

Strategic Planning Board

Agenda

Date:	Wednesday, 26th August, 2015
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

3. Minutes of the Previous Meeting (Pages 1 - 14)

To approve the minutes as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for the Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **15/0553C-Reserved matters application for residential development of 80 homes, (24 affordable), the creation of an area of public open space and children's play area and associated works (outline approval 13/0041C), Land off, Middlewich Road, Holmes Chapel for Niall Mellan, Persimmon Homes North West (Pages 15 - 26)**

To consider the above application.

6. **15/0446C-Erection of 154 two storey detached, semi detached and mews dwellings landscaping, formation of community park, open space, parking and associated works, Land South of Middlewich Road and East of, Abbey Road, Sandbach for Neil Arkwright, Redrow Homes Ltd & Anwyl Homes (Pages 27 - 42)**

To consider the above application.

7. **12/0705W-Proposed Anaerobic Digestion and Combined Heat and Power Plant, Former Fuel Storage Depot, Twemlow Lane, Twemlow for Mr R Brown, C.R.E.S Biogas Ltd (Pages 43 - 86)**

To consider the above application.

8. **14/3371M-Change in use of land and the construction of a single-storey building to create a golf driving range with associated car parking and new access, Land North Of, Chelford Road, Ollerton for Mr Brian Coutts (Pages 87 - 104)**

To consider the above application.

9. **14/4950N-Reserved matters approval for Phase 2B - residential development of 223 dwellings, following outline element of application 11/1879N, Land north of, Parkers Road, Leighton, Crewe, Cheshire for Sherrie Shaw, Bloor Homes Ltd - North West (Pages 105 - 118)**

To consider the above application.

10. **15/2756N-Variation of condition 34 on approved 11/1879N - A hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date, Land North of Parkers Road, Leighton, Crewe, Cheshire for Mr Martin Aston (Pages 119 - 124)**

To consider the above application.

11. **14/5824N-Outline planning permission for up to 175 residential dwellings to include access. All other matters reserved for future consideration, Land to the South of Park Road, Willaston for Mr A Brown, Stretton Willaston Ltd (Pages 125 - 154)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 29th July, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors D Brown (Substitute), B Burkhill, T Dean, S Edgar (Substitute),
D Hough, J Jackson, D Newton and J Wray

OFFICERS IN ATTENDANCE

Mr T Driver (Planning Solicitor), Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Planning (Strategy), Mr B Haywood (Major Applications-Team Leader), Mr N Hulland (Senior Planning Officer), Mr P Hurdus (Highways Development Manager), Mr R Law (Senior Planning Officer), Mr D Malcolm (Head of Planning (Regulation), Mrs P Radia (Principal Planning Officer) and Mr J Williamson (Senior Planning Officer)

27 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Rachel Bailey, Mrs L Durham, S McGrory, Mrs S Pochin and G Walton.

Councillor J Wray gave his apologies for the morning session but would be present for the afternoon session.

28 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 14/5615N, 15/1552N and 15/0553N, Councillor J Hammond declared that he was a Director of ANSA Environmental Services who had been a consultee on the application, however ANSA had no interest in the applications other than as a consultee and he had not made any comments on the applications or taken part in any discussions.

In respect of application 15/1552N, Councillor S Edgar declared that he had pre determined the application and would leave the room prior to consideration of the application.

In the interest of openness Councillor D Hough declared that he was a Director of TSS who were responsible for the administration of bus stops, pointing out that one or more of the applications made reference to the provision of bus stops but he had not discussed this with anyone at TSS.

In the interest of openness in respect of application 15/2256M, Councillor B Burkhill declared that he had been in contact with local residents in relation to the application, however he had not made any comments and had come to the meeting with an open mind.

It was noted that the majority of Members on the Board had received correspondence in respect of application 15/1541C.

29 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman subject to condition 30 in respect of application 14/5654N being amended to include the following sentence:-

‘Parking for outside events to be in the car parks to the existing marquee’.

30 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

31 14/4938C-OUTLINE APPLICATION FOR ERECTION OF UP TO 220 DWELLINGS, ACCESS, OPEN SPACE AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE- RESUBMISSION OF 13/3517C, LAND WEST OF GOLDFINCH CLOSE CONGLETON FOR SEDDON HOMES LIMITED

Consideration was given to the above application.

(Councillor P Bates, the Ward Councillor, Town Councillor Anna Morrison, representing Congleton Town Council, Peter Minshull, representing Congleton Sustainability Group, Bill Davidson, agent for the applicant and Jonathan Seddon, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1.The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future

generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

2.The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

3.The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy – Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.

In addition, Members wanted the refusal notice to include an informative expressing their concern about highways issues making it clear that, based on the Highways Officer's advice, this was not a reason for refusal.

(This decision was contrary to the Officer's recommendation of approval).

(During consideration of the application, Councillor J Wray arrived to the meeting, however he did not take part in the debate or vote on the application).

32 13/3571C-LAND WEST OF GOLDFINCH CLOSE, CONGLETON, WITHDRAWAL OF REASONS FOR REFUSAL

Consideration was given to the above report. In the light of the decision made by Members in respect of application 14/4938C, the recommendation was amended to state that the appeal should be continued to be fought on the following grounds:-

1.The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

2.The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local

Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

3.The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy – Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.

And that reason number 4 be withdrawn.

(Peter Minshull representing Congleton Sustainability Group attended the meeting and spoke in respect of the application).

RESOLVED

That the forthcoming appeal be contested on the following grounds:-

1.The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

2.The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

3.The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy – Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.

If a written agreement between the applicant and the Council could not be reached in respect of the fourth reason for refusal regarding highways then delegation be given to Head of Planning (Regulation) in consultation with

the Chairman of the Strategic Planning Board to re-include the highways reason for refusal.

(The meeting was adjourned for a short break).

33 14/5615N- OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT COMPRISING UP TO 65 RESIDENTIAL DWELLINGS (INCLUDING 30% AFFORDABLE HOUSING), STRUCTURAL PLANTING AND LANDSCAPING , INFORMAL PUBLIC OPEN SPACE AND CHILDRENS PLAY AREA , SURFACE WATER ATTENUATION AND ASSOCIATED ANCILLARY WORKS ,WITH ALL MATTERS RESERVED FOR FUTURE DETERMINATION WITH THE EXCEPTION OF ACCESS, WEAVER FARM, THE GREEN, WRENBURY FOR GLADMAN DEVELOPMENTS LTD

Consideration was given to the above application.

(Councillor S Davies, the Ward Councillor and Kate Fitzgerald, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in a verbal update to the Board the application be approved subject to the completion of a Section 106 Legal Agreement securing the following:-

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and an outdoor fitness area (12 pieces of equipment) to be maintained by a private management company in perpetuity

3. Secondary School Education Contribution of £163,426.90

And subject to the following conditions:-

1. Standard Outline

2. Submission of Reserved Matters – Landscaping to include a landscape belt along the road frontage
3. Time limit for submission of reserved matters
4. Approved Plans
5. Details of existing and proposed land levels to be submitted for approval in writing
6. Contaminated land
7. Construction Management Plan for the construction phase of development
8. Dust Control
9. Compliance with the submitted Flood Risk Assessment
10. Undeveloped buffer of 8 metres along the River Weaver
11. Submission of a surface water drainage scheme
12. Submission of a scheme of management of overland flow
13. Reserved matters allocation to be supported by an updated badger survey and mitigation method statement.
14. Submission of detailed proposals for the creation of species rich grassland within the country park area which includes the results of soil testing to identify current nutrient levels.
15. Submission of detailed habitat management proposals.
16. The reserved matters application to include replacement hedgerow planting
17. Reserved matters application to include an Arboricultural Impact Assessment
18. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in his absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and 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:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and an outdoor fitness area (12 pieces of equipment) to be maintained by a private management company
3. Secondary School Education Contribution of £163,426.90

34 14/5841W-APPLICATION TO COMPLETE RESTORATION OF HOUGH MILL QUARRY OVER A PERIOD OF FOUR YEARS BY ACCEPTING INERT FILL, PROCESSING THE MATERIAL AND UTILISING THE PROCESSED CLEAN INERT FILL TO COMPLETE THE RESTORATION OF THE SITE, HOUGH MILL QUARRY, BACK LANE, WALGHERTON FOR ANTHONY CONSTRUCTION LTD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the verbal update to the Board the application be approved subject to the following:

- (1) An appropriate Deed under s106 to continue the management of nature conservation land in accordance with an approved habitats and fisheries management plan for a period until 12th December 2020.
- (2) Planning conditions covering in particular: -

All the conditions attached to permission 7/P05/0217 unless amended by those below;

Approved plans;
Completion of the restoration works by August 2019; and
Implementation of the mitigation identified in the ecological surveys
Protection of breeding birds

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

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of

the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

(The meeting was adjourned from 1.00pm until 1.45pm for lunch).

35 15/1552N-OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 99 DWELLINGS (USE CLASS C3), WITH PUBLIC OPEN SPACE, VEHICULAR ACCESS AND ASSOCIATED INFRASTRUCTURE, LAND OFF EAST AVENUE, WESTON FOR GLADMAN DEVELOPMENTS LTD

Consideration was given to the above application.

(Parish Councillor John Cornell attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.
2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.
3. The scale of this development would exceed the spatial distribution for Weston and would not respect the scale of Weston which is at the lowest tier of the settlement hierarchy. The development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.
4. The application site is adjacent to a known landfill site and as a result the land has the potential to be contaminated and there may be ground gas being generated on this site. Insufficient information has been submitted with the application in relation to gas risk and as a result it is not possible to determine whether there will be an adverse effect from pollution on the health of the future occupiers of the proposed

development. The development is therefore contrary to Paragraph 120 of the NPPF and Policy BE.6 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and 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:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company in perpetuity

3. Primary School Education Contribution of £206,079.51.

In addition, Members wanted the refusal notice to include an informative expressing their concern about highways issues making it clear that, based on the Highways officer's advice, this was not a reason for refusal.

36 **14/5841N-OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT COMPRISING OF UP TO 118 RESIDENTIAL DWELLINGS (INCLUDING 30% AFFORDABLE HOUSING), STRUCTURAL PLANTING AND LANDSCAPING, INFORMAL PUBLIC OPEN SPACE, SURFACE WATER ATTENUATION AND ASSOCIATED ANCILLARY WORKS, WITH ALL MATTERS RESERVED FOR FUTURE DETERMINATION WITH THE EXCEPTION OF ACCESS, LAND SOUTH OF QUEENS DRIVE, NANTWICH FOR GLADMAN DEVELOPMENTS LTD**

Consideration was given to the above application.

(Mr Jonathan Howell, an objector and Paul Emms, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the verbal update to the Board the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- 1770 sqm shared recreational open space and 2360 sqm shared children's play space
- Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
- Education Contribution- £227,772.09 primary education; £245,140.35 secondary education Total = £472,912.44
- Highways contribution of 25k for the TRO's and consultation.

And subject to the following Conditions:-

1. Standard Time limit
2. Standard Outline
3. Submission of Reserved Matters
4. Approved Plans
5. Submission, approval and implementation of details of existing and proposed ground levels
6. Submission, approval and implementation of details of materials
7. Submission, approval and implementation of scheme of sustainable surface water drainage
8. Submission, approval and implementation of scheme of foul water drainage
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.
10. Submission, approval and implementation of Phase II contaminated land investigation
11. Submission, approval and implementation of Environmental (Construction) Management Plan
12. Submission, approval and implementation of Travel Plan
13. Submission, approval and implementation of electric vehicle infrastructure
14. Piling Method Statement to be submitted
15. Restriction on hours of piling
16. Hours of construction
17. Details of Lighting to be submitted
18. Noise Mitigation to be submitted
19. Submission, approval and implementation of features for use by breeding birds
20. Reserved Matters to make provision for retention of hedges and replacement hedge replanting

21. Submission, approval of scheme of tree protection
 22. Implementation of tree protection
 23. Arboricultural Survey with each reserved matters
 24. Submission, approval and implementation of open space scheme with first reserved matters
 25. Submission, approval and implementation of maintenance plan for open space
 26. Submission, approval and implementation of scheme of bin storage
 27. Submission, approval and implementation of details of boundary treatment
 28. Amendment to framework plan / indicative layout to accommodate veteran tree T14 in open space and to afford tree T16 sufficient separation to avoid conflict .
 29. The diversion of Footpath FP2 from Field's Farm level crossing to the adjacent underpass shall be carried out prior to commencement of development. (Grampian Condition)
 30. any future reserved matters application be supported by an updated protected species assessment and mitigation proposals.
 31. implementation of a scheme of traffic management on Welsh Row prior to commencement. (Grampian Condition)
 32. Affordable housing condition which:-
 - Secures 30% of the dwellings as affordable in perpetuity and 65% as social or affordable rent and 35% as intermediate tenure.
 - Requires them to transfer any rented affordable units to a Registered Provider
 - Provide details of when the affordable housing is required
 - Includes provisions that require the 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 should match the Councils allocations policy.
 - Includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
 - Requires the affordable units which will be transferred to a Registered Provider to be constructed to HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funded programme
- 37 **15/0553C-RESERVED MATTERS APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 80 HOMES, (24 AFFORDABLE), THE CREATION OF AN AREA OF PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA AND ASSOCIATED WORKS (OUTLINE APPROVAL 13/0041C), LAND OFF MIDDLEWICH ROAD, HOLMES CHAPEL FOR NIALL MELLAN, PERSIMMON HOMES NORTH WEST**

Consideration was given to the above application.

(Councillor L Gilbert, the Ward Councillor and Niall Mellan, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order for further discussions to take place regarding the layout and pepper potting of the affordable housing and for consideration to be given to the potential for a small area of public parking to be provided on site or implementation of waiting restrictions on the access road.

(This decision was contrary to the Officer's recommendation of approval).

38 15/1541C-INSTALLATION AND OPERATION OF A SOLAR FARM, LAND SOUTH OF WOOD LANE, BRADWALL FOR LIGHTSOURCE SPV 178 LIMITED

Consideration was given to the above application.

(Colm Ryan, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in a verbal update to the Board the application be approved subject to the following conditions:-

1. Time
2. Plans
3. Materials as per application
4. Landscaping – Implementation
5. Provision of an undeveloped 15m buffer between the proposed development and the boundary of the woodland
6. Prior approval of a detailed assessment and mitigation of the potential impacts of the proposed development upon 'Other' protected species
7. Prior approval of security fence details - including 200m gap at base
8. Prior approval of an updated management plan to include details of a suitable cutting and grazing regime designed to maximise the botanical value of the grassland habitats. To be implemented for lifetime of solar farm
9. Tree protection
10. Flood Risk Assessment – Implementation
11. HGV Movements – 10 per day
12. Submission of a Construction Management Plan

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chairman (or in his absence the Vice Chairman) of the Strategic Planning Board and Ward

Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(The meeting adjourned for a short break).

39 15/2256M- GLASS HOUSE WITH ASSOCIATED WATER TANKS AND HEAT STORAGE TANK, ROBINSON NURSERIES, BOLSHAW ROAD, HEALD GREEN FOR PETER ROBINSON, W ROBINSONS NURSERIES LIMITED

Consideration was given to the above application.

(Councillor D Mahon, the Ward Councillor, Matthew Handley, an objector, Michael Al-Iskalachi, an objector and Mrs Alison Heine, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to the Board the application be approved subject to the following conditions:-

1. Development in accord with approved plans
2. Submission of landscape screening scheme with planting to include evergreen species and semi mature tree planting
3. Development in accordance with Great Crested Newt Method Statement
4. Commencement of development (3 years)
5. Landscaping screening (implementation)
6. Details of materials and colour of the water tanks to be submitted
7. Materials for glass house and heat store as specified in the application
8. Up-dated Badger Survey to be submitted
9. Breeding birds
10. Delivery Management Plan
11. Hours of construction (and associated deliveries)
12. No coniferous trees
13. Details of proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge) to be submitted and approved prior to commencement.
14. Establishment of a Liaison Group to include the Ward Councillors from Cheshire east Council and Stockport MBC.
15. No lighting to be used in the glass house during hours of darkness

In addition informatives were to be included on the following:-

Use of cranes (if used)
Contaminated land
Public Rights Of Way
Paragraphs 186 and 187 of the NPPF

(During consideration of the application, Councillor S Edgar left the meeting and did not return).

40 PROPOSAL ALTERATIONS TO THE SECTION 106 AGREEMENT TO IN RESPECT OF MANAGEMENT COMPANY FOR PUBLIC OPEN SPACE AT COPPENHALL, (11/1643N)

Consideration was given to the above report.

RESOLVED

That the Section 106 Agreement remove Schedule 6 Clause 12, and replace with an updated clause about how the Management Company would be set up and maintained in perpetuity.

41 PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE FOR QUARTERS 3 AND 4 2014/15

Consideration was given to the above report.

RESOLVED

That the report be noted.

The meeting commenced at 10.30 am and concluded at 5.40 pm

Councillor H Davenport (Chairman)

Application No: 15/0553C

Location: Land off, Middlewich Road, Holmes Chapel, CW4 7LH

Proposal: Reserved matters application for residential development of 80 homes, (24 affordable), the creation of an area of public open space and children's play area and associated works (outline approval 13/0041C).

Applicant: Niall Mellan, Persimmon Homes North West

Expiry Date: 11-May-2015

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help towards the Council's housing land supply.

The impact upon infrastructure would be neutral and have already been considered when the outline application was approved

The proposed POS provision and the proposed LEAP are considered to be acceptable.

Environmental Sustainability

With regard to ecological impacts, the impact is considered to be neutral as mitigation has been secured through contributions secured at outline stage

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Trees afforded protection under tree preservation order will not be unduly harmed. Whilst a section of hedgerow will be lost to facilitate the access, the proposed landscaping of the site would compensate for this loss.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

The internal design of the highway layout/parking provision meets with standard and is acceptable. The impact on the designate Heritage asset (Cotton Hall) would be

minimised through the design and landscaping.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR DEFERRAL:

At the last meeting of 29th July 2015, Members resolved to defer this application to seek clarification on the 'pepper potting' of the proposed affordable units and to consider the provision of a designated car park within the site for commuters who park on the adjoining development at Ravenscroft.

Affordable Housing

Following concerns about the degree of 'pepper-potting' within the scheme, amended plans have been received altering the distribution of the affordable units across the site. As amended, the proposed affordable units would be spread across 3 separate clusters of 6 units. These would be positioned towards the northern boundary of the site, in the north-eastern corner and the far south-eastern corner of the development and would include both intermediate and affordable rented units in each cluster.

It is worth noting that the Council's approach to 'pepper potting' is outlined with the Interim Planning Statement on Affordable Housing which states at para. 4.8

"The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion and should not be segregated in discrete or peripheral areas. Affordable homes should therefore be 'pepper potted' within the development."

The IPS goes on to say at para. 4.10

"The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%."

In practice Strategic Housing has accepted an element of clustering of affordable units to aid delivery and management of the units from an Registered Providers perspective, with the policy

objective to ensure the units are not located in discrete and peripheral parts of the site and segregated from the market units for the creation of mixed and inclusive communities in accordance with para.50 of the NPPF.

The emerging Local Plan in policy SC5 is more general when referencing location of affordable housing and states at point 4.

“Affordable homes should be dispersed throughout the site, unless there are specific circumstances or benefits that would warrant a different approach.”

The Strategic Housing Manager has therefore confirmed that the location and distribution of the proposed affordable units would be acceptable. Accordingly, it is considered that the amended spread of affordable units would provide an appropriate degree of pepper-potting. Any further dispersal of the affordable units may render the units unsuitable for the registered providers in terms of management and maintenance which could affect the deliverability of this much needed market and affordable housing. As such, Members are advised that the proposed affordable housing is acceptable.

Car Parking

The Local Ward Councillor (Cllr Gilbert) and the Holmes Chapel Parish Council have raised concern about parking on the adjoining development at Ravenscroft. Owing to its close proximity to junction 18 of the M6 motorway, commuters park their cars on adjoining roads and then car-share. It is important to note that any such parking on the highway is not a breach of planning regulation and any obstructions or illegal parking are not planning matters, but are matters for the police to enforce.

Members discussed whether a designated car park to accommodate commuter vehicles could be provided within this site, given that it is closer to junction 18 than Ravenscroft and would therefore likely suffer from the same issue. However, when considering whether a development should be required to mitigate for something, this should be reasonably related to planning and to the development to be approved. As mentioned, the parking of vehicles on the highway is not a planning matter. Parking provision is. However, a development should only be expected to provide parking for the vehicle movements that it generates. This development would not generate the demand for car sharing and parking that already exists and therefore it would be unreasonable to expect the development to bear the cost of providing such parking. Furthermore, at the last meeting, reference was made to providing car parking on the area of proposed public open space. This would result in a loss of public open space which would result in a quantitative deficiency which would be contrary to policy and therefore a negative of the scheme. Such negatives would have to be weighed in the planning balance but it is officer's view that this would not be sustainable.

As such, Members are recommended to approve the application in line with the original resolution included in the report below subject to reference being made in condition no.s 1 and 2 to the amended affordable housing proposals.

PROPOSAL:

This is a reserved matters application for 80 dwellings. The issues which are to be determined relate to the access, appearance, landscaping, layout and scale of the development. Access would be taken directly off Middlewich Road.

SITE DESCRIPTION:

This reserved matters application follows the approval of outline application 13/0041C. The application site measures approximately 4.6 hectares in size and is located on the northern side of Middlewich Road towards the west of Holmes Chapel Village. The site comprises of a series of flat grassed paddocks which are used for the keeping of horses. The site is adjoined to the east by residential development, to the north by the Grade II listed 'Cotton Hall' and an equestrian centre, and to the west it is adjoined by 'Cotton Farm Barns' and open fields. The site falls outside of the settlement limits for Holmes Chapel and is therefore designated as Open Countryside in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

13/0041C Outline application for residential development, comprising 80 homes, including 24 affordable homes to include an area of public open space and children's play area – Approved 05-Dec-2014

POLICIES

National Policy:

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005. The relevant Saved Policies are: -

PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR17	Car parking

GR18	Traffic Generation
GR21	Flood Prevention
GR 22	Open Space Provision
BH4	Listed Buildings Impact of Proposals
BH5	Listed Buildings Impact of Proposals
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
H2	Provision of New Housing Development
H6	Residential Development in the Open countryside
H13	Affordable Housing and Low Cost Housing

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

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
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

CONSULTATIONS:

Environment Agency: No objection subject to drainage conditions.

United Utilities: No objection subject to drainage conditions.

Cheshire East PROW: No objection but advise that if the footpaths within the development are not adopted, details of their maintenance must be included within the same provisions for the public open space.

Natural England: No objection

Strategic Highways Manager: No objection

ANSA Open Space: No comments received at the time of writing this report.

Environmental Protection: no objection subject to conditions requiring updated noise survey, submission of an environmental management plan, dust control, a travel plan, submission of a contaminated land phase II investigation and an informative dealing with construction hours.

VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL:

Recommend that the applicant reconsider the layout of the affordable homes to comply with the usual policy of CEC to pepper pot through a development rather than cluster together.

REPRESENTATIONS:

Letters have been received from 5 addresses objecting to this application on the following grounds:

- Design and architectural proposals are poor
- Affordable homes are not pepper potted
- Affordable housing should be for local people only
- There are other sites in the Borough which are more appropriate, including brownfield
- Traffic - the main Middlewich Road is clogged everyday with traffic, including motorway traffic when there is an incident which happens quite regularly and this development will make it worse
- No more amenities are planned for Holmes Chapel which is already over loaded with the present number of houses
- The doctors are over subscribed
- The schools have waiting lists
- There is insufficient parking
- Will get worse if sites like the former FADS site come forward
- There should be no access through to Ravenscroft
- Impact on privacy
- Poor drainage

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline application referenced 13/0041C. This application does not offer to opportunity to revisit the principle of the development, which has already been accepted. This application seeks approval of all of the reserved matters. These relate to access, appearance, landscaping, layout and scale of the development.

Affordable Housing

The proposed development will provide 24 affordable units (16 social/affordable rent and 8 for intermediate tenure) within the proposed 80. This provision accords with the Council's policy and the s106 agreement attached to the outline application which required 30% of the units to be affordable with a tenure split of 65% affordable/social rent and 35% as intermediate tenure. This was in accordance with policy. This is acceptable to meet the identified housing need.

The Council's Strategic Housing Manager expressed concern that the affordable units were not pepper potted. To address this, amended plans have been secured which now detail 2 clusters of affordable units spread across the site. The Council's Strategic Housing manager has confirmed that the location of the affordable units is now acceptable and the detail within the submitted Affordable Housing Scheme meets with approval.

Highways Implications

The traffic generated by 80 units and its impacts on the local highway network were assessed as part of the outline application and were considered to be acceptable. The Head of Strategic Infrastructure (HSI - Highways) has sought clarification on parking standards and provision of the pedestrian crossing along Middlewich Road, which was secured at the outline stage. The applicant has submitted an amended layout and supplemental information to clarify these points and the HSI has confirmed that the layout and parking arrangements are acceptable.

With respect to the access serving the development itself, the existing access which serves Cotton Hall to the north would be widened and extended into the site. Highways have not objected to such access arrangement and as such, the required visibility standard is met.

Residential Amenity

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site show that these distances will be maintained to the adjoining dwellings. Therefore, no concerns regarding the amenity of existing neighbouring dwellings are raised. Furthermore, the layout also demonstrates the required distance standards are achieved within the site and that an acceptable level of private amenity space can be achieved. Where separation distances are not met, the shortfall is only marginal and in most cases, the units are offset at angles from each other.

Trees, Hedgerows & Landscaping

The submission is supported by an updated arboricultural survey and constraints report. The layout generally respects tree root protection areas and crown spreads. The row of proposed dwellings on the Middlewich Road frontage would be influenced to a degree by shade from the Poplar trees which are now afforded protection under a Tree Preservation Order. However, the submitted arboricultural report states that this will not result in undue pressure to prune. The Council's Tree Officer is currently considering the updated information and this will be fed back by update.

In terms of hedgerows, a section of hedgerow (H5) would have to be removed to facilitate the construction of the access. The loss would not be significant in terms of length and would be mitigated by the landscape proposals for the site. The hedgerow is not considered 'important' under the Hedgerow Regulations 1997 and as such, its partial loss is not considered to be detrimental. Elsewhere, the majority of the hedgerows would be retained as part of the proposed development and supplemented as part of the landscape proposals.

Design

The application is a reserved matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

The submitted layout is arranged around a main spinal road which travels through the proposed areas of Public Open Space at the western edge of the site. The POS would perform as a gateway to the development and would be framed by properties overlooking and fronting these areas. Once into the site, the main road would travel from west to east would have roads and cul-de-sacs spanning off at 90 degrees with properties arranged in a linear pattern forming blocks. The layout would ensure that key views terminate on appropriate frontages and would ensure appropriate spacing for the two-storey scale of the proposed units.

Turning to the design of the dwellings themselves, amended plans have been secured which have addressed concerns regarding the treatment of corner plots by introducing window openings within side elevations to properties are dual fronted and do not create blank facing side treatments. The property types would be mixed and this would assist the street scenes. The detailed design is considered to be acceptable and would not harm the character or appearance of the area.

The frontage to the site along Middlewich Road is tree lined with mature protected poplars. The layout would respect these specimens and these will help to screen the development from views of the main approach road into Homes Chapel.

Impact on Setting of Listed Building

To the north of the site, lies the grade II* listed Cotton Hall. At outline stage, English Heritage advised that the proposal should be determined in accordance with national and local policy and in accordance with the council's own specialist conservation advice.

In response to advice received from the Council's Conservation Officer at outline stage, the layout has been amended so that the nearest units to the heritage asset are laid out in a crescent shape. This will help to provide a less regimented layout, a better gateway to the development and a softer buffer with the boundary to the curtilage of the listed building. It is considered that such amendments would result in a development that would have an acceptable impact on the setting of Cotton Hall, subject to high quality materials being secured by condition.

Ecology

The Council's Nature Conservation Officer (NCO) has noted that the landscaping scheme for the site includes proposals for the creation of a wildflower meadow as part of the gateway park located adjacent to the site access. The management plan for the site however proposes an intense cutting regime which would limit the nature conservation value of the resulting meadow. The supplier of the proposed meadow seed mix provide general management prescriptions for this seed mix and as such the NCO has suggested that the submitted management plan be amended to reflect this. If planning consent is granted a condition could be attached requiring the submission and agreement of details of the management plan.

Public Open Space

In accordance with the outline consent, the scheme proposes an area of Public Open Space (POS) offset towards the western portion of the site which would accommodate a Locally Equipped Area of Play (LEAP). This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality useable space. The on-site open space and play area would be managed and maintained by a management company which was secured by the Section 106 Agreement.

Education

This issue was dealt with as part of the outline application where the Council's Education Department have confirmed that demand can be catered for by the existing local primary and secondary schools. As such, no mitigation or financial contributions are required.

