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 the 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 84m2. The proposed GIFAs at the proposed three bedroom houses would be approx. 101m2 at plots 4 and 5 and approx. 101m2 at plot 1. The NPPG states that for two storey, four bedroom houses for 5 persons the minimum GIFA is 97m2. The GIFA of the proposed four bedroom houses at plots 2 and 3 would be 155m2. 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
Haslington	**32**	**34**	**9**	**5**	**5**		**85**

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

S106	Amount	Triggers
Affordable Housing	To be confirmed	To be confirmed