

Strategic Planning Board

Updates

Date:	Wednesday, 13th March, 2013
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

Planning Updates (Pages 1 - 24)

Please contact	Sarah Baxter on 01270 686462
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Application No: 13/0012C

Location: Land North of Congleton Road, Sandbach, Cheshire, CW11 1DN

Proposal: The erection of up to 160 dwellings, including landscaping, access and associated infrastructure and the demolition of 130 Congleton Road.

Applicant: Taylor Wimpey UK Limited and Seddon Homes

Expiry Date: 19-Mar-2011

Update Report 12th March 2013

ADDENDUM

Page 41 – Agricultural Land

“Appeal decisions, both locally and nationally, have considered the loss of best and most versatile agricultural land but have shown the lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and therefore a reason for refusal could not be sustained on these grounds.”

Should Read

“Appeal decisions, both locally and nationally, have considered the loss of best and most versatile agricultural land but have shown the lack of a 5 year housing land supply would outweigh the loss of agricultural land on the Appeal sites and therefore a reason for refusal could not be sustained on these grounds.”

The Appeal decisions referred to at page 41 of the report make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

However, given that Cheshire East has a 7.15 year supply of housing it is considered that this argument does not apply and that the loss of the agricultural land contributes to the un-sustainability of using open countryside when there is no necessity in housing land supply terms.

Page 44

Should include reference to NPPF advice as well as PSPG.

Page 53 – C.I.L. Regulations

The report should include reference to the £50,000 contribution towards the A534 / Congleton Road Junction. This junction will be impacted from traffic leaving the site and travelling towards Congleton, Holmes Chapel and Junction 17 of the M6. It is

therefore considered to be necessary to make the development acceptable in planning permission and is directly related to the development. The scale of the contribution is considered to be reasonably related in scale and kind to the nature and impact of the development.

SAFETY AUDIT

As stated in the main report, following information from the local community since making formal observations the Strategic Highways Manager has commissioned some safety audit work to be undertaken.

Following the completion by Cheshire East Highways of a Road Safety Note that considered both the Stage 1 Safety Audit commissioned by Merebrook Consulting Ltd (September 2012) and the road safety concerns raised by the Congleton Road Action Group (November 2012) the need for further survey information to determine aspects of the concerns raised and the potential impact was identified. These relate to parking, speed and volume of traffic along on this part of Congleton Road in the location of the proposed development. Some existing traffic data is available however the need for up to date information is recognised.

These surveys took place in the week commencing the 25th February following the return of the schools from the half term break to be representative of the normal traffic flow. The Road Safety Note has been reviewed and updated to reflect the information recorded through the surveys. These are:

Road Safety Problem 1

Summary - On street parking

A number of vehicles were observed during the site visit parking up and waiting for children leaving Offley Primary School on the north side of Congleton Road close to where the development access is proposed. Concern is expressed that should the situation continue once the proposed scheme is implemented; it could lead to conflict around the junction.

Recommendation

Carry out parking surveys to identify the exact nature of the problem. Should it be found that parking is a regular occurrence; a Traffic Regulation Order (TRO) should be sought at the Developers expense to prohibit parking around the ghost island with careful consideration being given to the likely displacement effects.

Road Safety Problem 2

Summary – Speeding vehicles

A number of vehicles were observed during the site visit to be travelling in excess of the posted 30mph speed limit and measured 85th percentile speed found to be nearly 40mph. Whilst it is appreciated that 4.5x70m visibility splays are provided for the proposed access road (which would be acceptable for a 30 mph speed limit),

concern is expressed that actual speed readings indicate the proposed splays may not be sufficient leading to an increased propensity for collisions around the proposed access.

Recommendation

The existing 30mph speed limit should be extended northward and speed reduction measures should be provided as part of the proposed scheme.

Road Safety Comment 1

Summary – Pedestrian crossing

Observations during the site visit show a pedestrian desire line to and from the gap in the hedge opposite 128 Congleton Road where the pedestrians (presumably parents) cross Congleton Road and head towards Offley Primary School returning a short while later accompanied by children. However, being some 70 metres away from the proposed access this is outside the proposed ghost island area, so should not materially affect the crossing width. With this in mind a pedestrian crossing assessment was carried out to determine the exact nature of the crossing movements and an adjusted PV2 value of 0.36 obtained.

