainage report.

The surface water drainage scheme is currently being assessed by the LLFA and its comments will be reported in an update to Southern Planning Committee.

## **Other Matters**

### Impact on the Magistrates Courts during construction

The impacts during the construction phase are a temporary manifestation of the development process, and as such will be temporary in nature. However, the planning agent acting on behalf of HM Courts and Tribunals Service (HMCTS) has raised concerns in respect of the impact on the operation of the Magistrates Court during the construction phases of the development in terms of noise, disruption, dust and traffic. In response to these concerns the applicant has advised that;

“Cheshire East Council have been liaising with HM Courts & Tribunals Service (HMCTS) on an ongoing basis since September 2021 with regard to the design of both the extension to the court building and the wider public realm project, including the potential impact from noise and vibration during construction. Monthly co-ordination meetings have been held since August 2022 “,

Further to this engagement the following arrangements are proposed in respect of noise monitoring;

- An independent specialist consultant will be appointed jointly by Cheshire East Council and HMCTS. They will assess the proposed works, existing environment and activities with the Court, and adjacent site and establish the upper limits for noise and vibration levels. These upper limits will be agreed by both parties and included in the Heads of Terms agreement. The consultant will be retained throughout the construction period to undertake site visits, review the monitoring data provided by the contractor and assist in dealing with any noise or vibration related matters;
- A specialist company is to be appointed by the contractor to install noise, vibration and dust monitoring stations around the construction site and noise monitoring equipment will be installed within the courts building which will continually monitor the noise levels. If these exceed the agreed upper limit then an alert will be issued to the Contractor and they will immediately cease the activity in question;
- Activities which are considered higher risk in terms of noise and vibration will be undertaken outside the core hours for the Court. This will involve additional weekend working on Saturdays and selected Sundays

It is recommended that a condition be imposed requiring the submission and approval of a Construction Environmental Management Plan (CEMP) relating to the development of the

History Centre. This will include measures to mitigate impact on the Courts, such as those set out above and also the amenities of local residents .

Although a CEMP accompanies planning application 22/4772N, this essentially relates to the demolition works, site preparation and public realm scheme and not the construction of the History Centre .

### Public Consultation

The Council's Statement of Community Involvement SPD (January 2022) states that for, "For significant or major applications, developers will be encouraged to carry out pre-application consultation with interested local parties and community bodies".

The applicant has advised that an extensive programme of pre-application engagement was undertaken as described in the submitted Statement of Community Involvement ('SCI') to provide Ward Members, Crewe Town Council, local residents, businesses and other key stakeholders the opportunity to view and comment on the development proposals prior to the submission of the planning application. A public exhibition in respect of the proposed History Centre was held on the 14th July 2022 at Crewe Market Hall.

In terms, of the planning application publicity and consultation has been undertaken in accordance with the statutory requirements and the procedures of The Council's Publicity for Planning Applications Protocol.

## **CONCLUSIONS**

The proposal development of the History Centre accords with the Councils objective of remodelling the civic hub with the Civic and Cultural quarter and importantly house the Cheshire East Archive collections. In conjunction with the intrinsically linked public realm improvement scheme (22/4472N), it will deliver town centre redevelopment in accordance with the objectives of Policies RET 9 and RET 10 of the SADPD.

Whilst of a contemporary architectural design, the History Centre is considered to constitute a high quality development that will achieve a positive relationship with Memorial Square, the surrounding townscape and the new area of public realm. The History Centre is therefore of a siting and design which accords with the objectives of CELPS Policy SE1 and SE 7, and policies RET 9 and RET 10 of the SADPD.

The development will not adversely affect the amenities of those living nearby and also achieve an acceptable relationship with the adjacent Magistrates Courts building. It is considered the proposal therefore complies with policy SE1 of the CELPS and Policy HOU12 of the SADPD.

The site is in Crewe town centre with existing pedestrian and public transport infrastructure within the vicinity of the site, or within short walking distance. As the site is considered well located to cater for staff or visitors to travel by sustainable modes of travel, the use of the History Centre will not have an adversely impact on town centre parking provision or harmful highway impact as a result of traffic generation.

The proposals will have a neutral impact on ecology and trees given the landscaping and additional tree planting provided within the adjacent public realm scheme. Other issues including designing out crime, have been addressed, subject to a condition requiring the provision of secure cycle parking. In addition, to ensure measures are undertaken to mitigate the impact during construction on the Magistrates Court and nearby residential properties a condition is recommended for the approval of a CEMP.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the SADPD and advice contained within the NPPF.

## **RECOMMENDATION:**

**APPROVE subject to the following condition**

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans**
- 3. Details of materials and finishes**
- 4. Details of lighting/illumination of building**
- 5. Details of secure cycle storage/parking**
- 6. Submission and approval of full details of Drainage scheme**
- 7. Provision of ultra low emission boilers**
- 8. Contaminated land - Submission and approval of Remediation Strategy**
- 9. Contaminated land - Submission and approval of Verification Report**
- 10. Contaminated land – soil testing**
- 11. Measures to deal with unexpected contamination**
- 12. Submission of CEMP**

**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: 23/0101N

Location: Land Off, CREWE ROAD, HASLINGTON

Proposal: Planning permission for the erection of 5 no. two storey dwellings with associated parking and landscaping.

Applicant: Daniel Wright, Vistry Homes

Expiry Date: 17-Mar-2023

### **SUMMARY**

Reserved matters permission was granted ref. 16/1046N in 2016 for a detailed layout of 245 houses. This was varied by approved s.73 application 18/5682N which is therefore the most up to date planning permission on the wider site. The application site has previously been subject to a refused planning application 21/6364N for 17no. apartments arranged into two blocks. Although the site was technically located within the open countryside the wider site has an extant planning permission for residential development which is currently being built out. Together with the SADPD this is an important material planning consideration which was deemed outweigh any conflict with PG6 of the CELPS. Following adoption of the SDADPD in December 2022 the site is now within the settlement boundary of Haslington, per policy PG9 of the SADPD and the Local Plan Policies Map. The principle of development is considered to be acceptable.

The proposed addition of 5no. houses to the existing housing estate as approved by reserve matters application 16/1046N and variation of condition application 18/5682N would be acceptable in principle and in regard to relevant material considerations of design and amenity. The proposed development is compliant with Policies SE1, SD1, SD2 and SE4 of the CELPS, GEN1, HOU12 and ENV5 of the SADPD, The Cheshire East Design Guide and the NPPF. The highways impact was considered as part of the outline application and is considered to be acceptable. The parking provision and access to serve the development complies with INF3 of the SADPD and CO2 of the CELPS. The changes, involving the central plot south of the pond, are not significant in design terms and do not impact upon the amenity of adjoining areas and do not change the environmental, social or economic sustainability considerations as part of the original application.

The impact upon trees, ecology and amenity are considered to be acceptable

### **RECOMMENDATION**

**APPROVE subject to conditions and s.106 agreement**

## REFERRAL

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

*Do these properties have adequate parking provision for modern SUVs?*

*Are the driveways long enough to actually park nose to tail cars without interfering with the footpath or road?*

*Are the garages capable of taking a modern SUV? (and open the doors) and be classified as a parking space.*

*What are the plans for Solar Panels, heat pumps etc. The opportunity was lost on the previous application.*

*What is being planned to support the local community to help replace the loss of the medical centre?*

*Is it possible to build retirement bungalows instead?*

*What exactly was the consultation process with the NHS and local doctors? How robust was it?*

## PROPOSAL

This is an application for full planning permission for the erection of 5no. two storey residential dwellinghouses with associated residential curtilages. The houses would be arranged into 3no. detached houses and 2no. semidetached houses. The principal elevations would face northwards with access taken from Mcmillen Road except plot 1 which would face Canon Ward Way at its principal elevation, although access to this plot would still be taken from Mcmillen Road. The detached houses at plots 2 and 3 would have a ridge height of some 8.2m, and footprints of 9.4m x 10m (approx.) The semi detached house at plots 4 and 5 would have approximate footprints of 10m x 6.2m each, with the building having a ridge height of some 8.2m. The plot 1 dwellinghouse would have a ridge height of some 8.5m and a footprint of 9.8m x 6.1m. A detached garage would serve plot 1.





## SITE DESCRIPTION

The application site is located on the eastern edge of Haslington and covers an area of 11.91 hectares. It is currently being developed by Vistry Homes, formerly Bovis, as a residential development of 250 houses with phase 1 already completed and numerous houses being occupied. The northern boundary of the wider site is located to the rear of properties running along Crewe Road, further to the north, the site boundary extends up to the Crewe Road boundary along a projection between a number of these properties. A stream is located along the northern boundary that feeds into Fowle Brook. The western boundary also abuts the built edge of Haslington, with a hedge along the boundary, as well as a ditch. The southern and eastern boundaries have hedgerows and beyond these lies the wider open countryside. The site edged red is drawn around land south of the pond, between Canon Ward Way and Thornton Road.



## RELEVANT HISTORY

22/0735N - Non-material amendment to application 17/2045N – Approved 9th March 2022

22/0734N - Non-Material Amendment (change in roof tile) to approval 18/5682N for Variation of Condition on approval 16/1046N - Reserved Matters application for 245 dwellings, highways, public open space, play facility and associated works following Outline application 13/4301N – Approved 8th April 2022

21/4562N - Non-material amendment to application 17/2045N – Approved 18th January 2022

20/0720N - Non Material Amendment to approval 16/1046N for Reserved Matters application for 245 dwellings – Approved 27th February 2020

18/5682N - Variation of condition on approval 16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 – Approved 7th February 2019

17/3126N - Variation of condition 8 on application 16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 – Approved 2nd November 2017

17/2045N - Approval of reserved matters (appearance, landscaping, layout and scale) on approval 13/4301N - erection of no.5 dwellings and associated works – Approved 14th June 2017



16/3197N - Prior approval of proposed demolition – Determination Not Required 15th July 2016

16/2832N - Erection of 2no advertisement boards to inform public of new residential site – Approved 4th August 2016

16/1889N - Reserved matters for erection of 9 dwellings and associated garages, highway works, attenuation basin - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Withdrawn 4th November 2016

16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 – Approved 31st October 2016

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Appeal against Non-Determination – Appeal Allowed 15th August 2014

13/2451S - EIA screening for proposed residential development of up to 250 dwellings – EIA Not Required 20th November 2013

## **POLICIES**

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs: 11. Presumption in favour of sustainable development. 60-80. Delivering a Sufficient Supply of Homes 126-136. Achieving Well Design Places

### **Cheshire East Local Plan Strategy (CELPS)**

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

PG 2 Settlement Hierarchy

SC 3 Health and Wellbeing

SC 4 Residential Mix

SC 5 Affordable Homes

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

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 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Stability