PROW

The development would not directly impact upon any public rights of way.

Archaeology

The Cheshire Shared Services Archaeologist has advised that there is limited archaeological potential to generate a requirement for any further predetermination work. However, a programme of archaeological works is necessary and this is secured by conditions attached to the outline consent.

Flood Risk and Drainage

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. Such conditions were attached to the outline consent.

PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help towards the Council's housing land supply.

The impact upon infrastructure would be neutral and have already been considered when the outline application was approved

The proposed POS provision and the proposed LEAP are considered to be acceptable.

Environmental Sustainability

With regard to ecological impacts, the impact is considered to be neutral as mitigation has been secured through contributions secured at outline stage

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Trees afforded protection under tree preservation order will not be unduly harmed. Whilst a section of hedgerow will be lost to facilitate the access, the proposed landscaping of the site would compensate for this loss.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

The internal design of the highway layout/parking provision meets with standard and is acceptable. The impact on the designate Heritage asset (Cotton Hall) would be minimised through the design and landscaping.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to conditions

- 1. Amended / Approved Plans**
- 2. Accordance with submitted Affordable Housing Scheme**
- 3. Materials to be submitted and approved**
- 4. Updated Public Open Space Management Plan to be submitted**
- 5. Implementation of the tree and hedge protection measures as proposed**
- 6. Adherence to the submitted Arboricultural method statement**
- 7. Adherence to the submitted Tree Protection Scheme**
- 8. Construction Method Statement to be submitted**
- 9. Updated noise mitigation to be submitted. Development to be carried out in accordance with agreed mitigation**
- 10. Dust control measures**
- 11. Phase II contaminated land investigation to be submitted**
- 12. Removal of permitted development rights classes A-E**
- 13. Obscured glazed on selected plots with no further openings to be created**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Reserved Matters

RECOMMENDATION:

Application No: 15/0446C

Location: LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF, ABBEY ROAD, SANDBACH

Proposal: Erection of 154 two storey detached, semi detached and mews dwellings landscaping, formation of community park, open space, parking and associated works.

Applicant: Neil Arkwright, Redrow Homes Ltd & Anwyl Homes

Expiry Date: 01-May-2015

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help deliver housing supply.

The impact upon infrastructure would be neutral and has already been considered when the outline application was approved

Although final clarification is awaited, the proposed POS via the Community Park, and the proposed play areas are considered to be acceptable.

Environmental Sustainability

With regard to ecological impacts, the impact is considered to be neutral as mitigation has been secured through contributions secured at outline stage. Additional landscaping will be required to maximise the ecological benefits of the scheme but this can be conditioned, as can final details to ensure the impact on trees is acceptable.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. Although, a final tracking plan is awaited, the general layout and level of parking is considered acceptable. The design of the dwellings is appropriate with good levels of natural surveillance. The buffer to existing Park Lane properties is now also acceptable and accords with the outline approval.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION
APPROVE subject to conditions

PROPOSAL:

This is a reserved matters application for 154 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single priority junction off Middlewich Road with the provision of a right-turn lane on Middlewich Road. The access was approved as part of the outline application.

The development would consist of 1 to 5 bedroom units including some apartments. All units would be 2 stories in height. The development would consist of the following mix:

- 8 x one bed units
- 20 x two bed units
- 18 x three bed units
- 99 x four bed units
- 9 x five bed units

Discussions have recently taken place with local residents on Park Lane and the developers to consider concerns in respect of the buffer required along the eastern boundary of the site as part of the outline conditions. This has resulted in the submission of revised plans.

SITE DESCRIPTION:

This reserved matters application relates to phases 1 and 2 following the approval of application 12/1463C, phase 3 would form part of a later application. Outline application 12/1463C relates to 15.6ha of land, situated on the southern side of Middlewich Road, west of Park Lane and east of Abbey Road. The site includes two residential properties 170 and 172 Middlewich Road which are located within the Sandbach Settlement Boundary. The rest of the site lies within the Open Countryside and is bordered by residential properties to its north, western and eastern boundaries, with open fields to the south.

The site is relatively flat although the land level drops slightly to the south of the site. The site is currently used for the growing of crops with a number of hedgerows running along the existing field boundaries. There are a number of trees within the residential curtilages of the properties surrounding the site with a number of mature trees within the grass verges along Abbey Road and Park Lane.

RELEVANT HISTORY:

12/1463C - Demolition of 170 and 172 Middlewich Road, Sandbach, Formation of New Access to Serve Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Approved 7th October 2014

14/0191C - Removal of Condition 14 (25% of Housing with no more than 2 bedrooms) on approval
10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Withdrawn

11/0440C - Demolition of 170 and 172 Middlewich Road, Sandbach and Formation of New Access to Serve Residential Development – Approved subject to the completion of a Unilateral Undertaking 18th October 2012

10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works - Refused 18th November 2010 – Appeal lodged – Appeal dismissed – High Court challenge – Decision quashed, Appeal to the Court of Appeal – Appeal Dismissed. Appeal Allowed by Secretary of State

POLICIES

National Policy:

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005, which allocates part of the site within the settlement boundary and part of the site within the open countryside.

The relevant Saved Policies are: -

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks

GR17 Car parking

GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight.

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

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
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
North West Sustainability Checklist
Sandbach Draft Neighbourhood Plan

CONSULTATIONS:

CEC Flood Risk Manager: Conditions suggested.

Environment Agency: Refer to standing advice.

United Utilities: As previously stated in United Utilities response to planning application 10/3471C a number of public sewers cross this site and UU will not permit building over it. UU will require access strips either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Cheshire East PROW: The development does not appear to affect a public right of way.

Natural England: Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Sandbach Flashes SSSI has been notified. Natural England advise that the SSSI does not represent a constraint in determining this application.

For advice on Protected Species refer to the Natural England standing advice.

Cheshire East Countryside Access: The application documents make reference to a number of access points and crossings for pedestrians and cyclists in order to maximise the permeability of the site. Such routes should be designed and constructed to best practice in terms of shared use infrastructure and accessibility.

The S106 agreement includes a contribution towards improving accessibility on the Wheelock Rail Trail.

The legal status, maintenance and specification of proposed pedestrian and cyclists routes within the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Cheshire Brine Compensation Board: The Board is of the opinion that the site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted.

In particular, the Board recommends the use of raft foundations or ring beams in the subsidence hollows and heavily reinforced strip foundations outside the subsidence hollows areas. The subsidence hollows are as identified in a technical report submitted with the application.

Strategic Highways Manager: Principle agreed at outline stage.

There is some doubt as to the suitability of connections to potential Phase 2 development in terms of carriageway width and footway provision. However, the Head of Strategic infrastructure can advise in terms of access to the proposed 154 dwellings and also to the overall Phase 1

development of 280 dwellings, the layout is sufficient subject to submission of suitable tracking plans.

ANSA Open Space: No comments received at the time of writing this report.

CEC Archaeology: Condition suggested.

VIEWS OF THE PARISH/TOWN COUNCIL:

Sandbach Town Council: No objection. Although Members regret the development of Abbey Fields and its detrimental impact on the urban landscape, it is accepted that the development will proceed. 30% affordable housing and stipulation that this housing will be indistinguishable from other housing is welcomed however, Members question who will maintain the community park and seek detail of arrangements in place. Members further request the traffic implications are carefully monitored.

No objection is raised to the revised layout.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. Further consultations have taken place on revised plans.

A letter of objection has been received from 39 households raising the following points:

Principle of development

- Lack of employment in Sandbach
- Sandbach is a commuter town
- The development will not benefit Sandbach
- No further housing development is needed
- The layout of the development does not comply with the approved illustrative layout
- The layout is different to the outline application
- The development does not comply with condition 4 attached to the outline consent
- Green spaces around Sandbach should be retained
- Brownfield sites should be developed first
- Loss of the historic character of Sandbach
- Lack of consultation regarding the reserved matters application
- The affordable dwellings are located in the same location

Highways

- Increased highways congestion
- The submitted traffic data is out of date
- Increased vehicular movements in proximity to the Park Lane junction
- Highway safety
- Lack of public transport which has suffered cuts
- Problems with the cycleway improvements on Hind Heath Road
- Inadequate provision for cyclists as part of this development
- The proposed highway improvements are not clear

- No need for parking spaces to serve the community park if the development represents sustainable development
- Congestion has increased in Sandbach since the original approval
- Various road works within Sandbach are causing congestion issues
- Too many vehicles will use a single access point
- There should be no vehicular access onto Abbey Road

Infrastructure

- Local infrastructure cannot cope
- Local schools are full
- Local doctors do not have capacity

Amenity Issues

- The development is closer to the adjoining residential properties than as shown on the indicative outline plan
- Loss of light
- Loss of outlook
- Loss of privacy
- Light pollution
- Lack of a buffer between the existing and proposed dwellings
- The proposed dwellings are too close to the boundaries
- Increased noise and disturbance
- Vehicles within the site will cause noise and light pollution at unsociable hours
- The proximity of the affordable dwelling units to the boundaries
- The development would be contrary to Local Plan Policy GR1
- The development should be moved further west into the proposed community park to protect residential amenity
- The token planting of fruit trees to the boundaries is not considered to be acceptable
- The separation distances are too short to the existing dwellings which surround the site

Design issues

- The development adjacent to Park Lane does not respect the character of the dwellings which front Park Lane which are set within large plots and mature gardens
- The development would appear incongruous having regard to the character of the surrounding development
- The street-scene of the development would appear unattractive
- The development would be contrary to Policy GR2 of the local plan
- Off the peg house types do not respect to context of the site
- The dwellings are squeezed onto the site so that the developer can maximise their return

Other issues

- There is a right of access onto the site between 200 and 202 Middlewich Road. This should not be obstructed by the developer
- Brine subsidence issues on this site
- Impact upon the archaeological deposits on this site which includes a Roman Road

A representation has been received from Fiona Bruce MP raising the following points:

- The previous plans showed a buffer between the new dwellings and the nearby existing properties. This reserved matters application will diminish this to such an extent that the

properties will be far more closely abutting the existing residents homes than was shown on the plans for the site.

- When the previous application was considered the view was that the 'houses would be sparsely populated with gardens backing onto gardens and this is no longer the case.

Amended Plan comments

Some improvements but the planting of trees will cast significant shadows on Park Lane gardens
Changes have taken account of some residents concerns but not others on Middlewich Road

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline applications 10/3471C and 12/1463C.

This application relates to the approval of the appearance, landscaping, layout and scale of the development (the reserved matters) as part of application 12/1463C.

Amenity

A number of the objection letters have referred to the proximity to the proposed dwellings and the lack of a buffer between the site and the adjoining residential properties.

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the separation distances between the proposed to the adjacent dwellings all exceed those set out within the SPG. The separation distances between principal elevations range between 28.2 metres and 39 metres (with most being above 30 metres). The separation distance between non-principal and principal elevations range between 15.4 metres and 28.9 metres.

As some of the non-principal elevations include windows in close proximity to the shared boundary it will be necessary to attach an obscure glazing condition and to remove permitted development rights for new windows on the following plots; R1, R6, R10, R12, R18, A68 and A77.

Recent discussions have focused on those proposed properties closest to the rear of Park Lane. The original outline permission included a condition which required the development 'to follow' the general parameters plan and the Design & Access Statement from the outline approval. In effect this indicated a 'landscaped buffer' to be provided along the eastern boundary of the site while also indicating a less dense form of development in this location. This matter was raised by local residents as the originally submitted plans did not contain any proposed buffer planting along the eastern boundary at certain sections. There were also small blocks of dwellings (affordable units) which included end gables in close proximity to the site boundary which provided very limited scope for landscaping.

Following a recent meeting and discussions between residents on Park Lane, the developers, Ward Councillors and Officers a revised plan has now been submitted which includes a change in the layout of the scheme to include mostly detached properties backing on to existing Park Lane properties. Although this pushes the affordable units further the south, this does enable the

density to be reduced and also provides greater space for a landscape buffer. Further plans have been submitted to show the type and nature of landscaping to be provided which includes semi-mature trees. Subject to an appropriate condition concerning the timing of the planting it is considered that this strikes the right balance on this part of the site and Officers believe that this now accords with the original outline condition.

Light pollution

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

Noise

In terms of the impact upon the adjacent dwellings it is not considered that the proposed development would result in levels of noise from future occupiers which would harm residential amenity.

Disturbance during the construction phase of the development

In this case there are the following conditions attached to the outline approval:

- Hours of construction
- Construction Method Statement

It is considered that these conditions attached to the outline consent would be adequate to protect residential amenity during the construction phase.

Highways Implications

The wider traffic congestion issues in Sandbach and the point of access were considered as part of the outline application.

To mitigate the congestion traffic impact of this development a contribution of £60,000 has been secured towards the upgrade of Junction 17 of the M6. A travel plan also forms part of the conditions attached to the outline consent.

In terms of the proposed layout/internal highways design and parking provision an amended plan has been submitted following negotiations with the Strategic Highways Manager.

The plans are considered to be broadly acceptable at this stage of the Phase 1 development. There remain some concerns over the curved nature of some of the roads and additional tracking plans are required for clarification before final acceptance. An update on this matter will be provided accordingly.

Trees and Hedgerows

The application includes an arboricultural impact assessment (AIS) which incorporates a tree survey, an assessment of arboricultural impacts of the layout on plan, a tree constraints plan and details of proposed tree protection measures together with an arboricultural method statement.

The survey area covers the current application site and land to the west and covers 45 individual trees 16 groups of trees and 17 hedgerows.

The report indicates that one tree would be removed. This tree has already been dismantled (removal associated with the approved access off Middlewich Road). The S106 Agreement for the outline application includes a contribution of £2,400 to provide replacement tree planting within the grass verge along Middlewich Road.

In this case there are concerns in relation to the following:

- Plot R10 – Proximity of the dwelling to offsite Tree 26 (Grade A Beech)
- Plot R14 - Hard surfacing in RPA of Tree 24 (Grade C Silver Birch)
- Plot R26/33 - Fencing access and proposed 3 metre reduction of offsite Tree 20 (Grade B Sycamore)
- Plot R46 - Dwelling and hard surfacing in RPA of TPO protected Tree 13 (Grade C Oak)
- Plot R46 (south of) - Hard surfacing in RPA of Tree 14 a TPO protected (Grade A Oak tree)
- West of plot R75 - sub- station too close to (Grade A Oak Tree 25) and adjacent road
- POS south - Footpath in Root Protection Areas of trees T10 (Grade B Oak), T11 (Grade C Ash) and T12 (Grade C Ash)

These issues have been raised with the developer and an updated plan is awaited to address these concerns

In terms of hedgerows the development would result in 48 linear metres of existing hedge being removed mainly to accommodate internal access roads. However the majority of the hedgerows would be retained as part of the proposed development.

Landscape

A landscaping scheme has been submitted with this application and this is largely acceptable providing the following amendments are secured:

- The 3 Beech trees on plot 39 should be replaced with a smaller growing species
- The proposed Holly and Magnolia located next to the site boundary should be replaced with a small deciduous tree species in order to form a continuous tree screen
- The ornamental tree species within the public open space should be replaced with native species
- The landscape plans should be amended to include gapping up of the hedgerows on site with native species and where necessary to include coppicing or laying
- The footpaths within the POS should be changed from bound gravel to resin bound gravel which is more durable and requires less maintenance
- Clarification is required in terms of the proposed boundary treatments as the colours used on the submitted plan are difficult to identify

These issues have been raised with the applicant and an update will be provided in relation to this issue, albeit conditions can be imposed to cover these aspects. An additional plan has been submitted for the eastern buffer to give confidence in the nature of the planting proposed. A condition can be imposed for this aspect of the landscaping to ensure early implementation of the scheme as discussed with residents.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 16.4 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Sandbach.

The layout plan includes centrally located open space and Country Park and includes additional planting. The Country Park forms a linear area of open space which would form an ecological corridor to the curtilage and pond at 180 Middlewich Road. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the streets within the site and this is consistent with the tree lined avenues at Park Lane and Abbey Road. This is positive in terms of place making and the existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Sandbach.

Abbeyfields is a Grade II Listed Building. Given the separation distance to this property and the location of the proposed Country Park it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The agreement requires the Affordable Housing Scheme to be submitted for each phase of development. The applicant has submitted an accommodation schedule for the affordable housing on the submitted plans. The residential mix comprises 8 x 1 bed apartments, 20 x 2 bed houses and 18 x 3 bed houses. This is acceptable to meet the identified housing need. The applicant has also submitted an Affordable Housing Scheme which provides further detail in respect of the Affordable Housing. This has been considered by the Strategic Housing Manager who has raised no objection to the principle of the development.

The location of the affordable housing did not raise objection in respect of 'pepper potting' as was indicated on the original submission. However through the discussions with local residents and the developer regarding the buffer issue along the rear of Park Lane properties (as described above), the revised layout now locates a cluster of affordable units to the southern part of the site. It is clear that this results in a larger cluster to the southern part of the site than would be ideal. However, taking account of the wider Phase 1 and 2 developments, the outline approval in terms of density across the site and discussions with local residents it is considered that an on balance assessment can be reached as to its acceptability. Comments on this particular issue are however awaited from housing colleagues.

Ecology

Landscaping of open space areas

A significant bat roost is present at retained tree 23 located on the southern boundary of the application site. To ensure there is adequate foraging and commuting habitat to support this roost it must be ensured that there is a strong belt of mature tree cover along the southern boundary of the site and up the eastern boundary of the open space area. This is partly achieved by the submitted landscape plan however, additional native tree planting is required in these areas to ensure that there is continues unbroken chain of tree cover.

To ensure the proposed landscaping is in keeping with the intended country park setting and to maximise the nature conservation value of the proposals ornamental species and varieties should be excluded from the country park area and replacement with native species.

The submitted landscaping plan should be amended to reflect these required changes.

Amphibian tunnel

An amphibian tunnel is required under the access road crossing the country park to ensure that amphibians associated with the large garden pond on Middlewich Road have access to the new habitats created within the proposed country park. This is now shown on the submitted plans and is considered to be acceptable by the Councils Ecologist.

Ponds

The provision of an additional wildlife pond is supported and would considerable enhance the ecological value of the open space associated with the proposed development.

In order to provide suitable places of shelter for amphibians associated with the new proposed ponds the Councils Ecologist has advised that two amphibian hibernacula be provided in close proximity to the new ponds.

To minimise the risks of invasive species being introduced into the proposed wildlife pond the Councils Ecologist advises that they should be fenced to minimise public access.

The submitted landscaping plans should be amended to show the location of these features.

Lighting

Inappropriate lighting of the country park area has the potential to have an adverse impact upon its nature conservation value.

If planning consent is granted a condition could be attached requiring the submission and agreement of details of any lighting proposed for the open space areas.

Public Open Space

The open space requirement for this site would be provided within the proposed community park which would benefit residents for the whole of Sandbach. This would be provided in accordance with the legal agreement.

The plan indicates the inclusion of a play area within the Community Park area. This should include at least 8 items incorporating DDA inclusive equipment, using play companies from the Councils select list. A second play area would be provided within the third and final phase of the development which will be subject to a further reserved matters application.

At the time of writing this report no updated comments had been received from ANSA (Public Open Space) and therefore an update will be provided.

Education

This issue was dealt with as part of the outline application where a contribution of £513,771.11 was secured as part of the S106 Agreement.

PROW

The development would not directly impact upon PROW and a contribution of £10,000 has been secured as part of the outline application towards improved access of the Wheelock Rail Trail.

Archaeology

The outline applications for the development of this site resulted in a recommendation for a programme of archaeological assessment and evaluation in order to define the nature and extent of any archaeological deposits present and the need, if any, for further archaeological mitigation.

An archaeological desk-based assessment was produced by Oxford Archaeology North in 2012 and this report has been submitted in support of the present application. In 2014 a programme of archaeological trial trenching was carried out by Earthworks Archaeological Services, which demonstrated that the Roman road that once crossed the site from north-west to south east had been obliterated by centuries of ploughing and that across much of the rest of the site archaeological deposits were absent.

The one exception to this pattern was in the south-eastern corner of the application, where an area measuring circa 40m by 40m was seen to contain archaeological remains. The remains (undated at present) consisted of pits, ditches, and surfaces alongside the line of the Roman road. Some of these deposits are waterlogged and may be connected with salt production.

The site master plan suggests that much of this area will remain undisturbed by the development but the northern part is affected by a new road and landscaping. It seems likely, therefore, that part of the archaeologically sensitive area will require excavation and recording before development and this may also be necessary across the rest of the zone if this is to be disturbed by landscaping. A report on all of the excavation works that prove necessary will be required and the mitigation will be secured through the imposition of a planning condition.

Flood Risk and Drainage

As identified in the submitted Flood Risk Assessment (FRA), there are areas of ground subsidence within the site boundary. These are picked up on the Environment Agency (EA) surface water flood maps as areas with a risk of flooding. Appropriate measures will need to be incorporated into the development proposals to mitigate this risk, without exacerbating the risk of flooding elsewhere.

The Council's Flood Risk Manager has considered this application and has raised no objection subject to the imposition of the following planning conditions:

- The surface water run-off generated by the proposed development shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site.
- No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing by the Local Planning Authority.

It should also be noted that a condition to secure a scheme for surface water drainage was attached to the outline permission and there is no requirement to repeat this condition on the reserved matters application.

Brine Board

The comments of the Brine Board have been noted and the case of structural stability of the development will be dealt with at the Building Control stage.

CONCLUSION and PLANNING BALANCE

The principle of development has already been accepted as part of the outline approval on this site. The social, environmental and economic aspects of the scheme are:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, will provide benefits in terms of much needed affordable housing provision and would help deliver housing supply.

The impact upon infrastructure would be neutral and have already been considered when the outline application was approved

Although final clarification is awaited, the proposed POS via the Community Park, and the proposed play areas are considered to be acceptable.

Environmental Sustainability

With regard to ecological impacts, the impact is considered to be neutral as mitigation has been secured through contributions secured at outline stage. Additional landscaping will be required to maximise the ecological benefits of the scheme but this can be conditioned, as can final details to ensure impact on trees is acceptable.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. Although, a final tracking plan is awaited, the general layout and level of parking is considered acceptable. The design of the dwellings is appropriate with good levels of natural surveillance. The buffer to existing Park Lane properties is now also acceptable.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site.

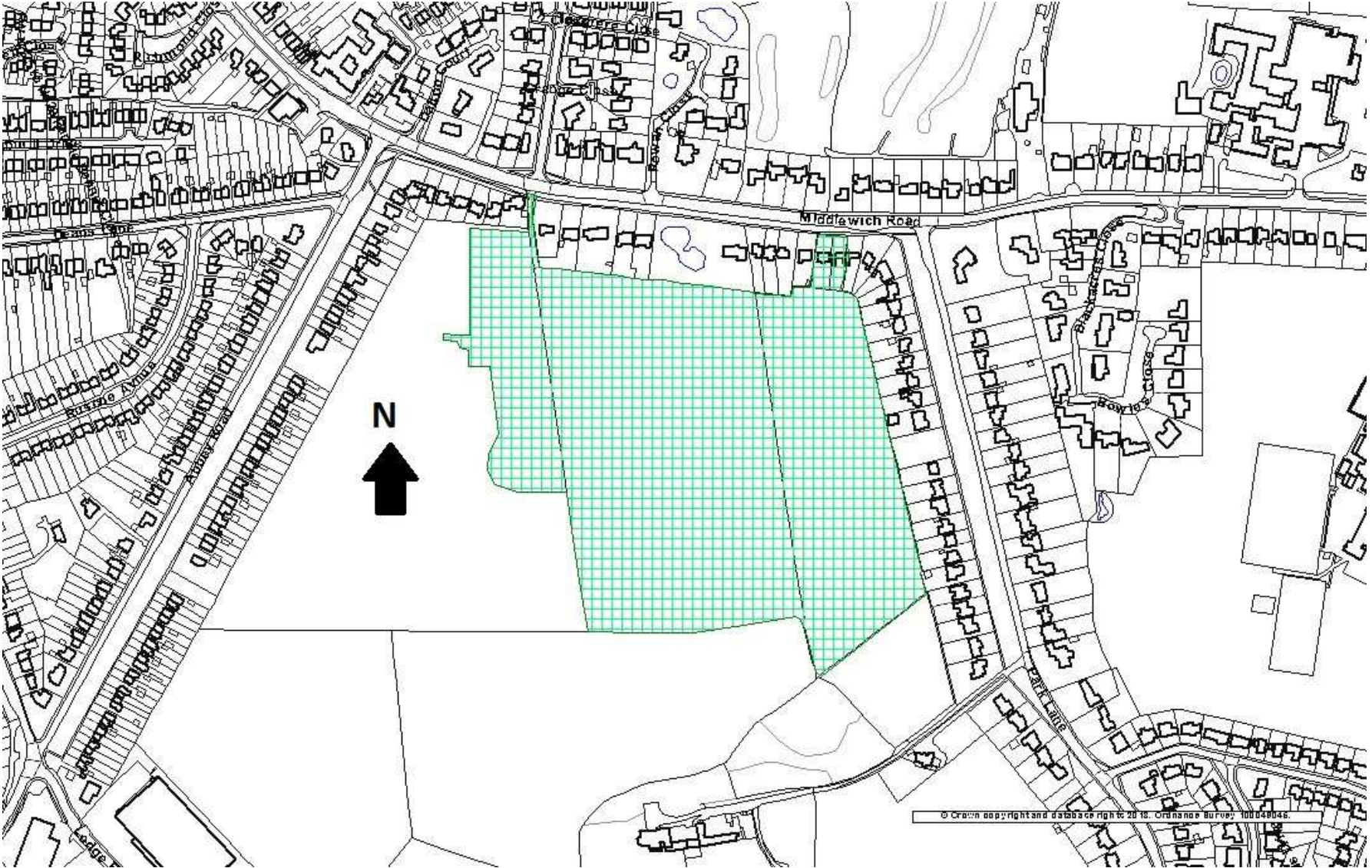
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATION:

APPROVE subject to conditions

1. Time scale
2. Scheme to be built in accordance with Approved Plans
3. Accordance with submitted Affordable Housing Scheme
4. Materials to be submitted and approved
5. Surface water run-off to not exceed the undeveloped site
6. Scheme for overland flow of water
7. Archaeological report
8. Construction Method Statement to be submitted
9. Obscured glazed on selected plots with no further openings to be created
10. Landscaping details to be submitted
11. Implementation of approved / submitted landscaping details
12. Landscaping buffer along the eastern boundary of the site in accordance with submitted plans and timetable
13. Details of external lighting to be submitted, approved and implemented

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



Application No: 12/0705W

Location: FORMER FUEL STORAGE DEPOT, TWEMLOW LANE, TWEMLOW, CW4 8DS

Proposal: Proposed Anaerobic Digestion and Combined Heat and Power Plant

Applicant: Mr R Brown, C.R.E.S Biogas Ltd

Expiry Date: 13-Jun-2012

SUMMARY

The NPPF states that in assessing development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The proposal presents a number of benefits in terms of sustainable waste management, driving waste up the waste hierarchy and contributing to renewable energy aspirations as set out in Government and European policy and legislation and in this respect accords with the approach of national planning policy and the Local Plan. The proposal also brings back into use a previously developed site and provides economic benefits in terms of job creation and supporting diversification of rural farming business, with indirect benefits to other local businesses.

However the benefits of the scheme should be balanced against any potential adverse harm created to the local environment and local community. The scheme has the potential to create adverse impacts on respect of air emissions, particularly odour. Given the close proximity of sensitive receptors, it has not been demonstrated that such harm could be controlled and mitigated to an acceptable level. As such the scheme there is potential for significant harm to the amenity of local residents which would conflict with the provisions of both the Local Plan, particularly policy 26 and the NPPW. Insufficient information has also been provided to demonstrate that the proposal would not present adverse impacts on human health which conflicts with policy 12 of Cheshire Replacement Waste Local Plan and the provisions of NPPW. The site also has the potential to be used by breeding birds and insufficient information has been supplied to make an informed assessment of the potential impacts of the proposed development on lapwings and to understand how important the site is for the species. This is contrary to policy 17 of Cheshire Replacement Waste Local Plan and the approach of the NPPW.

RECOMMENDATION: Refuse

REASON FOR REPORT

The application has been referred to Strategic Planning Board as the proposal involves a major waste application.

DESCRIPTION OF SITE AND CONTEXT

The application site is the former MOD fuel storage depot on Twemlow Lane, Twemlow, Holmes Chapel. The site comprises of a 0.48 hectare parcel of land bounded to the north by agricultural land, to the south by residential properties, to the east by Goostrey Lane and to the north west by the West Coast railway line beyond which are open agricultural fields. At the south west edge of the site is a gated vehicular access onto Twemlow Lane. A second access is located in the south eastern corner onto Goostrey Lane which is currently fenced off.