Recommendation

Crossing demand should not be intensified as a result of the proposed development as pedestrian movements are to and from Offley Primary school which is on the same side of the road as the proposed development.

Notwithstanding this, based on the adjusted PV2 value of 0.36, it is considered appropriate for a formal pedestrian crossing to be investigated further. Careful consideration needs to be given to crossing visibility and to the performance and safety of the Offley Road junction and the private driveways which front nearby.

CONCLUSION

The recommendations put forward by the Safety Audit are relevant in terms of the possible negotiations upon S106 clauses attached to the appeal upon the identical application which the Applicant has appealed on grounds of non-determination. However, they do not provide additional grounds for refusal of the application. Therefore recommendation of refusal on sole grounds of housing land supply/open countryside policy in this case remains unchanged. Although it is recommended that reference is made within the reason for refusal to loss of agricultural land.

AMENDED RECOMMENDATION

REFUSE for the following reasons:

The proposed residential development is unsustainable because it is located within the Open Countryside, and would result in a loss of Grade 2 and 3a

Agricultural Land contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

Should this application be the subject of appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as detailed above.

Application No: 12/4872C

Location: Land off Sandbach Road North, Alsager

Proposal: Proposed residential development for up to 155 residential units with associated infrastructure and access with all other matters reserved.

Applicant: Gladman Developments Ltd

Expiry Date: 22nd March 2013

UPDATE 13th March 2013

Additional Information

The applicant has now submitted a Supplementary Ecology Report dated 26th January 2013

Additional Representation

An additional representation has been received from the occupants of 41 Pikemere Road raising the following points:

- Based on the legal advice provided by DLA Piper LLP, the Council should not determine the application in the absence of the outstanding information requested by the Council to enable their ecological assessment.
- Natural England has re-iterated the legal position in relation to the Council's ecological assessment within their letter about this application, namely, that the outstanding ecological information be submitted to the Council prior to determination. I am concerned that Natural England's position in this regard has not been included within your Officer's Report to Committee.
- The Council's decision to validate this application in the clear absence of the information necessary in order to make an assessment to discharge their duties under the Habitats Directive 2010 was incorrect.
- By validating the application, even if the Committee refuse the application, the Council will have provided Gladman Developments with the option to press on to Appeal whilst they collect the outstanding information along the way. I believe that Gladman Developments will be well aware of the potential advantage that this may deliver in terms of ensuring that their application progresses ahead of other arguably more appropriate applications (MMU etc), in what appears to be the current 'race' we have between developers to secure housing quota.
- For this reason, I believe that the correct outcome of tomorrow's meeting would be the deferment of application 12/4872C pending the collecting of the outstanding information. This would ensure that (i) the Council act consistently with their position in relation to other schemes (ii) the Council would not send out a signal to other applicants that they can also adopt a similar approach to Gladman Developments and (iii) the Council can act within the advice

contained within Natural England's published guidance and the legal requirements of the Habitats Directive 2010.

Officer Comments

Ecology

Whilst the additional report contains a lot of information on the status of protected species at the site the full ecological surveys are still outstanding. The Council's Ecologist has considered the report and advises that planning permission should not be granted until the Council is able to make a fully informed assessment of the potential ecological impacts of the proposed development. Therefore the ecology reason for refusal still stands.

The comments made in the additional representation are noted. However it is not possible to invalidate the application and after the expiry date of 22nd March the applicant would be able to appeal for non-determination in any event.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Therefore it is considered that the application can be determined as per the officer recommendation.

Corrections

The first paragraph on page 72 includes the word 'not' twice. It should read:

However, given that Cheshire East can now demonstrate a five year supply of housing land it is considered that policies H6 and PS8 which protect Open Countryside are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

The final paragraph on page 74 should be deleted and read as follows:

In this case the local harm to the landscape would not warrant the refusal of this planning application given that there are no landscape designations on the application site. Furthermore when viewed from the surrounding Public Rights of Way and the Salt Line Way the development would be viewed against the backdrop of existing residential properties which front onto Rydal Way and Heath End Road.

In terms of Agricultural Land Quality on Page 83 the final paragraph should be deleted and read as follows:

The issue of agricultural land will be included within the reason for refusal relating to the principle of development

RECOMMENDATION

The resolution as set out on pages 85 and 86 should also include the following:

Should this application be the subject of appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as detailed above.