CO 1 Sustainable Travel and Transport

IN 1 Infrastructure  
IN 2 Developer Contributions

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

GEN 1 Design Principles  
HOU 1 Housing Mix  
HOU 8 Space, Accessibility and Wheelchair Housing Standards  
HOU 12 Amenity  
HOU 13 Residential Standards  
INF1 Cycleways, Bridleways and Footpaths  
INF 3 Highway Safety and Access  
INF 9 Utilities  
ENV 2 Ecological Implementation  
ENV 3 Landscape Character  
ENV 5 Landscaping  
ENV6 Trees, Hedgerows and Woodland Implementation  
ENV16 Surface water Management and Flood Risk  
PG 8 Development at Local Service Centres  
PG 9 Settlement Boundaries

**Haslington Neighbourhood Plan**

Regulation 7 stage (no weight)

**Other Material Considerations**

National Planning Practice Guidance (NPPG)  
Cheshire East Borough Design Guide Supplementary Planning Guidance (SPG)

**CONSULTATIONS (External to Planning)**

**Haslington Parish Council** - *Haslington Parish Council wishes to object to this application on the following grounds. This site was proposed to house a medical centre and it has clearly been documented by the Planning Inspector when granting permission for this development. it should be used as a medical centre or for local community use. The developer with this application is not following this guidance, they have previously tried to gain permission for 17 flats and this was turned down 21/6364N on 28-09-22. We now have an application for 5 dwellings, 3x 3 bed and 2x 4 bed properties. It is felt that the properties are to tightly bunched and that the dimensions of the garages cannot accommodate a modern vehicle .The parking bays on all properties appear to be very tight and the rear boundary of plot 3 appears to be smaller as so to allow parking at plot 4. The lay out for parking at two of the properties will encourage residents to park on the highway or grass verges. If one property was to be removed, then the site would become easier to develop. If permission is granted then we would like to see bungalows allowed as currently out of 250 new build properties only two are bungalows and there is a local need for an increase in these numbers. As this is a full application for 5 properties we would like to see that electric car points are installed, heat pumps and solar panels. The government are driving us to be more energy efficient and the installation of these would assist in that goal. Other than Section 106 monies, the local community has gained nothing from this development and we would ask for a sizable contribution to be made to a local community building , i.e. The Gutterscroft.*

**United Utilities** - no objection subject to pre-commencement condition regarding drainage

**Environmental Protection** - no objection subject to conditions on electric vehicle infrastructure and standard contaminated land conditions.

## **CONSULTEE RESPONSES**

**Nature Conservation** - no objection subject to pre-commencement condition on nesting birds and biodiversity value

**CEC Highways** - no objection

**Ward Councillor (Cllr Edgar)** - letter of representation raising the following points:

- extremely regrettable that the proposed medical centre is now not being taken up by the NHS
- admittedly the proposal is far better than the previous application for 17 flats on the same site.
- reasonable for the developer to put something back into the village and community e.g. refurbish Gutterscroft etc.
- electric vehicle charging, solar panels, heat pumps etc.

The full comments of the ward member can be found on the case file on the Cheshire East planning website under the planning reference for this application.

## **REPRESENTATIONS**

9no. letter of representations have been received raising the following points:

- previous iterations of scheme proposed a medical centre, if this can no longer be provided then an alternative service should be provided e.g. dentist
- affordable housing needed in Haslington and Winterley
- impact on sewers
- the proposed houses alleged not being in keeping with other dwellings in the area
- Developer should contribute to local facilities such as the Gutterscroft
- Garage size
- Net zero e.g. electric vehicle charging points

## **APPRAISAL**

### **Planning History**

As noted above and within the representations received as part of this application this wider site was granted outline planning permission as part of application 13/4301N for the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works. This Outline planning permission was allowed at appeal following an appeal against non-determination. As part of application 13/4301N, the S106 Agreement requires the following; - To identify the medical centre land as part of any application for reserved matters approval which will result in the overall number of dwellings that are approved being more than 150. - To use its reasonable endeavours for a period of 3 years from the date of approval of the reserved matters identifying the Medical Centre Land to dispose of the Medical Centre Land to a provider of medical facilities by way of freehold or long leasehold interest for the benefit of the development As part of the appeal decision for the outline

application the Inspector considered the Unilateral Undertaking and planning conditions and at paragraph 54 states that; 'The provision of land for a medical centre to be marketed for 3 years does not appear to be CIL compliant and I have therefore given it little weight' The appeal decision does not make any reference to the term 'community use' and neither does the completed S106 Agreement. Reserved Matters approval was granted for the majority of the site (245 dwellings, highways, public open space, play facility and associated works) as part of application 16/1046N. This Reserved Matters application identifies the medical centre land and this is what this current application relates. Reserved Matters application 16/1046N was approved by the Strategic Planning Board at the meeting on 19th October 2016 and as part of this decision the following informative was attached to the decision notice; 'The Strategic Planning Board would advise that in the event that the land allocated for a Medical Centre is not used for such purposes then the land shall be used for community uses' The informative is noted, but this does not require the developer to provide a site for 'Community Use', it just expresses the advice of the Strategic Planning Board at that time.

### **Principle of Development**

The site is located within the Open Countryside as defined by the Crewe and Nantwich Local Plan but lies within a consented development which is under construction. As part of the SADPD the application site and the wider development was to be incorporated into the Haslington Settlement Boundary. This has now occurred with the adoption of the SADPD and deletion of the saved policies of the CNBLP. As such policy PG6 on open countryside of the CELPS is not applicable and the site falls within the settlement of Haslington, a Local Service Centre of Cheshire East. Housing applications within settlement boundaries are acceptable in principle subject to the satisfactory taking into account of remaining material considerations.

Haslington is a Local Service Centre which are identified to accommodate 3,500 new homes. Policy PG8 of the SADPD identifies that these new homes will be 'addressed by windfall going forward' provided that they comply with other policies contained within the Development Plan.

The case officer for the previous application on site for 17no. apartments ref. 21/6364N requested that the developer provides information on what marketing has taken place for the medical centre. The applicant provided a brief letter from First City Property Consultancy which stated that;

- The site was marketed since July 2017
  - The property went live on Rightmove on 26th July 2017 until September 2019. The statistics show that this resulted in 1,676 views of the detailed information -
- Only 6 direct contacts from prospective purchasers were received via e-mail. A response was given to each with a follow up telephone call/e-mail, but none resulted in any further interest, or any offers being received
- The statistics demonstrate that the site received significant exposure on the open market but no offers were received.

It was not considered that the above represented sufficient information on the marketing. However, as noted in the committee report of 21/6364N the requirement for marketing was not considered to be CIL Compliant by the Inspector who determined the outline application. Although this is included within the S106 it is not considered that it can be relied upon as a mechanism to require the provision of the medical centre. There is no reference whatsoever to the term 'community use' other than within the description of development with no reference in

the Inspector's decision, conditions or S106 Agreement and there is no mechanism to secure this. The planning history for the site is noted but this is a standalone housing application and has to be assessed on its own merits.

## **Housing Mix**

Policy SC4 of the Cheshire East Local Plan Strategy requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 2 x three bedroom units
- 2 x four bedroom units
- 1 x three bedroom unit

In terms of dwelling sizes, it is noted that HOU8 of the adopted SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6' [HOU6 is now HOU8 in the adopted version of the SADPD].*

This six month lead in has been included in policy HOU8 of the SADPD which was adopted in December 2022.

NPPG states that for two storey, three bedroom houses for 4 persons the minimum GIFA is 84m<sup>2</sup>. The proposed GIFAs at the proposed three bedroom houses would be approx. 101m<sup>2</sup> at plots 4 and 5 and approx. 101m<sup>2</sup> at plot 1. The NPPG states that for two storey, four bedroom houses for 5 persons the minimum GIFA is 97m<sup>2</sup>. The GIFA of the proposed four bedroom houses at plots 2 and 3 would be 155m<sup>2</sup>. The NDSS would therefore be complied with in any case.

## **Affordable Housing**

This is a full application for 5 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. This is found to be the case in this instance because policy SC 5 on affordable homes states that in residential developments housing will be provided as follows; in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable. In this instance the proposed development, whilst considered on its own merits, forms part of a wider development in phases far in excess of 11 dwellings. This therefore in this application equates to a requirement for 2 (30% of 5 = 1.5) dwellings to be provided as affordable homes. The current number of those on the Cheshire Homechoice waiting list with Haslington as their first choice is 85. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
<b>Haslington</b>	<b>32</b>	<b>34</b>	<b>9</b>	<b>5</b>	<b>5</b>		<b>85</b>

In this case no Affordable Housing Statement or plan to show the affordable housing provision and tenure mix has been provided. It is considered reasonable in the context of the wider development to apply the policy SC5 standard for the reserve matters planning permission which is consistent with previous policy assessments on site. The applicant has confirmed that they are willing to comply with this and provide a s.106 affordable housing contribution. An update will be provided in relation to this issue.

### Public Open Space

As noted within the report for Reserved Matters application 16/1046N 'the amount of open space required as part of this development is circa 4900 m2. and the proposed development includes 33939m2 POS which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision'. Given the over provision of open space being provided on the wider site, it is not considered necessary to require further provision as part of this application.

### Residential Amenity

Policy HOU12 on amenity states that 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.

Some 22m would be retained from plot 5 to the side elevation of the property at the other side of Thornton Road. Given this side elevation does not have a window opening serving a non-habitable room window this is considered more than acceptable as an interface having regard to policy HOU13 of the SADPD on housing standards. To the front elevations of this property there would be no neighbouring habitable room windows or amenity spaces within 21m. The rear elevations of plots 2 and 3 would retain above 21m distance given the space within the rear gardens of the plots at Thornton Road and Canon Ward Way. The rear elevation of plot.1 in terms of window openings has been designed to avoid habitable room windows given the distance to the side elevation of plot 2. The habitable room windows at the side elevations would retain adequate space to allow for light transmission and privacy distances - with approx. 26m retained from the south facing side elevation of plot 1 to the neighbouring property at Canon Ward Way. It is considered reasonable and necessary to condition obscure glazing at first floor bathroom/WC room windows.

The development complies with SADPD Policy HOU12.

### Land Levels

No land levels details have been provided as part of this application and this matter would be controlled via the imposition of a planning condition.

## **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The issue of contaminated land is controlled through the imposition of a conditions as suggested by the councils Environmental Health Officer.

## **Highways Issues**

The proposal is for 5 residential properties in place of the approved medical centre, with new driveway accesses and off-road parking.

The parking provision will be catered for within the driveways and integral garages. The dimensions of these have been checked and there are adequate to allow cars to comfortably park fully off the highway. The internal dimensions of the garages also meet CEC requirements for parking.

The impact upon the local highway network will differ little when compared to the approved use as a medical centre.

The proposal is acceptable and no objection is raised.

## **Trees & Hedgerows**

No trees would be impacted by the development.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 126 states that: 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'

Cheshire East Local Plan Strategy Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of;

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

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and, wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy GEN1 (Design Principles) sets a number of design principles that development proposals should meet. This includes the following; 1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a

strong sense of quality and place; 2. create a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development; 3. reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings.