The majority of the site is taken up by six partially sunken steel storage tanks historically used for storage of jet fuel. The tanks are approximately 16m in diameter and project 7m above ground. They comprise an inner steel casing surrounded with a concrete outer casing, which are covered in earth and grassed over. A network of underground pipes feed the tanks whilst 1.5m high grassed earth bunds surround the tank area.

The remainder of the site comprises built infrastructure associated with the previous fuel storage activities. This includes the former fuel loading area and access road, fuel loading platforms, manifold pit, above ground storage tanks and interceptors, an electricity substation and transformer, generator building, maintenance shed, office and gate house and building formerly used as a Scout Hall as well as hard standing areas, fences and gates.

The site is bounded to the south by a row of mature trees which provides a degree of visual screening. Further limited small trees and hedgerow aligns the eastern boundary with Goostrey Lane whilst sporadic trees are located on the north western boundary with the railway line.

The closest residential property lies on Goostrey Lane approximately 10m from the southern site boundary. Further properties align Goostrey Lane on its western side, whilst a linear strip of properties is located on the eastern extent of Twemlow Lane, the closest of which is approximately 82m from the site entrance. A cluster of properties are also located directly to the south of the application site, approximately 45m from the southern site boundary.

Further properties lie in the vicinity of the site immediately off A535 and further west along Twemlow Lane. The settlement of Goostrey is located approximately 1.1km from the site. A primary school is located approximately 1km from the north western boundary, separated from the site by the railway line and open agricultural fields.

Public footpath FP3 is located west of the railway line approximately 174m from the site boundary. Footpath FP6 is located to the north east off Goostrey Lane approximately 338m from the site. A Grade II listed building (The Gables) is located approximately 200m to the south of the site on Goostrey Lane. Views to the site can be taken from properties on Twemlow Lane, Goostrey Lane, from the railway line, footpath FP3 and further long distance views can be obtained from some select areas of Goostrey.

RELEVANT HISTORY

This is a previously developed site which was originally used as a fuel store by the Ministry of Defence. Construction of the fuel storage site began in 1953 and is thought to have been decommissioned during the mid 1990's although the exact date is unclear. The site was used for the storage of Jet A1 fuel as part of the Manchester Airport Pipeline System which ran by pipeline from Stanlow Refinery to the airport and providing a connection to the storage facility at Twemlow. On decommissioning it is understood that the pipelines were purged and all fuels removed. It is understood that one of the buildings on site has previously been used for scout meetings. Planning permission was also granted for a replacement pumping station in 1989.

DETAILS OF PROPOSAL

The scheme proposes to re-use the six existing fuel storage tanks and pipework to treat waste by anaerobic digestion (AD). Wastes would be delivered into the reception building before being fed via a network of pipes into the steel fuel storage tanks (the digester tanks) where naturally occurring micro organisms breakdown the waste anaerobically under controlled conditions. The biogas released would be used in the CHP on site to generate electricity. The remaining digestate by-product would be exported off site to be used as a fertiliser.

The scheme proposes to import approximately 46,800 tonnes of waste per annum, comprising of approximately 32% cattle slurry (14967 tonnes), 8.6% poultry manure (4024 tonnes), 3.8% maize (1778 tonnes), 4.3% grass (2012 tonnes) and 51.3% food waste (24008 tonnes). The applicant indicates that in the early stages, agricultural waste would solely be used as this is a more stable feedstock to establish the AD process; after which they would build up to the higher levels of food waste proposed. Based on these waste inputs, an estimated 1.15 Megawatts of electricity would be generated, 15% of which would be consumed on site, with the remainder exported to the national grid via the site's existing sub-station which has a capacity of 3 Megawatts.

The scheme proposes the following new infrastructure/built development:

- Reception building

To be located between two steel tanks approximately 21m from the southern site boundary. It would comprise of two interconnecting sections; the first 36.6m by 12.2m with a height of 7.6m and the second 54.9m by 30.5m with a height of 12.2m. The building would be clad in green profiled sheet steel with a grey fibre cement sheet roof, whilst the office space would be a mixture of timber cladding and brickwork. The building would be used as a feed store, office, dry materials storage area, underground slurry store, food waste store and dry solids feeder. A biofilter stack would be situated on the northern extend of the building and would be 12.2m in height, extending approximately 4.6m above the extent of the building at this point.

Along the north west boundary the applicant proposes:

- Two combined heat and power (CHP) units contained in acoustically attenuated housings of approximately 2.5m by 10m with a height of 2.5m. Each has an external flue stack of 13.2m in height.
- A 6.4m high, 12m diameter gas dome with a capacity of 500 cubic metres. It would be double skinned with a green coloured polymer.
- Food waste and liquid waste buffer tank of 7.7m in height; and pasteurisation tank of 6.5m height;
- Surplus gas burner of 4m in height finished in a matt grey colour.

A Digestate storage shed is proposed on the north east boundary. It would be 18.3m by 12.2m with a height of 6.3m, and clad in green profile sheet steel panels.

Along the southern boundary a 3m high acoustic fence and 4 lighting columns are proposed, whilst on the north western boundary a further 2 lighting columns are proposed adjacent to the new AD infrastructure.

The scheme proposes 62 movements (31 in and 31 out) over a 252 day year (excluding for weekends and bank holidays). Cattle slurry and poultry manure would be transported in 11.3t slurry tankers generating 16 movements (8 in and 8 out); maize and grass would be transported in 12t tractor and trailer generating 4 movements (2 in and 2 out); food waste would be transported by 25t HGV generating 8 movements (4 in and 4 out); and exported digestate would be transported by 11.3t slurry tanker generating 14 movements (7 in and 7 out); whilst staff movements would generate 20 movements (10 in and 10 out).

The AD process undertaken in the digester tanks would be a continuous 24 hour operation. The receipt of waste and processing of waste in the reception building would be undertaken during the hours of 0800 to 1800 Monday to Saturday.

The anaerobic digestion process

All waste would be delivered into the reception building through fast open/close shutter doors. Inside the building the food and cattle slurry waste is stored in separate concrete tanks or sealed areas with vents to extract odour to the biofilter. The grass/maize would be stored at the applicants farm and fed directly into the dry-solids feeder.

During the process the food waste is mixed with maize and slurries, put through the macerator and fed into the liquids buffer tanks where it is stored for up to 3 days and fed into the digester tanks gradually over a 24 hour period. Inside the digester tank, the substance is mixed and heated to allow the resultant gas to be drawn off. It is retained there for approximately 80 days and then an additional 42 days in the second digester tank, after which it is separated into solid and liquid digestate. Pasteurisation of the digestate is carried out in order to kill bacteria and achieve compliance with Animal By-Product Regulations (ABPR). Once digestate is PAS110 compliant, it is no longer classified as a waste but as a fertiliser which is subject to nitrate vulnerable zone regulations. As such, the liquid digestate would be stored in the remaining steel tanks until appropriate times of year when it can be delivered off

site by slurry tanker and spread on land as a fertiliser. The solid digestate would be stored in the digestate storage building on the northern boundary of the site prior to being exported by tanker.

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of

The relevant development policies are;

Cheshire Replacement Waste Local Plan (CRWLP)

Congleton Borough Council Local Plan (2005)

National Planning Policy and Guidance

National Planning Policy Framework
National Planning Policy for Waste

Other Material Considerations

The revised EU Waste Framework Directive 2008 (rWFD)
Government Review of Waste Policy in England 2011 (WPR)
Waste Management Plan for England 2013
Cheshire East Waste Management Strategy
Cheshire East Waste Needs Assessment 2014
Cheshire East Local Plan Pre-Submission Core Strategy
AD Strategy and Action Plan (AD Strategy)

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

The Traffic Statement (TS) assesses the change in traffic generation between the existing use and the proposed use. The approach taken to the TS is considered to be both reasonable and robust.

The document clearly identifies or provides:

1. Local infrastructure issues.
2. Traffic impact in trips and categorises it by material and process for the proposed use.
3. Examines options for access with proposals for regulation and improvement in geometry.
4. Comparisons against the existing use which show betterment in traffic generation for the proposal against the likely traffic generation from the existing use which is still available.
5. Likely approach routes and allocates vehicle trips appropriately against those routes.
6. Proposals to permanently close the existing access onto Goostrey Lane in order to regulate site access and protect turning movements at the: Goostrey Ln/Twemlow Ln/A535 junction.

The Traffic Statement also offers appropriate improvements for access and provides assessment figures for approach vehicle speeds which have determined required visibility splays and those splays are demonstrated as available on a plan appended to the TS. The TS gives a very clear picture of the proposed operation and the Strategic Highways Manager accepts its findings.

It is clear that much of the proposed traffic will be of the same or similar type to the rural farming traffic that already frequents Twemlow Lane and in fact some of the trips to and from the proposed facility already exist on the local highway network. In any event the total number of additional trips is relatively low at some 30 trips per day and this as a maximum as some of the material deliveries to the facility will be seasonal.

In conclusion the Strategic Highways Manager finds that this proposal will not have a material effect on the traffic capacity and operational character of Twemlow Lane and with appropriate conditions and highway legal agreements for the access improvement will be an acceptable proposal to the highway authority. Planning conditions and informatives are recommended as follows:

Conditions:

1. Prior to first development the developer will provide a construction specification plan for the proposed access improvements on Twemlow Lane to the approval of the Local Planning Authority.
2. Prior to first development the developer will provide a construction specification plan for the permanent closure of the existing access proposed access on Goostrey Lane to the approval of the Local Planning Authority.
3. Prior to first use the developer will construct to completion the access improvements on Twemlow Lane. This will form part of the off-site highway works.
4. Prior to first use the developer will construct a permanent closure for the existing access off Goostrey Lane. This will form part of the off-site highway works.

Informative: Prior to first development the developer will enter into and sign a Section 278 agreement with Cheshire East Council Highway Authority under the Highways Act 1980 in relation to all off-site highway works and to indemnify the Authority against Part 1 Claims.

Response dated 21st March concerning objectors submission

Objections have been raised against this development and the reports provided in support of the objection raise concerns and the S.H.M. has been asked by the planning authority to consider the highway report.

The highway consultant has written the report in such a way that it finds all possible angles where concern might be raised against this development proposal however the main points are reviewed in the summary of the report and the S.H.M. response is as follows to the bullets:

- *The sight lines are not proven.* In fact the sight lines are proven and the photographs in the DTPC report actually show this.
- *The design vehicle is considered too small to fully show impacts.* The S.H.M. considers that the design vehicle is sufficient and that the access has sufficient geometry to support necessary turning movements.
- *No accident review has been undertaken for vulnerable road users.* This can be conditioned should permission be granted.
- *The catchment area has not been assessed correctly.* No standards are indicated and the proposal gives a catchment area radius which is accepted. It must be remembered that any permission would control delivery numbers to the site so traffic volumes are controllable.
- *The weight limit has been ignored even though the application is new.* The S.H.M. considers that the previous use would have had HCV access traffic and this site will not be different from that in status.
- *Over-running of the centre-line and verges would create an unsafe environment for other road users.* This situation exists already on Twemlow Lane from access traffic however the accident record on Twemlow Lane is very low and records do not demonstrate an accident record related to this causal factor.

The S.H.M has considered the highway report submitted from DTPC and finds that given the controls available through the planning process regarding related vehicle trips that there are no presented material issues which demonstrate a need to revise opinions on highway grounds for this development proposal.

The Council's Environmental Protection Officer:

The Environment Agency's odour management team has provided further evidence that raises significant doubts about the proposal's design and location when considering controlling the impact of odour pollution on the immediate locality. We consider the Environment Agency's opinions on process emission control as a high priority. Following this the Environment Agency has concluded that the submitted odour management plan for the Environment Permit (EP) fails satisfy the criteria required to obtain a permit.

Our previous responses had stressed the importance of adequate mitigation measures to avoid the adverse impact of odours on residential amenity. Given this evidence, this department can no longer be satisfied that the public health will not be adversely impacted upon by this proposal. The evidence also implies that there is not the scope for sufficient mitigation to control odours given the close proximity of residential properties to the proposed site. Whilst we recognise that it is the role of the EP to control to release of odours, the planning application should consider the acceptability of the proposed use of land on the surrounding area. **As a result we cannot support approval of this planning application and therefore recommend that this planning application is refused.**

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Response of 19th December 2012

Noise Assessment

There are a number of operational noise emitting sources and activities that have the potential to impact upon sensitive receptors in the area: delivery of waste, depositing of waste, movement of waste, pumps, CHP plant and vents.

The noise survey provided appears to consider most of these potential issues and provides calculations for their impacts at the nearest residential receptors on Goostrey Lane and Twemlow Lane respectively.

Reception Building - The assessment originally estimated that the internal noise level in the reception building will be 82dB(A). The updated noise assessment revises this to 92dB(A) but this includes pumps housed in this structure and also details the other predicted noise sources. It is assumed that a 5dB(A) noise attenuation will be provided by a 3 metre high acoustic barrier that is proposed along the southern site boundary.

It is considered that this amount of attenuation to a noise source that is effectively 10 metres high may not be achieved by a 3 metre high barrier. Additionally, it is likely that impact noises could be an issue from the depositing and movement of waste within the reception building and it would appear that these have not been taken into consideration.

The updated noise report states that a 41 dB(A) attenuation could be achieved if the stated cladding is incorporated into the building's design. Given the uncertainties mentioned above we would recommend that noise attenuating cladding of this standard is essential as part of any accepted planning permission for this proposal. The revised design includes an 80 mm cladding and it has since been confirmed that this should achieve the stated noise attenuation. The entrance doors should be acoustic roller shutters and also remain closed at all times except when vehicles are entering or leaving.

CHP plant – The CHP plant would be located at the boundary adjacent to the railway line. The sound power from these emissions has been confirmed since the noise report was completed following concerns about the predicted levels of night noise at residential properties given the currently low background noise levels in the area. The total sound power has now been revised to being 10dB(A) below the original assessment and this has been taken into consideration when setting noise limits in the recommended planning conditions below. It is agreed that significant noise attenuation should be given to residential properties due to the screening provided by the existing storage bunkers and the proposed buildings. The report then calculates that the noise levels will be further attenuated by ground absorption and uses the Calculation of Road Traffic Noise methodology. We do not consider that this is the best method to use and would have recommended the guidance given in BS 5228: Part 1.

Pumps – the report estimates the noise from the expected pumps required for operation. Some will not be required to operate during the night. The revised noise design and noise calculations have re-located the pumps in the reception building. The updated noise assessment and design indicates that significant noise attenuation would be provided by the enclosures around the pumps. It can also be considered as a worse case situation as all pumps would not operate simultaneously.

Transport – It is anticipated that HGVs and tractors pulling trailers or tankers will deliver the waste. The noise from these vehicles has been estimated in the report where the distance from the receptors to the vehicles is represented by the distance to the site entrance. For the receptor on Goostrey Lane this may not represent the worst case location for the noise source which may be in the turning area or weighbridge for example. The proposed acoustic screen will mitigate the impact of these noise sources as would implementing any of the transport management proposals such as back-loading. We would expect that the number of vehicles movements would be controlled by means of planning condition.

Total daytime noise

The expected daytime noise levels should not cause any adverse impacts if the proposed mitigation and design measures are put in place. This should include cladding for the reception building, the design of the building entrance, controls on the vehicle numbers and the acoustic screen.

Total night time noise

The estimated night time noise levels at the nearest residential receptors differs slightly from my assessment. The levels are likely to be below those that the WHO guidelines suggest that sleep disturbance is possible. However, the monitoring has shown that existing night time noise levels are very low at receptors near to this site. Given this a BS 4142 assessment may indicate that it is possible that night time noise levels could cause an adverse impact. However, the revised sound power levels given for the CHP plant result in much lower predicted levels at sensitive receptors than originally calculated. We would now consider that the noise mitigation measures are sufficient as to not cause an adverse impact on residential amenity. We would however recommend that noise limits and a monitoring programme to assess compliance are imposed as condition of any planning permission.

Construction noise

No assessment has been made of the expected construction noise. We would expect conditions limiting the times for construction activities and specific requirements to detail any noisier activities such as piling works or floor floating.

Odour Assessment

The odour assessment specifies practices and designs to mitigate the release of fugitive odorous emissions in the proposed operation. These will need to be implemented in the form of an odour management plan as part of their planning conditions and Environmental Permit. It is particularly important that the waste reception building is kept under negative pressure and that all air is extracted through the bio filter stack. The reception hall entrance should

remain closed at all times and details of this would need to be provided. Also further details for the transfer and storage of digestates should be stipulated.

The odour assessment uses the AERMOD computer model to estimate ground level concentrations of potentially odorous emissions. The assessment would appear to consider all potential odour sources. The level of annoyance to odours is a very subjective however the assessment uses a cautious approach in its selection of the odour benchmark to compare the modelled results against. The assessment also uses a good practice by modelling 5 years meteorological data and using the worst case odour concentrations. Despite this the modelling of odours is a particularly uncertain process and further risk is added where there are nearby structures such as the reception building and the fact that the benchmarks were set using older generation models that have been shown to predict lower ground level concentrations. This residual uncertainty makes it necessary that, as a precaution, there is a boundary odour control as part of an odour management plan and that there is included a requirement to fully address any odour issues that may arise.

We do not envisage that there will an issue relating to odour from the silage clamp if managed correctly.

Air Quality

The assessment of the impact of nitrogen oxide emissions on local sensitive receptors indicates that, due to the small contribution of the emissions and existing low background concentrations, air quality limit values would not be exceeded. The emissions from the stacks would be controlled by the operation's Environmental Permit.

No assessment has been made of the potential impacts of dust emissions from construction or operational activities and the control of these should form part of the planning conditions of any permission.

Lighting

We would expect that details of any lighting should be submitted and approved prior to approval of any planning permission such there is no light spillage or glare effecting any off-site location.

Following on from the above comments and with the exception of contaminated land comments given below, this section recommends that planning permission is granted but that the following recommendations are written as condition of any such planning permission.

Whilst other legislation exists to restrict the noise impact from construction / demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore it is considered appropriate to control this impact at the planning application stage, and the following condition should be applied;

The hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

**For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

Reason: In the interests of residential amenity

Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;

- Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- Waste Management: There shall be no burning of materials on site during demolition / construction
- Dust generation caused by construction activities and proposed mitigation methodology.

The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

Reason: To reduce the environmental impacts from the site on the local environment

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Monday – Friday	0800 hrs	1800 hrs
Saturday	0800 hrs	1300 hrs

With no Sunday or Bank Holiday working

Reason: In the interests of residential amenity

Except in the case of emergency or with the written prior consent of the Local Planning Authority, the free field noise rating level according to BS 4142:1997 from all operational activities (including vehicles) from the site shall not exceed the criteria identified below.

Location	Daytime 08:00hrs to 18:00hrs LAeq 1 hour dB	Night 18:00hrs to 08:00hrs LAeq 5 minutes dB
Properties on Goostrey Lane	42	25

Properties on Twemlow Lane	44	24
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Reason: For the protection of residential amenity.

No development shall take place until a scheme, for monitoring noise levels arising from the operation of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- (i) Frequency and location of monitoring
- (ii) Details of equipment specification to be used for monitoring.
- (iii) Monitoring during typical working hours with the main items of plant and machinery in operation;
- (iv) Comparison against noise limits detailed above
- (v) Monitoring results to be forwarded to the Local Planning Authority within 14 days of measurement
- (vi) Thereafter the noise monitoring scheme shall be implemented as approved unless otherwise agreed in writing with the Local Planning Authority
- (vii) Additional monitoring to be undertaken at the request of the Local Authority following receipt of justified complaints

Reason: In the interests of residential amenity

The recommended noise mitigation measures submitted with this planning application (Ref: Environmental Noise Survey July 2012) are installed and maintained throughout the use of the development. These shall include

- (i) 3 metre high acoustic barrier,
- (ii) reception building acoustic cladding (to give acoustic attenuation of at least $R_w = 41\text{dB}$),
- (iii) reception building acoustic roller shutters
- (iv) the shutter doors to the reception building remaining closed at all times with the exception of allowing vehicles to enter or leave the building
- (v) the maintenance of all existing storage bunkers.

Reason: In the interests of residential amenity

Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)

Prior to commencement of operation there shall be submitted to and approved in writing by the Local Planning Authority, a scheme for employing best practicable measures for the control and suppression of dust and odours during the period of operation of the development. The measures approved in the scheme shall be employed throughout the period of operation of the development unless any variation has been approved in writing by the Local Planning Authority.

Reason: To minimise dust and pollution risk and to protect residential amenity

The reception building area shall be kept under negative pressure to ensure that no fugitive emissions occur. All odour control equipment shall be maintained in accordance with the manufacturers' recommendations.

Reason: In the interests of residential amenity with respect to odours

Contaminated Land Comments

No objections raised with regard to contaminated land but it is noted that

- The application area has a history of fuel storage depot, electrical substation and potentially infilled pond use and therefore the land may be contaminated.
- The report submitted in support of the application indicates that there is moderate potential of contamination affecting the development.

As such, and in accordance with the NPPF, conditions are recommended in respect of securing the submission and implementation supplementary phase II investigations prior to development commencing.

Nature Conservation Officer:

Response of 11th March 2013

Lapwing are a Biodiversity Action Plan priority species and hence a material consideration. It is advised that the site at Twemlow is unlikely to be considered to be important for this species unless the species was breeding there.

Whilst, there is robust evidence that this species is present on site and there is a possibility that it may be breeding, there is currently no firm evidence to confirm this. Breeding could only be confirmed by means of a detailed survey undertaken throughout the breeding season.

Response of 5th July 2012

No evidence of great crested newts has been recorded on site during the further amphibian survey reports submitted in respect of the Twemlow site.

I advise that great crested newts are not reasonable likely to be present on site or affected by the proposed development. No further action in respect of this species is required.

Barn owl

There is evidence of barn owl activity on site. However the species does not appear to be breeding on site and there were no signs of very recent activity at the time of the last survey.

I advise that proposed development may however potentially result in the disturbance of this roost.

The submitted ecological assessment recommends the timing of the works to mitigate any disturbance of this species and the provision of a barn owl box to compensate for the potential loss of the roost.

I advise that this approach is broadly acceptable; however I recommend that two nest boxes are provided as two boxes would increase the chances of successful breeding occurring in the future. I also recommend that details of the design of the proposed nest boxes and details of their precise location are provided prior to the determination of the application.

Badgers

Evidence of this species was recorded from the Tremlow area. The proposed development is unlikely to have a significant direct impact on this species provided the submitted mitigation proposals are implemented.

If planning consent is granted I recommend that the following condition is attached:

The proposed development to proceed in strict accordance with the recommendations of the submitted Addendum to Protected Species Survey and Site Assessment Report dated 14th July 2011.

Reason: to safeguard protected species in accordance with PPS9.

Breeding birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Reason: To safeguard protected species in accordance with PPS9.

Ecological enhancement

The submitted ecological assessment identifies some opportunities for the enhancement of the site's nature conservation value as part of the proposed development in accordance with PPS9. This approach is welcomed.

I recommend that if planning consent is granted these recommendations are secured by means of conditions along the lines of the following:

Prior to the commencement of development the applicant is to submit a 10 year habitat management plan for approval by the Council. Once agreed the proposed management to be fully implemented..

Reason: to secure an ecological enhancement in accordance with PPS9.

Bat boxes are to be erected onsite in accordance with paragraph 7.2.2 of the submitted Protected Species Survey and Site assessment Report dated June 2011.

Reason: to secure an ecological enhancement in accordance with PPS9.

The Council's Landscape Officer:

Consider that the LVIA assessment provides a thorough assessment of the baseline landscape character of the site and surrounding area, the zone of visual influence and an assessment of the landscape impact that the proposals would have. The lux levels, height and location of lighting columns are also considered acceptable.

Heritage Officer:

Impact upon the fabric of the Listed Building

Given the nature of the building, it is possible that HGV movements could, in theory, impact upon the fabric, although this would be exceptionally difficult to prove and then justify in terms of harm. In the absence of such evidence, and having regard to the Operational traffic routing information submitted with the application, it is considered that it would not be reasonable to argue adverse impact upon the fabric of the building that would warrant refusal. The issue of potential impact arising from HGV traffic is discussed below in relation to setting.

Impact upon setting of the listed building

The Gables is set some distance away from the site, with intervening land and landscape between. The building was also reconstructed on site in the relatively recent past, according to the owner. Therefore, its setting is not an historic one. Although industrial scale buildings are proposed on the site, the development is likely to be substantially screened or its profile softened by the existing tree belt on the southern boundary. Therefore views from the Gables and its curtilage are unlikely to be adversely affected.

Whilst setting is determined by more than just views to and from the asset, it is unlikely that the activities associated with the new use would worsen the setting compared to the uses that previously took place at the site. The traffic routing information that is provided with the application does not conclusively state that lorries will never use Goostrey Lane, but it states that it is considered **highly unlikely**. If practicable, as a safeguard, it is suggested that a condition be imposed requiring that HGVs associated with the use do not use Goostrey Lane.

With respect to lighting, the planning statement identifies that this will be kept to a minimum, inward directed and limited to 5 metre poles. The Design and Access Statement suggests a planning condition. This is required to ensure this aspect is satisfactorily controlled.

The planning statement also advises that the electricity generation at the site can be accommodated by the existing substation and transmission network without need for further transmission lines. The proposal is for combined heat and power plant. Whilst the Planning

and design and Access Statement refers to the electricity generated, there is no reference to the heat distribution.

Design considerations

Whilst it is acknowledged that this is in essence an industrial site, it does not mean that some consideration should be given to both appearance and scale of the buildings and associated plant. Although the site is relatively well screened from the south, it will be visible from the east from Goostrey Lane and from the railway. Therefore consideration should be given to ways to minimise its height and in consideration of its materiality and colour to soften its appearance and better integrate it into its wider rural setting. For example, could the reception building have a more architectural character with perhaps a lower curved roof (or a double apex) with lower elements designed as living roofs to supplement the landscape/ecology of the site and a more sympathetic cladding (such as using recycled timber?). There are examples of utilitarian buildings, used for comparable processes (such as water treatment plants) where effort has been expended to elevate design quality. The CABI library includes a few examples.

Ideally the building should also express the green credentials of the use in its design and performance.

The infill boundary on Goostrey Lane should be hedging not as timber fence and the acoustic fencing should be set within the site and screened from the south by the existing landscaping on this boundary.

Conclusions

It is considered that there are no justifiable grounds to oppose the application purely in respect impact upon the heritage asset, but it is suggested that specific conditions re: lighting, and if practicable, HGV restriction upon Goostrey Lane be attached as a safeguard. The tree belt on the southern boundary also needs to be secured/reinforced, ideally reducing the width of the access/hard standing to prevent impinging on the landscaping on this edge and by siting acoustic fencing on the northern side of the tree belt.

In respect to design, the mass of the building could be reduced by altering the roof form (such as a soft curved roof or double apex) and the materiality of the buildings could be improved. In terms of sustainable building design, it is an opportunity for the building to express the sustainability of the use it relates to.

The Environment Agency:

Response dated 8th July 2014

We object to the development as submitted as it is likely that the proposed anaerobic digestion and combined heat and power plant will not receive a permit under the Environmental Permitting Regulations in this location.

Reason

The odour management plan and subsequent versions have not satisfied the Agency that this facility will be able to control odour emissions. The environmental impact of the proposed development in this location cannot be satisfactorily mitigated in this location due to its impact

on sensitive receptors. This is supported by Schedule 5 Part 1 paragraph 13 of the Environmental Permitting Regulations

Response: 15th February 2013

Further to the submission of the Odour Management Plan dated 18th June 2012, a meeting was held with Cheshire East Council and our technical specialist colleagues on 15th January 2013 to discuss these details in relation to the above planning application. In light of this submission and subsequent discussions we would like to amend our previous response dated 29th March 2012.

The Environment Agency objects to the application and recommends refusal for the following reasons:

We have reviewed the Odour Management Plan (OMP) submitted by the applicant and we conclude that the applicant has failed to demonstrate that controls at the site can be implemented to a standard which would prevent significant pollution for nearby residents.

The OMP is deficient in a number of areas as indicated in a report written by the Environment Agency's odour management team, copy attached.

Based on the information submitted to date with the Environmental Permit application we would be mindful to refuse the permit. The applicant will need to provide further evidence to demonstrate that odour can be adequately controlled in order to meet the requirements of the planning and environmental permitting regulations.

Response to concern raised by objectors regarding corrosiveness of steel tanks dated 14th May 2012.

Based on the information provided, we would expect the operator to apply for an Environmental Permit and that as part of the determination we would consider any risk posed by the use of the underground tanks and use the controls available through the permit to ensure that there is no risk to the Environment, Human Health or the local amenities.

The applicant appears to have demonstrated that the storage tanks are suitable for the storage of slurry. The waste will be stored in a steel tank, within a concrete bund which in turn is within an earth bund that runs around all the tanks at the site.