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Application No: 12/4150C

Location: LAND SOUTH OF HALL DRIVE, ALSAGER

Proposal: Erection of up to 150 dwellings with associated infrastructure (outline)

Applicant: RENEW LAND DEVELOPMENTS LTD

Expiry Date: 30-Jan-2013

Update Report 11th March 2013

ADDENDUM

The Affordable Housing Section of the report is missing a number of figures to reflect the change in the number of units to 109 which were awaited at the time of report preparation. The Housing Officer has now confirmed that he would require 33 affordable units broken down to 21 rented units and 12 intermediate.

In respect of Public Open Space within the site, the report states that for 109 dwellings the amenity greenspace requirement would be 2616m² (109 x 2.4 x10). At the time of report preparation scaled versions of the indicative site layout were awaited and therefore a figure for the amount of open space that could be achieved within the site was not available. However, this has now been supplied and, as a result of the change to the layout to accommodate the HSE requirements over 11,000 m² of public open space could be achieved within the site. Therefore the local plan requirements in terms of amenity greenspace can be met within the site.

Similarly the education contribution has been recalculated based on the reduced number of dwellings and equates to $19 \times 11919 \times 0.91 = £206,080$.

CONSULTATION RESPONSES

Highways

Proposal

This is outline planning application for up to 150 residential units on land to the south of Hall Drive, Alsager. The site is located approximately 1km east of the town centre and is bound to the north by existing residential development and open land to the west and east, to the south it bounded by the Crewe to Derby railway line.

Site Assessment

Hall Drive forms junction with the B5077 Crewe Road and provides access to a number of residential roads and varies in width between 5m – 6.5m along its length, it also has two footways each side of the road. The proposed access to the site is taken from the end of Hall Drive, there is an private access close to the end of Hall Drive that provided access to a small number of residential properties and also a fishing lake.

The site access is indicated as 5.5m wide and 2m footways on both sides of the access road, it is also proposed to close the single track access and provide a new access through the site to the north of the railway bridge.

The traffic impact of the development has been considered by the applicant in this Transport Assessment, and the applicant has undertaken a number of assessments on the local highway network specifically at junctions, these are as follows:

- Sandbach Road North/Crewe Road
- Hassall Road/Chancery Lane/Crewe Road
- Radway Green/Crewe Road
- Hall Drive / Crewe Road
- Old Mill Road / The Hill Junction

Trip Generation

All assessments are undertaken when the background flows are at their highest and these are normally in the morning and evening peak hours. The likely traffic generated by the development has been determined by using the Trics database using average trip rates, the following tables indicate the trip rates and generation from a 150 unit scheme.

Mode	AM Peak Hour		PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicles	0.164	0.424	0.391	0.241
Pedestrians	0.052	0.186	0.081	0.056
Public Transport	0.011	0.030	0.016	0.004
Cyclists	0.007	0.026	0.017	0.014

Mode	AM Peak Hour		PM Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Vehicles	25	64	59	36
Pedestrians	8	28	12	8
Public Transport	2	5	2	1
Cyclists	1	4	3	2

These trips have been checked and are considered acceptable as the amount of development traffic that the site will generate. Peak hour assessments have been undertaken as these have been identified as 08.00 – 09.00 and 16.45 – 17.45 hrs.

The capacity assessment in the transport assessment have been based upon a opening year of 2014, quite clearly the development would not be completed by 2014, assuming build rate of 30 units per year this would be 2018 and a future year

assessment would be 2023. The traffic growth factors would also need to be adjusted to 2018 -2023, these would be then added to the base flows.

At the time the TA was submitted there was only one committed development that being the 65 dwelling off Crewe Road. The applicant has also included for the traffic from Twyford's site and the MMU site in the capacity tests undertaken.

Capacity Assessments

The assessment of capacity has been undertaken using computer software using Picady for the priority junctions and Linsig for the signal junction. The applicant states that the impact from the scheme has been tested in detail at all the junctions listed in the Transport Assessment and concludes that the junctions have practical reserve capacity or they will not receive a material impact from the development. This is not correct in my view, the junction at Hassall Road /Crewe Road is over capacity without development and will be made worse by the development, although the development impact only results in a slight increase in queue lengths.