The proposal is located within a residential development that is under construction and proposes 4no. buildings serving 5 dwellinghouses, arranged into 2no. semi detached and 3no. detached properties. The proposed dwellinghouses would be of a similar form to those approved within the wider housing scheme. The wider residential development is largely two-stories in height. Although 5 bungalows are approved within the development and application 16/1046N gave approval for 6 x two and half storey dwellings (10.4m to ridge and 5.9m to eaves). The proposal at hand is significantly less massed than this. Four of the two and a half storey units were then removed from the scheme as part of application 18/5682N. The remaining 2 two and a half storey units are to the south of the site at plots 134 and 135. The wider development shares a relatively narrow frontage to Crewe Road, with a sweeping entrance to the site flanked by attenuation basins/ponds/ecological areas and open space. This proposal would not be prominent as you enter the wider development and the proposal is flanked by two-storey dwellings. It would assimilate well into the wider housing estate and would not read as incongruous or overly prominent, as the proposed 17no. apartments in previously refused application 21/6364N were deemed to be.

The proposed plot 1 property would be turned at the corner of the plot to have a principal elevation facing Cannon Ward Way, avoiding a blank gable being perceptible from the access to the wider site. The proposed materials palette, Audley red mix brick and roof slates with close boarded timber fencing at the boundary treatments, is considered to be in keeping and acceptable.

The proposed development would therefore comply with Policy SE1, SD1 & SD2 of the CELPS and Policy GEN1 of the SADPD.

## **Ecology**

Policy SE 3(5) of the CELPS requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. This issue can be controlled via the imposition of a planning condition to require that the applicant submits an ecological enhancement strategy. This is considered reasonable and necessary to append to the Decision Notice in the event of a grant of planning permission in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

## **Flood Risk/Drainage**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the previous outline application and judged to be acceptable at that stage by the Planning Inspector.



United utilities have recommended planning conditions related to drainage which are considered necessary and reasonable to append to the Decision Notice in the event of a grant of planning permission.

## PLANNING BALANCE

The wider site has an extant planning permission for residential development which is currently being built out. The site is within a settlement boundary whereat such housing development as this is acceptable in principle subject to material considerations. The previous application/appeal decision/S106 is noted, however there is no mechanism which can be used to require the provision of a medical centre or community use. The principle of the application is considered to be acceptable.

The highways impact was considered as part of the outline application and is considered to be acceptable. The parking provision and access to serve the development complies with INF3 of the SADPD and CO2 of the CELPS.

Insufficient information is provided in relation to affordable housing provision, but negotiations are continuing with the applicant. An update will be provided in relation to this issue.

The Open Space provision on the wider development site is acceptable and would serve this proposed development.

The design would be acceptable in terms of visual and residential amenity.

The impact upon trees, ecology and amenity are considered to be acceptable.

The matter of drainage would be controlled with the imposition of a planning condition.

## RECOMMENDATION: APPROVE subject to conditions and s.106 agreement

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

Should the application be the subject of an appeal agreement is given to enter into a S106 Agreement with the following Heads of Terms

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	To be confirmed	To be confirmed





This page is intentionally left blank



*Working for a brighter future together*

## **Southern Planning Committee**

---

**Date of Meeting:** 15 March 2023

**Report Title:** Performance of the Planning Enforcement Service

**Senior Officer:** David Malcolm - Head of Planning

---

### **1.0 Report Summary**

- 1.1 The purpose of this report is to provide the Southern Planning Committee with information relating to the activities and performance of the Council's planning enforcement service during the period 2021 and 2022 including a status report on those cases where formal enforcement action has already been taken.

### **2.0 Recommendation**

- 2.1 Members are requested to note the content of the report.

### **3.0 Reason for Recommendation**

- 3.1 The information contained within the report is to update Members on performance only.

### **3.0 Background**

#### **3.1 Introduction**

- 3.2 The reporting period for this updated is for 2021 and 2022.

- 3.3 Members may recall that the last report made reference to a significant proportion of officer time being taken up by a single case during the latter part of 2020, i.e. the unauthorised material change of use of land to a use as a residential caravan site in Mobberley. That continued into the early part of 2021 when it was necessary for the Council to instigate committal proceedings in relation to the site owners failure to comply with an injunction. In May 2021 the owner was convicted on 10 counts of contempt of court and was sentenced to eight months jail for each offence to run

concurrently, suspended for two years. They were also ordered to pay the Council's legal costs and to make an interim payment of £25k by 1<sup>st</sup> June 2021. Officers continue to pursue the interim payment.

- 3.4 In addition to this the Council successfully defended its decision at appeal to refuse planning permission for the change of use of the land and the Enforcement Notice issued in relation to the unauthorised material change of use to a residential caravan site.
- 3.5 As Members have previously been advised the Council only uses its powers to seek an injunction in exceptional circumstances. Regard must be taken to the fact that anyone named in that injunction who breaches it may be held in contempt of court and may be imprisoned, fined or have their assets seized. Therefore, such action should only be taken in relation to the most serious breaches of planning control. However, in 2022 it was again considered necessary to apply to the High Court for an injunction against the owner of land at Six Acres, Wirswall Road, Wirswall.
- 3.6 On 3<sup>rd</sup> October 2022 His Honour Judge Bird granted an injunction with immediate effect. It requires the landowner to remove buildings and hardstanding from the land by May 2023 and restore the land to its condition before the unauthorised development took place by August 2023.
- 3.7 The landowner was required to pay the Council's costs of £18,597 within 21 days of the court hearing. These costs remain outstanding and further action is being taken to recover them.
- 3.8 Once again it will be necessary for the Council to take the matter back to court for committal proceedings if the injunction is not complied with.
- 3.9 It is interesting to note the Judge's comments on handing down his judgement. He concluded that the parties had "thumbed their noses" at the law and reprimanded them for wasting council resources and money during times when people are struggling financially. He recognised that the council has acted professionally in the face of abuse from the landowner and gave special recognition to the professionalism of the planning officers involved.
- 3.10 Gathering evidence in relation to the Council's application for an injunction was particularly challenging having regard to the owner's behaviour and it required officers to obtain a court warrant each time they required access to the land.
- 3.11 Another noteworthy case is in relation to a development of 263 dwellings in Crewe. Owing to the developer's failure to obtain a discharge of a contaminated land condition in a timely manner planning permission for the development expired. This left each and everyone of the properties without the benefit of planning permission and potentially liable to enforcement action despite the majority of properties being occupied. Officers had endeavoured to work with the developer to resolve outstanding

requirements of the condition and the time put in by colleagues in Environmental Protection providing specialist advice should not go unrecognised. However, a point was reached whereby a decision was issued refusing to discharge the condition.

- 3.12 A further planning application has now been submitted in an attempt to regularise the current breach of planning control.
- 3.13 This case serves to demonstrate the reliance the service has on other disciplines within the Council to support the works which it is undertaking. Collaborative working is an essential part of the process and a lack of resources within other services can impact on service delivery in planning enforcement.
- 3.14 Recently the role of planning enforcement has hit the spotlight nationally. In November 2022 the Royal Town Planning Institute, town planning's professional body issued a research paper "Planning Enforcement Resourcing – The scale and nature of resourcing teams." The findings of this report mirror the experiences of Cheshire East.
- 3.15 Resources and recruitment remain challenging for Cheshire East, with currently 3 vacancies within the enforcement team. As a result, (as they should always in any event) Officers do have to focus on much of their time on those cases where clear and demonstrable harm is being or is likely to be caused.
- 3.16 The report notes that 73% of survey respondents had struggled to recruit in recent years at both junior and senior level. The resultant lack of resources inevitably impacts on the time it takes to investigate alleged breaches of planning control and to act where appropriate. Added to this is the complexity of some cases which can absorb a significant amount of time which at first glance is not always evident to the wider public.
- 3.17 It is also not often possible to share with Members the reasons why some cases are particularly complex having regard to protecting the integrity of evidence and ensuring due process is not compromised. It only tends to be when a case is concluded that some of the reasons for protracted timescales become apparent.
- 3.18 Report Format
- 3.19 The information contained in this report is divided into three sections:
- 3.20 Paragraphs 3.23 - 3.32 provide a summary of investigative activity and formal enforcement action undertaken during 2021 and 2022.
- 3.21 Section 4 provides an update of those cases where formal enforcement action has been authorised and has taken place.
- 3.22 Section 5 Advises on future reports.

### 3.23 Reported Information

- 3.24 It will be noted from Charts 1 and 2 that the most reported type of breach relates to operational development. Perhaps because this is the easiest to spot and tends to have a greater impact on complainants. Of the reported breaches relating to operational development 237 were closed in 2021 and 213 were closed in 2022 as no breach had been identified, the majority being permitted development. With the continued liberalising of permitted development rights it must be recognised that there is a significant amount of development that the Local Planning Authority (LPA) has no control over regardless of the impact that it may have on a complainant. It is important to have awareness of this to manage expectations and that that it is not a case of the LPA failing to act.
- 3.25 It is also important to note that the role of investigating officers is one of impartiality, it is not their role to champion one person's cause over that of another. In this regard it is crucial to carefully manage customer's expectations. Where a breach of planning control is identified any decision to take enforcement action must have an evidential base sufficient to be relied upon at any resultant appeal as well as having regard to local and national planning policy.