Silage, Slurry and Agricultural Fuel Oil regulations (SSAFO) says the requirements that apply to slurry stores and their system(s) must be impermeable, protected against corrosion and constructed in accordance with BS5502: Part 50 1993 and must be regularly maintained. The operator would have to demonstrate that they meet this requirement. This process is used widely by the farming community.

We feel the site at present has the capability to prevent any fugitive emissions from the site. More detail may be required from the applicant at the permitting stage.

Initial response dated 29th March 2012

The Environment Agency has no objection in principle to the proposed development but requests that any approval includes the following planning conditions.

Condition

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent pollution of the water environment.

The application form indicates that foul drainage is to be directed to a package treatment plant, but no further details have been supplied, including where the effluent from the package treatment plant will ultimately discharge to.

Additionally the FRA indicates that soakaways may be used to dispose of surface water in addition to rainwater harvesting. If this is the case, it will need to be ensured that the water undergoes sufficient treatment prior to discharge to ground in accordance with the following guidance:

- PPS25 page 33 Annex F
- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales
- CIRIA C697 document SUDS manual
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.

Health and Safety Executive

Response dated 15th February 2013

A concern from our perspective, and one that you, in your capacity as Hazardous Substances Authority, should pursue, is whether or not the site needs to apply for Hazardous Substances

Consent. There is the possibility that a site such as this may store, or process, or produce sufficient quantities of dangerous substances as to need Consent. Consideration will also need to be given to the 'aggregation rules'.

Jodrell Bank:

No comments received

Natural England:

The protected species survey has identified that the following European protected species may be affected by this application: Bats and Great Crested Newts. For bats we note that the application is not within/close to a SSSI or SAC notified for bats. The survey report highlights that there are suitable features for roosting within the application site (eg buildings, trees or other structures) that are to be impacted by the proposal.). Detailed visual inspections (internal and external where appropriate) have not been undertaken and no evidence of a roost was found and the application does not involve a medium or high risk building as defined in our standing advice.

For great crested newts, we advise that the application is not within/close to a SSSI or SAC notified for great crested newts. There are suitable features on the application site for newts (for example ponds, hibernation sites, foraging habitat, commuting corridors following a Habitat Suitability Index (HSI) survey) and detailed newt surveys have not been carried out at the right time of year and using sufficient survey techniques and effort. We advise that the further surveys are required in accordance with the Great crested newt mitigation guidelines. If it is not provided, then the application should be refused.

Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Bats and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

Cheshire Wildlife Trust:

We have the following observations:

1. The application was accompanied by a Protected Species Survey and Site Assessment Report by Val Cooper MIEEM. The report is based on the results of a single day's survey of the site carried out on 31st May 2011.
2. The PS Survey and Site Assessment have been carried out by suitably-qualified persons to an acceptable methodology and level of detail (allowing for further survey work – see below).

3. CWT would have preferred to see a Phase 1 Habitat Map drawn up to accompany the Report, but the marked-up aerial photograph gives a fairly good impression of the habitats present on the site.
4. CWT agrees with the Report's Conclusions and Assessment of Potential Impacts, except with regard to Great Crested Newts (GCN) where we concur with Natural England's conclusion that further survey work is required.
5. Recommendations and Mitigation

Site habitat. CWT agrees with the objectives of the proposed Habitat Management Plan (HMP). In particular the HMP should concentrate on providing good foraging habitat for owls, bats and GCNs by retaining and managing the rough grassland for these species. The HMP should include a requirement for periodical monitoring of the site. The HMP should be submitted for written approval by CEC, prior to the commencement of operations on site.

Bats. CWT agrees with the recommendations for impact avoidance and the provision of bat boxes described in paragraph 7.2.2.

Great Crested Newts. Refer to Natural England's guidance.

Barn owls. CWT agrees with the need for a barn owl survey prior to starting work on Structure S4. In mitigation for the loss of the roosting site, and in order to encourage barn owls to breed on site, CWT recommends the installation of not one (as recommended by Val Cooper) but **two** barn owl boxes on site, in accordance with the following guidelines published on the RSPB website:

'Exterior barn owl nest boxes can be fixed to tree, (or on poles) or to the outside of buildings. Where possible, they should face onto grassland and be reasonably conspicuous with an open flight path to them. They should not face into the prevailing wind.'

Although barn owl nests are usually well spaced out, placing boxes in pairs, from twenty to a few hundred metres apart, will provide a pair with roosting as well as nesting sites. The male and female roost separately, and some pairs use different boxes in those good years when they can have two broods.'

Nesting birds. CWT agrees with the recommendations and with the proposed enhancement, which is the installation of at least 6 passerine nest boxes (in addition to those provided for barn owls).

Badgers. CWT agrees with the recommendations to avoid disturbance and impacts from construction activity and to provide fencing and gates on the western boundary (all as described in Section 6.2.1 of Addendum 2011(12)/VC/12/ADD).

6. If planning permission is granted for this development, the recommendations for mitigation and enhancement referred to above should be enshrined in a series of appropriately-worded Conditions attached to the consent.

Network Rail:

Response dated 29th March 2012

No objection but makes the following comments. There is a Network Rail bridge structure at Twemlow Lane (eastings 377860 / northings 368858). It has a 40t capacity. The applicant is to confirm that any proposed vehicles using the bridge will not have axles weights in excess

of 11.5ton. If this is the case then Network Rail is satisfied for the proposal to continue. However, should there be issues with the HGVs then Network Rail would be concerned about the potential for the HGVs to impact upon the proposal. We would therefore request that if this is the case then the applicant will be required to either provide an alternative route to the site eliminating the need to use Twemlow Lane bridge or the applicant will be required to provide, at their expense, bridge protection measures, subject to the approval of Network Rail.

Conditions concerning protection of access to the railway line, restriction of tree planting on the railway line, drainage arrangements, security, lighting, restriction on other activities by the railway line are requested; and a series of advisory notes are provided.

Manchester Airport the proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, Manchester Airport has no safeguarding objections to the proposal.

VIEWS OF THE PARISH / TOWN COUNCIL

Cranage, Somerford and Twemlow Parish Councils

In its refusal dated 04 July 2014 of an environmental permit to Cres Biogas Ltd, the Environment Agency stated, "The odour management plan submitted with the application and subsequent versions have not satisfied the agency that this facility will be able to control odour emissions". It explained that the facility would not be able to comply with the condition on odour which any EA permit would stipulate - i.e. the site is too close to homes.

The Parish Council has therefore revisited its position in connection with the application, and, at its meeting on 22 September, unanimously resolved that "This Parish Council will not support this application until it gets support from the Environment Agency.

Goostrey Parish Council

Goostrey Parish Council objects because despite various amendments to the application the applicant has not demonstrated to the satisfaction of the Environment Agency that the proposed plant can be operated in accordance with the required environmental permit. This is confirmed in the EA letter of the 14th July to Ms Emma Williams.

OTHER REPRESENTATIONS

At the time of writing in excess of 650 letters of objection; along with a petition with 149 signatures has been received raising the following issues:

- Not an appropriate land use in a rural area in open countryside and given close proximity to sensitive receptors; should be located on industrial estate
- Significant adverse impact on amenity of local residents, schools, local businesses and users of the rural area with regards to noise and vibration, dust, air quality and traffic impacts and hours of operation
- Potential for adverse impact on Jodrell Bank not considered

- Health and safety concerns particularly risk of explosion/fire; and impacts on health arising from loss of process control especially with regards to air quality emissions and potential for spread of disease and release of toxins
- Concerns from technical consultees regarding health and air quality impacts are a significant concern
- Impacts of odour and bioaerosols from the facility, particularly due to loss of process control
- Potential for vermin and flies to sensitive receptors
- Increases noise and disturbance
- Nature and volume of traffic not acceptable on local rural roads which are narrow, unsuitable for nature of traffic and cannot accommodate large HGVs. Scheme should be supported by a Transport Assessment.
- Railway road bridge is unsuitable for HGVs proposed and the potential signals proposed would worsen the situation
- Increased highway safety to vulnerable road users from HGVs, especially given that local roads are used by local cycling clubs for training/racing, and for running, horse riding, dog walking.
- Proposed access is inadequate.
- Concerns over technical competence of operator and ability to control processes and by-products/residues, risk of process failure and subsequent pollution/harm to local environment, nature conservation assets and public health as a result
- Risk of flooding from process failure; concerns over impacts to water resources
- Note environmental/health problems of process failure from other AD facilities
- Should be a separation buffer from sensitive receptors as adopted by other countries and Environment Agency
- Risk of disease and cross contamination
- Harm to local livestock and farming businesses
- Impacts of light pollution and visual impacts
- Potential reduction to viability of local rural businesses
- Inconsistencies in the application in how digestate will be exported

- Impacts to safe operation of railway resulting from process failure
- Scope of technical assessments is considered inadequate, includes missing or incorrect information and inconsistencies; as such assessment/conclusions flawed.
- use of the site as a fuel storage depot has been abandoned. No weight can be given to the proposed fallback position in considering the planning merits of the scheme.
- Structural/engineering concerns over site infrastructure and concern over impacts on electrical supplies
- AD technology has not been fully investigated yet
- Does not accord with approach national and local plan policy, site is not a preferred site, has not been demonstrated that it is more suitable than other preferred sites and no sequential assessment has been submitted.
- movement of waste is not sustainable
- Site forms part of HS2
- No need demonstrated and scheme is not financially or economically viable
- Size of scheme not viable or sustainable, concern over ability to source feedstock; reliance on food waste not sustainable
- Will set a precedent for further similar uses, and concern over potential for intensification and expansion
- Use of pipes is unfeasible and unviable and concerns private land
- Potential for impacts on ecology including protected species, and such impacts not adequately assessed
- Will lead to reduction in village and school population
- Members should visit a similar facility prior to determination of the scheme.
- Lack of consultation on the scheme
- Mitigation and benefits do not outweigh the harm presented. Limited jobs to be created and inconsistently reported in assessments
- Security and vandalism concerns
- Inadequate landscape screening
- Concern over thermal footprint of the flares stack and the effect of radiated heat on the silos

- Concern over contamination arising from former use and extent of remediation required

The governing body of Goostrey Community Primary School have grave concerns over the proposed development following the conclusions of the Environment Agency.

In excess of 12 letters of support have been submitted raising the following issues:

- Sustainability benefits from the scheme in terms of capturing green house gas from methane and converting it into CO₂, less need to burn fossil fuels, capturing CO₂ from atmosphere via maize crops grown specifically to feed the digester
- reduction in gaseous odours from slurry
- Food waste not having to go into landfill.
- Helps local farmers comply with NVZ regulations.
- Job creation
- Pre-existing tanks can be recycled.
- Large community building will be built and also be provided with free heating.
- Potential for domestic heating for homes via the hot water produced by the CHP
- Increased security of the derelict site.
- Green energy learning zone for children.
- More reliable electricity for local community
- Higher maintenance for surrounding hedgerows, grass verges and surrounding roads
- Increased habitats for wildlife
- Makes use of previously developed land
- Benefits outweigh minor negative impacts
- Minor increase in traffic will have no impact
- Noise impacts will be minimal
- Technology has safety features to ensure the safe storage, transportation and burning of the bio-methane gas.
- Scheme includes mitigation to control air quality impacts and necessary health and safety features

OFFICER APPRAISAL

Principle of development

Sustainable waste management principles

There is general Government support for anaerobic digestion (AD) as a means of recovering energy from waste in the 2011 Waste Policy Review (WPR) and the joint Government and Industry Anaerobic Digestion Strategy and Action Plan (AAP). This identifies that there needs to be *'a step change in the way waste is handled'*, along with the timely delivery of waste management facilities in order to meet challenging legislative targets and achieve key waste planning objectives.

Waste hierarchy

One of the key principles in the NPPW (and the European Revised Waste Framework Directive 2008 (rWFD)) is to drive waste management up the waste hierarchy with priority given to prevention of waste; then in the following order of preparing for re-use; recycling; other recovery; and then disposal as a last option. The Waste (England and Wales) Regulations 2011 classifies anaerobic digestion as 'other recovery' which is low on the waste hierarchy, sitting only higher than the final option of landfilling. There are provisions in European legislation to depart from the waste hierarchy for specific waste streams in order to deliver the best environmental outcome; in such circumstances considerations would include technical feasibility and economic viability, protection of resources and the overall environmental, human health, economic and social impacts.

The green and food waste elements of the proposed feedstock could potentially be more sustainably managed higher up the waste hierarchy at a composting facility which falls under 'recycling' tier of the hierarchy. DEFRA guidance, however, identifies that for food waste anaerobic digestion (AD) could be a preferable option to composting and other recovery options because AD produces both biogas, which can be used for energy, and digestate, which can be used instead of fossil fuel-intensive fertilisers. The combination of both outputs means that anaerobic digestion is environmentally preferable to composting. In this regard it is noted that up to 50% of the proposed feedstock is food waste and the considerations of DEFRA are noted.

It is also noted that the Government AAP estimates that, of the 7 million tonnes of food waste currently sent to landfill, 5 million tonnes of food waste could be available to AD. In respect of Cheshire East, in 2012 food waste made up 33% of household waste in the authority which was deposited at landfill. The amount that could be diverted from landfill is estimated between 2,400 – 15,100 tonnes per annum. As such it is considered that the proposal in some respects, whilst not according completely with the NPPW in driving waste up the waste hierarchy, nonetheless presents other sustainability credentials to offset that conflict.

Proximity principle and compliance with Policy 5

The site is not identified as a 'preferred' site for waste management development in the CRWLP; however there are provisions for waste development on unallocated sites under Policy 5 of CRWLP, subject to demonstration of:

- I. The preferred sites are either no longer available or are less suitable for the proposed development; or
- II. The proposal would meet a requirement not provided for by the preferred sites; and
- III. The proposed sites are located according to the sequential approach to meeting development needs within the Regional Spatial Strategy.

Four 'Preferred sites' are identified in the CRWLP as being potentially suitable for anaerobic digestion. These are:

- WM5 – Cledford Lane, Middlewich (10km from the application site);
- WM10 – Hurdsfield Industrial Estate, Macclesfield (19km from the site);
- WM13 – Lyme Green, Macclesfield (20km from the site); and
- WM16 – Pym's Lane, Crewe (21km from the site).

The applicant has stated that preferred site WM5 (Cledford Lane, Middlewich) is not available until the by-pass is constructed and a higher end value use for the site is likely to be sought; however no assessment has been made of the suitability of the other preferred sites listed to accord with this policy. A case is made, however, that irrespective of the availability of the preferred sites, none are as suitable for the scheme as the application site; because:

- Preferred sites are not sustainably located in relation to proposed feedstock; whilst 50% (farm slurries, grass and maize) would be produced within 10km of the proposed site.
- Transporting the feedstocks over a long distance to a preferred site would be unsustainable, create highway impacts and undermine the economic viability of the proposals which would conflict with the approach of CRWLP.
- The carbon footprint of the scheme is minimised if the waste is treated as close to its source as possible.
- There are pipelines connections to the site which could be considered for slurry and digestate transportation in the future.
- The site has existing infrastructure without the need for further significant development and the site is large enough to accommodate new development on the existing footprint of the site
- The site is well screened.

These points accord with the broad approach of NPPW and CRWLP in enabling waste to be recovered in line with the principles of proximity and self sufficiency. It is also noted that NPPW and CRWLP seek to steer waste management development to previously developed land, and emphasise that a broad range of locations should be considered; with complementary land uses co-located where possible. It is also recognised that AD facilities have special locational requirements and as such require different consideration to be taken into account compared to other waste development.

Need

CRWLP requires a demonstration that waste development would contribute to an integrated network of waste management facilities. It also states that where material planning objections outweigh the benefits, need will be considered and if there is no overriding need for the development, permission will not be granted. The Inspector's report into the CRWLP accepts the need for a reasonable scatter of sites across the county for the various means of waste management. In respect of need for waste management facilities, the NPPW states that applicants should only be expected to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up to date local plan. In such cases waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy such need.

The proposal is not located on a Preferred site identified in the CRWLP and does not fully accord with the provisions of Policy 5 of CRWLP; as such a case could be made that the proposal does not accord with the CRWLP. Equally some aspects of the development raise potential adverse impacts which could outweigh other benefits generated by the scheme and a 'need' argument should be presented. In this case no evidence has been provided to demonstrate the quantitative or market need for the scheme which conflicts with national and local plan policy.

In respect of this issue, the Waste Needs Assessment 2014 identifies that 581kt of agricultural waste was produced in 2012 and this is expected to increase to 603kt by 2030; however the vast majority (98%) is anticipated to be managed on-site. With regards to local authority collected waste including food and green waste, the assessment identifies that 41,151 tonnes of green waste was managed by composting in 2013/14, with a further 83,789 collected as residual waste. Forecasts up until 2030 identify that there will still be a requirement for 47,000t of local authority collected waste to be managed by composting/AD and land spread by 2030. Equally for commercial/industrial wastes an estimated 53,000t is expected to be managed by this means in 2030. Overall the assessment forecasts that by 2030 there will be a need to manage a maximum of 91,000tpa by composting/AD/land spread. By contrast, the capacity forecasts for composting are 48,000tpa by 2030 and no predicted capacity for anaerobic digestion in future years to 2030; leaving a potentially insufficient organic recycling capacity of 43,000 tonnes per annum by 2030. Therefore it is considered that this proposal would assist in addressing the identified gap in capacity and contribute to an integrated network of waste management facilities as required by CRWLP.

Climate change and renewable energy

Government policy makes it clear that there is a need to radically increase the use of renewable energy (UK Renewable Energy Strategy 2009). The Energy Bill 2012 sets out a

target to generate 30% of Britain's electricity from renewable sources by 2020; equally the Climate Change Act 2008 requires the reduction of carbon emissions by 80% by 2050 compared to 1990 levels.

National planning policy (NPPF) provides support for moving towards a low carbon economy, with one of the core planning principles encouraging the use of renewable energy. The valuable contribution of even small-scale projects to cutting greenhouse gas emissions is recognised; and '*authorities should approve the application if its impacts are (or can be made) acceptable*' (paragraph 98). Likewise CBLP provides broad support for renewable energy proposals, subject to satisfying a range of criteria including there being no unacceptable impacts on residential amenity or other local land uses, and no unacceptable impacts on health and safety of local residents or the public.

The Government AAP recognises that AD produces both renewable energy and a biofertiliser which together is seen to do more to offset greenhouse gas emissions (GHG) than alternatives such as composting. Equally AD allows methane to be captured avoiding manures and slurries being stored for extended periods during nitrate vulnerable zone restrictions, which would otherwise result in methane emissions. Government AAP estimates that of the 90 million tonnes of manure and slurry produced, 60 million could be diverted to AD which equates to a saving of 386000 tonnes of CO₂ equivalent in GHG emissions.

Whilst the development is in essence a waste management operation, it would nonetheless contribute towards renewable and low carbon energy targets by allowing the exploitation of CHP to offset reliance of fossil fuels and reduce the carbon dioxide that would otherwise be emitted to generate energy. The biogas created through the AD process would be used to generate electricity in a CHP engine which is utilised on the facility and the majority fed into the national grid. Although a relatively small amount of electricity would be generated, in the region of 1.15MW, the applicant estimates that the electricity output from the plant would be sufficient to power approximately 1000 dwellings. It also estimates that when the energy requirements of the plant are taken into account, the net saving of carbon dioxide emissions is around 2400 tonnes of carbon dioxide per year. In view of the benefits derived from the scheme in terms of contributing towards renewable energy targets and reducing climate change impacts, the principle of energy from waste scheme is considered to accord with national and local planning policy, and Government policy on renewable energy.

Sustainability.

The proposed development should be considered against the NPPF. The NPPF identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Economic sustainability

The NPPF includes a strong presumption in favour of economic growth. Paragraph 19 states that: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*. Likewise the NPPW states that waste planning authorities should (amongst other things) ensure that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities.

Any economic benefits of the development need to be balanced against the impacts of continued landfilling on residential amenity and the Environment. In terms of economic benefits the scheme would support the rural economy and generates 12 full time local jobs. The proposal would in principle promote the development and diversification of agricultural business in a way that supports the rural economy (NPPF s28).

Environmental and Social Sustainability

Environmental, Health and Amenity Issues

Need for a buffer from sensitive receptors

Objectors consider that a defined exclusionary buffer should be imposed between the development and sensitive receptors over concerns regarding local health, safety and environmental pollution impacts; and a 400m figure is quoted by some objectors. Reference is made to this practice being adopted for some anaerobic digestion schemes in other European countries.

Neither the NPPW nor CRWLP advocate the need for imposing an exclusionary buffer around sensitive receptors. A 250m exclusionary buffer around urban/village settlements is identified as an exclusionary criteria for the identification of potential new landfill/landraise allocations in the CRWLP; but no corresponding exclusionary buffer is stipulated for new built waste management facilities. In addition, the Inspectors Report into the CRWLP states *'the proximity of residential development to sites for built waste management facilities should not be used as an exclusion criterion for identifying new sites given the advances in operational*

practices and mitigation techniques.’, and considers that the ‘250m’ figure was ‘*an arbitrary figure with no justification*’ and little weight is given to this.

In addition the Environment Agency (EA), who are responsible for regulating waste management facilities to protect against impacts to the environment and human health, do not impose exclusionary buffers; but instead uses 250m and 400m distance thresholds from waste facilities to determine the correct permitting procedure and requirement for further risk assessment.

Given the approach of planning policy, the individual merits of the scheme should be weighted up against any potential harm generated by its close location to sensitive receptors; in particular whether the scheme can be developed without endangering human health and amenity or harming the environment.

Odour

CRWLP policy 26 does not permit development where odour from within the site would have an unacceptable impact on the amenity of nearby residents or occupiers or users of nearby buildings or land. Odour considerations include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment (NPPW). NPPW does emphasise that waste planning authorities should not concern themselves with the control of processes which are a matter for the pollution control authority; and should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The planning and permitting regime are designed to be complimentary and inform each other; and as such regard has been given to the views of the Environment Agency expressed on the corresponding environmental permit application for this development.

A significant level of concern has been expressed by objectors regarding the potential for odour impacts on amenity, particularly given that the AD process involves the decomposition of putrescible waste. Concern is also raised over the ability of the operator to adequately control on-site activities and implement effective pollution management arrangements; and the consequences to the local health and amenity arising from a potential failure of the process operations. Reference is made to incidents at other AD facilities where technical plant failures have led to odour impacts on sensitive receptors.

As waste decomposes biologically through the AD process, odour naturally occurs; however this is normally captured within the sealed anaerobic environment created. The potential for odour impacts to occur is greater during the initial receipt and handling of waste prior to it entering the AD process; storage and handling of digestate and biogas; and following a breakdown in the odour management system.

Local objectors regard these issues as a particular concern given that 51% of the overall waste throughput would be putrescible waste. Equally in view of the close proximity of the reception building to properties there is concern that fugitive emissions could be detrimental to the living conditions of local residents and present unacceptable impacts on amenity. The closest residential receptors would be located approximately 65m from the site boundary with a number of other properties in close proximity including those on Goostrey Lane and Twemlow Lane.

EA guidance states that *'New developments within 250m of an anaerobic digestion activity could mean people being exposed to odours. The severity of this will depend on a number of factors, including the size of the facility, the way it is operated and managed, the nature of the waste it takes and weather conditions'*.

An odour assessment was initially submitted with the application which uses detailed dispersion modelling to predict the potential odour impacts at surrounding receptors, which have been compared to EA benchmark levels for odour annoyance in order to establish any potential for statutory nuisance. The model uses estimations of odour emissions based on odour monitoring data from similar AD plants and technical biofilter design data from its provider. The modelling results identify that no odour concentrations are likely to be significantly below the EA odour benchmark criteria at all sensitive receptor locations identified in the assessment. As such, no significant odour impacts are predicted in the assessment.

It also highlights a number of odour abatement measures that would be incorporated into the scheme to mitigate the release of fugitive odorous emissions; including:

- A two stage digestion process with a lengthy 114 day retention time ensuring minimal residual gas content and complete stabilisation of the digestate.
- Careful gas flow to ensure biogas is not directly released into the atmosphere;
- Delivery and storage of waste into enclosed reception building, and building fitted with negative pressure and biofiltration system;
- Enclosed cattle slurry tank;
- Dewatering and storage of solid digestate undertaken within an enclosed building.

Initial comments of the Environmental Health Officer noted that, whilst the broad methodology adopted was considered acceptable, the modelling of odours is a particularly uncertain process. Further risk is also added where there are nearby structures such as the proposed reception building, and where the benchmarks were set using older generation models that have been shown to predict lower ground level concentrations. Due to this residual uncertainty, the Officer considered that boundary odour control was necessary along with a requirement to fully address any odour issues that may arise. It was also recommended that the identified odour abatement measures were secured by planning condition in the form of an odour management plan; and the waste reception building is kept under negative pressure and all air extracted through the bio filter stack.

Following the initial submission of the odour assessment, planning permission was then granted for residential development on land directly to the south of the site, thereby introducing additional sensitive receptors within close proximity of the site which the initial odour assessment had not taken account of.

In addition, the Environment Agency reviewed the odour management plan submitted as part

of Environmental Permit application and highlighted a number of significant concerns. They noted that:

- Fugitive odour sources were not part of the modelled impact assessment; and both the stack and fugitive releases will depend heavily on the effectiveness of process control.
- AD sites handle and process highly odorous material and any short term fugitive releases can have devastating amenity impacts on nearby receptors.
- Poor levels of process control are responsible for adverse odour impacts and are extremely common; and without sufficient dispersal distances to receptors, intense foul odours arising from process failures can cause significant distress and discomfort. In the case of this site, the potential for dispersal of emissions is minimal given the close proximity of sensitive receptors;
- Good management practices can mitigate this underlying odour potential to a degree, however the mitigation opportunities for high risk materials such as some foods are limited;
- Concern is raised that the tank design may not provide a suitable environment for establishing anaerobic digestion conditions; in particular provide for effective mixing and without this, effective monitoring of the anaerobic process and biogas process is difficult;
- The suggested emission figure from the proposed biofilter appears extremely optimistic and is unlikely to be met in practice;

Overall they conclude that due to the close proximity of receptors, even if the containment features on the building operate effectively, there is still likely to be significant odour pollution at the nearest sensitive receptor due to transient emissions; and measures to consistently mitigate these impacts at this distance are unlikely. This is influenced by the combination of immediate proximity of residents and significant limitations in site infrastructure. Doubts remain about whether the emissions values used in the dispersion model are consistently achievable; and there are assumptions made that fugitive emissions can be consistently controlled to a high standard and that the process itself will always be under control. If either are not true, then the proximity of receptors magnifies the consequences of any failure.

Despite several revisions to the odour assessments by the applicant the Environment Agency remain concerned that odour emissions cannot be controlled and consequently have now refused the environmental permit. They have also raised an objection to this planning application on the basis that the environmental impact of the proposed development in this location cannot be satisfactorily mitigated due to its impact on sensitive receptors.

In view of the evidence provided by the Environment Agency's odour management team, the Environmental Health Officer is no longer satisfied that public health will not be adversely impacted by the development. They consider that the evidence implies that there is not the scope for sufficient mitigation to control odour given the close proximity of residential properties to the proposed site and therefore recommend that permission is refused.

Whilst the provisions of NPPW are noted in that the control of processes fall under the remit of the environmental permit; in this case the regulatory body advise that even with the controls of the permit in place, odour emissions are unlikely to be adequately mitigated to an acceptable level. As such, the permitting regime cannot be relied upon to prevent undue amenity through offensive odour affecting the living conditions of nearby residents.

Planning policy works on the assumption that an appropriate location is chosen for a particular activity, not that pollution control will make any activity acceptable in any given situation. A decision has to be made as to whether the location of this site is appropriate, taking into account its proximity to other users; and the effect of the proposed use on them. In this case, having regard to the views of the consultees, the proposed site layout, waste composition, and close proximity of sensitive receptors, the evidence presented does not demonstrate odour emissions will be adequately controlled to prevent significant loss of amenity to neighbouring sensitive land uses. As such, it is not considered that this represents a suitable land use for this site, having regard to the approach of NPPW and CRWLP; and would conflict with the approach of the NPPW and CRWLP, in particular Policy 26 as the odour from within the site is likely to have an unacceptable impact on the amenity of nearby sensitive receptors.

Air emissions

Concern has been expressed over the release of air emissions, particularly from the CHP and release of bioaerosols as waste decomposes, and its impact on amenity and human health. The CRWLP does not permit development which would have an unacceptable impact on the amenity of nearby residents or the occupiers or users of other nearby buildings or land. Equally the NPPW identifies that considerations should include the proximity of sensitive receptors, including ecological as well as human, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

The CHP emissions assessment submitted predicts the air quality impacts associated with the operation of the proposed CHP engines. The potential emissions of carbon monoxide, nitrogen oxides, sulphur dioxide and non methane volatile organic compounds have been modelled and compared to the relevant air quality limits. No exceedence of these limits have been predicted at any sensitive receptor locations, with the value for nitrogen dioxide predicted as insignificant.