With regard to the existing signal crossroad junction of Sandbach Road / B5077 Crewe Road the assessment predicts that the junction will operate within capacity in 2019 with development added. This junction has been assessed by a number of other applicants for other sites and their respective consultants who have used very similar opening and future year assessments, they have concluded that the junction does have capacity problems. Assessing the input data for the Linsig model submitted with this application the main issue is in the PM model where the pedestrian is called every other cycle. As this junction is in town centre, it should be modelled with a pedestrian stage every cycle as modelled by other Transport Assessments and if this was undertaken it would show that indeed there are capacity issues. It is clear from visiting the site in the peak hours and the lengths of queue being formed that there is a capacity problem at this junction.

Accessibility

Although the site is some distance away from the main Crewe Road and local bus services, the site does meet recognised accessibility distance check lists for walking and cycling, there are also proposed improvements to public rights of way that access the town centre from the site. It would prove difficult to reject the application on the grounds of inadequate sustainability even though in my view it is not located well for modal shift to occur.

Road Safety

A review of the last 5 year accident record has been undertaken and there are a number of accidents recorded at some junctions studied although these are not considered to be relating to a specific cause that would be exacerbated by the development proposals.

Summary

The site is proposed to be accessed for Hall Drive that already serves some 180 residential units and adding the proposed development would bring the total up to 330 units, this is on the upper limit of being served from one single point of access, which is the at the junction of Hall Drive/ Crewe Road. The standard of Hall Drive in terms of road and footway width varies through its length and again it is on the limit of what development can reasonably be served from this infrastructure. The junction of Hall Drive /Crewe Road has been assessed with regard to capacity and although the layout of the junction is non-standard it does provide minimum levels of visibility. Whilst, these issues are of concern they are not severe reasons to reject the application.

The traffic impact has been assessed on a number of junctions on the road network and although the applicant does not conclude that there is an impact there are concerns at two junctions Hassall Road /Crewe Road and Sandbach Road / B5077 Crewe Road where capacity problems exist. The development will add to congestions problems and there has been no offer of mitigation towards improving the highway network from this development.

The site is located some distance away from local bus services and this is considered detrimental to providing modal shift for the site despite the introduction of a Travel Plan, it is also quite a walk to the railway station from the site. However, the location of the site does meet policy distances for walking to a range of services and it would prove difficult to say that the site is isolated and not accessible.

In summary, there are a number of issues I have identified as problems with the development but they are not ones which I can say causes a severe impact as described in the NPPF although there is an impact identified at existing junctions albeit a small percentage increase that does warrant mitigation. In this regard, I would request that the site does provide a financial contribution of 200k in mitigation at these junctions. It is clear that some other form of junction is necessary at Hassall Road/ Crewe Road and that additional capacity needs to be found at the signal junction in the town centre at Sandbach Road / Crewe Road.

Landscape Officer

The revised Tree Survey now accords with the current BS 5837 and a scaled tree survey plan and a tree constraints plan have been provided. The report makes recommendations to retain boundary trees and a prominent single mid-site Oak tree. Recommendations are also made for the provision of an Arboricultural Impact Assessment and Arboricultural Method Statement to support a detailed planning application.

A revised and scaled proposed site layout has also now been provide although I have not been provided with a scale plan showing tree constraints superimposed on the proposed site layout. (BS 5837 para 5.2.1 refers).

Whilst the arboricultural submission is still incomplete in relation to the recommendations in BS 5837, from the information provided, it appears it should be possible to accommodate development on the site and retain significant trees, albeit that the layout as proposed is likely to require some amendment in this respect.

In the event of approval I recommend comprehensive conditions in respect of :

- Tree protection & retention
- Arboricultural Impact Assessment
- Arboricultural Method Statement

Ecologist

Otter

No evidence of otter was recorded on site therefore this species does not present a constraint on the proposed development

Bats

Notwithstanding the above outstanding information the site appears to support relatively low levels of bat activity and no trees were identified with potential to support roosting bats. Consequently I advise that the potential impacts of the proposed development upon bats are likely to be low and consequently bats do not present a constraint on the proposed development.

Reptiles

Slow worm are known to occur on the railway line to located to the south of the proposed development. No reptile survey/assessment has been undertaken as part of the submitted ecological report so it is impossible at this stage to confirm whether the species is likely to be present immediately adjacent to the site. However, as the bulk of the proposed development site is utilised for arable farming it is unlikely to support reptile species. The narrow band of tall ruderal habitat along the southern boundary of the site and the hedgerow of the western boundary of the development site may offer potential habitat for this species. The loss of these habitats would not result in a major loss of reptile habitat however I advise that there would be some localised impacts on this species.