**CHART 1**

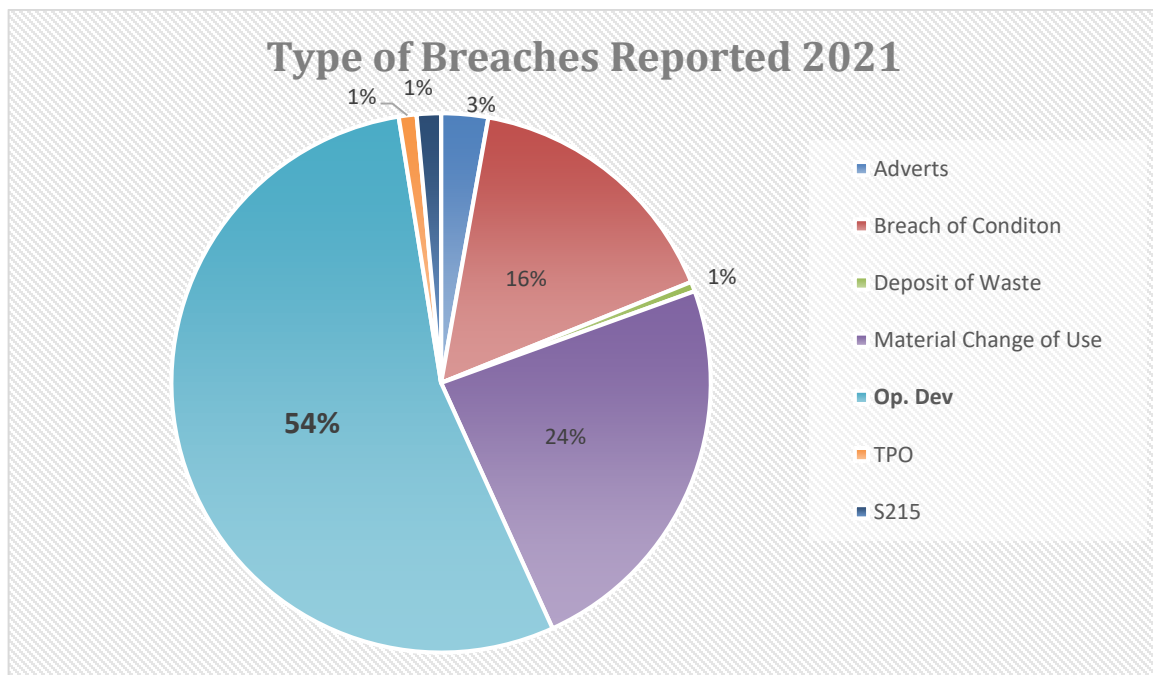
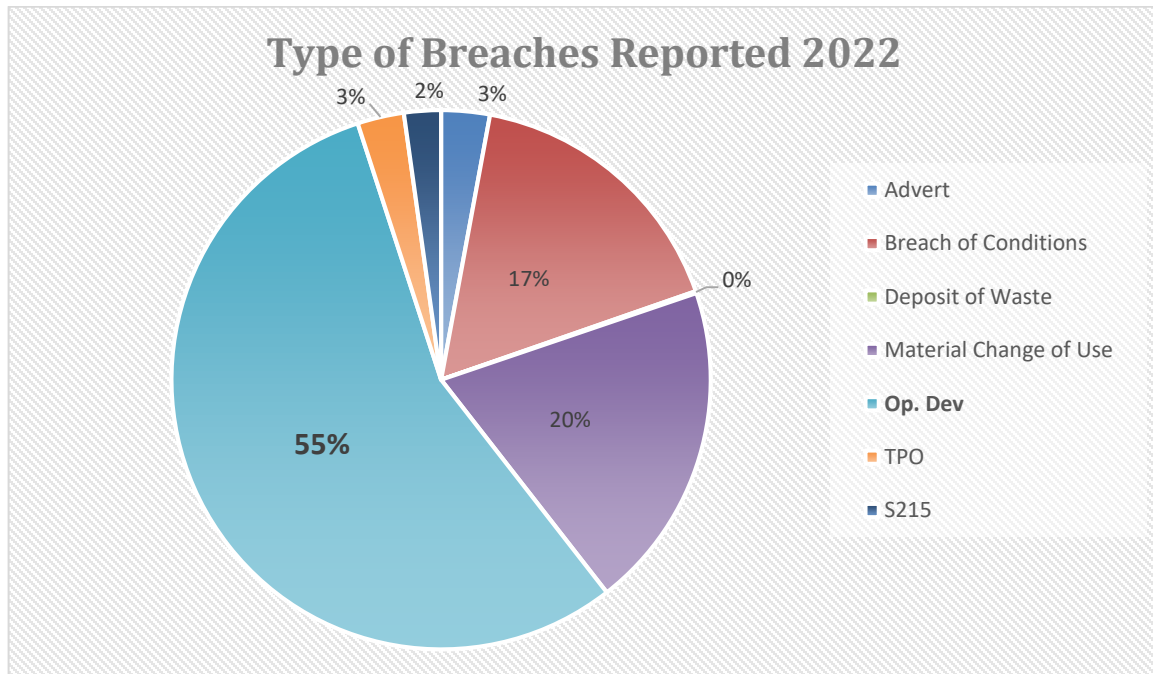




CHART 2



3.26 Enforcement cases are given an initial priority when they are received based on the apparent harm being or likely to be caused. The priority determines the timescale within which officers endeavour to carry out their first visit. (It is not always necessary to carry out a site visit). Charts 3 and 4 below provide a breakdown of allocations for the calendar year 2021 and 2022.

#### **Priority 1 – High - Site visit within one working day**

A report of an alleged breach will only be allocated as a P1 where it appears to officers of the Council that irreparable harm is being, or is likely to be, caused to an historic/ecological asset or where there is the potential for irreparable harm to the environment, or members of the public. These include:

- Unauthorised works to listed buildings
- Unauthorised demolition in a Conservation Area
- Development causing immediate and irreparable harm to an area of land which has special protection.
- Development causing serious danger to the public (This does not include unsafe working practices or parking of operatives or delivery vehicles on the highway. These are matters that the Council cannot control and should be reported directly to the Health and Safety Executive or the police respectively.)
- Unauthorised works to, or affecting, trees covered by a Tree Preservation Order, or in a Conservation Area.

### **Priority 2 – Medium – Site visit within 5 working days**

A report of an alleged breach will be allocated as a P2 only where a significant degree of harm is likely to or is occurring in the opinion of officers of the Council. These include:

- Building work that is already in progress
- Development which is potentially immune from enforcement action within 6 months (following a period of 4 years in relation to building works already undertaken and 10 years in relation to a material change of use).
- Development causing serious harm to its surroundings or the environment
- Breaches of Condition/non-compliance with approved plans which is considered by officers of the Council to be causing serious harm
- Development which represents a clear breach of planning policy and is unlikely to be granted planning permission.

### **Priority 3 – Low – Site visit within 15 working days**

In all other instances and where no significant degree of harm is likely to result the Council will allocate a report of an alleged breach as a P3. These include:

- Other building work which is complete, e.g. an extension which already has a roof on it.
- Development not causing significant harm to its surroundings or the environment - where the breach is technical in nature or is a minor deviation from a planning permission.
- Advertisements.
- Breaches of condition/non compliance with approved plans causing no significant harm to, or no harm to, the character or appearance of an area e.g. where a window has not been glazed with obscure glass and the development is not yet occupied.
- \*Development which is likely to be permitted development, - the erection of sheds, outbuildings, porches, rear single storey extensions. (See link below)
- \*Minor domestic development e.g. fences, satellite dishes (see link below)
- Untidy Land, i.e. where land is having an adverse impact on the appearance of an area. (This does not extend to land which is merely overgrown).

CHART 3

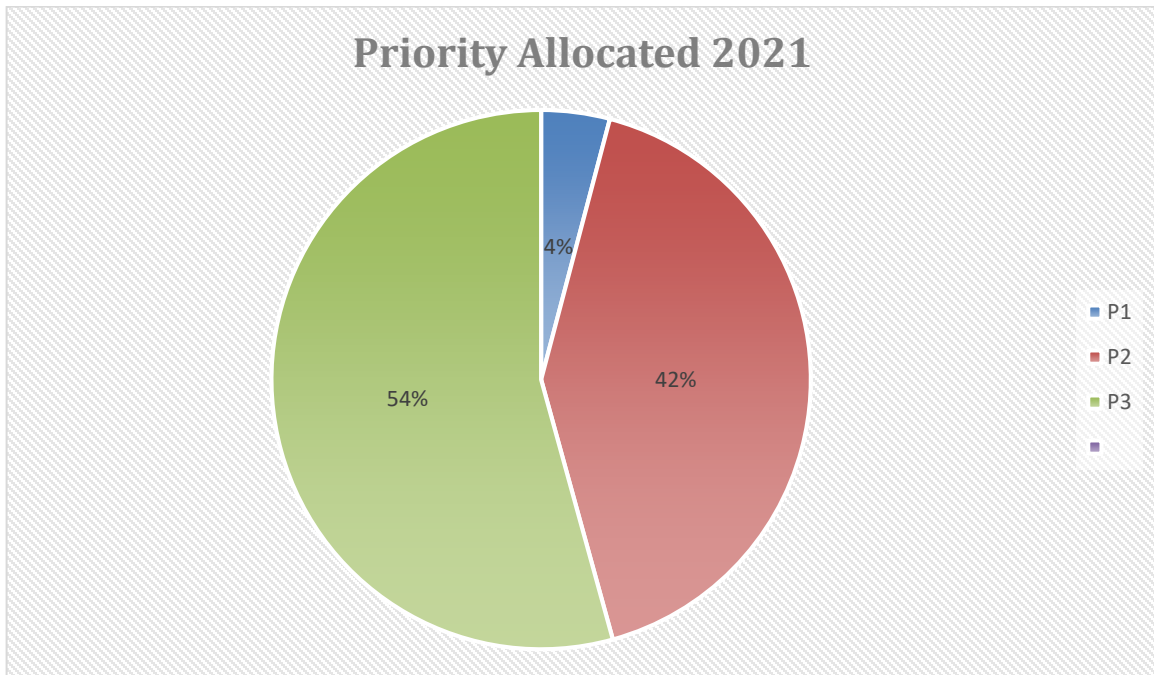
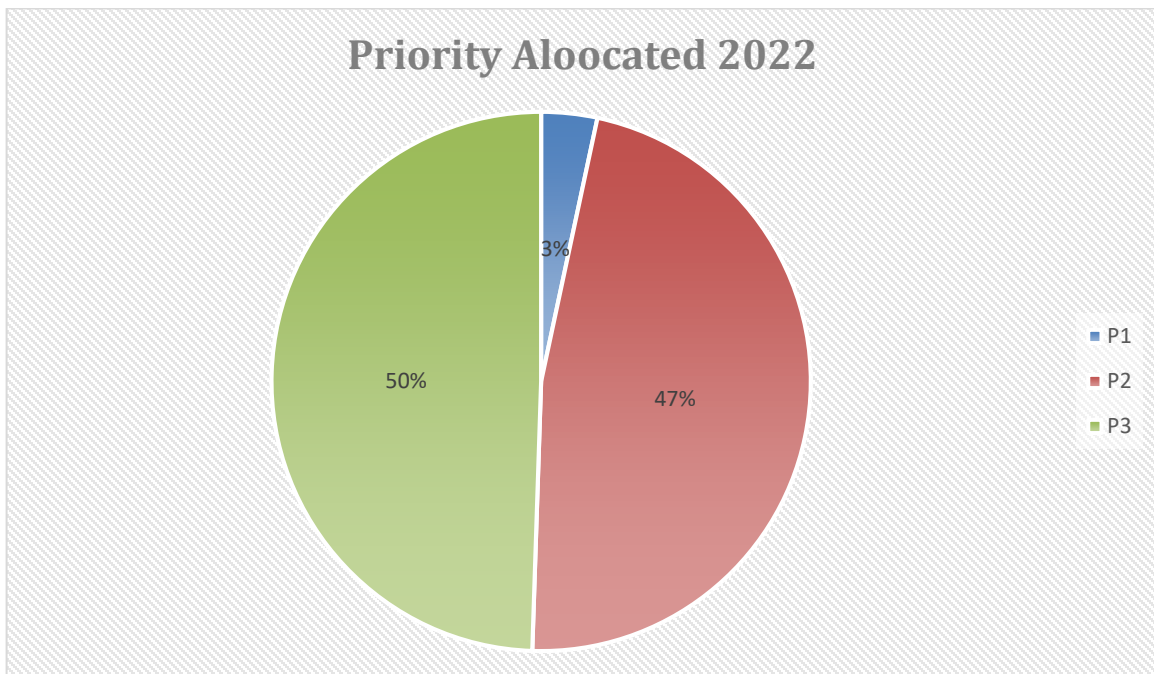