The Environmental Health Officer identifies that, due to the small contribution of the emissions and existing low background concentrations, air quality limit values for nitrogen oxide would not be exceeded. It is also noted that the emissions from the stacks would be controlled by the operation's Environmental Permit which is regulated by the Environment Agency.

No assessment has been made of the construction or operational dust impacts; however it is considered that this can be adequately controlled through the imposition of a planning condition requiring a dust mitigation scheme prior to commencement of development.

On this basis the scheme is considered to accord with policy 24 of CRWLP and the approach of the NPPW.

Noise

Noise concerns are raised by objectors, especially given the 24 hour nature of some activities proposed. Policy 23 of CRWLP identifies that development will not be permitted where it would give rise to unacceptable levels of noise pollution; whilst the NPPW identifies that in respect of noise impacts, considerations will include proximity of sensitive receptors, potential for intermittent and sustained operating noise, particularly for night time working.

In respect of noise associated with the reception building, the Environmental Health Officer was concerned over the ability of the proposed acoustic barrier to achieve sufficient attenuation, and 'impact' noises associated with the depositing and movement of waste. As such the scheme proposes 80mm noise attenuation cladding which can be secured by planning condition; along with the use of acoustic roller shutter doors and doors to remain closed except when in use by vehicles.

Given the low background noise levels in the area, there were initial concerns that there was significant potential for adverse impact upon residential amenity due to night time noise associated with the CHP units. Further design specification details have been provided which the Environmental Health Officer considers acceptable, and it is noted that significant noise attenuation should be provided to sensitive receptors by the existing storage bunkers and the proposed buildings. The proposed pumps have also been relocated inside the reception building and the updated noise assessment identifies that significant noise attenuation would be provided by the enclosures around the pumps. With regard to vehicle movements, it is considered that the proposed acoustic screen will mitigate the impact of these noise sources as would the implementation of transport management proposals.

Overall the Environmental Health Officer considers that the daytime noise levels would not cause any adverse impacts on sensitive receptors; subject to securing design and operational mitigation by planning condition. This includes cladding for the reception building, the design of the building entrance, controls on the vehicle numbers and the erection of an acoustic screen.

With respect to night time noise levels, despite noise monitoring demonstrating that existing night time noise levels are very low at nearby receptors, the revised sound power levels for the CHP plant demonstrate much lower predicted levels at sensitive receptors than originally calculated; and the Environmental Health Officer considers that the noise mitigation measures are sufficient as to not cause an adverse impact on residential amenity. The imposition of noise limits and a monitoring programme are recommended which can be secured by planning condition. Subject to securing the identified mitigation the scheme is considered to accord with the approach of the NPPF and Policy 23 of CRWLP

Impact on human health and safety

Concern has been raised that a number of aspects of the scheme, particularly in relation to the waste composition and any loss of process control, could be harmful to human health and poses a safety risk.

CRWLP policy 12 requires there to be an assessment of the direct, indirect and cumulative impacts of a scheme on a number of considerations including human health. Where there are unacceptable impacts that cannot be mitigated, permission should not be granted. In determining planning applications, the NPPW advises that waste planning authorities should

consider the locational implications of any advice on health from the relevant health bodies; and should avoid carrying out their own detailed assessment of epidemiological and other health studies.

A fear about the impact on the health of local people is often an emotive argument when considering applications such as this. Health and the perception of fear can be material to a decision on the location of proposed waste development, but the detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. Without proof of a causal link or compelling epidemiological research, the degree of weight that can be attributed to this as a material planning consideration is less.

In response to concerns raised by objectors, advice has been sought from the Health Protection Agency Centre for Radiation, Chemical and Environment and Cheshire and Merseyside Health Protection Unit (HPA). They considered the proposals in relation to matters including point source emissions to air, fugitive emissions to air, nuisance issues and local health issues.

The initial views expressed were that overall, provided the site and installations are well managed and maintained and the relevant environmental legislation and regulatory regimes are complied with, there should be no cause for public health concern in the running of the operation. It was advised however that there should be consideration that the proposal may sterilise the vacant land to the south with regard to future use, particularly any housing development. It was also recommended that further consideration be given to the siting of the proposed transfer station given its proximity to sensitive receptors and potential for air pollution and noise impacts.

The HPA subsequently considered the odour technical assessment from the EA, at which point permission had also been granted for housing to the south of the site, thereby introducing further sensitive receptors in close proximity to the scheme. Their updated comments raise concerns over the scope of the air quality assessment in considering emissions from the stacks on CHP engines and biofilter, the auxiliary flare and the pressure release valves; and control of bioaerosols. They also note that the EA have concerns over:

- Whether there are procedures to ensure emissions of bioaerosols to air will not be of concern;
- Whether emission values used in the dispersion model are achievable;
- The close proximity of local receptors to the installation;
- Whether there are appropriate procedures in place to identify failure of the abatement system and whether there are appropriate procedures in place in the case of failure of the biofilter/scrubber system

Consequently HPA remain concerned by these comments and the possibilities of adverse effects on human health from the plant. Equally with regards to fugitive emissions to air, they note that little detail has been provided on the means of mitigating potential fugitive bioaerosols emissions to ensure they are not a public health concern; and therefore express

their concern that there is potential for public health concerns associated with fugitive emissions from the installation. Due to the close proximity of receptors and the comments of the EA they also express their concern over whether there will be appropriate procedures in place to ensure odour nuisance is not an issue. Overall, based on the technical assessment from the EA, the HPA advise that they cannot now conclude that the installation does not present a cause for public health concern.

National planning policy is clear in that the detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. This would be addressed as part of the environmental permit regime, to which HPA would be a consultee. However, the planning authority should also consider whether this is an acceptable use of the land in this location and the NPPW does require regard to be given to the locational implications of any advice on health from the relevant health bodies. Equally regard is given to the requirements of policy 12 in seeking an assessment of the direct, indirect and cumulative impacts of a scheme on human health. No information has been provided by the applicant in respect of the perceived risk to human health by the local community, nor has a health impact assessment or other technical information been undertaken. As such, given all of these factors, it is considered that there is insufficient information to demonstrate that the proposal would not present adverse impacts on human health which conflicts with policy 12 of CRWLP and the approach of the NPPW.

Safety

There is concern expressed by local residents over health and safety considerations with AD facilities, especially given the location of this facility adjacent to the railway line and sensitive receptors. Concern has been raised over potential for explosions and fire risk due to the nature of process and by-products generated.

The EA have expressed their concerns over loss of process control resulting in a sudden release of biogas which is highly flammable and asphyxiating, and pressure release valves on digesters venting gas to atmosphere. They note that with a site boarded by properties and electrified main railway line, the potential for harmful or fatal accidents may extend beyond the site boundaries. Health and safety considerations are regulated by separate legislation and controlled by other regulatory bodies including the Health and Safety Executive (HSE) who have not raised any objection to the scheme. The HSE note that there is the possibility that the site may store, process, or produce sufficient quantities of dangerous substances and such matters would be assessed and controlled separately under a Hazardous Substance consent. It is also noted that Cheshire Fire and Rescue service have not raised any comments.

With regards to risks to the railway line Network Rail have advised that the council should ensure that the site be controlled by the relevant Codes of Practice, in particular there is a statutory requirement to comply with legislation such as Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) which puts duties on employers and the self-employed to protect people from risks to their safety from fires, explosions and similar events in the workplace, this includes members of the public who may be put at risk by work activity. There is also the Control of Substance Hazardous to Health (COSHH) which imposes strict conditions for the type of environment created by this type of plant.

On the basis of the above, it is considered that such matters would be controlled by other legislation.

Other aspects

The potential risk of bacteria and other diseases associated with the process and handling of food waste and digestate is raised as an issue. The consideration of this issue would fall to the Environment Agency under the Environmental Permit, and other regulatory bodies as appropriate including Health and Safety Executive. In regard to the digestate produced, the applicant has advised that this is pasteurised and until satisfied, a veterinary practitioner shall be required to test every load for harmful substances such as salmonella, ecoli etc. Only once achieving a successful test shall the digestate be allowed to be spread on the land.

In respect of concerns raised over the corrosiveness of the slurry in the steel tanks, the applicant has advised that the tanks would be lined with a polyurea in order to protect the steel from corrosion, which are in turn located within a concrete bund, with all tanks enclosed by an earth bund. The EA have confirmed that under the Silage, Slurry and Agricultural Fuel Oil regulations (SSAFO), slurry stores and their system(s) must be impermeable, protected against corrosion and constructed in accordance with BS5502: Part 50 1993 and must be regularly maintained. The operator would have to demonstrate that they meet this requirement as part of the environmental permit.

Impact on water resources and land contamination

Policy 18 of CRWLP does not permit development which would have an unacceptable impact on groundwater quality, resources or supply and/or surface water quality or flow; and does not permit an unacceptable risk from flooding.

A flood risk assessment has been submitted which identifies that the site is classified as flood zone 1 being land assessed as having a less than 1 in 1000 annual probability of river or sea flooding. The scheme would increase the size of the impermeable area on the site. However it also includes a sustainable urban drainage system and storage for rainwater harvesting which will ensure the site is capable of dealing with surface water generated from all impermeable areas on site without increasing the risk of surface water flow off site. The flood risk assessment considers the proposal adequate to deal with surface water generated on the site. United Utilities have not raised any objections to the scheme and the Environment Agency consider the scheme acceptable.

In respect of drainage and any potential for pollution to groundwater or nearby watercourses, the external hard surfaced areas of the site drain to an existing treatment facility and then to soak away. The individual tanks which would be used for the AD process comprise an inner steel casing surrounded with a concrete outer casing, which are surrounded by a containment bund. No objections are raised with respect to drainage by the Environment Agency subject to planning conditions securing a surface water drainage scheme and a scheme for foul and surface water disposal.

Equally the contaminated land officer notes that the site has a history of fuel storage depot, electrical substation and potentially infilled pond use and therefore the land may be contaminated; and the report submitted in support of the application indicates that there is moderate potential of contamination affecting the development. As such, and in accordance

with the NPPF, conditions are recommended in respect of securing the submission and implementation supplementary phase II investigations prior to development commencing. As such, subject to securing these measures the scheme would accord with policies 12 and 18 of CRWLP.

Landscape and Visual Impact

The site lies within the open countryside albeit on a previously developed site and lying adjacent to the infill boundary line of Twemlow Green. The NPPF states that the quality and character of the countryside should be protected. Similarly CNBLP policy PS8 seeks to protect the open countryside from inappropriate development and states that development will only be permitted where it is for specific purposes which include (amongst others) the re-use of existing rural buildings, re-use or redevelopment of existing employment sites, facilities for outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its local character.

The surrounding landscape is rural in character and falls within the Cheshire Landscape Assessment area LFW1: Lower farms and woodland whose characteristic features include low lying gently rolling topography; horsiculture, a mix of dispersed farms and nucleated hamlets/villages and high density woodland.

In terms of visual impacts, the applicants Landscape and Visual Assessment identifies that the short term impacts of the scheme would be of low significance due to the tanks being retrofitted from inside out and the absence of infrastructure such as cranes proposed.

In the longer term, it concludes that there would be a moderate change in view from Twemlow Lane as the reception building would be visible through the site entrance, albeit viewed against the refurbished existing buildings on the site; whilst from the west views remain largely unchanged apart from where there is a gap in the hedgerow which would create a slightly significant impact. The site would be visible from Goostrey Lane past the railway station, albeit intermittently disturbed by vegetation and topography of the road. The assessment identifies that there would be clear views of the site across grassland when travelling south from Goostrey Station. From this viewpoint the roof apex of the proposed digestate storage building will be visible above the existing earth bund wall, albeit viewed against the backdrop of the infrastructure from the fuel storage depot and railway line. The Goostrey Lane entrance to the site is clearly visible from the road in both directions. The impact of the scheme at this point is assessed as moderately beneficial subject to implementation of mitigation screen planting.

The assessment identifies that very few properties would have views of the site, and these would be restricted to upper floor windows which are classed as medium sensitivity. Likewise properties in the Twemlow area are assessed as having very limited views due to screening on the southern boundary of the site and therefore the significance of impact is slight. Due to the proximity to the site, properties along Goostrey Lane are considered slightly more susceptible to views from upper floor windows however views would remain essentially unchanged due to trees along the southern site boundary. The visual impact on the surrounding character of the grade II listed building is also assessed as of slight significance given the existing vegetation.

The Landscape Officer considers that the LVIA assessment provides a thorough assessment of the baseline landscape character of the site and surrounding area, the zone of visual influence and an assessment of the landscape impact that the proposals would have; and the lux levels, height and location of lighting columns are also considered acceptable. Subject to securing conditions in respect of landscape mitigation planting it is considered that the scheme is acceptable and accords with the approach of NPPW and CRWLP.

Nature Conservation

Policy 17 of CRWLP does not permit development which would have an unacceptable direct or indirect impact on any nature conservation assets. There are no statutory or non-statutory nature conservation designations on or immediately surrounding the site.

The ecological assessment identified 5 ponds within a 500m radius of the site and there are records of Great Crested Newts within a ditch 220m to the north of the site beyond the railway line. However the presence of the railway line is considered a strong deterrent to newt movement and there are considered to be ponds to the west which are better connected to the ditch. Following the advice of Natural England further protected species surveys were undertaken which do not show any evidence of Great Crested Newts recorded on the site however the ecological assessment concludes there is small potential for the species to be present on site as the site has good foraging habitat. It identifies there to be short term potential for impact which can be addressed through the adoption of reasonable avoidance measures for matters such as site clearance, construction activities and timing of works, which can be secured by planning condition. The Nature Conservation officer advises that this species are not reasonably likely to be affected by the scheme and require no further mitigation.

Otters have been recorded approximately 1.5km south of the site but no signs of water vole or otters on the site and little potential for dispersal to the site as such no potential detrimental impacts on these species are anticipated. None of the buildings were considered suitable for bats and no evidence found of any roosting opportunities on the site. However the surrounding environment, especially vegetation to the south and east is identified as attractive to bats, and recommended for retention. Planning conditions are also recommended in respect of the provision of bat boxes, as per the recommendations of the ecological assessment.

Evidence of barn owls was found in one building on site, however the species does not appear to be breeding and there were no signs of very recent activity on the site. It is considered that the scheme may have the potential to result in the disturbance of the roost. The scheme proposes mitigation in respect of undertaking a barn owl survey prior to undertaking work on the building and provision of a barn owl box to compensate for the potential loss of roost. Whilst this is broadly acceptable, the Nature Conservation Officer recommends two nest boxes are secured by planning condition as additional mitigation, with their design and location to be agreed. Some of the vegetation on site is considered suitable for nesting birds and is proposed to be retained as part of the scheme. Planning conditions are recommended in respect of breeding bird surveys.

Evidence of badgers was recorded in the Twemlow area. The Nature Conservation Officer considers the scheme unlikely to have a significant direct impacts on this species subject to

implementation of the identified mitigation in the ecological assessment which can be secured by planning condition.

Given that the habitat on site is largely to be retained, the ecological assessment identifies the habitat loss as minimal with no anticipated long-term impact. However a long term habitat management plan has been submitted to identify potential for habitat enhancement and provide the sympathetic management of the site for potential Great Crested Newts and breeding birds in the future. Measures include sympathetic management of grassland, marshy areas and ditches, control of invasive species and maintenance of hedgerows. The plan also includes for the development of a wildlife area in the south west corner of the site, to be planted and managed in order to attract wildlife to the site. The habitat management plan covers a period of ten years and would therefore be secured by means of s106 legal agreement for its continued implementation over this period.

An objector has provided evidence of Lapwings on the site which are a Biodiversity Action Plan priority species and hence a material consideration. The Nature Conservation Officer advises that there is a possibility that the species may be breeding there, however there is currently no firm evidence to confirm this and as such a detailed breeding bird survey is required to make an informed assessment of the potential impacts of the proposed development on lapwings and to understand how important the site is for the species. In the absence of any such survey being submitted, it is considered that there is insufficient information to determine whether the development would have an unacceptable direct or indirect impact on any nature conservation assets; which is contrary to policy 17 of CRWLP and the approach of the NPPW.

Highways Traffic and Access

Significant concerns have been expressed by local residents regarding the impact of the scheme on the local highway network, highway safety and amenity. A Traffic Statement (TS) has been submitted which the Highways Officer considers to be both reasonable and robust.

The average weekday traffic levels proposed are 62 movements (31 in and 31 out) over a 252 day year. The TS shows an overall betterment in traffic generation for the proposal against the likely traffic generation from the existing use. The TS identifies likely approach routes and allocates vehicle trips appropriately against those routes. It also makes recommendations for the permanent closure of the existing access onto Goostrey Lane in order to regulate site access and protect turning movements at the Goostrey Ln/Twemlow Ln/A535 junction. It is considered that much of the proposed traffic will be of the same or similar type to the rural farming traffic that already frequents Twemlow Lane and in fact some of the trips to and from the proposed facility already exist on the local highway network. The total number of additional trips is relatively low at some 30 trips per day and this as a maximum as some of the material deliveries to the facility will be seasonal.

Overall the Highways Officer considers that this proposal will not have a material effect on the traffic capacity and operational character of Twemlow Lane and subject to appropriate conditions and highway legal agreements for the access improvement the scheme will be an acceptable. The conditions recommended cover details for the access improvements on Twemlow Lane, details of works to the access on Goostrey Lane and its subsequent implementation.

Specifically in relation to the highway report submitted by objectors, the Highways Officer makes the following points:

- *The sight lines are not proven.* In fact the sight lines are proven and the photographs in the DTPC report actually show this.
- *The design vehicle is considered too small to fully show impacts.* The S.H.M. considers that the design vehicle is sufficient and that the access has sufficient geometry to support necessary turning movements.
- *No accident review has been undertaken for vulnerable road users.* This can be conditioned should permission be granted.
- *The catchment area has not been assessed correctly.* No standards are indicated and the proposal gives a catchment area radius which is accepted. It must be remembered that any permission would control delivery numbers to the site so traffic volumes are controllable.
- *The weight limit has been ignored even though the application is new.* The S.H.M. considers that the previous use would have had HCV access traffic and this site will not be different from that in status.
- *Over-running of the centre-line and verges would create an unsafe environment for other road users.* This situation exists already on Twemlow Lane from access traffic however the accident record on Twemlow Lane is very low and records do not demonstrate an accident record related to this causal factor.

The Highways Officer considers that given the controls available through the planning process regarding related vehicle trips that there are no presented material issues which demonstrate a need to revise opinions on highway grounds for this development proposal.

On the basis of the findings of the TS and the views of the Highways Officer it is considered that the proposal would not generate an unacceptable level of traffic or change in the nature of traffic which would adversely impact on the local highway network or pose an unacceptable impact on road safety or amenity. Equally, as this is a previously developed site, access arrangements are acceptable for the nature volume and movement of traffic proposed. As such the scheme is considered to accord with Policies 12 and 28 of CRWLP.

Heritage and Design

Policy 16 of CRWLP states that there should be no unacceptable impact on listed buildings or their settings. There is a Grade II listed building (The Gables) located approximately 200m to the south of the site on Goostrey Lane. The Conservation Officer advises that whilst there could be potential impacts on the fabric of the listed building associated with the HGV movements, there is no evidence to support this view, and as such it would be difficult to sustain a reason for refusal on the grounds of adverse impact upon the fabric of the building.

In respect of the impact of the setting of the listed building, the building is some distance from the site with intervening land and landscape between. It is also noted that the building has been recently reconstructed and as such its setting is not an historic one. In addition the industrial buildings proposed would be screened or its profile softened by the existing tree belt on the southern boundary. Therefore views from the Gables and its curtilage are unlikely to be adversely affected. The Conservation Officer advises that the activities proposed are unlikely to it worsen the setting when compared to the uses that previously took place at the site. It is noted that the traffic routing information suggests that the HGVs are highly unlikely to use Goostrey Lane and the Conservation Officer suggests HGV routing restriction upon Goostrey Lane be imposed by condition if practicable, however it is considered that this would be difficult to achieve as the deliveries would not be totally under the control of the applicant.

The Conservation Officer recommends that consideration should be given to ways to minimise the appearance and scale of the buildings, plant and lighting. These elements are constrained to a certain degree by the operational requirements of the facility, the infrastructure required and the need for vehicles to be able to enter the building. Planning conditions could be used to secure detailed material samples and lighting specification to be agreed in conjunction with the Conservation Officer to soften its appearance and better integrate it into its wider rural setting. Recommendations are also provided in respect of boundary treatment and use of renewable energy technologies which could also be a requirement by condition on any planning permission. Subject to securing these provisions it is considered that the proposal would confirm with policy 16 of CRWLP and the approach of the NPPF.

Conclusions

Taking account of Paragraph 14 of the NPPF and paragraph 1 of the NPPW there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal presents a number of benefits in terms of sustainable waste management, driving waste up the waste hierarchy and contributing to renewable energy aspirations as set out in Government and European policy and legislation and in this respect accords with the approach of national planning policy and the Local Plan. The proposal also brings back into use a previously developed site and provides economic benefits in terms of job creation and supporting diversification of rural farming business, with indirect benefits to other local businesses.

However the benefits of the scheme should be balanced against any potential adverse harm created to the local environment and local community. The scheme has the potential to create adverse impacts on respect of air emissions, particularly odour. Given the close proximity of sensitive receptors, it has not been demonstrated that such harm could be controlled and mitigated to an acceptable level. As such the scheme there is potential for significant harm to the amenity of local residents which would conflict with the provisions of both the Local Plan, particularly policy 26 and the NPPW.

Similarly, insufficient information has been provided to demonstrate that the proposal would not present adverse impacts on human health which conflicts with policy 12 of Cheshire Replacement Waste Local Plan and the provisions of NPPW.

The Nature Conservation Officer also advises that there is a possibility that the site may be used by Lapwings for breeding, and as such a detailed breeding bird survey is required to make an informed assessment of the potential impacts of the proposed development on lapwings and to understand how important the site is for the species. As such there is insufficient information to determine whether the development would have an unacceptable direct or indirect impact on any nature conservation assets; which is contrary to policy 17 of Cheshire Replacement Waste Local Plan and the approach of the NPPW.

RECOMMENDATION

That the application be REFUSED on the basis of:

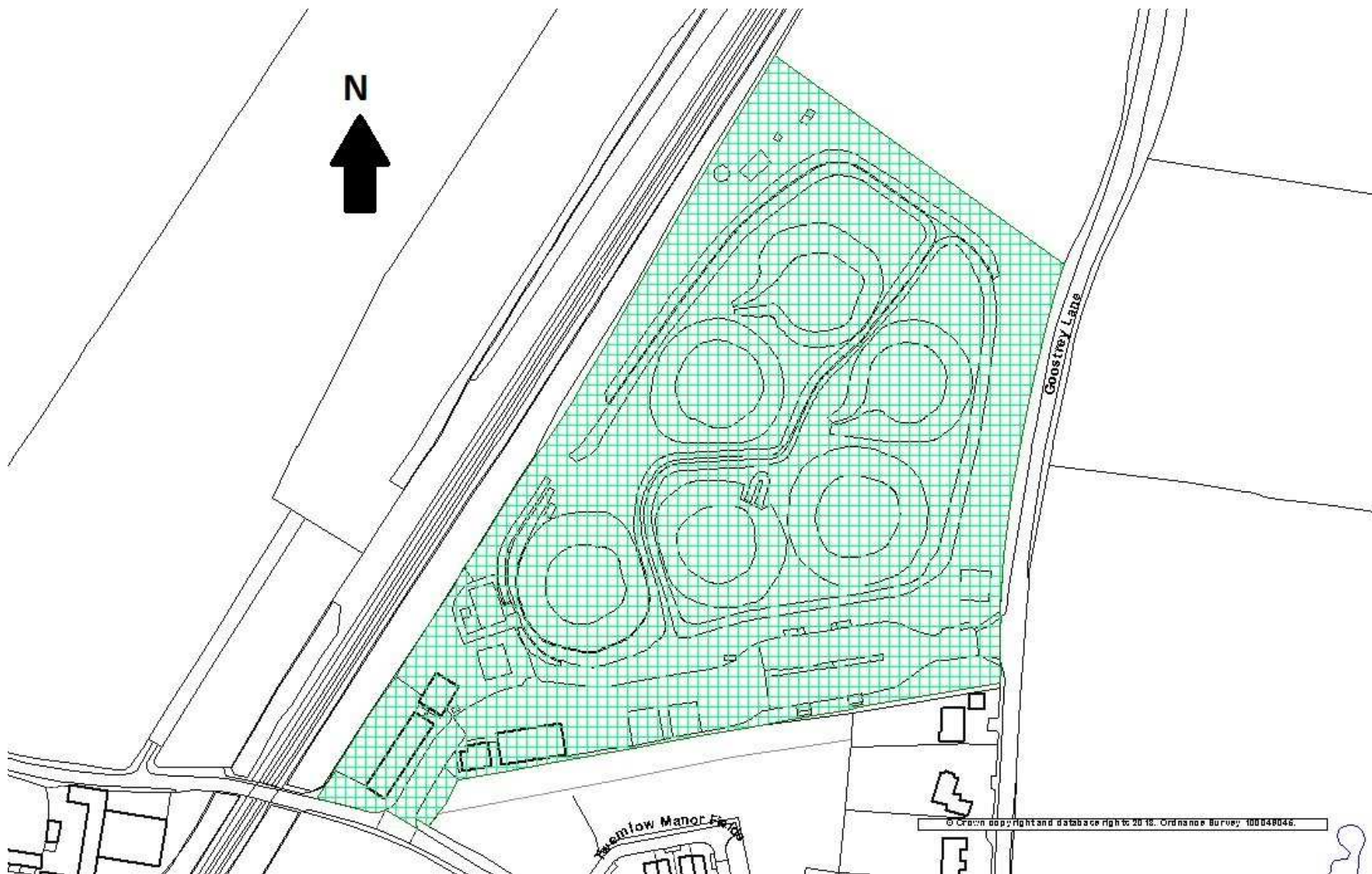
The development does not represent an acceptable land use for this site, having regard to the approach of National Planning Policy for Waste and Cheshire Replacement Waste Local Plan as the odour from within the site is likely to have an unacceptable impact on the amenity of nearby sensitive receptors. As such the proposals conflict with policy 26 of Cheshire Replacement Waste Local Plan, and paragraphs 1 and 5 and 7 of National Planning Policy for Waste.

Insufficient information has been provided to demonstrate that the proposal would not present adverse impacts on human health which conflicts with policy 12 of Cheshire Replacement Waste Local Plan and paragraphs 1 and 5 and 7 of National Planning Policy for Waste

Insufficient information has been provided to demonstrate that the proposal will not have an unacceptable direct or indirect impact on any nature conservation assets; which is contrary to policy 17 of Cheshire Replacement Waste Local Plan and the approach of the National Planning Policy for Waste.

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

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



Application No: 14/3371M

Location: Land North Of, CHELFORD ROAD, OLLERTON, WA16 8SA

Proposal: Change in use of land and the construction of a single-storey building to create a golf driving range with associated car parking and new access

Applicant: Mr Brian Coutts

Expiry Date: 14-Oct-2014

MAIN ISSUES

- Whether the proposal complies with Green Belt policy and if not, whether there are any very special circumstances that would overcome the harm caused by inappropriateness and any other harm to the Green Belt
- Whether the visual impact of the proposal on the character and appearance of the area is acceptable
- Whether the access and parking arrangements are acceptable
- Whether the proposed use is sustainable in this location
- Whether the proposal would significantly injure the amenity of nearby residents
- Whether the proposal would have any adverse impact on nature conservation interests or on existing trees and landscaping

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT/OFFICER APPRAISAL

The application was originally considered by the Strategic Planning Board on 17 September 2014 when it was resolved to approve the application subject to conditions and the prior completion of a legal agreement as per the original report (attached as Appendix A).

The legal agreement was required in order to ensure that an extant consent (12/1147M) for a driving range on the opposite side of the road could not be implemented if this application was implemented.

The legal agreement associated with this application has not yet been signed and the permission granted by application reference 12/1147M expired on 12 July 2015. As such there is no longer a requirement for a legal agreement associated with this application.

The recommendation should therefore be amended to **approve subject to conditions** as previously agreed by Strategic Planning Board on 17 September 2015.