The submitted ecological assessment now includes recommendations for the incorporation of 'buffer zones' along the railway line and the hedgerow to retain this habitat. I therefore recommend that the incorporation of buffer zones to retain these habitats be secured by means of a condition if outline planning consent is granted.

Stream

The stream to the northern boundary of the site has nature conservation value in the local context. I advise that the stream be safeguarded within an 8m undeveloped corridor of retained habitat. This matter may be dealt with by condition.

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. I advise that the hedgerow along the western boundary of the site

should be retained and enhanced and additional new native species hedgerows should be incorporated into any open space provision.

Breeding Birds

Standard conditions are likely to be required to safeguard breeding birds.

Environmental Health

An Air Quality Impact Assessment has now been submitted with the application. These comments supersede previous air quality comments.

The report considers both the construction and operational impacts of the proposed development.

The assessment uses DMRB to model nitrogen dioxide (NO₂) impacts from the predicted additional road traffic associated with this proposal and other permitted developments.

The report predicts that four receptors modelled will experience small increases in NO₂ and at the remaining three receptors there will be an imperceptible change. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area (AQMA).

In order to mitigate against any negative air quality impacts, I would like to see the Travel Plan outline measures aimed at encouraging and incentivising Low Carbon Travel options and implemented which would be useful in offsetting any impact.

If this application were to be approved, I would recommend the following condition:

Prior to the development coming into use, a Travel Plan shall be agreed by the LPA. The plan shall outline measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel Options. The plan shall be monitored and enforced throughout the life of the development.

There is potential for dust generated during the development to have an impact in the area, and as such the report outlines suitable mitigation. It is recommended that the developer agree with the LPA an Environmental Management Plan (EMP). The EMP shall identify all potential dust sources and outline suitable mitigation. The plan should be implemented and enforced throughout the construction phase.

Health and Safety Executive

E-mail confirming no objection to the revised layout .However, formal written comments were still awaited at the time of update report preparation.

APPLICANT'S SUPPORTING INFORMATION

A letter has been received from the applicant's agent, which is summarised as follows:

In summary, we consider that there is no basis for resisting this proposal where there is reliance on a seriously flawed assessment of CEC's current five year housing supply and the consequential conclusions on prematurity and impact on matters of strategic importance.

There are no valid site specific objections to this proposal. It comprises sustainable development and is deliverable now. It meets both the aspiration to deliver growth through the development industry and the objectives and requirements of NPPF. In addition, the sole reason for objection has come about following delays in the processing of the application based on unsubstantiated concerns surrounding Radway Green, where the council were unable to supply documentation at both pre-application and post-application stage, which it should have held on file. If this information had been available when it should have been, a decision would have been made well before the current unsatisfactory position on housing supply was reached.

In light of the brevity of assessment of the applicant's case in the committee report, when compared to that of the objectors and the council, we would ask that the contents of this letter are reported to the committee. I cannot stress enough my client's concerns that we are now left with no other option than to pursue what would be a wholly unnecessary appeal based around an evidence base that is neither fully adopted or tested and is already discredited. In this light I would urge that the recommendation to committee is updated and changed to one of approval.

OFFICER COMMENT

Highways

Given that, subject to a contribution of £200k towards off-site highway junction improvements the Strategic Highways Manager has raised no objections to the scheme, whilst the concerns of local residents are noted, it is not considered that a refusal on highway grounds could be sustained. In the event of approval, the required contribution could be secured through a Section 106 Agreement.

Landscape

Although, she has raised some concerns that the submitted information remains incomplete, the Landscape Officer is satisfied that the proposal can be accommodated without harm to trees of amenity value, and subject to appropriate conditions raises no objection. Therefore, it is not considered that there are sufficient grounds to justify a refusal on tree and landscape grounds.

Ecology

The main report stated that additional information was required to enable a full assessment of the potential impacts of the proposed development to be made. This included:

- Plan showing all ponds referred to within 500m of the proposed development.
- Complete phase one habitat survey plan showing all target notes
- Confirmation as to whether any trees on site were considered to have potential to support roosting bats.
- Confirmation as to whether any field signs of otter were recorded during the survey of the stream.
- Assessment of the potential impact of the proposed development upon slow worms and mitigation proposals for address any potential adverse impacts

As set out above, this information has now been provided and the Council's Ecologist is satisfied that, subject to appropriate conditions, the proposal will not have any adverse impacts in terms of protected species.