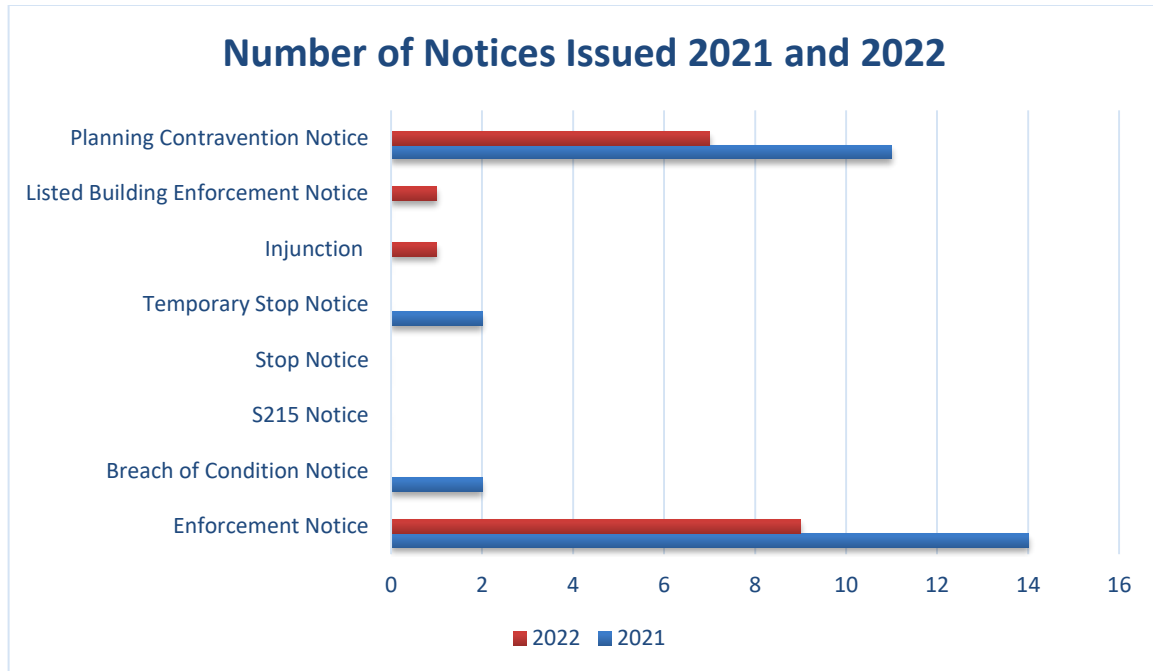
CHART 4



### 3.22 NOTICES SERVED

3.23 Charts 5 shows the breakdown of notices served annually in 2021 and 2022.

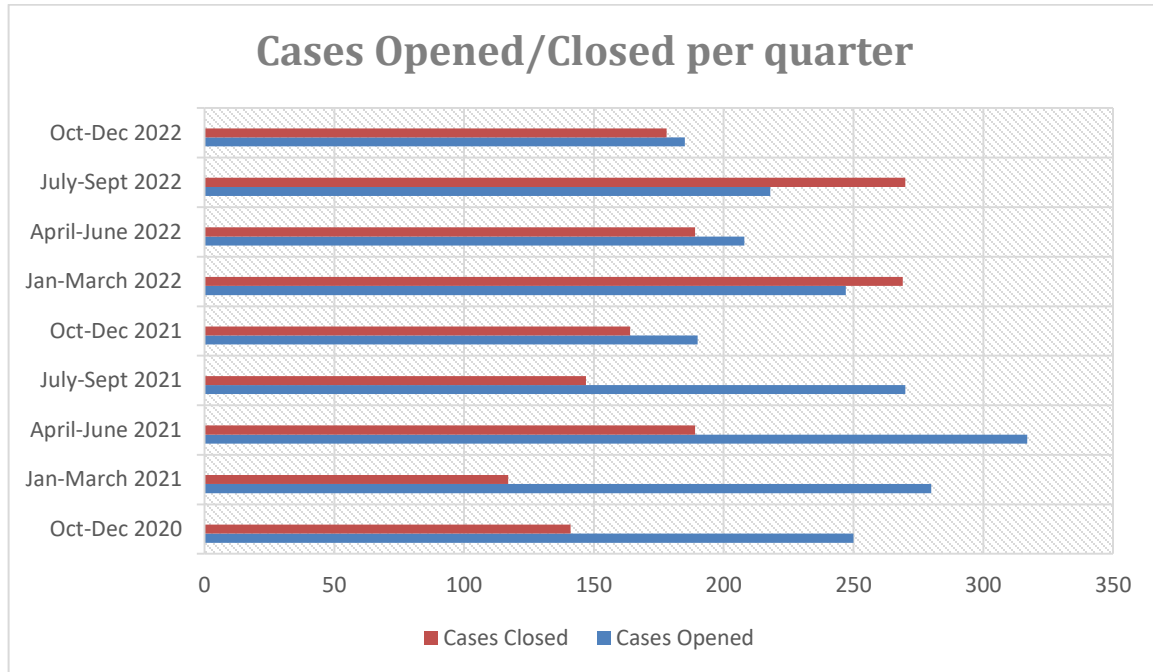
**CHART 5**



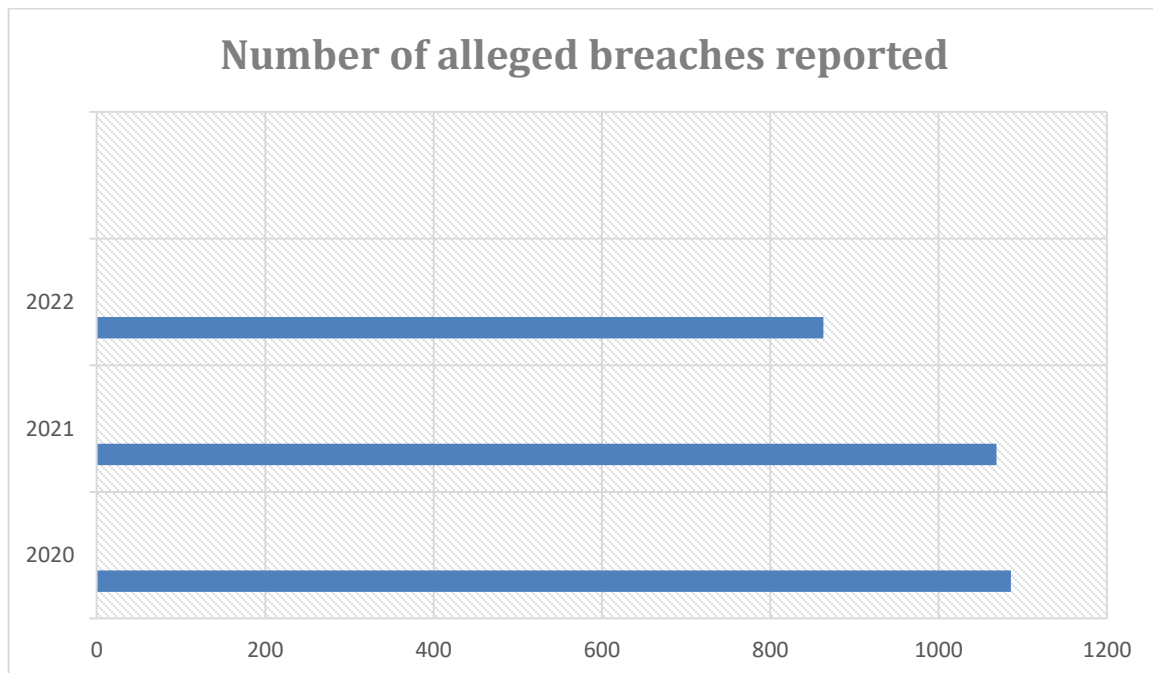
3.24 Members will note that a total of 53 notices have been served over the reporting period, a not insignificant number which averages to nearly 2 notices being issued each month.

3.25 Also during the reporting period 15 enforcement appeals were lodged. Out of these 9 have been determined. One appeal was withdrawn, one part allowed part dismissed with all others being dismissed. This represents an extremely good performance at appeal.

3.26 The service continues to progress prosecutions where appropriate but it is only possible to report outcomes in relation to these in order that the Council's case is not prejudiced in any way. Where appropriate a press release will be issued contemporaneous to the completion of legal proceedings.

**CHART 6**

3.27 Whilst the number of reported alleged breaches fell in 2022 there remains a significant backlog of cases and a lack of resource. Consequently, the small drop in numbers has not served to reduce officer workloads. Efforts continue to be made to work through the back log with cases being reviewed and RAG rated.

**CHART 7**

### **3.28 Service Improvement**

- 3.29 Additional information has been provided for customers on the Planning Enforcement web pages of the Cheshire East website. This not only informs them of the enforcement process but also signpost customers to other services/agencies which may be better placed to assist them with their enquiry where it is not a matter which falls under the jurisdiction of planning enforcement.
- 3.30 Since the last report to Members the revised Planning Enforcement Policy has been adopted and is available to view on the Cheshire East website [Planning enforcement November 2020 \(cheshireeast.gov.uk\)](https://cheshireeast.gov.uk/planning-enforcement-november-2020).
- 3.31 Members will no doubt be aware that the Planning Service is in the process of transitioning to a new computer system. It is envisaged that this will bring significant benefits to not only officers using the system but also in the monitoring of workflows. It should also improve the communication of outcomes of investigations to both Members and customers.
- 3.32 It is anticipated that it will require less keyboard time for officers which in turn will free up time to focus on investigating alleged breaches of planning control. The new system should be operational by the summer of 2023.

### **4.0 Update on Formal Enforcement Action Already Taken**

- 4.1 Whilst the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, the Appendix attached to this report details the status of those cases where it was appropriate to take enforcement action and serve a formal notice.

The cases are listed in Ward order.

### **5.0 Future Reports**

- 5.1 The next report will be presented in April 2024 and will contain information for the last quarter of 2022/23 and the four quarters of 2023/24.

### **6.0. Implications of Recommendation**

#### **6.1 Legal Implications**

- 6.1.1 No direct implication

#### **6.2 Finance Implications**

- 6.2.1 No direct implication

**6.3 Policy Implications**

6.3.1 No direct implication

**6.4 Equality Implications**

6.4.1 No direct implication

**6.5 Human Resource Implications**

6.5.1 No direct implication

**6.6 Risk Management Implications**

6.6.1 No direct implication

**6.7 Rural Communities Implications**

6.7.1 No direct implication

**6.8 Implication for Children & Young People/Care for Children**

6.8.1 No direct implication

**6.9 Climate Change -**

6.9.1 No direct implication

**6.10 Public Health Implications**

6.10.1 No direct implication

**6.11 Ward Members Affected**

6.11.1 All wards are affected

**7.0 Access to Information**

7.1 The following document is appended to this report

Appendix 1 – Status report on cases where formal enforcement action has been taken.