APPENDIX A

ORIGINAL REPORT from 17 September 2014

SUMMARY RECOMMENDATION

Approve subject to the prior completion of a S106 legal agreement

MAIN ISSUES

- Whether the proposal complies with Green Belt policy and if not, whether there are any very special circumstances that would overcome the harm caused by inappropriateness and any other harm to the Green Belt
- Whether the visual impact of the proposal on the character and appearance of the area is acceptable
- Whether the access and parking arrangements are acceptable
- Whether the proposed use is sustainable in this location
- Whether the proposal would significantly injure the amenity of nearby residents
- Whether the proposal would have any adverse impact on nature conservation interests or on existing trees and landscaping

REASON FOR REPORT

As the application site is a 5 hectares site, it constitutes a large scale major application which, in accordance with the Council's constitution, is required to be dealt with by the Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a piece of agricultural land located to the north of Chelford Road, in the parish of Ollerton. The land forms part of the agricultural holding of Beeches Farm, with other land located adjacent to the application site and on the opposite side of Chelford Road. There is an existing field gate providing access onto Chelford Road at the eastern end of the site boundary with Chelford Road. There are a number of existing trees and hedges on the site and a number of ponds are located within adjacent fields. A public footpath runs to the west of the application site, with another footpath located to the east of the site. The site is generally relatively flat, with the topography of the site running downhill from south to north, though there are areas of undulation throughout.

There are three residential properties fronting Chelford Road located to the east of the site. Oakwood Nurseries is also located to the east of the site and contains a dwelling.

The site lies in the Green Belt.

DETAILS OF PROPOSAL

Planning permission is being sought for a golf driving range. The proposal is to provide a 20 bay, single storey driving range building and associated facilities including a new vehicular access off Chelford Road, the creation of a 40 space car park, a mini pitch and putt and a putting green. The fairway would consist of small mounds created through the importation of material. The range would be unlit and would not contain netting fencing.

No proposed hours of opening are stated on the application form. Should permission be granted the following hours of opening are proposed:

- 08.00 - 16.00 hours during the months of November, December and January;
- 08.00 -18.00 hours during February, March and October;
- 08.00 -20.00 hours during April and September;
- 08.00 -21.00 during May;
- and 08.00-22.00 hours during June, July and August.

These hours are consistent with those attached to applications 08/0332P and 12/1147M (see below).

Additionally the hours of use condition would state "All lighting in for the development shall be turned off no later than 15 minutes after the permitted closing time". Again this would be in line with the previous consents and relates to any lighting within the range building and ancillary lighting to the car park etc and does not relate to the range itself which would be unlit.

RELEVANT HISTORY

10/3232M

Golf driving range and building with 9 hole golf course.

Withdrawn 24.01.11

There have also been 3 applications for a similar proposal made by the applicant on land owned by him on the opposite side of Chelford Road. They are:

12/1147M

EXTENSION OF TIME TO APPLICATION 08/0332P

Approved 11.07.12 (remains extant until 11.07.15)

08/0332P

Golf driving range and 9 hole pitch and putt golf course including alterations to vehicular access

Refused and appeal allowed 27.05.09

07/1856P

Golf driving range and 9 hole pitch and putt golf course including alterations to vehicular access

Refused 24.10.07

The applicant has stated that, if approved, the intention is to only implement one of the golf driving range schemes (12/1147M or current proposal), not both. As such, no objections would be raised to a legal agreement which would ensure that only one planning permission for a golf driving range is implemented, not both.

POLICIES

Local Plan Policy

NE2 Landscape Protection and Enhancement
NE11 Nature Conservation
NE17 Nature Conservation
BE1 Design Guidance
GC1 New Buildings
RT18 Golf Courses
T2 Integrated Transport Policy
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC13 Noise
DC33 Outdoor Commercial Recreation

Cheshire East Local Plan Strategy – Submission Version (CELP)

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The following policies are relevant:

MP1 Presumption in Favour of Sustainable Development
PG3 Green Belt
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
EG2 Rural Economy
SC1 Leisure and Recreation
SC2 Outdoor Sports Facilities
SE1 Design
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland

Other Material Considerations

National Planning Policy Framework
National Planning Policy Guidance

CONSULTATIONS (External to Planning)

Highways: no objections subject to conditions regarding parking, access and visibility splays.

Environmental Health: no objections subject to conditions regarding construction hours restriction, submission of lighting plan if lighting proposed in the future, pile driving and floor floating controls.

Environment Agency: reference to standing advice for this type of development.

Public Rights of Way Unit: no objection subject to the imposition of an advice note.

Flood Risk Manager: not aware of any significant flood risk issues associated with the site.

Leisure: no comments received.

VIEWS OF THE PARISH / TOWN COUNCIL

Ollerton with Marthall Parish Council: object to the proposal on the following grounds:

- Lack of current robust business plan
- Enterprise is not viable
- Business is not sustainable
- Lack of land contour survey – land has a natural fall away from the driving range building and if land is to be levelled through commercial tipping, this would create traffic and disturbance for a prolonged period of years
- Openness of the space will be altered
- Loss of amenity to neighbouring properties

- Contrary to Village Plan
- Concern that applicant seeking to obtain brownfield status for the land

OTHER REPRESENTATIONS

No representations had been received at the time of writing the report.

APPLICANT'S SUPPORTING INFORMATION

A number of supporting documents have been submitted with the application. These can be viewed on the application file and include:

- Planning, Design & Access Statement
- Landscape and Visual Impact Assessment
- Flood Risk Assessment and Sustainable Drainage Scheme
- Arboricultural Statement
- Ecological reports
- Geological report
- Transport statement

OFFICER APPRAISAL

Principle of Development

Paragraphs 89 and 90 of the NPPF lists the types of development that are considered to be acceptable in the Green Belt. Paragraph 89 deals with the construction of new buildings and states that these are generally inappropriate but lists a number of exceptions including:

“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”. (this differs slightly from the wording of Local Plan Policy GC1 which allows for “essential facilities for outdoor sport and recreation”).

Paragraph 90 of the NPPF relates to other forms of development, including engineering operations, but does not make reference to the change of use of land. As such it is considered that the principle of the construction of new buildings and associated building operations in connection with outdoor sport and recreation can be acceptable in principle subject to them being “appropriate facilities”. Engineering operations are not inappropriate provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. However, the change of use of land is not acceptable in principle as there is no provision within the NPPF for such a change of use of land. In order for this element of the proposal to be acceptable, very special circumstances would need to be demonstrated that outweigh the harm caused by inappropriateness and any other harm to the Green Belt.

Policy

All relevant policies are listed earlier in the report.

Local Plan policy DC33 deals specifically with proposals for outdoor sport and recreation uses such as golf driving ranges and sets out various criteria against which proposals will be assessed. Some of the criteria listed are not relevant to the site but the following criteria are considered relevant.

- The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential/non-sensitive buildings to minimise visual impact
- The site should be able to accommodate any necessary lighting without undue intrusion or significant adverse impact upon the immediate locality or wider environment
- The proposal should not have a significant adverse impact upon existing residential amenity
- Car parking provision and access into the site should be to the satisfaction of the Local Planning Authority. The site should have good access to an existing network of main roads (A Roads)
- Full details of existing and proposed contours, public rights of way, tree and vegetation cover and proposed landscaping should be submitted with the application

Green Belt

Buildings and building operations

The proposed driving range building would be of a similar scale and appearance to that allowed at appeal on the opposite side of the road under application reference 08/0332P. Whilst the range building proposed by this application is slightly larger, the increase in size is not considered significant (floorspace increase of appx 33 sq m from 576 sq m to 609 sq m) and in any event the relevant test is now whether the facilities are “appropriate” rather than “essential” i.e. a lesser test than that previously applied. As such the proposed golf driving range building is not considered to be inappropriate development in the Green Belt.

The formation of the proposed access and car parking areas as building operations can also be considered under Paragraph 89 of the NPPF. Whilst the proposed car park would be slightly larger than that considered at appeal on the other side of Chelford Road (40 spaces as opposed to 30), the car park together with the access facilities are considered to be appropriate facilities and as such not inappropriate.

Other development including change of use of land

The formation of the mounds and green areas of the driving range together with any works to form the mini pitch and putt and putting green would constitute engineering operations. As these works would not conflict with the purposes of the Green Belt and provided that they preserve openness (see below), then these aspects of the proposal would not be inappropriate and would be compliant with Paragraph 90 of the NPPF.

However the change of use of land to form a golf driving range, a mini pitch and putt and a putting green is considered to be inappropriate development in the Green Belt. As stated

above, this is due to the fact that paragraph 90 of the NPPF makes no provision for this type of development in the Green Belt.

Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on the openness of the Green Belt

As stated above, the proposed range building is of a similar size to that allowed at appeal on the other side of the road. As with the appeal proposal a new access is proposed together with a parking area adjacent to the building. The main change being that this proposal includes a 40 space car park, 10 spaces more than the appeal proposal. Additionally this proposal would involve some changes in levels across the site.

When considering the previous appeal the Inspector noted that "the substantive use of the site would maintain the openness of the Green Belt" further commenting that "the proposed access and car park would cause a small loss of openness, especially when cars are present on them, but they would occupy a relatively small part of the site and be necessary for the development". It was not considered that the driving range building would impact on openness.

As with the similar scheme on the opposite side of the road, it is not considered that the proposal would have a significant impact on openness. Whilst this site is arguably more prominent, the scale and design of the proposal is such that it is considered that the openness of the Green Belt would be maintained.

Very Special Circumstances

The applicant's agent recognises that the change of use of land element of the proposal is inappropriate development in the Green Belt, for which very special circumstances are required. A number of very special circumstances have been put forward and are summarised below:

- The proposed development cannot be accommodated within the existing built up area or on land outside of the Green Belt;
- The proposed development would meet the requirements of paragraph 28 of the NPPF by assisting in the sustainable growth, expansion and diversification of the rural economy;
- The proposed development would meet the requirements of paragraph 81 of the NPPF by making beneficial use of the Green Belt for sport and recreation;
- It would deliver a sport/recreation use in an accessible location, assisting to promote the health and well being of the community and meeting the requirements of paragraph 73 of the NPPF

- There is an extant consent for a very similar development on land also owned by the applicant on the opposite side of the road. This remains extant and capable of implementation until July 2015.

With regard to very special circumstances, particular reference is made to a High Court Judgement (Fordent Holdings Ltd v Secretary of State for Communities and Local Government and Cheshire West and Chester Council [2013] EWHC 2844) which considered the issue of a change of use to a leisure use.

As stated, harm to the Green Belt has been identified as the proposed change of use constitutes inappropriate development in the Green Belt to which significant weight should be attached. No other harm to the Green Belt has been identified that would need to be outweighed by very special circumstances.

Having considered the very special circumstances put forward and having regard to the Fordent Holdings Ltd judgement, it is considered that the very special circumstances put forward in this case are sufficient to outweigh the harm to the Green Belt. In particular, significant weight is attached to fact that the proposed change of use would provide an opportunity for outdoor sport and recreation and would be in accordance with paragraph 81 of the NPPF. Additionally significant weight is attached to the extant consent that exists for a similar proposal on the opposite side of the road.

Visual Impact

A Landscape and Visual Impact Assessment has been submitted with the application. This has been undertaken in accordance with the 'Guidelines for Landscape and Visual Assessment' (3rd Edition). It concludes that the implementation of the development proposals will not have a detrimental effect upon the landscape setting and character of the site or surrounding area.

The Council's Landscape Officer has been consulted on the application and broadly agrees with the Landscape and Visual Impact Assessment that has been submitted and raises no objections to the application on landscape and visual impact grounds.

It is considered that the proposed building and associated access and car park have been designed so as to minimise their visual impact. The use of appropriate facing and surfacing materials will help the development integrate with its surroundings. These matters could be controlled by condition.

A landscape plan has been submitted with the application. Whilst the details included within it are generally considered to be acceptable, there is some concern regarding proposed tree planting along the access drive and trees/hedging around the car park. Therefore unless satisfactory alterations can be made to the landscape plan prior to determination, should permission be granted, a landscaping condition would be imposed requiring the submission of an amended landscape scheme.

Whilst there will be some change in levels across the site, the mounds proposed are between 0.5m and 3.5m high, with the largest being located at the north west corner of the site, which is the lowest part of the application site. This is much lower than what was proposed as part

of the previously withdrawn scheme (up to 8m high and with mounding close to Chelford Road). The levels changes now proposed are considered to be acceptable as it is not considered that they would adversely affect the landscape character of the area.

Highways

A new vehicular access is to be formed off Chelford Road providing access to the site. A 40 space car park is also proposed.

As previously stated, a Transport Statement has been submitted with the application and the Strategic Highways Manager has been consulted. He notes that the proposed access is suitable for the development proposal and that the traffic impact of the development proposal will be relatively minor with only a very modest level of peak hour traffic movements at the site access. The level of car parking provision is considered to be sufficient, though it is considered that 2 disabled spaces should be included within the spaces proposed. Although the proposal is not particularly well located to make use of sustainable modes of transport for access, the use is primarily a car-borne recreational activity in any case and employee levels are low.

Subject to conditions regarding the provision of parking and provision of the new access and associated visibility splays, the Strategic Highways Manager raises no objections to the proposal.

Design

The design of the proposed range building is broadly similar to the one that was allowed on appeal and to other range buildings elsewhere and as such no objections are raised to it on design grounds.

Amenity

As stated, there are a number of residential properties located adjacent to the site. Local Plan policies DC3 and DC33 address the impact of proposals on residential amenity and state that there should be no significant adverse impact upon existing residential amenity. Local Plan policy DC13 specifically relates to noise generating developments.

3 residential properties are located to the east of the application site and front onto Chelford Road. The proposed site access would be located approximately 80m away from the nearest residential property, approximately 50m away from the garden boundary of this property. Given the scale of the development proposed, the likely amount of traffic that would be generated by the proposal, existing traffic levels on Chelford Road, the distances involved and given the existing screening along the garden boundaries, it is not considered that the proposal would result in a significant adverse impact on the amenity of the occupiers of these properties.

The only other residential property located close to the site is the dwelling at Oakwood Nurseries which is located approximately 30m to the east of the application site. However, given the distances involved and extensive boundary screening, it is not considered that the

amenity of the occupiers of the dwelling at Oakwood Nurseries would be significantly affected by the proposal.

To date, no objections have been received from nearby residential occupiers.

Trees

The site contains a number of trees and hedgerows and the Council's Forestry Officer has been consulted on the application.

He states that the development proposals seek to utilise an existing and relatively open area of pasture land bordered by hedgerows and mature trees.

The only direct impact in terms of losses, relates to the removal of the length of hedgerow located on the Chelford Road frontage, and identified within the submitted Arboricultural Statement. Removal of the identified 50 metre length is required to facilitate access into the site. No details have been provided in respect of the 1997 Hedgerow Regulations in order to assess if this hedge is "important". This information is required in order to fully assess the impact of this loss of hedgerow. It has been requested from the applicant and any additional information received will be reported to Members in the form of an update.

All the existing trees can be retained and protected in accordance with current best practice BS5837:2012.

Subject to the receipt of additional information demonstrating that the loss of hedgerow is acceptable, the proposal raises no significant issues in relation to trees.

Ecology

A Great Crested Newt Survey and Mitigation Report and a Badger Survey Report have been submitted with the application and the Council's Nature Conservation Officer has been consulted.

Great Crested Newts

A number of ponds are located within 250m of the proposed development. Small numbers of great crested newts have been identified at a number of these ponds. However the application site offers limited habitat for great crested newts. In order to address the risk posed to great crested newts the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' and designed-in mitigation measures. The Council's Nature Conservation Officer advises that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application. If planning permission is granted, a condition is required to ensure that the development is carried out in accordance with the submitted great crested newt report.

Badgers

A badger sett has been recorded just outside the red line of the application site. To avoid any potential impacts upon the sett the applicant's ecologist recommends that an undeveloped 30m buffer zone be marked out on the ground prior to the commencement of development. If permission is granted a condition is required to ensure that the development is carried out in accordance with the submitted Badger Survey Report, including the provision of the 30m buffer area.

Hedgerows

Hedgerows are a UK biodiversity action plan priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site entrance. The Nature Conservation Officer advises that this loss could be compensated for by the proposed screening planting provided appropriate species are used. This matter may be dealt with by means of a standard landscaping condition if planning consent is granted.

Breeding Birds

If planning consent is granted a condition would be required regarding breeding birds to ensure that surveys for nesting birds are carried out if vegetation is to be removed between 1st March and 31st August.

Ecological enhancements

The submitted ecological reports include proposals for ecological enhancements including the construction of a new wildlife pond and the enhancement of the existing ponds. If planning consent is granted a condition is required in order to ensure that the ecological enhancements including the creation of a new wildlife pond, the enhancement of the existing ponds and associated terrestrial habitat are provided to the satisfaction of the Council prior to first use of the golf driving range facility.

Subject to the conditions recommended above, no objections are raised to the proposal on ecological grounds.

Public Rights of Way

As previously stated, there are two public rights of way within the vicinity of the site, the nearest one, Ollerton No.17, being located approximately 50m to the west of the site.

The Council's Public Rights of Way Unit have been consulted on the application and raise no objections to it subject to the addition of an informative regarding the public right of way should permission be granted.

Flood Risk

A Flood Risk Assessment (FRA) and Sustainable Drainage Scheme (SuDS) has been submitted with the application. The FRA concludes that whilst no flood data is available for the site, as it falls within Flood Zone 1, the risk of flooding is low. The conceptual SuDS scheme has been designed so as to ensure that the proposed development of the site does

not increase the flood risk and that the main flooding risk from pluvial (surface water) flooding on the highway on Chelford Road will continue to soakaway to ground.

The Environment Agency and the Council's Flood Risk Manager have been consulted on the application. The Environment Agency has referred to its standing advice for this type of development. The Council's Flood Risk Manager states that he is not aware of any significant flood risk issues associated with the site.

Other Matters

A number of other matters, not already considered within the report have been raised by the Parish Council. These will be dealt with in turn.

A number of the concerns raised by the Parish Council relate to the sustainability/viability of the proposed business and lack of a robust business plan. As previously stated by the Inspector when dealing with the appeal against the refusal of 08/0332P, the viability of the business is a matter for the commercial judgement of the applicant and is not a material planning consideration to be given weight in the determination of this application.

Concern has been raised regarding the lack of a contour survey and queries regarding commercial tipping and the impact that would have in terms of traffic and disturbance for what could be a considerable length of time. With regard to levels information, the Council's Landscape Officer is satisfied with the information regarding levels that has been provided with the application. Whilst reference is made within the submitted Planning Statement to the importation of material to enable the formation of small mounds within the proposed fairway, given the relatively limited scale of the mounds, it is not anticipated that this would involve commercial tipping on a large scale. The applicant's agent has confirmed that there would be no commercial tipping on the land.

The Parish Council state that the proposal is contrary to the Village Plan. Whilst the Ollerton with Marthall Parish Plan is a material planning consideration and whilst it states that there is concern regarding the proliferation of businesses and markets affecting the A537 the plan also indicates that the matters of prime concern to residents are the appearance of, and noise and light pollution and traffic associated with commercial uses. For the reasons outlined within the report, it is not considered that the proposal would result in an adverse visual appearance or a significant increase in noise, light pollution or traffic.

Finally it is stated that the application is an attempt to remove the land from agricultural use and achieve brownfield status within the Green Belt. Whilst the land would become brownfield if permission is granted and implemented for the proposal, any future redevelopment of the site would need to be assessed against relevant policies and assessed on its own merits. Any speculation as to the applicants intentions is not a matter to be considered as part of the assessment of this application.

With regard to the conditions suggested by Environmental Health, it is not considered that these are necessary given the nature and location of the proposal and given that other proposed conditions are considered to adequately address the issue of lighting.

Heads of Terms

Should Members be minded to approve this application, as it would not be acceptable in planning terms to grant planning permission to the same applicant for very similar developments in close proximity, a S106 legal agreement is required to secure the following:

- Mechanism to ensure that either this proposal or that approved under application reference 12/1147M be implemented, not both.

Community Infrastructure Levy (CIL) Regulations:

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The mechanism to ensure that only one permission for a golf driving range is implemented is necessary to make the development acceptable in planning terms and in particular to protect the Green Belt. It is directly related to the development and is fair and reasonably related in scale and kind to the development having regard to relevant policy, including the NPPF.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This application is for an outdoor sport and recreation facility within the Green Belt. The proposal is considered to be a sustainable form of development.

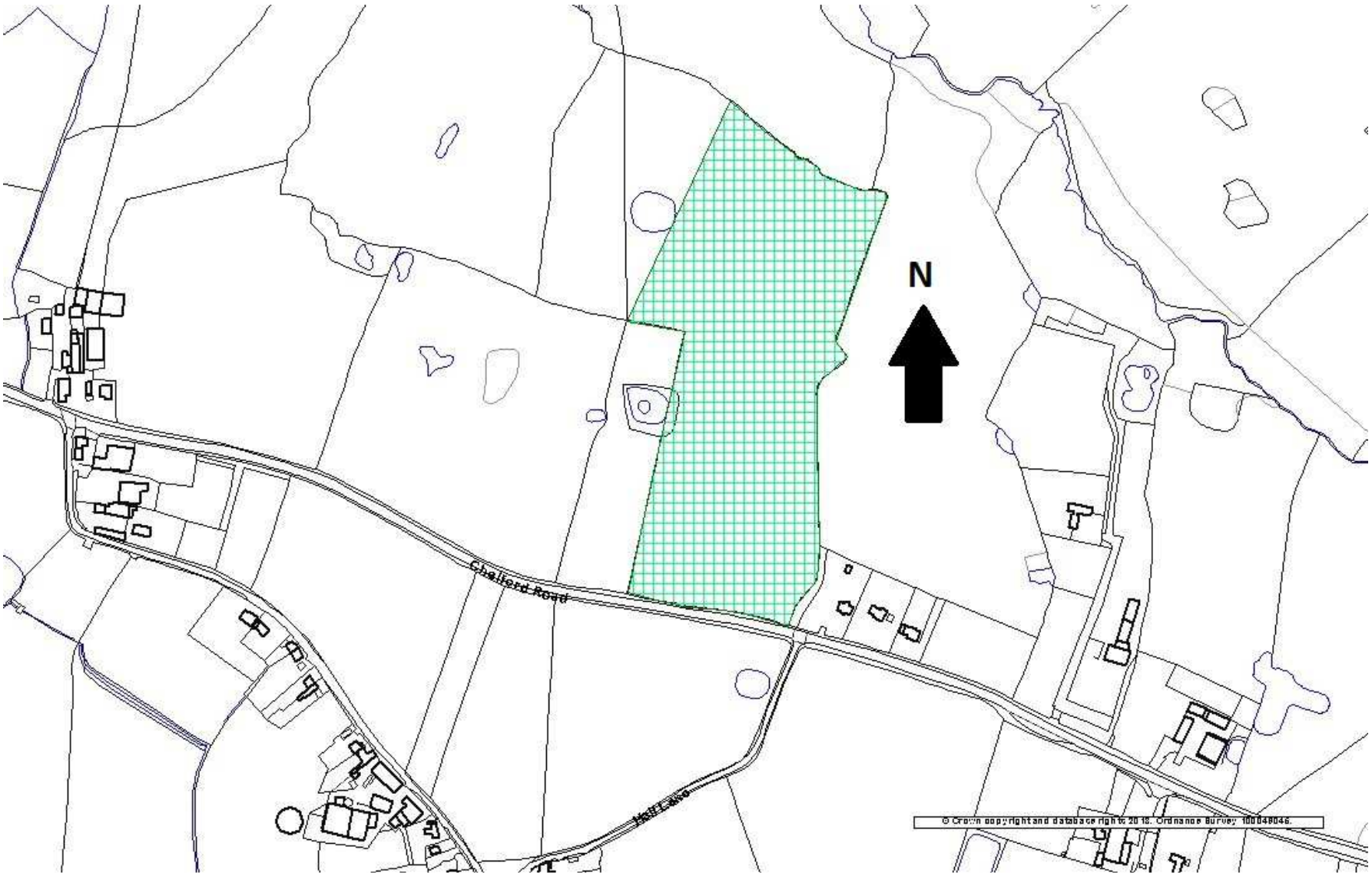
The proposed golf driving range and associated facilities is, in part, inappropriate development in the Green Belt. It is not considered that the proposal would have a significant impact on openness. It is considered that very special circumstances exist to outweigh the harm caused by inappropriateness. In reaching this conclusion, particular regard was had to that fact that in providing an opportunity for outdoor sport and recreation the proposal is compliant with paragraph 81 of the NPPF and to the fact that there is an extant consent for a very similar proposal on the opposite side of the road. It is not considered that the proposal would adversely affect the visual amenity of the area and the proposal does not raise any significant concerns with regard to design, amenity, highways or ecology. Further information is required regarding a loss of hedgerow, subject to this issue being resolved, the application is recommended for approval subject to appropriate conditions and the prior completion of a S106 legal agreement.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)

2. Submission of samples of building materials
3. Landscaping - submission of details
4. Landscaping(implementation)
5. Submission of additional landscape details
6. Submission of landscape/woodland management plan
7. Retention of existing trees
8. Construction of access
9. Vehicular visibility at access (dimensions)
10. Development in accord with approved plans
11. Implementation of ecological report
12. Protection for breeding birds
13. Layout of car park
14. Extraneous matter
15. No ancillary uses
16. Lighting
17. Control over additional lighting
18. Fencing/Netting
19. Opening times
20. Development in accordance with Badger Survey including provision of a 30 buffer zone
21. Ecological enhancements to be agreed and implemented



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Application No: 14/4950N

Location: Land north of, Parkers Road, Leighton, Crewe, Cheshire, CW1 4GA

Proposal: Reserved matters approval for Phase 2B - residential development of 223 dwellings, following outline element of application 11/1879N

Applicant: Sherrie Shaw, Bloor Homes Ltd - North West

Expiry Date: 15-May-2015

SUMMARY:

The site already has outline planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and will not result in further encroachment into open countryside.

The proposal is acceptable in terms of design, amenity, access and parking and greenspace.

The proposal is therefore economically, environmentally and socially sustainable.

RECOMMENDATION: APPROVE Subject to receipt of amended plans and conditions

PROPOSAL:

Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a “hybrid” application (i.e. part outline and part full planning permission) for residential development on this site. Full planning permission was sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings was applied for.

This application is for approval of Reserved Matters for Phase 2B comprising residential development of 223 dwellings

SITE DESCRIPTION:

The site comprises 15.1ha of agricultural land (plus highway land – Parker’s Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.

Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pym's Lane and the village of Bradfield Green to the North West.

RELEVANT HISTORY:

11/1879N - A Hybrid planning application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date. Approved 1 May 2014.

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR 22 Open Space Provision
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

CONSULTATIONS:

Highways – No objection

Environmental Protection – No objection subject to conditions restricting hours of piling and requiring the submission and approval of a Construction Environmental Management Plan.

Environment Agency – Refer to Standing Advice

Archaeology - A final short report on the archaeological work is awaited to discharge the archaeological condition.

Public Rights of Way – The development is to affect Public Footpath No. 2 Leighton. Recommend standard informative relating to protection of the Right of Way and it's users during construction.

Natural England - currently has no comment to make on the reserved matters approval.

Flood Risk Manager – no objections in principle on flood risk grounds we would suggest the following conditions:

- No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge) have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.
- The surface water run-off generated by the proposed development shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site.

OTHER REPRESENTATIONS

Local Residents

5 representations have been received making the following points:

- Moss Lane will be heavily impacted by this application and the applicants failure to provide any funding to slow down the traffic on Moss lane is a disgrace, MVDPC, CEC Highways have failed in their duties to secure funding from the SECTION 106 agreement to make this lane safe and to keep children and pedestrians safe from additional traffic created by this application time is now to secure funds to slow down traffic on the lane and make it safe for users and especially with the children's play area on the lane.
- Also the public footpath and right of way has been there for 10's of years the applicant knew it was there when they purchased the land the public footpath is used all the time to get to flowers lane and must not be altered or removed it is a public right of way and must be protected from this developer
- The decision to build the first phase of houses on this development has already been agreed on and is currently underway. An additional 223 dwellings is a step too far for the local area to cope with. This in addition to the development to the Cross Keys area on North Street. Leighton Hospital will be under even more pressure as will the schools and GP surgeries in the area. The homes being built are not the type for

small families or couples but large 4 & 5 bedroom dwellings which are obviously aimed at families and so I assume the local schools in particular will be put under a great strain with coping with the additional numbers to accommodate in the coming years.

