

Application No: 20/1872N

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

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

Applicant: Mr I Harrison, Taylor Wimpey UK Limited

Expiry Date: 28-Jul-2021

## **SUMMARY**

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

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

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

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

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

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

## **RECOMMENDATION**

**APPROVE**

## REASON FOR REFERRAL AND UPDATE FROM PREVIOUS COMMITTEE

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

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

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

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

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

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

- To consider parking along the main access road

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

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

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

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

- Clarification as to why no education response is required

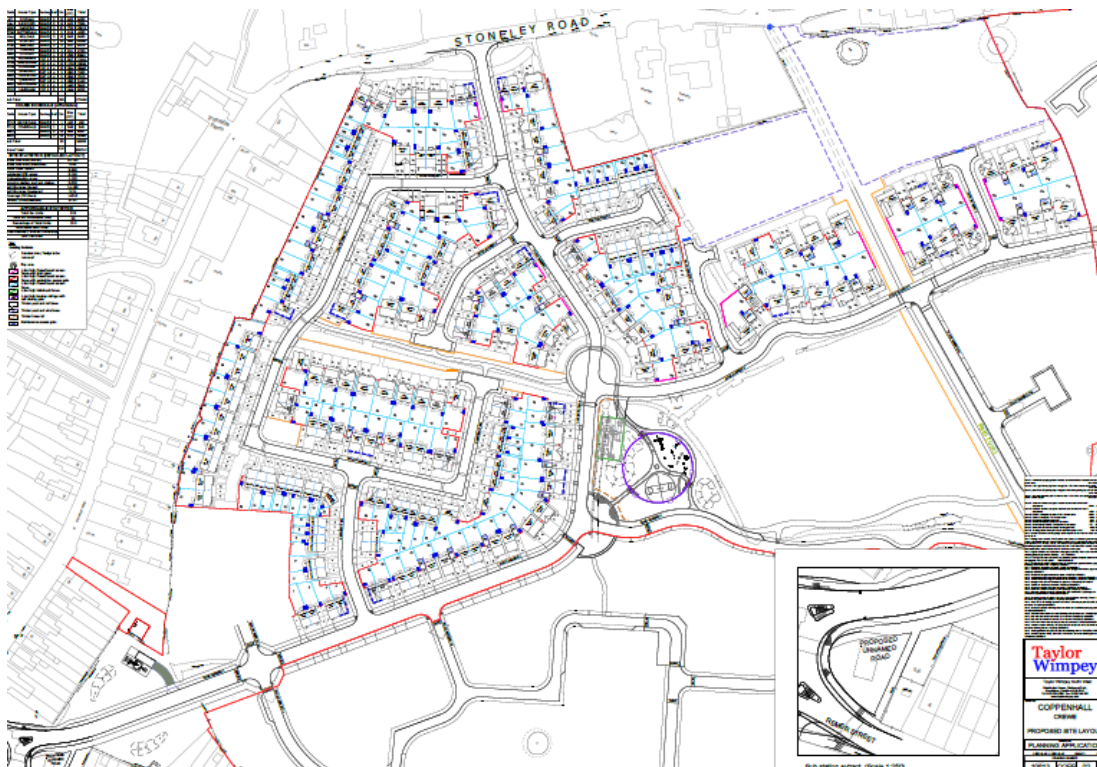
**The Councils Education team have now advised that they require a contribution of £54,231 for primary education and £65,372 for secondary education giving a total education contribution of £119,603. This was initially missed given staffing absence.**

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

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

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

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



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

## **PROPOSAL**

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

## **SITE DESCRIPTION**

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

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

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

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

## **RELEVANT HISTORY**

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

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

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

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

## **ADOPTED PLANNING POLICY**

### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

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

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

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

*National Planning Policy Framework (NPPF)*

The relevant paragraphs include;

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

124-132. Achieving well-designed places

### *Other Considerations*

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

National Planning Practice Guidance

## **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection

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

**CEC Flood Risk** – No objection subject to drainage conditions

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

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

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

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

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

**United Utilities** – No objection subject to drainage conditions

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

## **REPRESENTATIONS**

40 letters of objection received regarding the following:

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

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

## **APPRAISAL**

### **Principle of Development**

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

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

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

### **Housing Land Supply**

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

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

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

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

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

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

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

### **Loss of public house and retail element**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

## **Housing Mix**

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

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

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

## **Affordable Housing**

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

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

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

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

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

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

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

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

## **Open Space**

This development requires a minimum of 40m<sup>2</sup> per family unit each of children's play & Amenity Green Space (AGS).

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

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

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

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

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

## Contribution required

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

## **Education**

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

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

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

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

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

The formula for the calculations is as follows:

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

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

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

Total education contribution = £119,602

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

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

## **Health**

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

## **Location of the site**

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

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

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

## **Residential Amenity**

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

### 33-39 Stoneley Road

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

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

### Consented scheme

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

### Future occupants

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

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

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

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

## **Highways**

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

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

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

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

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

## **Landscape**

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

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

## **Trees**

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

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

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

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

## **Design**

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

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

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

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

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

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

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

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

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

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

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

## **Ecology**

### Designated Sites

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

### Protected Species

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

### Lighting

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

### Biodiversity Net gain

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

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

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

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

### Air Quality



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

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

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

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

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

## **Flood Risk**

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

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

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

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

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

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

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

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

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

### **Social/Economic**

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

### **Other**

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

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

### **PLANNING BALANCE**

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

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

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

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

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

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

## **RECOMMENDATION:**

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

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

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

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (100% Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase
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