**8.0 Contact Information**

- 8.1** Any questions relating to this report should be directed to the following officer.

Name: Deborah Ackerley

Job Title: Principal Planning Officer (Enforcement)

Email: [Deborah.ackerley@cheshireeast.gov.uk](mailto:Deborah.ackerley@cheshireeast.gov.uk)



# Appendix 1 – Enforcement Update March 2023

SITE	Ward	Breach	Type of Notice	Current Status
Edgefields, Hough Lane Alderley Edge	<b>ALDERLEY EDGE</b>	Unauthorised erection of 2no. connected buildings	Enforcement Notice	Enforcement Notice issued 1 <sup>st</sup> April 2019. Compliance due by 3 <sup>rd</sup> October 2019. Appeal lodged 1 <sup>st</sup> May 2019. Enforcement Notice appeal dismissed. Planning appeal allowed and permission granted therefore over-riding the enforcement notice. <b>CASE CLOSED</b>
Holashaw, Hassall Road, Hassall	<b>ALSAGER</b>	Unauthorised material change of use for stationing of a residential caravan	Enforcement Notice	Enforcement Notice issued 17 <sup>th</sup> July 2020. Appeal lodged.  Appeal dismissed compliance to be monitored – 24 June 2021.  New allegation that occupiers of caravan now living in part of commercial property, under investigation – no evidence of living in commercial building.  Letter before action sent regarding compliance with notice – prosecution  Notice now complied with <b>CASE CLOSED</b>
Brookfield Stables, Watery Lane, Astbury	<b>ASTBURY</b>	Unauthorised stable block	Enforcement Notice	Enforcement Notice issued 17 <sup>th</sup> November 2016. Appeal dismissed. Initial site visit established notice not complied with. Successful prosecution December 2018 Fined £500 plus VSC. Stables still remain.  Under Review
The Stables, Kynsal Lodge Buerton	<b>AUDLEM</b>	Listed Building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued August 2022 Currently under appeal
Land at Manor Farm, Hankelow	<b>AUDLEM</b>	Unauthorised creation of a track	Temporary Stop Notice/Enforcement Notice	Temporary Stop Notice issued 09/11/21 (now expired) Enforcement Notice issued 21/03/22  Appeal dismissed awaiting compliance as required – due March 2023  Works for compliance commenced February 2023
Land at Swanscoe Lane, Higher	<b>BOLLINGTON</b>	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Owner refused permission to lodge appeal in High Court. Costs awarded in favour of Council. Two buildings removed and therefore

## Appendix 1 – Enforcement Update March 2023

Hurdsfield, Macclesfield				Enforcement Notice substantially complied with, but seeking clarification from legal regarding expediency of pursuing reinstatement of land
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	<b>BOLLINGTON</b>	Unauthorised erection of two timber buildings	Enforcement Notice	Enforcement Notice issued – different building to those covered by previous Enforcement Notice. Appeal dismissed. Compliance due February 2015. Notice substantially complied with as both buildings removed. Area of hardstanding removed further visit required to establish if area has been seeded for grass.
Pool House Clarke Lane Bollington	<b>BOLLINGTON</b>	Unauthorised erection of a fence	Enforcement Notice	Enforcement Notice issued on 5 <sup>th</sup> February 2019. Compliance due 8 <sup>th</sup> May 2019. Appeal dismissed. Compliance due 1 <sup>st</sup> May 2020. Site visit required to check compliance with the Notice. Notice not complied with. Pursuing compliance with the Notice. Possible prosecution. Property now been sold, new owner submitted planning application but not valid. Necessary to consider declining to determine any valid application and review prosecution. Valid application now received but not yet allocated to case officer. Application 21/4168M remains outstanding.
George and Dragon, 61 Rainow Road, Macclesfield	<b>BOLLINGTON</b>	Untidy Land	S215 Notice	Untidy Land Notice issued 1 <sup>st</sup> March 2018. Compliance due July 2018. Notice not complied with. Prosecution proceedings instigated. The matter was heard in the Magistrates court on 19 <sup>th</sup> November 2019 and none of the defendants were present. The defendants were convicted in their absence and each fined £800 with a Victim surcharge of £80.00 each. Each defendant was ordered to pay £851.56 towards the Council's costs. Further site visit undertaken and the Notice has not been complied with. Planning application currently under consideration for the demolition of the pub and erection of houses. Pursuing compliance with the Notice.  Under review
Co-op Bollington	<b>BOLLINGTON</b>	Unauthorised material change of use of land to a carpark and associated hardstanding	Enforcement Notice	Planning permission refused for the use of the land as a car park, also dismissed at appeal. Enforcement Notice drafted and agreed by Legal.  Enforcement notice issued 5 <sup>th</sup> April 2022 compliance due 10 <sup>th</sup> August 2022

## Appendix 1 – Enforcement Update March 2023

				Appeal lodged, appeal dismissed and Enforcement Notice upheld. Compliance due 28 <sup>th</sup> January 2023. Works have been undertaken. Site visit required to check compliance with the Notice.
Jahanara Bhavan	<b>BRERETON RURAL</b>	Unauthorised operational development	Enforcement Notice	BEING DRAFTED – further application submitted for an amended scheme, awaiting decision before proceeding. Application refused appeal decision awaited. Appeal dismissed April 2022– Notice required to be issued. Further appeal submitted and further application for CLEUD submitted
Land South of Dragons Lane, Moston	<b>BRERETON RURAL</b>	Unauthorised Material Change of Use	Enforcement Notice	Notice served October 2021 appeal pending, still waiting for a hearing date from PINS (over 12 months)
White Lodge, Chester Road, Mere	<b>BUCKLOW</b>	Formation of an earth mound, hardtsanding, alterations to driveway, erection of fence and aerial/CCTV pole	Enforcement Notice	Enforcement Notice issued 22 <sup>nd</sup> March 2021. Appeal lodged. Appeal decided 29 <sup>th</sup> October 2021. Part allowed part dismissed. Earth bund granted planning permission but weld mesh fencing and CCTV refused and requirements of enforcement notice in this regard remain. Compliance due February 2022.  Site Visit required to check compliance.
The Chase Plumley Moore Road Plumley	<b>CHELFORD</b>	Unauthorised change of use of land from agricultural to garden, erection of gate, gate piers and hardstanding.	Enforcement Notice	Enforcement Notice issued 9 <sup>th</sup> December 2019. Compliance due 14 <sup>th</sup> April 2020. Appeal lodged 7 <sup>th</sup> January 2020. Appeal dismissed on 24 <sup>th</sup> August 2020. Compliance due by 24 <sup>th</sup> February 2021.  Site Visit to check compliance
Woodend Nursery Stocks Lane Over Peover	<b>CHELFORD</b>	Unauthorised change of use of land to agriculture, horticulture and the parking of vehicles, formation of hardstanding, lighting columns, ticket machines and barrier.	Enforcement Notice	Enforcement Notice issued 21 <sup>st</sup> January 2020. Compliance due 28 <sup>th</sup> June 2020. Appeal lodged 5 <sup>th</sup> February 2020. Appeal dismissed January 2021. Compliance due May 2021 – site visit required to check compliance.
Wood Platt Cottage, Chelford Road, Marthall	<b>CHELFORD</b>	Unauthorised change of use of land to an unauthorised waste transfer site	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> August 2017. Appeal dismissed 10 <sup>th</sup> January 2019, Compliance due 10 <sup>th</sup> June 2019. Notice partly complied with. Pursuing compliance with the Notice.

## Appendix 1 – Enforcement Update March 2023

				Under review.
Wood Platt Cottage, Chelford Road, Marthall	<b>CHELFORD</b>	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> August 2017. Appeal dismissed 10 <sup>th</sup> January 2019, the Notice was upheld. Compliance due 10 <sup>th</sup> September 2019. Notice not complied with. Pursuing compliance with the Notice.
Wood Platt Cottage, Chelford Road, Marthall	<b>CHELFORD</b>	Unauthorised erection of a building, walls, siting of portacabins, weighbridge and areas of hardstanding	Enforcement Notice	Enforcement Notice issued 23 <sup>rd</sup> March 2022, currently under appeal
Hawthorn House, Free Green Lane, Over Peover	<b>CHELFORD</b>	Unauthorised Building	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> January 2017. Appeal dismissed. Partial award of costs awarded to the Council. Compliance due July 2018. Notice not complied with. Pursuing compliance with the Notice.
Land North of Pedley Lane, Timbersbrook	<b>CONGLETON EAST</b>	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Further breaches on site currently under investigation. Prosecution proceedings instigated in relation to non-return of Planning Contravention Notice. Landowners convicted in their absence fined £220 each, £250 costs each and Victim surcharge £34 each. Further contact to be made requiring response to PCN. Court made an error in that they did not have regard to an email from the defendants advising why they could not attend court, case re-opened.

## Appendix 1 – Enforcement Update March 2023

				<p>An agreement was made outside of the court proceedings that the defendants would pay £15k towards the outstanding costs of works in default. In light of this and a commitment from the owner to pursue civil action against the current occupier to remove them from the site NFA in relation to the PCN.</p> <p>Ongoing issues, liaising the owners</p> <p>Occupier erected a dwelling on site but recently removed from the land. Site also subject to separate civil proceedings to evict occupier.</p> <p>Civil proceedings successful, occupier required to vacate by 3<sup>rd</sup> January 2023. Occupier did not vacate</p>
34 South Bank Grove, Congleton	<b>CONGLETON EAST</b>	Untidy Land	S215 Notice	S215 Notice served 9 <sup>th</sup> June 2018. Partial compliance. Case to be reviewed.
Coole Acres, Coole Lane, Newall	<b>COOLE PILATE</b>	Breach of condition, temporary residential unit and business unit	Breach of Condition Notice	Breach of Condition Notice issued 12 <sup>th</sup> January 2016 Compliance due November 2017. Further application submitted to amend condition in relation to temporary residential unit and business unit. Application refused, appeal lodged. Appeal dismissed in relation to temporary residential unit. Condition No. 5 requires its removal July 2020. Site visit required to check compliance and any necessary further action.
Coppenhall House, Groby Road, Crewe	<b>CREWE EAST</b>	Unauthorised material change of use of a stable building to B8 warehouse and distribution with ancillary offices.	Enforcement Notice	<p>Enforcement Notice issued. Appeal dismissed January 2020. Currently pursuing compliance with Notice. Owner has failed to respond to request to attend an interview under caution.</p> <p>Building to which notice relates burned down, effectively forcing compliance with notice 2022. Appears owner may have relocated the business into the dwelling under investigation.</p> <p>.</p>
4 Hall O Shaw Street	<b>CREWE EAST</b>	Untidy Site	S215 Notice	Untidy Land Notice issued 15 <sup>th</sup> September 2016. Notice not complied with. Conviction secured. Continued failure to comply