- The additional number of homes will bring with it noise and car pollution.
- The additional homes will increase traffic, vehicle access and parking issues on Parkers Road and adjacent streets.
- The site in general will mean a loss of wildlife and plants
- This proposed site holds so much adorable wildlife, rabbits, birds, squirrels etc...
- There are enough houses already built in the first phase. It is wonderful to see the countryside here, and this phase would not only blot the landscape, but would also see off a much welcome array of wildlife that lives here.
- Development should go elsewhere. Residents want to see wildlife from the fields beyond.
- What infrastructure is the local council putting into place to help local schools and communities deal with the extra people who will live in these houses. There is already a cap on spending so we are limited to services provided without the extra people on these new estates. Residents are being made to pay for short sightedness on the councils plans for the provision of housing in the past and there is now an attitude of passing all new home build applications in order to rectify this.
- The site is being accessed by one road leading to Parkers road, there will be heavy traffic congestion around that area in rush hours and will lead to people taking risks on what is an already very busy road.
- Residents are confused about the planning application above for north of Parker's Road as there is already considerable building work being carried out and assume the application is because the site is in fact going to be much bigger than any of the residents were first told.
- Parker's Road is already very busy during peak hours. It is shocking that the new site holding 400 dwellings is to have one vehicular access road and this leads onto/off Parker's Road. What is the council going to do about this influx of hundreds more vehicles on the road at peak hours? Why is there no other access at the side or rear of the site? Has the Council considered the danger an increase of vehicles brings to pedestrians using the footpaths and crossing the roads?
- The schools in the vicinity are already full to bursting. Is a new school going to be built to cope with the influx of children coming to the area? The houses are likely to be 3 and 4 bedroom houses so will hold families with children.
- Leighton had a population of around 5,000. There is no doctor's surgery in the village and no supermarket. Are new ones being proposed or planned?
- Is the site not directly on or next to a historical roman walkway?
- Will the council be considering a revised speed limit of 20 mph on Parker's Road or are they happy for it to continue to be used as a drag strip? With an increase of footfall in the area this could cause serious accidents. The limit is 30mph but this is never adhered to, especially by those using Parker's Road as a short cut in order to avoid Bradfield Road.
- Local residents living on Parkfield at the top near Parker's Road have already suffered while Parker's Road was being dug up last year.

- Concern with over saturation of detached houses in this area and fear selling one of the older houses on Parkfield or Mills Way will become impossible or at least cause negative equity for many.
- Residents who attended the public meeting at Mablins Lane School in 2011 were never posted a letter asking if they would like to comment on the application for the houses being built currently. The first they knew was when the developer put signs up and the end of the road when it was blocked off for water works. They would have apposed the current works for the same reasons as above.

Leighton Hospital

- The latest application includes three variations of two and three bedroom bungalows. The Hospitals previous concern was in relation to the ability of the surrounding road network to cope with additional demand from this development – but that there was at least some mitigation with the inclusion of footpaths a cycle lands, linking the development to the surrounding employment areas and district centres, thus enabling alternative (and sustainable) means for transport as opposed to a reliance on the private motor vehicle
- Since some of the proposed bungalows are wheelchair accessible we now feel that this will place even more burned on the local road infrastructure. This is because this particular demographic group is far more reliant on travel by private motor vehicle .They are also reliant on a support network and their attendant carers will also drive single occupancy vehicles to and from these properties on a daily basis, sometimes several times per day.
- The concern is purely in relation to the ability of the local road infrastructure to support the development with these additions. There is no issue with the bungalows or wheelchair users per se
- There are difficulties for blue light vehicles attempting to negotiate Smithy Lane (in both direction) and the traffic attempting to part as the road is not sufficiently wide enough. Due to the location of the ambulance service in the north west the hospital has not only blue light vehicle accessing the site but also have the same vehicles blue lighting from the site to the next call. It is only a matter of time before an inbound ambulance meets and outbound one.
- This situation arises because the two largest employers in the area, Bentley Motors, and the Hospital, both rely on the Smithy Lane / Minshull New Road /Bradfield Road / Flowers Lane island, and this is severely compromised at certain times of the day.
- It is also unclear from the Section 106 Agreement relating to Planning Approval 11/1879N how the improvements to the traffic island will be managed and funded. Indeed the November 2014 Section 1`06 agreement seems to concern itself more with the improvements of the Remer Street Corridor than this roundabout.
- Suggest that as an early deliverable that the traffic management risks at this island are sustainably managed and reduced via this development.

OFFICER APPRAISAL

Main Issues

The site lies in the Open Countryside as designated in the Crewe and Nantwich Local Plan First Review, where policies NE2 and RES5 state that only development which is essential for

the purposes of, agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

However, the granting of the outline planning permission established the acceptability in principle of residential development on this site and this application does not present an opportunity to re-examine those issues.

The proposal is therefore acceptable in principle and the main issues in the consideration of this application are sustainability of detailed design, layout, appearance, scale and landscaping of the proposal (the reserved matters) in terms of economic, social and environmental factors.

SOCIAL SUSTAINABILITY

Affordable Housing

The overall level of affordable housing provision was established through the Section 106 Agreement attached to the outline planning permission. However, comments were awaited at the time of report preparation from the Council's housing officer in respect of the detail of the on site provision and an update will be provided for Members prior to the meeting.

Amenity

The nearest neighbouring properties are those at the junction of Flowers Lane and Parkers Road. The recommended 21.3m between principal windows and 13.7m between principal elevations and flank elevations will be achieved between the proposed dwellings and these existing properties. Therefore, it is considered that an adequate level of privacy and light will be maintained to existing properties.

To turn to the standard of amenity within the site, the scheme falls slightly short of the recommended 21.3m between principal windows and 13.7m between principal and flank elevations, as set out in the Supplementary Planning Guidance, in some cases. Between some plots, these distances will be reduced to approximately 17m between principal windows. However, in these instances, the properties are not directly facing each other and are at an oblique angle.

The Council's SPG advocates the provision of 50sq.m of private amenity space for all new family dwellings. A number of plots fail to achieve this standard and the minimum garden areas are now approximately 45sq.m.

Whilst the proposal fails to meet all the requirements of the Council's SPG of the adopted Local Plan, the provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

Environmental Protection have recommended conditions relating to restricting hours of piling and requiring the submission and approval of a Construction Environmental Management Plan. These were imposed on the outline consent and as a result there is no need for them to be replicated on this reserved matters approval.

Open space

The layout approved at the outline stage included provision for a large central formal open space, incorporating a NEAP Standard children's play area within Phase A, and a further area of informal recreation space, adjacent to the Flowers Lane Access, as part of Phase B. The Section 106 agreement also included provision for a private management company to be set up by the developer to maintain the open spaces within the development.

Therefore, all of the formal open space requirements, and much of the informal open space were provided as part of Phase A. As these reserved matters relate only to Phase B, the only part of the open space falling to be considered as part of this application are the treatment and landscaping of those incidental areas open space around the northern perimeter. Comments were awaited from the Greenspaces Officer at the time of report preparation and these will be included within an update report.

Infrastructure

Infrastructure requirements such as education and highways contributions were dealt with at the outline stage.

ENVIRONMENTAL SUSTAINABILITY

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case, the detailed design of the core ecological mitigation located to the north of the site has been dealt with through the discharge of a condition attached to the 2011 outline permission. The Council's Ecologist advises that landscape proposals for the open space located along the northern boundary of the application boundary are required.

He advises that landscaping proposals for this element of the site should be submitted for this part of the site as part of this reserved matters application. He also advises that the required landscape details should include proposals for the creation of native species hedgerows to compensate for those lost as a result of the development. This has been brought to the attention of the developer and additional landscaping information has been submitted.

The northern part of the open space area associated with the development was included in the terrestrial habitat provision made as part of the Great Crested Newt mitigation strategy agreed at the outline stage for this site. The design of this area, which will need to integrate ecology, landscape and open space requirements, needs careful thought if it is going to be successful.

With this in mind he advises that the submitted plan, whilst being broadly acceptable is so far that it includes grass and tree planting lacks sufficient detail to be satisfied that a suitable landscaping scheme would be delivered. If consent is granted this matter could be differed to a condition.

However, Condition 7 of the outline permission (reference 11/1879N) already requires the submission of a landscaping scheme for each phase. In addition condition 11 of outline (11/1879N) requires the submission of a habitat management plan to be submitted prior to the commencement of development. These two conditions are still outstanding.

The landscaping scheme for this reserved matters application must work in combination with any scheme produced to discharge condition 7 and 11 of the outline permission.

Landscape

The design and access statement is the same as submitted with the outline. The layout plan as submitted reproduces in very poor quality and the layout does not fully accord with the outline masterplan.

The Landscape Officer has now considered the additional landscape information which has been submitted and commented that the revised layout appears to be more closely aligned to the outline masterplan. An access path to plot 157 appears to encroach into the landscape buffer to the north and that this should be amended. The Landscape strategy appears to be reasonable although full landscape details will be required prior to the commencement of development. This could be secured by condition.

Forestry

The submission as originally received did not contain any detailed arboricultural information. There was insufficient information to allow an assessment of the impact on existing trees and in this respect the application does not accord with the guidelines contained within BS 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

This was also brought to the attention of the developer and further information has been submitted, which has been considered by the Landscape Officer. The submission now includes an Arboricultural Impact Assessment and Method Statement. The AIA suggest there are no anticipated construction impacts and there is good separation between trees and development. However, the site plan in the assessment does not accord with the layout plan now submitted, with the area to the west of the site differing. The social relationship between retained trees and plots 153 and 157 appear poor. Consequently, the Landscape Officer has recommended the layout of these plots is revisited.

Provided an acceptable layout is achieved, conditions are recommended to secure a revised tree protection scheme plan adherence to the approved tree protection scheme and the submitted Arboricultural Method Statement and a schedule of tree works to be submitted/ approved/implemented.

Drainage and Flooding

The Council's Flood Risk Manager and the Environment Agency have raised no objection subject to drainage conditions. These were, however, attached to the outline consent and do not need to be repeated here.

Design

The layout of the site is a continuation of the Phase A and therefore a similar development. The properties are orientated in such a way that active frontage is provided to the roads and a sense of enclosure and overlooking is maintained. The density, of the development and the spacing between the dwellings will not appear out of character with that of the remaining part of the site and the adjoining development.

To turn to elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

The properties are traditional gabled and pitched roofed dwellings which incorporate features such as lean-to porches and window head details that add visual interest to the elevations and are similar to other properties in the vicinity. The proposals are in keeping with those on the Phase A development and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

ECONOMIC SUSTAINABILITY

Highway Safety and Traffic Generation

The proposal site benefits from outline permission for 223 dwellings and is being developed as part of the wider Parker's Road site for a total of 400 dwellings (including the 223 that are the subject of this reserved matters application). Access was not a reserved matter in that application and therefore the means of access and off-site transport impacts and mitigation were addressed at that time. It is therefore the internal layout that is assessed.

The plans appear to indicate a general layout of roads around the development of 5.5m carriageway with two x 2.0m footways and this is to be expected for the adoptable highway.

The SHM notes the inclusion of angular feature squares within the development that seem to be intended to break up the straight lines of the road and built form. It is also noted that these appear to be replicated from Phase A but would request that track analysis is provided around such features for a large bin lorry to ensure ease of access within the development. Track analysis should also be provided for refuse vehicles turning in each of the different type of turning head proposed.

Parts of the development are accessed from private access points with up to five dwellings served off each point. The principle of such access is acceptable. However, in more than one situation the distances of 70m or more from the highway are noted. Householders should not be expected to walk more than 30m with their refuse and operatives should not be expected to walk more than 25m to collect it. This issue should be addressed either by revision to the layout and/or in terms of suitable refuse collection points being provided within the development along or close to these private access points.

Suitable parking provision needs to be provided at dwellings; two spaces for 2 or 3 bedroom dwellings and three spaces for 4+ dwellings, at dimensions of 5.0m x 2.5m. Where garages are relied upon as parking spaces they need to meet the Cheshire East Council minimum dimensions.

The SHM notes a long straight section of road running through the centre of the site passing through a rectangular feature on the road. There also appears to be a road feature to the

north of this rectangular feature. It is not clear whether or not vertical deflections are intended. Clarity is required on this point as Cheshire East Council does not favour vertical deflections. It will, however, be necessary to control speeds on what is currently proposed as a long, straight section of road with suitable layout design.

These queries have been raised with the developer and further information has been provided. In response the SHM has confirmed the following:

1. Feature Squares and Tracking. The tracking for the bin lorry does, at face value indicate vehicles successfully negotiating these feature squares.
2. Private Driveways and Refuse Collection. The applicant has now indicated a number of refuse collection points on the latest layout plans for the longer private drives.
3. Paving Provision and Garage Sizes. On the basis that garage sizes will replicate those approved in Phase 1 (which the developer has confirmed) the SHM would be content given approval of these house types/garage sizes.
4. Vertical Deflections. The developer has confirmed that these are proposed at feature junctions. Although CEC does not favour vertical deflection measures if such measures are proposed and they are simply replicating Phase 1 measures then Strategic Infrastructure would have no objection. The developer has confirmed that this is the case

Consequently the SHM has no objection to the application.

Leighton Hospital has raised concerns about the wheelchair accessible bungalows on the basis that their occupants and carers would increase traffic on congested routes around the hospital used by ambulances.

In responses, it is noted that the original consent required the provision of bungalows as part of the phase 2 development. Building Regulations require wheelchair accessibility but it does not necessarily mean that all such properties will be occupied by wheelchair users. There is no planning condition restricting their occupation to these groups. Therefore bungalows make up only a percentage of the dwellings proposed, and of these only a percentage will be occupied by those with mobility problems or requiring visiting carers. Therefore the additional traffic generation would be minimal.

Furthermore, traffic generation and the impact on the blue light routes was considered at the outline stage. A package of mitigation agreed with the highway authority and hospital including S106 contributions to the Remer St corridor, the rebuilding of the Flowers Lane junction by the Developer under a Section 38 Agreement (hence why it is not referred to in the Section 106 as mentioned in the hospital representation) and walking and cycling measures, all of which will be implemented when the appropriate trigger points in terms of completion of units within the development are met.

On this basis, whilst the hospital's concerns are understood, it is not considered that the form sustainable grounds for refusal.

CONCLUSION

Subject to the receipt of the amended plans to address the relationship between retained trees and plots 153 and 157 and the pedestrian access within the POS and outstanding

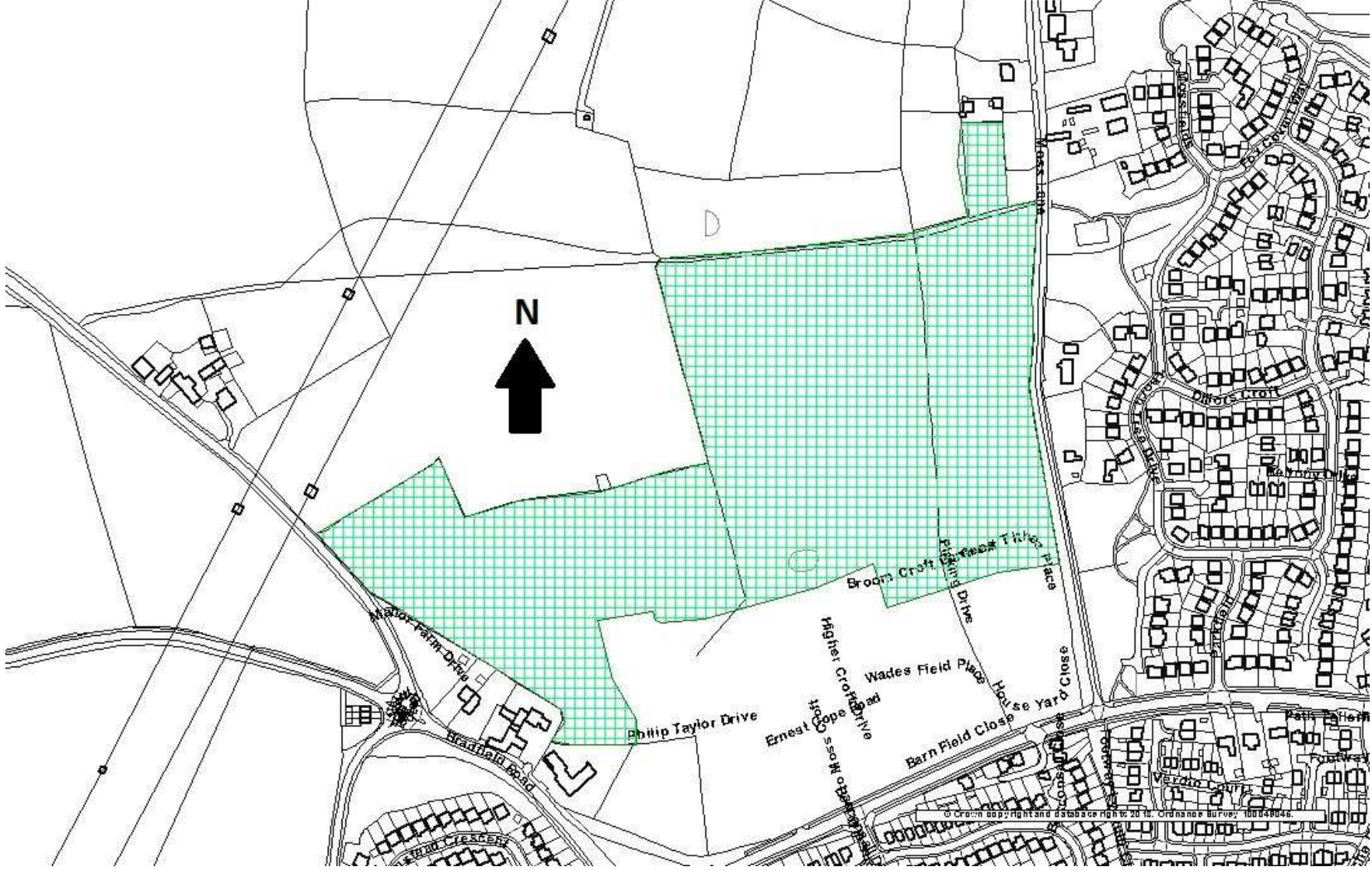
consultation responses, for the reasons given above, and having due regard to all other material considerations it is considered that the proposed development complies with the relevant Local Plan policies.

The proposal is therefore economically, environmentally and socially sustainable and accordingly it is recommended for approval subject to the standard conditions relating to approved plans, materials, boundary treatment and landscaping.

RECOMMENDATIONS

APPROVE Subject to receipt of amended plans amended plans to address the relationship between retained trees and plots 153 and 157 and the pedestrian access within the POS and the following Conditions:

1. Standard
2. Approved plans
3. Materials
4. Boundary treatment
5. Landscape scheme
6. Landscape implementation
7. A revised tree protection scheme plan
8. Adherence to the approved tree protection scheme and the submitted Arboricultural Method Statement.
9. A schedule of tree works to be submitted/ approved/implemented.



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Application No: 15/2756N

Location: Land North of Parkers Road, Leighton, Crewe, Cheshire, CW1 4GA

Proposal: Variation of condition 34 on approved 11/1879N - A hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date.

Applicant: Mr Martin Aston

Expiry Date: 15-Sep-2015

SUMMARY

The variation of the condition is considered to be acceptable and in compliance with Para 206 NPPF concerning conditions.

Energy and carbon reduction will be safeguarded through Building Regulations.

SUMMARY RECOMMENDATION

Approve

1. SITE DESCRIPTION

The site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.

Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pym's Lane and the village of Bradfield Green to the North West.

2. DETAILS OF PROPOSAL

Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a "hybrid" application (i.e. part outline and part full planning permission) for residential development on this site. Full planning permission was sought for

131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings was applied for.

The permission was subject to a condition requiring compliance with the Code for Sustainable Homes.

34. The dwellings hereby permitted shall be constructed to Code for Sustainable Homes Level 3 unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable and the Local Planning Authority gives written consent to the variation.

Reason: To comply with the Interim Policy on the Release of Housing Land.

The Applicant seeks to amend the condition to require compliance with Part L of the Building Regulations.

3. RELEVANT PLANNING HISTORY

11/1879N - A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date - Approved 1 May 2014

4. PLANNING POLICIES

National Planning Policy Framework

Cheshire East Local Plan Strategy – Submission Version:

SE9 –Energy Efficient Development

Local Plan Policy

None specified

Other Material Policy Considerations

RSS Evidence Base

Climate Change Act 2008

Renewable Energy Directive 2009

5. OBSERVATIONS OF CONSULTÉES

None Consulted

6. VIEWS OF THE PARISH / TOWN COUNCIL

None received at time of report preparation

7. OTHER REPRESENTATIONS

4 representations of objection to the housing proposal in principal.

8. APPLICANT'S SUPPORTING INFORMATION:

None

9. OFFICER APPRAISAL

The previous planning permission established the acceptability in principle of residential development on this site and therefore this proposal does not represent an opportunity to revisit this issue or to amend any aspect of the permission other than the condition in question.

Paragraph 206 of the NPPF requires conditions to only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Therefore, in order to determine whether the condition serves a useful purpose it is necessary to examine it in the light of these tests.

The reason given for the condition was "to comply with the Interim Policy on the Release of Housing Land".

The Interim Policy has been found by Inspectors on a number of occasions at Appeal to carry very limited weight as it is not part of the development plan or adopted Supplementary Planning Guidance. Consequently, the Council no longer relies upon it.

Furthermore, the requirement for Code for Sustainable Homes has been removed following the Housing Standards Review dated September 2014. Building Regulations standards are now the mechanism by which energy efficient dwellings will be safeguarded.

Given that Building Regulations is separate legislation to Planning, it is not considered necessary to duplicate other legislation with a new planning condition. This similarly would not meet the reasonable and necessary tests. The condition can therefore be removed.

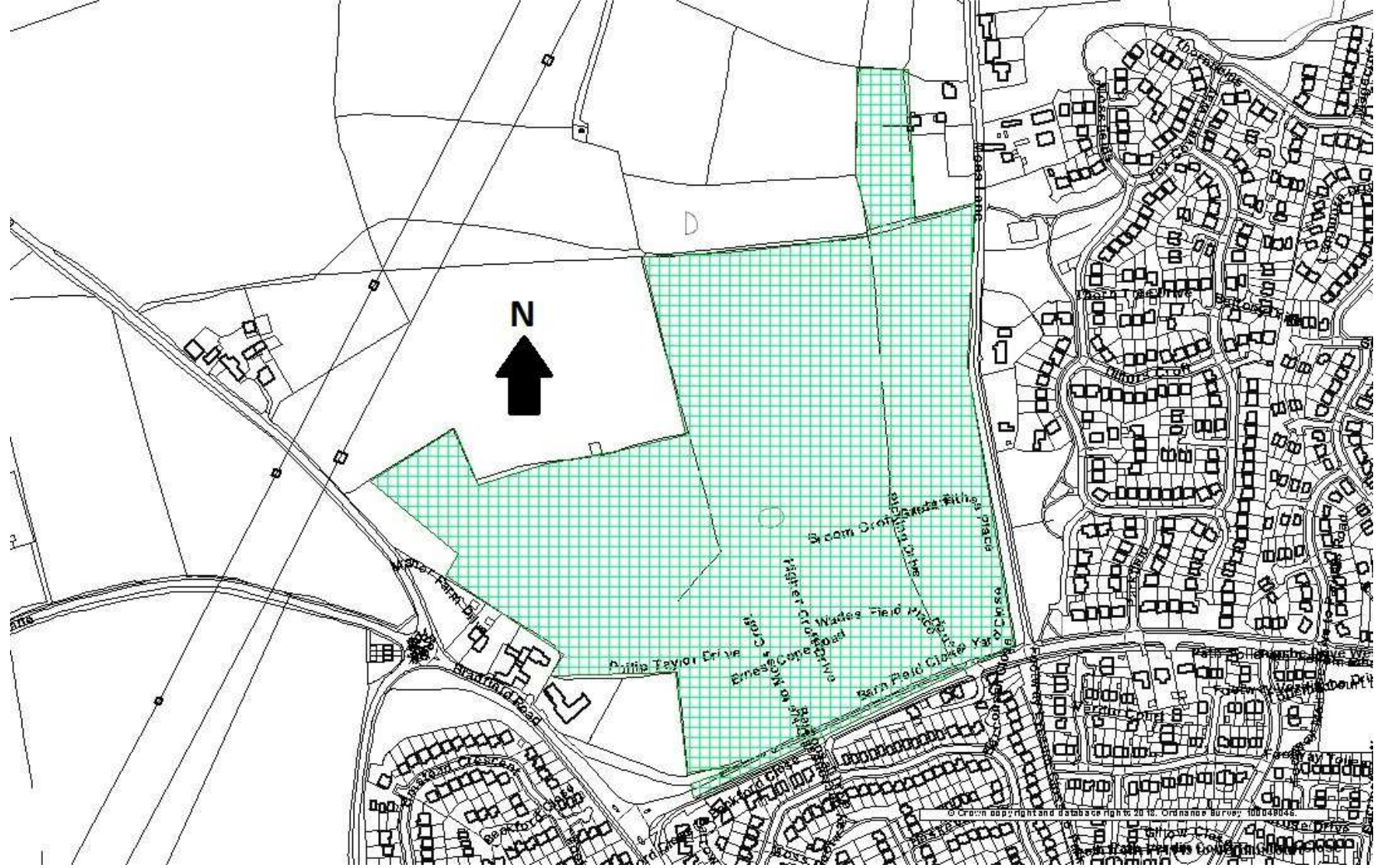
10. CONCLUSIONS

The condition does now meet the tests within the NPPF/PPG and should therefore be removed.

RECOMMENDATION

APPROVE the removal of condition 34 subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions as originally imposed on the consent:

- 1. Time Limit**
- 2. Standard Outline**
- 3. Reserved Matters**
- 4. Plans**
- 5. Materials**
- 6. Boundary Treatment**
- 7. Landscaping**
- 8. Landscape Implementation**
- 9. Breeding bird survey**
- 10. Breeding bird features**
- 11. Habitat Creation and management plan**
- 12. Design for pond**
- 13. Newt mitigation**
- 14. Bin Storage**
- 15. Archaeological Survey**
- 16. Compliance with Flood Risk Assessment**
- 17. Limit Surface Water runoff**
- 18. Surface water attenuation measures**
- 19. The floor levels of the buildings to be a minimum of 150mm above surrounding ground levels.**
- 20. Design for Surface Water Regulation**
- 21. Site to be drained on a separate system**
- 22. Contaminated Land**
- 23. Travel Plan**
- 24. Air Quality Impact Assessment**
- 25. Hours of construction**
- 26. Details of external lighting**
- 27. Details of phasing / triggers for site access and highway improvements**
- 28. Provision of parking and vehicle turning**
- 29. Submission of Highway Construction details**
- 30. Replacement planting for any trees / hedges to be removed**
- 31. Scheme of Tree protection**
- 32. Implementation of Tree protection**
- 33. Arboricultural Method Statement**
- 34. Assessment of traffic noise**
- 35. Provision of Bungalows in Phase B**
- 36. Highway assessment of Moss Lane**



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Application No: 14/5824N

Location: Land to the south of PARK ROAD, WILLASTON

Proposal: Outline planning permission for up to 175 residential dwellings to include access. All other matters reserved for future consideration.

Applicant: Mr A Brown, Stretton Willaston Ltd

Expiry Date: 23-Mar-2015

SUMMARY:

The proposal is contrary to development plan policies NE2 (Open Countryside and NE4 (Green Gap) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion, there are a number of areas where further work and information is required and, in the absence of such information, the officers recommend refusal of this planning application at this time.

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a play area which would require 5 pieces of equipment to comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer. These negative impacts, coupled with the loss of Best and Most Versatile Agricultural Land outweigh the benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

The application is subject to an Appeal Against Non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the above grounds.

**SUMMARY RECOMMENDATION:
MINDED TO REFUSE**

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission for up to 175 dwellings including access, associated infrastructure and green space. The indicative Masterplan also shows an area of land that could be used for a new train station and associated car parking.

The development will provide a mix of housing types with 2-5 bedrooms including provision for 30% affordable housing which equates to 52 affordable homes.

SITE DESCRIPTION:

The application site lies in the Parish of Willaston and adjoins existing residential areas to the north and east. Park Road forms the northern boundary, with existing residential development

to the east, a railway line to the south and the Nantwich by-pass forming the western boundary. The application site extends to an area of 7.05 hectares,

RELEVANT HISTORY:

There are no relevant previous decisions.

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

Cheshire East Local Plan Strategy – Submission Version

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG3 – Proposed Green Belt
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
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
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

CONSULTATIONS:

Public Open Space

- The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
- All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

Education

The proposal will not impact on education provision

United Utilities

No objection subject to the following conditions:

- a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 7 l/s.
- An access strip of no less than 10 metres, measuring at least 5 metres either side of the centre line of the 24" trunk water main which crosses the site..

Archaeology

- This application is supported by an archaeological desk-based assessment, which has been prepared by Nexus Heritage on behalf of the applicants and is based on the results of a consultation of the Cheshire Historic Environment Record, historic mapping, aerial photographs, and readily-available secondary sources. The report concludes that the site has a low potential for the presence of archaeological remains and, on this basis, it is advised that no further archaeological mitigation would be justified in this instance.
- One feature that may cause comment is the site of Willaston moat (CHER 197/1/1-5), which was partially investigated during the construction of the A500 in the 1990s. This feature, however, lies c 250m to the west of the western boundary of the main development area and will, therefore, not be affected by construction works. The application area boundary does extent along Park Road but, again, there will be no impact on the moat.