Air Quality

The outstanding Air Quality Impact Assessment referred to in the main report has now been submitted and the Environmental Health Officer has confirmed that it is acceptable. They have, however, recommended conditions relating to provision of a Travel Plan and an Environmental Management plan, which could be added in the event of approval. Subject to these conditions they raise no objections.

AMENDED RECOMMENDATION

REFUSE for the following reasons:

1. **The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

In the event that an Appeal is lodged against the refusal grant authority to the Borough Solicitor to enter into a Section 106 agreement to secure:

- **33 affordable units broken down to 21 affordable / social rented units and 12 intermediate tenure.**
- **Transfer of any rented affordable units to a Housing Association**
- **Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)**
- **Provision of either**
 - **A contribution of £ 32,965.20 to upgrade the Swallow Drive Play Area and a further £ 107,460.00 to maintain it or;**

- Acquisition and upgrading of the Swallow Drive play area by the developer and its subsequent maintenance by the private residents management company or;
- A new play area elsewhere on site.

The chosen option to be agreed by the Council prior to submission of first reserved matters

- The final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction.
- Provision for a private residents management company to maintain the on-site amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages
- Detailed management plan for the above Open Space be submitted and approved.
- Highways contribution of 200k in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.
- Contribution of £206,080 towards education.
- Delegated Powers be granted to the Development and Building Control Manager in consultation with the Chairman of the Strategic Board to agree any necessary contributions towards level crossing improvements (following negotiations with Network Rail and the Applicant.)

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STRATEGIC PLANNING BOARD UPDATE – 13th March 2013

APPLICATION NO: 12/3016C

PROPOSAL: Outline Application for New Residential Development and Access Roads for up to 31 residential units

ADDRESS: Rectory Farm, OLD KNUTSFORD ROAD, CHURCH LAWTON, ST7 3EQ

APPLICANT: Northwest Heritage C/O

Officer Comments

Green Belt

Para 7 of the NPPF states that there are 3 dimensions to sustainable development which give rise to the need for the planning system to perform an economic, social and environmental role.

The site is partly within the Green Belt. The NPPF advises that the construction of new buildings is inappropriate in the Green Belt, other than in the case of a number of specified exceptions. Local Plan Policy PS8 follows a similar approach. One such exception in the Framework is 'limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan'.

The last listed exception as set out in paragraph 89 of the Framework is, 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. This proposal is surrounded on 3 sides by existing development and would amount to a natural rounding off of the settlement. It is not considered that it offers any valuable contribution to the openness of the Green Belt. Furthermore, the site is previously developed and therefore the proposal involves the development of brownfield land.

Taking this into account, it is not considered that the proposal would have any material harm on the openness of the Green Belt and would not conflict with the purposes of including land within it. This proposal will deliver new housing within the settlement as well as much needed affordable units on a previously developed site. The site is sustainable and therefore on balance, there is a presumption in favour of the proposal which amount to special circumstances.

Public Open Space

Since publication of the agenda, discussions have taken place with the Council's Greenspaces section. The Greenspaces section has since amended their request for children and young person's provision to 2 pieces of play equipment to be provided on site. It is considered that this is proportionate to the scale of development proposed and will be secured under the point 1 of the Heads of Terms on p164 of the reports agenda pack.

Public Rights of Way

Public Rights of Way and the Canal & Rivers Trust have recommended that improvements are made to the footpath link to the canal towpath off Old Knutsford Road. Given that the development would make use of some of the amenities available in Rode Heath nearby, which can be accessed by way of the canal towpath, it is considered that such improvements would be necessary and reasonably related to the development to be approved. As such, it is recommended that this be secured under the heads of terms.

Other Matters

Heads of terms point 4 is an item which can be dealt with by way of a Grampian condition. As such, it is recommended that this be added as condition 20 and excluded from the heads of terms.