## Appendix 1 – Enforcement Update March 2023

				with notice. Further prosecution instigated, conviction secured. Further site visit required.
Rear of 91 Hall O'Shaw Street, Crewe	<b>CREWE EAST</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due October 2014. Notice not complied with. New Notice issued 01/12/15 as a result of new information of land ownership. Notice came into effect on 3 <sup>rd</sup> January 2016 and allowed a period of one month for compliance. Permission for redevelopment of site but not implemented. New site owners, some works carried out. Further site visit required. Site redeveloped <b>CASE CLOSED 2023</b>
Land at Maw Green Road, Crewe	<b>CREWE EAST</b>	Untidy Land	S215 Notice	Notice served 27 <sup>th</sup> September 2019. Land alleged to have been sold. If land has been sold further notice required. Recent planning application for a single dwelling refused. Case to be reviewed.
55-57 Remer Street, Crewe	<b>CREWE EAST</b>	Breach of Condition	BCN	Case requires review, application was to be submitted, noise assessments being carried out but no application received. Use ceased <b>CASE CLOSED</b>
24 Gresty Road, Crewe	<b>CREWE SOUTH</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity. – Properties sold, further site visit required.
20 Gresty Road, Crewe	<b>CREWE SOUTH</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity – properties sold, further site visit required.
Land adjacent to Riverswood, Strines Road, Disley	<b>DISLEY</b>	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	Enforcement Notice issued 11 <sup>th</sup> June 2015. Appeal dismissed Compliance due September 2016. Site visit undertaken, the Notice has been partly complied with. Pursuing compliance with the Notice.
Woodend Cottage Disley	<b>DISLEY</b>	Unauthorised operational development - Detached Garage	Enforcement Notice	(Retrospective planning application currently under appeal, PINS may use their powers under s79(6) to dismiss the appeal if they consider the appellant is causing undue delay in the

## Appendix 1 – Enforcement Update March 2023

				process (letter dated 2 <sup>nd</sup> November 2021). Appeal was dismissed.  Notice issued 30 <sup>th</sup> May 2022 – Compliance due October 2022 Site Visit required to check compliance
Ladera, Back Lane, Eaton	<b>GAWSWORTH</b>	Unauthorised change of use from a recreational caravan site to a residential and recreational caravan site.	Enforcement Notice	Enforcement Notice issued on 28 <sup>th</sup> May 2019. Appeal lodged 17 <sup>th</sup> July 2019. Appeal hearing took place in February 2020. Appeal withdrawn on 17 <sup>th</sup> March 2020 by the appellant. Partial award of costs awarded to the Council. Compliance with the Notice due 17 <sup>th</sup> September 2021.  Site visit required, officers trying to arrange this with owner.
Brookbank Farm Goostrey	<b>GOOSTREY</b>	Unauthorised material change of use – Skip Hire and waste transfer station	Enforcement Notice	WITH LEGAL Current appeal against refusal of planning permission Appeal Allowed <b>CASE CLOSED</b>
Five Oaks, Clay Lane, Haslington	<b>HASLINGTON</b>	Unauthorised material change of use	Enforcement Notice	Notice served, compliance due. Case officer liaising with owner  Prosecution authorised papers with legal
Mere End Cottage, Mereside Road, Mere, Knutsford	<b>HIGH LEGH</b>	Unauthorised erection of dwelling house and detached garage	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed for dwelling. Dwelling remains incomplete and unoccupied. Pursuing compliance with Notice.
Land at Spinks Lane, Pickmere	<b>HIGH LEGH</b>	Unauthorised Change of use of land from agricultural use to the siting of residential and touring caravans	Enforcement Notice	Subject of an Enforcement Notice and an appeal, two planning applications and two appeals, two injunctions and one prosecution. Consent Order agreed 21 July 2014. Notice not complied with. Further Court Hearing in September 2015 at which time it was agreed that the caravans could remain for a period of two years subject to the conditions set out in the Court Order.
Aston Park House, Budworth	<b>HIGH LEGH</b>	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice Issued 18 <sup>th</sup> May 2017 requiring restoration works to be carried out to the dwelling. Appeal lodged 20 <sup>th</sup> June 2017. Appeal withdrawn 9 <sup>th</sup> January

## Appendix 1 – Enforcement Update March 2023

Road, Aston By Budworth				2018. Partial award of costs awarded to the Council. Enforcement Notice to be complied with by August 2018. Pursuing compliance with the Notice. Successful prosecution 2018, 250 hours community service £65k costs. Full payment of costs remain outstanding. Property has now been sold, appears new owner unaware of extent of outstanding works –
Meadow Lodge, Clamhungar Lane, Mere	<b>HIGH LEGH</b>	Unauthorised operational development, erection of a garage	Enforcement Notice	Enforcement Notice served 11 <sup>th</sup> August 2021, notice due to come into effect 13 <sup>th</sup> September 2021. Appeal decision awaited Appeal dismissed compliance due December 2022 Further visit required.
Land at Beggarmans Lane Knutsford	<b>KNUTSFORD</b>	Unauthorised use of land for dog exercise area	Enforcement Notice	Notice issued 20 <sup>th</sup> September 2022 Currently under appeal
Land opposite 162 Moss Lane Macclesfield	<b>MACCLESFIELD SOUTH</b>	Unauthorised change of use of land for parking/storage of vehicles and domestic paraphernalia, siting of a storage container and hardstanding	Enforcement Notice	Enforcement Notice issued 2 <sup>nd</sup> August 2019. Compliance due 4 <sup>th</sup> January 2020. No appeal lodged. Notice not complied with. Pursuing compliance with Notice.  REVIEW further site visit required
Land Opposite Five Acre Farm, Cledford Lane, Middlewich	<b>MIDDLEWICH</b>	Unauthorised operation development, erection of a building and boundary walls	Enforcement Notice	Enforcement Notice issued 5 <sup>th</sup> August 2015. Appeal dismissed. Prosecution for non-compliance February 2019. Found guilty, fined £200 with £30 VSC. Notice still not complied with further proceedings required. Registered owner now deceased, case to be reviewed.
Land at Moss Lane Mobberley	<b>MOBBERLEY</b>	Unauthorised hardstanding and earth bund	Enforcement Notice	Notice issued 25 <sup>th</sup> October 2019. Compliance due 29 <sup>th</sup> May 2020. No appeal lodged. Notice not complied with. Pursuing compliance with the Notice. Case to be reviewed, possible new owner of the land. A planning application has been submitted reference 21/2963M, awaiting decision. Application was withdrawn. There is a new owner of the land, discussions required to take place regarding compliance with the Notice. Last visit Nov. 2022 Review



## Appendix 1 – Enforcement Update March 2023

Castle Hill Farm, Castle Mill Lane, Ashley	<b>MOBBERLEY</b>	Unauthorised material change of use to a mixed use for agriculture and storage of caravans, boats, trailers and motor vehicles	Enforcement Notice	Notice issued 11 <sup>th</sup> August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due – Under review.
Land at Broadoak Lane, Mobberley	<b>MOBBERLEY</b>	Unauthorised hardstanding and use of the land for the siting of residential caravans	Injunctions	An injunction was granted on 13 <sup>th</sup> August 2020 to prevent further operational development taking place and anymore caravans being brought on the land, a further injunction was granted on 1 <sup>st</sup> September 2020. Injunctions not complied with. Committal proceedings instigated for breaches of the court order. Trial date 14 <sup>th</sup> and 15 <sup>th</sup> October 2020 to consider committal proceedings and a final injunction on the land. Trial adjourned. Awaiting new trial date.  Injunction obtained – compliance required Committal proceedings verdict sentencing 4 <sup>th</sup> May 2021 – found guilty and ordered to pay costs of at least £25k
Land at Broadoak Lane, Mobberley	<b>MOBBERLEY</b>	Unauthorised material change of use to a residential caravan site	Enforcement Notice	Notice issued 03/02/21 appeal lodged Public Inquiry due to start 14 <sup>th</sup> December 2021 however PINS sent further letter on 15 <sup>th</sup> November stating would commence 22 February 2022.  Appeal dismissed compliance due June 2023.
Land at Davenport Lane, Mobberley	<b>MOBBERLEY</b>	Unauthorised operational development	Enforcement Notice	Notice issued 23 <sup>rd</sup> June 2021 – no appeal lodged. Compliance due October 2021. Site visit required to check compliance. Not complied with under review
106-108 Station Road, Scholar Green	<b>ODD RODE</b>	Unauthorised extensions and alterations	Enforcement Notice	Enforcement Notice issued 6 <sup>th</sup> March 2020. Appeal lodged. Further significant works undertaken to the property meaning notice no longer capable of compliance Notice withdrawn. Retrospective application refused. Notice issued 29 <sup>th</sup> October 2021 – advised appeal to be lodged. Notice currently under appeal Appeal dismissed except for front extension compliance due April 2023
106-108 Station Road, Scholar Green	<b>ODD RODE</b>	Unauthorised boundary walls	Enforcement Notice	Enforcement Notice issued 6 <sup>th</sup> March 2020. Appeal lodged. Walls subject to the notice removed, Amended walls erected, Notice withdrawn as no longer relevant. Retrospective

## Appendix 1 – Enforcement Update March 2023

				application refused. Notice issued 29 <sup>th</sup> October 2021 – advised appeal to be lodged. Notice currently under appeal Appeal dismissed Compliance due October 2022 – under review
Canalside Farm, Adlington	<b>POYNTON AND WEST ADLINGTON</b>	Unauthorised material change of use – petting farm	Enforcement Notice	Notice Served 16 <sup>th</sup> March 2022, effective date 18 <sup>th</sup> April 2022, compliance date due 18 <sup>th</sup> October 2022. Appeal lodged notice in abeyance. Appeal dismissed – Use to cease by 21 <sup>st</sup> January 2023 other requirements to be complied with August 2023
Elm Beds Caravan Park, Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised residential caravan	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Resolution from SPB in October 2012 to apply to Court for Injunction. Following legal advice, the injunction is not being pursued at the present time. Case remains open. Legal advice currently being sought. Legal advice received. Site meeting arranged with the operator. Site meeting held. Operator advised they must comply with the notice.
Panache, 1 London Road, Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised flue	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> November 2019. Compliance due 6 <sup>th</sup> May 2020. No appeal lodged. Site visit undertaken to check compliance with the Notice. Notice not complied with. Pursuing compliance with the Notice.  Under review
1 Waterloo Road Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised fence	Enforcement Notice	Enforcement Notice issued 1 <sup>st</sup> March 2021. Notice came into effect 31 <sup>st</sup> March 2021. No appeal lodged. Compliance due 31 <sup>st</sup> May 2021. Site visit required to check compliance. Possible prosecution Fence reduced in height but trellis placed on top of part of it – remains in breach – Under review
Land adjacent to 5 Rushmere Close, Adlington	<b>POYNTON WEST AND ADLINGTON</b>	Unauthorised change of use of land to garden	Enforcement Notice	Enforcement Notice issued 16 <sup>th</sup> February 2015. Appeal lodged. Appeal decided 29 <sup>th</sup> September 2015. Appeal dismissed. Compliance due 29 <sup>th</sup> June 2016. Notice partly complied with. Pursuing compliance with the Notice.