Recommendation:

APPROVE as per page 164 of the agenda reports pack with the following amended heads of terms and additional, condition:

1. Provision of public open space and CYPP and ongoing maintenance of the facilities to be determined.
2. Delivery of 9 affordable units (6 social rent and 3 for intermediate tenure).
3. Financial contribution of £21,000 for the Upgrade of Bus Stops
4. Financial contribution for Improvements to footpath leading to canal towpath to be determined

Additional condition:

20. Scheme to upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres to be submitted

PLANNING COMMITTEE – 13 March 2013

UPDATE TO AGENDA

APPLICATION NO: 12/3869W

**LOCATION: Eaton Hall Quarry, Manchester Road,
Congleton**

UPDATE PREPARED 12 March 2013

An update is provided for Members to provide a full list of the proposed conditions for the above application.

Add to the resolution:

A recommendation is made that a Unilateral Undertaking is entered into in which 7 days written notice is given of the implementation of this varied consent, confirming from the date that they will be undertaking operations under the new permission and its conditions, and will not revert to/undertake operations under the existing permission 5/06/1782P.

1) The development hereby approved shall begin no later than three years beginning with the date of this permission.

2) The development hereby approved shall be carried out in accordance with the following documents, except where these may be modified by the conditions below;

Planning Application form dated 8 October 2012

Supporting Statement/Letter from applicant dated 8 October 2012

Amec Noise Assessment dated 8 October 2012

Location Plan 8 October 2012

Site Plan dated 18 October 2012

3) At least seven days prior written notice of the commencement of development shall be given to the Local Planning Authority

4) From the commencement of development to its completion, a copy of the permission, including all documents hereby approved and any other documents subsequently approved, in accordance with the permission, shall always be available at the site office for inspection during normal working hours

5) The operation of the development hereby approved shall be restricted to the following periods;

- a) for vehicle movements unloading and loading – at all times between 04.00 Monday to 18.00 Saturday.**
- b) For sand processing and drying – 06.00 to 18.00 Monday to Saturday (all year)**
- c) For maintenance 07.00 to 19.00 Monday to Saturday (all year)**

6) The permitted vehicles movements related to this development shall not exceed a maximum of 42 (21 in, 21 out) Heavy Goods Vehicles movements on any working day is averaged out over the calendar month. Of these, a permitted daily maximum of 14 (7 in, 7 out) Heavy Goods Vehicles carrying imported materials.

7) A record shall be kept by the operator of the number of Heavy Good Vehicles which enter and leave the site on any working day, week and calendar month, and of their loads, and a copy of these vehicle numbers and load details shall be submitted to the Mineral Planning Authority at three monthly intervals during the operational life of the site.

8) The close board fence approved under application 5/06/1782p (submitted on drawings 15811-S03b & 15811-S04) shall be retained throughout the duration of the operations.

9) The approved noise monitoring scheme under application 5/06/1782p for the monitoring of the approved bagging facility shall remain implemented.

10) The best practicable means shall be used to minimise noise levels from all plant, machinery and vehicles. All plant machinery and vehicles shall be maintained in efficient order in accordance with the manufacturers instructions

11) The dust control measures approved under application 5/06/1782p shall be retained.

12) Following the completion of development the site shall be restored in accordance with the approved documents;

- a) The schedule of workings and restoration activities attached to letter dated 20 April 2004 from Tarmac**
- b) Figure 13b – restoration and masterplan**
- c) Part 2 of the proposed development details, as listed in condition 3 of planning permission 5/APP/2004/0012, specifically relating to restoration and aftercare details referred to in condition 57 of planning permission 5/APP/2004/0012.**

13) The restoration of the site shall be completed within the time period specified in condition 58 of planning permission 5/APP/2004/0012 (13

January 2027) and all plant, machinery and buildings shall be removed from the site within 12 months of cessation of mineral extraction.

14) Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious walls. The volume of a bunded compound should be at least 110%.

15) The approved mitigation measures for protected species within the approved document "Protection, Mitigation and Contingency Plans for Protected Species Around Dry Pack Proposal Area" dated June 2006 and the email from Halletec Associated dated 25 August 2006 with accompanying plan EHNF1 as approved shall remain implemented on site. The mitigation measures shall be retained for the duration of the development hereby approved

16) Background adjusting reversing beepers or the use of broadband or 'white noise' reversing beepers shall not be used during the night time hours on mobile plant which manoeuvres around the Eaton Hall plant.

17) An acoustic booth will be erected around the dust extraction unit within the dry pack plant.

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