# Appendix 1 – Enforcement Update March 2023

Land at Woodford Road Poynton	<b>POYNTON WEST AND ADLINGTON</b>	Unauthorised engineering operation and the formation of a track	Enforcement Notice	Notice issued 6 <sup>th</sup> September 2021. Notice comes into effect 7 <sup>th</sup> October 2021. Appeal lodged. Appeal in progress. Enforcement Notice withdrawn – unable to evidence that the development wasn't immune owing to the passage of time due to evidence not being provided by Stockport Metropolitan Borough Council Appeal was withdrawn <b>CASE CLOSED</b>
Mottram Wood Farm Smithy Lane Mottram St Andrew	<b>PRESTBURY</b>	Unauthorised Dwelling	Enforcement Notice	Enforcement Notice issued 10 <sup>th</sup> June 2015. Notice due to be complied with by 10 <sup>th</sup> May 2018 (special circumstances for lengthy compliance date). Notice not complied with. A planning application, reference 20/1452M for the retention of the cabin for the processing of alpaca wool in association with the alpaca breeding enterprise submitted. Application refused 1 <sup>st</sup> Feb. Decision appealed; appeal allowed. Review case to close.
Land at Willot Nurseries, Wilmslow Road, Prestbury	<b>PRESTBURY</b>	Unauthorised material change of use to residential and residential garden, with areas of hardstanding, pond, building and walls.	Enforcement Notice	Enforcement Notice issued 28 <sup>th</sup> September 2020. Notice comes into effect on 2 <sup>nd</sup> November 2020.  Appeal pending site visit due 21 <sup>st</sup> September 2021, decision still awaited.  Appeal dismissed December 2021 compliance due June 2022  Application 22/1829Mm for a reduced garden area approved. Check implemented/notice complied with in respect of remaining area
Ash Cottage, London Road, Prestbury	<b>PRESTBURY</b>	Unauthorised operational development	Breach of Condition Notice	BCN served requiring demolition of original dwelling and removal of all resultant materials from the land. Compliance due February 2022. Under review.
Land lying to the South of Dunge Farm, Over Alderley	<b>PRESTBURY</b>	Unauthorised operational development	Enforcement Notice	Enforcement Notice issued 15 <sup>th</sup> July 2021. Notice comes into effect 15 <sup>th</sup> August 2021. Compliance due by 15 <sup>th</sup> February 2023. Works have commenced in association with the Notice. Visit required to check compliance
Tree Tops Greendale Lane Mottram St Andrew	<b>PRESTBURY</b>	Unauthorised operational development – Boundary wall	Enforcement Notice	Enforcement Notice issued 26 <sup>th</sup> January 2022 Effective 1 <sup>st</sup> March 2022 compliance due 01 <sup>st</sup> July 2022. Application for a Certificate of Proposed Use or Development submitted reference 22/0911M proposing to amend the wall.

## Appendix 1 – Enforcement Update March 2023

				Negative certificate issued Further application submitted July 2022 22/2675M – awaiting decision Pursue highways for compliance
30 Lime Close, Sandbach	<b>SANDBACH TOWN</b>	Unauthorised erection of a front dormer window	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners had children with special needs and so legal action held in abeyance. Property has been repossessed. Prospective owners being advised of requirement to remove front dormers. Notice not complied with as of 12 March 2015. Contact to be made with new owners. Requires review.
Land at Gaw End Lane Lyme Green	<b>SUTTON</b>	Unauthorised change of use of land to agricultural and parking of vehicles, skips, formation of earth bunds, hardstanding, fencing and gate	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> December 2018. Compliance due 10 <sup>th</sup> May 2019. Appeal lodged 27 <sup>th</sup> March 2019. Appeal dismissed. Compliance due by 10 <sup>th</sup> January 2020. Notice not complied with. Pursuing compliance with the Notice.  Land now being developed for housing. Need to check compliance with Notice.
The Wharf, Bullocks Lane, Sutton	<b>SUTTON</b>	Unauthorised material change of use from storage of roofing materials to residential	Enforcement Notice	Enforcement Notice issued 26 <sup>th</sup> October 2016. Appeal dismissed. Compliance due by March 2018. Notice partially complied with. Unauthorised building used for residential purposes demolished.  Existing buildings probably still being used for domestic storage
Land at 45 Robin Lane Lyme Green	<b>SUTTON</b>	Unauthorised fencing	Enforcement Notice	Being drafted Application for boundary fence refused 22/1271N
Rush Cottage, Gore Lane, Chorley, Alderley Edge	<b>WILMSLOW WEST AND CHORLEY</b>	Unauthorised extensions to residential property	Enforcement Notice	Enforcement Notice issued 29 <sup>th</sup> November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13 <sup>th</sup> January 2018. Notice not complied with. Pursuing compliance with Notice.  Under Review

## Appendix 1 – Enforcement Update March 2023

Lode Hill, Altrincham Road, Styal, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal part allowed and part dismissed (use allowed to continue, but hard standing to be removed). Planning Inspectorate made typing error in their formal Decision Letter which cannot be corrected and may result in the Council not being able to pursue the removal of the hard standing. Legal advice being sought.  Police closed down airport parking operation
Lode Hill, Altrincham Road, Styal, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	Unauthorised material change of use of land for deposit of waste	TSN Enforcement Notice Stop Notice	TSN served 8 <sup>th</sup> February 2023, ceases to have effect on 6 <sup>th</sup> March 2023. Enforcement Notice and Stop Notice served 16.02.23. Stop Notice comes into effect 1 <sup>st</sup> March 2023. Enforcement Notice comes into effect 22 <sup>nd</sup> March 2023.
Fairview Stanneylands Road Styal	<b>WILMSLOW LACEY GREEN</b>	Unauthorised material change of use of land from agriculture to the importation of material, storage of non agricultural items, storage container and hardstanding.	Temporary Stop Notice (TSN) and Enforcement Notice	TSN issued on 18/07/2018 to stop further material being imported and deposited on the land. The TSN was complied with. Enforcement Notice issued. Appeal dismissed. Compliance due 28 <sup>th</sup> July 2019. Notice partly complied with, hard standing remains. Pursuing compliance with the Notice.  Notice now complied with. <b>CASE CLOSED</b>
Wilmslow Garden Centre, Manchester Road, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	Erection of a conservatory showroom building, associated decking, balustrade, glass screen and hardstanding	Enforcement Notice	Enforcement Notice issued on 28 <sup>th</sup> August 2019. Compliance due 27 <sup>th</sup> April 2020. No appeal lodged. A planning application, reference 20/0442M, was submitted in February 2020 for retention of the decking and balustrade is currently under consideration. Planning application for retention of the decking was refused. Notice partly complied with. Pursuing compliance with the Notice. Notice fully complied with Jan 2021 <b>CASE CLOSED</b>
17 Fletsand Road Wilmslow	<b>WILMSLOW EAST</b>	Without planning permission, the importation and deposit of material in order to the raise the levels of the land within the rear garden	Enforcement Notice	Enforcement notice issued on 1 <sup>st</sup> March 2021. Appeal lodged. Appeal decided. Notice upheld. Compliance due 11 <sup>th</sup> December 2021. LPA allowed a further period of time for compliance in order to complete the works.  Under review
Six Acres, Wirswall	<b>WRENBURY</b>	Material change of use from agriculture to a mixed use of	Enforcement Notice	Enforcement Notice issued. Compliance due 8 <sup>th</sup> December 2014.

## Appendix 1 – Enforcement Update March 2023

Road, Wirswall		agriculture and the parking of non- incidental vehicles, equipment, materials, children's play equipment and domestic chattels.		<p>Notice had been complied with but now possible further offence. Case to be reviewed.</p> <p>Warrant required for further visit, due to apply after lockdown. Witness statements prepared for injunction application – court papers being drafted.</p> <p>Further operational development taken place on the land to be included in proceedings.</p> <p>Injunction awarded by High Court 3<sup>rd</sup> October 2022. All unauthorised development to be removed from the land by April 2023 land to be returned to condition prior to unauthorised development by August 2023.</p>
Six Acres, Wirswall Road, Wirswall	<b>WRENBURY</b>	Construction of a building and creation of a hard standing	Enforcement Notice  Injunction	<p>Enforcement Notice issued. Appeal dismissed. Warrant of entry required to carry out a compliance inspection. Notice not complied with. Successful prosecution May 2017 fined £500 and ordered to pay all of prosecution costs within 12 months - £7k. Further warrant required for additional compliance visit. Additional operational development taken place. Compliance remains outstanding case under review pending further action.</p> <p>Warrant required for further visit, due to apply after lockdown. Witness statements prepared for injunction application – court papers being drafted</p> <p>Injunction awarded by High Court 3<sup>rd</sup> October 2022. All unauthorised development to be removed from the land by April 2023 land to be returned to condition prior to unauthorised development by August 2023.</p>
Greenacres, Lower Hall Road, Norbury	<b>WRENBURY</b>	Erection of an outbuilding	Enforcement Notice	<p>Enforcement Notice issued January 2019. Compliance due November 2019. Partial compliance achieved. Case to be reviewed.</p> <p>Notice complied with. <b>CASE CLOSED</b></p>
Land at Little Island Livery, Haymoor	<b>WYNBUNBURY</b>	Unauthorised erection of a timber building used for grooms	Enforcement Notice	<p>Enforcement Notice issued 21<sup>st</sup> August 2019. Compliance due 23<sup>rd</sup> January 2020. Appeal lodged 19<sup>th</sup> September 2019.</p>

OFFICIAL

## Appendix 1 – Enforcement Update March 2023

Green Road, Wynbunbury		accommodation and raised decked area		Appeal dismissed – New application submitted in February 2021 to retain building and in association with equestrian use for staff facilities and office, remains undetermined (21/0482N) Application approved <b>CASE CLOSED</b>
Bank House Farm, Audlem Road, Hatherton	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 27 <sup>th</sup> September 2018. Notice not complied with..  Conviction secured. Letter sent to Mr Harvery advising must comply review is no movement take back to court  Compliance remains outstanding – under review
Avenue Lodge, London Road Doddington	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> February 2019.  Notice quashed in a ridiculous appeal decision further notice issued 17 <sup>th</sup> December 2020 subject to further appeal. Appeal dismissed compliance due January 2022.  No compliance with notice. Under review
Lake Lodge, London Road, Doddington	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building	Listed Building Enforcement Notice	Enforcement Notice issued 17 <sup>th</sup> December 2020 – subject of an appeal. Appeal dismissed compliance due January 2022  No compliance with notice. Under review
Gorsty Hill Golf Club, Abbey Park Way, Weston, Crewe	<b>WYBUNBURY</b>	Breach of condition	BCN	Notice issued to get foundations of building removed  Notice not complied with prosecution proceedings authorised currently with legal.  Convicted in absence – notice mostly complied with

This page is intentionally left blank