Rights of Way

No objection subject to careful consideration of pedestrian / cycle access routes particularly on the new/improved junctions.

- Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.
- The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.
- Recommend inclusion of standard informative relating to the protection of the right of way and its users during the construction process.

Highways

The Head of Strategic Infrastructure does not have any 'in principle' objection to the proposal to build 175 dwellings on the land south of Park Road, Willaston.

However, as this response outlines, there are a number of areas where further work and information is required and, in the absence of such information, the Head of Strategic Infrastructure would have to recommend refusal of this planning application at this time.

Environmental Health

Recommend refusal due to impacts of vibration on residential amenity from rail movements. If development is approved recommend the following conditions:

- Submission / approval and implementation of Construction Environmental Management Plan
- Demolition / construction works taking place during the development (and associated deliveries to the site) to be restricted to:
 - § Monday – Friday 08:00 to 18:00 hrs
 - § Saturday 09:00 to 14:00 hr
 - § Sundays and Public Holidays Nil

COMMENTS OF PARISH COUNCIL **Willaston Parish Council**

- The proposal is unsustainable as it fails to meet a number of key criteria including: proximity to schools, medical facilities and transport links, accessibility, the provision of houses where required and supporting strong, vibrant and healthy communities.
- The local primary school is already over-subscribed and there have been several cases in recent years of children having to travel to surrounding villages to obtain a primary school place. With a further 230 dwellings already approved on 3 sites across the village this situation will only be exacerbated.
- The proposal is contrary to Policy 'BE1 – Amenity' as the development would generate levels of traffic that would prejudice the safe movement of traffic on surrounding roads and will have an adverse impact on neighbouring uses.
- The proposal would result in loss of the best and most versatile agricultural land. The applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework
- The proposed development is considered likely to give rise to severe traffic impacts, contrary to paragraph 32 of the NPPF. The principal concern is the impact this development will have on Park Road which is already a very busy road linking the village to the junctions of the A51 Nantwich bypass and A534 Crewe Road at the very busy Peacock roundabout. Park Road is a narrow and winding road with poor sight lines. Access to and from the site via Park Road will create a significant traffic hazard in itself.
- The proposal is located within the Green Gap and would result in erosion of the physical gaps between built up areas as well as adversely affecting the visual character of the

landscape, and given that there are other alternative sites, which could be used to meet the Council's housing land supply requirements, the proposal is contrary to Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Core Strategy.

- This application together with application 14/5825N for 120 new dwellings in the adjacent field which is currently under consideration would result in a substantial incursion of some 300 new houses within the Green Gap. In refusing the appeal for the Gresty Oaks application 13/2874N the Secretary of State acknowledged that “the Green Gap has been part of a long established and well recognised local policy which forms part of sustainable development.” He goes on to say that “a decision to allow development on the appeal site could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan Examination.” That principle equally applies to this application.
- Willaston has grown over recent years from a small village to a small township of currently circa 1,400 dwellings without any improvement in the infrastructure. As mentioned above, approvals are already in place for a further 230 dwellings and the current proposals under this application and application 14/5825N would add another 300. This would represent a 38% increase in the size of the already expanded settlement, serviced by totally inadequate infrastructure, and resulting in a complete loss of identity.

REPRESENTATIONS:

Cllr Silvester (Ward Councillor at the time that the application was consulted upon)

- Willaston residents are reeling after being hit with two big planning applications for a total of 300 houses in the village in just 10 day.
- In the last year alone over 200 houses have been passed in the Green Gaps that surround Willaston. In the Willaston part of my Ward there are about a 1000 houses and if this application and the recent one in Cheerbrook Road for 125 houses, gets passed, it will mean that the number of houses will have gone up by an unbelievable 50%. Willaston will be just overwhelmed if these developments go ahead. The proposed housing is just not sustainable.
- There are many valid planning reasons for the refusal of this application.
- Recently the Secretary of State refused an appeal for 880 houses, in Rope and Shavington because it was premature due to the fact that the Local Plan has not yet been adopted and in the meantime the Green Gaps should be preserved.
- This site lies within the Green Gap as defined in Policy NE.4 of the saved Borough of Crewe and Nantwich Replacement Local Plan 2011 and also within the Strategic Open Gap as defined in Policy CS 5 of the emerging Cheshire East Local Plan. The application is, therefore, in contravention of both the existing saved local planning policy and the emerging Cheshire East Council planning policy and should be refused on those grounds alone.
- The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternative sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning

- The site fails to meet at least 10 of the criteria on the North West Sustainability Checklist, including some of the key criteria of proximity to schools, medical facilities and transport links. In four of the criteria the site would be rated as "Significant failure to meet minimum standards." Therefore, the proposed development should be considered unsustainable.
- Not only is the local primary school some considerable distance from the proposed housing site, but it is also already over-subscribed. There have been several cases over recent years when young children living in the village have not been able to gain a place in the local primary school and have had to travel to surrounding areas in order to secure a primary school place.
- The drains and sewers in Willaston do not have the capacity to cope with further development. There has been flooding in the village and there are grave concerns regarding potential further flooding especially if developments like this go ahead.
- There are already significant issues with traffic congestion in the area. long queues of traffic form at peak times along the A51 between the Cheerbrook, Peacock and Middlewich Road roundabouts. There is a significant lack of parking facilities within the village and this is exacerbated by rows of terraced houses in the village centre with no off road parking.
- Park Road itself is a winding road with no pavement on one side of the road It is subject to all too frequent speeding by motorists. It is a key area monitored by the local Speedwatch team and a significant number of vehicles are recorded exceeding the speed limit. The road is frequently used as a "rat run" to avoid congestion elsewhere.
- The extra traffic movement from the probable 300 additional cars generated by this development will worsen the already congested roads and polluted air in the village.

Edward Timpson MP – There are a number of significant reasons that this application should be refused. Firstly, this is the second application within a fortnight for a total of three hundred houses in this area and in recent months applications for two hundred houses have already been approved.

The site is within the Green Gap as defined in Policy NE4 of the Crewe and Nantwich Replacement Local Plan 2011 and the draft Cheshire East local Plan. Accordingly this application infringes those policies.

My constituents believe that the local infrastructure will not sustain further development on this scale. I refer you to the Secretary of State for Communities and Local Government recent comments when refusing planning permission for Application 13/2874N and I note his view is that a decision to allow development could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan examination.

It is clear that this application is neither wanted nor does it meet any acceptable planning criteria and should therefore be refused.

Local Residents: have raised the following objections:

The Open Countryside and Green Gaps

- The green gaps should be preserved as defined in policy NE.4.
- Located within open countryside

- the Green Gap has been part of a long established and well recognised local policy which forms part of sustainable development and that a decision to allow development on the site could reasonably be seen to pre-empt or prejudice the outcome of the Local Plan Examination
- There will be a loss of grade 3 agricultural land.
- Fears that there will no longer be green edges and areas around Willaston.

Sustainability

- The site fails to meet at least 10 of the criteria on the North West sustainability
- Significant failure in transport links, schools and medical services.
- The local primary school is already over-subscribed.
- The local doctors in Shavington are over-subscribed.
- No Doctors, Post office, supermarkets in Willaston.
- Willaston services, such as the primary school are already struggling to cope with the demand of current houses.
- Willaston has grown over recent years from a small village to a small township of currently circa 1400 dwellings without any improvement to the infrastructure but a significant imposition to its residents
- The local primary school is not interested in expanding and cannot build anymore classrooms within the grounds so therefore will not have room for anymore children.
- Willaston would be far too densely populated.
- There are only 14 available school places within the local area.

Utilities/Sewerage:

- The drains and sewers in Willaston do not have the capacity to cope with further development
- High flood risk due to inadequate drainage system
- The land where the development is proposed is prone to water run-off onto Park Road at times of heavy rain. Drainage is an issue here and if the land is built on there is a danger the run-off would worsen.

Highways

- Already significant traffic issues.
- There is currently insufficient parking facilities
- Park Road is too narrow and only a country lane which would not cope with any extra traffic or heavy goods vehicles.
- With at least 4 four railway crossings in the area, how do you propose to prevent queues?
- The conditions of the surrounding roads in the area must be some of the worst in the country and therefore unable to cope with an increased number of traffic.
- The increased traffic would be a hazard to pedestrians
- The increased number of cars on the local roads will lead to an increased number of traffic incidents.
- There is a blind bend within the area and with increased traffic this will lead to more road accidents.
- Many concerns regarding the number of vehicles requiring access to Park Road.

Access and safety

- The applicant has failed to demonstrated a safe and satisfactory means of access to the site, contrary to the provisions of Policy BE3 (Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.
- Lack of traffic management proposed with the scheme
- The proposed new playground is not situated in a safe location for children.

Visual Amenity

- Loss of the current view and changing the visual appearance forever.
- It is currently an amenity used for walking; this is at risk of being lost.
- Fears that the village will merge into Nantwich and Crewe.
- Fears that there will be a loss of village identity.
- There will no longer be nice surroundings in a rural village.

Heritage

- Keep the small, historic villages that Cheshire is known for.
- Do not want to lose the village distinction.
- At risk of merging into Nantwich and Crewe if further developments occur and no green gaps are preserved.
- The sheer volume of proposed new dwellings is not in keeping with the character of the local area.
- Willaston Hall is a Grade II listed building and the development would result in considerable detrimental impact to this historical building.

Ecology and wildlife

- There is a family of buzzards in the trees adjacent and also the very rare woodpeckers that are now seen in this area which will be disturbed with all the building of these sites.
- On the located development site there is an abundance of wildlife including; foxes, rabbits and a variety of birds.
- Habitats and wildlife within Willaston are at risk of people lost forever.
- Loss of trees and the associated habitats.
- Additional houses will all be heated using gas heating (and cooking) giving yet more pollution

Type of proposed dwelling and scale and design

- The planned three storey houses will loom up on this planned area.
- Why are the developments only to cater for larger families? Should they not also cater for the older generation, perhaps the introduction of granny flats?
- Any new housing developments should be capped at 100 homes.
- The application does not show enough information about the proposed design and layout for the scheme.

Policy and location

- There are alternative sites available within Cheshire East for housing supply.
- The proposal is contrary to policy NE.4 of the Crewe and Nantwich B.C replacement plan.

- The proposal is contrary to Policy 'BE1 – Amenity' as the development would generate levels of traffic that would prejudice the safe movement of traffic on surrounding roads and will have an adverse impact on neighbouring uses.

During Construction

- Noise pollution
- Dust and fumes from construction.
- When the building takes place the area will be congested by works traffic including heavy lorries and lots of mud.

Visual and health impacts:

- Light pollution from more dwellings
- Increased population will result in increased co2 emissions.
- The development will be of detriment to the living conditions of local people.

APPRAISAL:

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Social Sustainability

The first dimension to sustainable development is its social role. In this regard, the proposal will provide up to 70 new family homes, including 30% affordable homes, on site public open space and residents would use local education and health provision.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework ("the NPPF") requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

This calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance (“the NPPG”) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council’s calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work in the form of the “*Cheshire East Housing Development Study 2015 – Report of Findings June 2015*” produced by Opinion Research Services, has now taken place.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land.

On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

Affordable Housing

This site is located in the Willaston Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Willaston Parish is included in the Crewe sub-area. In the SHMA the Crewe sub-area shows a net need for 217 new affordable homes per year between 2013/14 and 2017/18 (50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2+ beds older persons accommodation. (The SHMA identified an oversupply of 51 x 2 beds)

In addition to the information taken from the SHMA Housing Officers have also checked the number of applicants on Cheshire Homechoice and there are currently 17 applicants on the housing register who require social or affordable rented housing and have Willaston as their first choice, these applicants require 6 x 1 beds, 7 x 2 bed and 4 x 3 beds.

The proposal in this application is for 52 affordable units which is acceptable. The application form shows 30% affordable housing will be provided on site with 34 social rent (affordable rent is acceptable) and 18 intermediate units. The tenure split proposed is what the policy requires (65% social or affordable rent and 35% intermediate).

Given the established need for affordable housing in the locality, and that the proposal complies with policy requirements, the provision of affordable housing is considered to be a substantial planning benefit which should be weighed into the overall planning balance.

As this is an outline application it is not possible to comment further at this stage. However if the application is recommended for approval my preference is for the affordable housing to be secured by way of a s106 agreement as per the IPS, which requires an affordable housing scheme to be submitted with –

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be provided as either social rent or affordable rent
- 35% of the affordable dwellings to be provided as intermediate tenure
- Affordable housing to be provided on site
- Affordable rented or Social rented dwellings to be transferred to a Registered Provider
- The affordable dwellings to be provided as a range of property types to be agreed with Housing
- Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.
- The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.
- Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.

Public Open Space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play

space per dwelling is provided. This equates to 2625sqm of shared recreational open space and 3500sqm of shared children's play space. The indicative layout shows 13,887 sqm of open space including children's play space. The proposal therefore exceed the policy requirement.

The Greenspaces Officer has stated that the proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

This can be secured through the Section 106 Agreement.

Infrastructure

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that no contribution will be required from this development.

Environmental Sustainability ***Green Gap***

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (open countryside) it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

A development of the scale proposed will clearly erode the physical gap between Willaston and Nantwich. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy / and or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case (see Appendix 15) who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker’s assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]..:

“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

Landscape

The application site is located on the south eastern edge of Willaston, and to the east of Nantwich. The northern boundary of the site is formed by Park Road, north of which is agricultural land, Willaston Hall and an area of residential development; the Nantwich bypass forms the western boundary, beyond which is the wider agricultural landscape; the southern boundary is formed by the railway line, beyond which is agricultural land; the eastern boundary is formed by the edge of Willaston.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in ‘Guidelines for Landscape and Visual Impact Assessment’ 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, and the Lower Farms and Woods, LFW7 Barthomley character area, as identified in the Cheshire Landscape Character Assessment 2008.

The application site extends over an area of approximately 7.05 hectares and is arable agricultural land, surrounded by hedgerows and a number of hedgerow trees. Footpath 10 Willaston follows the western boundary, crossing over the railway line via a footbridge. The topography of the site generally falls from approximately 53.0m AOD along the northern boundary to 53.0m AOD along the southern boundary. The Indicative Landscape Masterplan indicates a green corridor along the route of Footpath 10 Willaston and the possibility of a railway station and car park towards the southern part of the footpath.

As part of the visual assessment a number of viewpoints have been assessed and a ZTV identified, although this is also identified as a ZVI. The assessment identifies that there will be adverse effects on a number of the receptors identified. The Council's Landscape Officer has examined the proposal and would agree with this. The assessment identifies the landscape effects, stating that the character of this area will change from an open landscape to residential land use and that there will be adverse effects..

The assessment identifies that the application site is located within the boundary of the Green Gap (Policy NE.4) of the Borough of Crewe and Nantwich replacement Local Plan 2011. Since the assessment identifies that there will be adverse effects, it appears that the proposals are contrary to Policy NE.4 Green Gap.

Amenity

In terms of the surrounding residential properties, whilst there are a small number of dwellings adjoining the northern part of the site on Park Road it is considered that a layout could be achieved that could comply with the separation distances as outlined in the Borough of Crewe and Nantwich Supplementary Planning Guidance. Accordingly, there would be minimal impact upon residential amenity.

The Environmental Health Officer has raised no objection on the grounds of contaminated land or air quality and has requested conditions in relation to an environmental management plan, and hours of construction. However they have objected on the grounds that insufficient information has been submitted with the application relating to the impacts of rail vibration in order to assess adequately the acceptance of the proposed development having regard to residential amenity. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations and accordingly they recommend refusal.

Ecology

Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of hedgerow to facilitate the site access. There are considerable opportunities presented by the linear open space area to establish native species hedgerows to compensate for those lost. This matter should be dealt with my means of a condition if outline consent is granted.

Bats and Trees

A single tree has been identified on site that has the potential to support roosting bats. This tree is likely to be retained within the linear open space area.

Badgers

Evidence of badger activity has been recorded on the application site however there is no evidence of a sett being present and the application site does not appear to be particularly important for badgers. As the status of badgers on a site can change within a short time scale the Council's ecologist advises that if outline planning consent is granted a condition should be attached requiring the submission of an updated badger survey in support of any future reserved matters planning application.

Ecological Enhancement

The linear open space area provided considerable opportunities for ecological enhancement. The Council's ecologist recommends that if outline planning consent is granted a condition should be attached requiring detailed design proposals for the open space area to be submitted in support of any future reserved matters application.

Urban Design

The proposed development site is a gently undulating piece of land situated between Park Road and the railway line (connecting Crewe to Chester), with a localised high point to the west and steeper gradients toward the railway. Willaston FP 10 runs north/south to the immediate western edge of the application site. The site is 7 hectares in extent.

To the north of Park Road, situated behind new housing is Willaston Hall a grade II* listed building, set within the remainder of its grounds orientated to the west. The Heritage Assessment also identifies several non-designated asset in the vicinity of the site including locally listed buildings to the west (on the opposite side of the Nantwich bypass), the moated site of the Old Hall and within the red line boundary, the remnant historic post medieval field system, which will be lost as a consequence of the development.

The proposal is for up to 175 dwellings and a plan described as a development masterplan has been produced. The Council's Urban Design Officer has commented that it is not a Masterplan as such but more a development principles/blocks plan. Given the number of units proposed and the lack of definition and the block form of this plan, it would have been highly desirable to secure an informal testing layout to see how a scheme of this number could be accommodated within the proposed block structure. This creates a little uncertainty about the deliverability of this number whilst still achieving quality development given its relative lack of detail. There is also the question of whether this forms the Parameters plan defining developable and open spaces etc. He is thus a little uneasy about this plan being the approved plan for several reasons:

- The layout seems fundamentally designed around the site constraints, namely footpath alignment and the easement in the south western corner.
- The street hierarchy and inherent legibility is unclear based on this plan.
- All of the open space (circa 1.4 hectares) is located on the west, whilst this provides a positive landscape edge, it could lead to a very urban and quite hard character within

the developable part of the site itself. The remaining developable area is 5.6 hectares which equates to a net density of 31 dph.

The offsite footpath connection seems excessive at 4m. Whilst the plan indicates this as behind the hedgerow it could appear a little alien in the rural landscape.

In the event of a recommendation for approval, or, in the context of the appeal he would suggest this plan is excluded from being part of the approved detail and that prior to reserved matters a design development stage be built into the design process, secured by condition. This will enable further design development work before the reserved matters are submitted and determined (this type of condition has been attached on schemes elsewhere).

Heritage

The heritage assessment acknowledges change within the setting of Willaston Hall but comments the impact will be limited by the intervening landscape features. It should be noted that Willaston Hall historically was situated in an isolated position but this has been eroded by the relationship to the village as it has grown to meet the Hall from the east. The proposed site will increase the sense of this encroachment but not to a significant degree and therefore, with the benefit of landscaping on the western fringe, there will be some discernible change but visually it will not detract significantly from the Hall's setting.

If the development was to encroach further west however, there would be a significant worsening of the relationship of development to the Hall, seeming to enclose it and further substantially erode its openness to the west. In this respect the footpath line on the western edge of the application site should define the limits of development on this approach into Willaston. There is a case therefore for including the future station parking within the main body of the site, east of the public footpath.

The assessment also highlights changes within the setting of non-designated assets, again partly mitigated by intervening landscape. For those non – designated assets to the west, the open space on the western edge will further mitigate the impact on their setting and the Conservation Officer would agree that any impact would be modest.

In respect to the remnant post medieval field pattern, this will be lost as a consequence of the development. However, it has been severely eroded already by loss of hedges and modern farming practices. Its significance has therefore been eroded. This development would however lead to the loss of a non-designated heritage asset, which obviously causes harm in heritage terms. This needs to be weighed in the balance, in accordance with the advice at para 134.

In conclusion, and in full regard of statutory provisions within the Planning (Listed Buildings and Conservation Areas) Act 1990, although there will be some impact on both designated and non-designated assets in their settings, the extent of this is considered to be low.

Flood Risk and Drainage

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to various conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Access to facilities

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

Category	Facility	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	On site
	Children's Play Space (500m)	On site
	Outdoor Sports Facility (500m)	On site
Local Amenities:	Convenience Store (500m)	800m
	Supermarket* (1000m)	2250m
	Post box (500m)	90m
	Playground / amenity area (500m)	600m
	Post office (1000m)	2250m
	Bank or cash machine (1000m)	2570m
	Pharmacy (1000m)	2090m
	Primary school (1000m)	600m
	Secondary School* (1000m)	2250m
	Medical Centre (1000m)	2090m
	Leisure facilities (leisure centre or library) (1000m)	2415m
	Local meeting place / community centre (1000m)	600m
	Public house (1000m)	600m
	Public park or village green (larger, publicly accessible open space) (1000m)	645m

	Child care facility (nursery or creche) (1000m)	600m
Transport Facilities:	Bus stop (500m)	645m
	Railway station (2000m where geographically possible)	2735m
	Public Right of Way (500m)	160m
	Any transport node (300m in town centre / 400m in urban area)	645m

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Owing to its position on the edge of Nantwich, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

Renewable Energy

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This could be dealt with by condition in the interests of sustainable development.

Highways

Wider Transport Aspects

The Head of Strategic Infrastructure has not been made aware of any existing wider issues that might be specifically affected by traffic and transport; for example, existing noise and air quality conditions in the vicinity of the site.

Analysis of Transport Submissions

The appellant's transport consultant, SCP, has submitted a Transport Assessment and Travel Plan in support of this development proposal.

The proposed site access strategy for the development is from a single priority junction off Park Road. No speed data has been presented to support the access design and visibility splays of 2.4m x 56m. Although the road is in a 30mph speed limit area, it is semi-rural in nature and speed observations should be provided to support the proposed visibilities (or provide 2.4m x 59m).

The applicant proposes that the development will include a footway/cycleway running behind the existing hedging sandwiching the hedge between two highways (the carriageway and the footway). Although the hedging and verge may provide a good buffer from the main road for pedestrians and cyclists, CEC would not wish to adopt the hedging and unless the proposal is for a management company to be responsible for the hedging the proposals are not acceptable in this respect.

The applicant also proposes that the existing variable width of Park Road is realigned to provide a constant 5.5m carriageway width. This is acceptable.

The access strategy of a single point of access is likely to lead to a distance of 400m to the furthest property within the development. This is not acceptable from a single point of access and an emergency access doubling as a pedestrian/cycle link needs to be provided towards the eastern side of the site.

In terms of the geographic scope of the development proposal this is considered too narrow. A wider scope had previously been agreed for the application site adjacent (to the south) for a lower level of development. It is considered appropriate that the application should consider a scope as follows;

1. Site access with Park Road
2. Wybunbury Road/Wistaston Road/Park Road
3. A51 Peacock Roundabout
4. A51 Alvaston Roundabout
5. A51 Cheerbrook Roundabout
6. Wybunbury Road/Cheerbrook Road/Green Lane (but nothing assigned this way)
7. Wybunbury Road/Wistaston Road level crossing (but nothing assigned this way)
8. A534 Crewe Road/Wistaston Road
9. Parking consideration along Wistaston Road

It is noted, however, that no traffic has been assigned by the applicant through points 6 and 7. The assignment is considered reasonable (see below) and, on that basis, items 6 and 7 would need no further consideration.

The TA indicates that the proposals will include land dedicated to a potential future railway station and car park. The potential station and car park do not form part of the development proposals, are not supported by any technical work, and are therefore not considered in this response. Further details are required of the methodology applied in arriving at the growth factors applied.

The residential trip rates are generally considered reasonable, taking the proposal as a whole and assuming that four and five bedroom dwellings do not take up a disproportionate proportion of the development as higher trip rates would be expected for such dwellings.

The proposed distribution and assignment is considered acceptable for the purposes of junction assessment within the TA. (Note: The proposed development north of Moorfields is not considered committed and therefore neither can junction improvements associated with that proposal be considered as committed; i.e. improvements to traffic signals at the A534 Crewe Road/Wistaston Road junction are not committed).

The TA has provided consideration of; the site access, Peacock Roundabout, Wybunbury Road/Wistaston Road/Park Road and the impact on the level crossing.

It is accepted that the site access will operate within capacity. It is also accepted that the Wybunbury Road/Wistaston Road/Park Road junction will operate within capacity. The TA acknowledges issues in relation to the operation of the Peacock Roundabout and proposals to potentially improve the roundabout as part of contributions from recently approved developments.

The TA suggests that land can be made available within the applicant's control to facilitate such improvements and possibly enhance them if required. The proposals for the improvement of Peacock roundabout are, as stated, dependent on contributions from large developments in the area, with the contribution for improvement from NW Nantwich likely to come (when the s106 is finalised) when the 1,000th dwelling is occupied. This is likely to be some time in the future and the TA fails to consider the how development of the Park Road site might come forward in the absence of such improvements or enhanced improvements. The comment applies equally to other A51 junctions.

The TA suggests no impact on the level crossing as no vehicular traffic is assigned in this direction. It is agreed that it is likely that little traffic from the development proposal will travel through the crossing given the nature of the highway network in the area.

There certainly are likely to be issues at Alvaston and Cheerbrook roundabouts to at least some extent in the absence of improvements and impact needs to be tested at these locations at an appropriate future year.

The level of traffic forecast to use Wistaston Road and the A534/Wistaston Road junction requires impact assessment; two-way flow restriction and capacity, respectively.

In terms of sustainable transport and location in relation to local facilities; the site seems to be within reasonable reach of a number of facilities and, although not ideally located in terms of walk distance to public transport, measures could be promoted to encourage its use instead of the private car.

The Travel Plan offers targets but not remedial measures. There are no solid proposals in it and we recommend provision of single public transport voucher for each household (on request) to the value of a six-month travelcard for local services. Dwellings should include cycle storage in line with CEC standards.

The Travel Plan will require annual reporting and this should continue through the development and dwelling occupation programme which might last up to five years. A Travel Plan monitoring fee will be payable for five years totalling £5,000.

There is insufficient detail to comment on on-site layout at this time.

Conclusion and Recommendation

The Head of Strategic Infrastructure does not have any 'in principle' objection to the proposal to build 175 dwellings on the land south of Park Road, Willaston.

However, as this response outlines, there are a number of areas where further work and information is required and, in the absence of such information, the Head of Strategic Infrastructure would have to recommend refusal of this planning application at this time.

Trees & Hedges

The application is supported by a Tree Quality Survey and Development Implications Assessment (Ref 2152-R02a-JJ-AS) dated November 2014 by Tyler Grange Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction). The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the proposed new development, within the constraints of an outline application.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations no longer refer to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed indicative site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas. As a consequence it is possible to determine the direct or indirect impact of the outline application on retained trees.

The site is presently laid down to an arable crop with existing mature trees located around the periphery of the site and through the central spine as a linear group, which original formed part of a field dividing hedgerow. It is accepted that as part of modern agricultural practices and the location of some of the trees immediately adjacent to roadside locations some minor

impact on trees in terms of rooting mass and development will have occurred, but any reduction in vitality is considered to be minimum. The identified Category A & B trees are visually prominent from a number of public vantage points including adjacent highways and the public footpath which divides the site. The proposed point of access has no direct impact on any tree but does require the removal of a section of existing mature hedgerow. Whilst the presence of hedgerows has been acknowledged within the submitted arboricultural detail there does not appear to have been an assessment made under the Hedgerow Regulations 1997; this needs to be expedited.

Subject to the satisfactory submission of the requested hedgerow detail, the openness of the location should be able to accommodate development and the requirements of the retained tree aspect associated with the site. A detailed site wide AIA / AMS and Tree Protection Plan all in accordance with BS5837:2012 will be required should this site proceed to Reserved Matters.

Economic Sustainability

Supporting Jobs and Enterprise

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development include, maintaining a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Agricultural land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

A study and survey of the circa 17.44 acre situated on Park Road, Willaston has shown that:

- The land has been in continuous maize for 15 years
- The land forms part of a larger 110 acre holding
- The majority of the site is classified as Grade 3a

The site therefore comprises wholly Best and Most Versatile Agricultural Land. The loss of the agricultural land makes the scheme less sustainable and the proposal is therefore contrary to policy NE12 of the adopted Local Plan SE2 of the emerging local plan and the provisions of the NPPF in respect of loss of agricultural land. This weighs significantly against the proposal in the overall planning balance.

Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. Similarly the affordable housing is a policy requirement.

On this basis the open space and affordable housing is compliant with the CIL Regulations 2010.

Planning Balance and Conclusion

The proposal is contrary to development plan policies NE2 (Open Countryside and NE4 (Green Gap) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion, there are a number of areas where further work and information is required and, in the absence of such information, the officers recommend refusal of this planning application at this time.

In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a play area which would require 5 pieces of equipment to comply with policy.

Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these

and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside and the erosion of the Green Gap by built development. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer. These negative impacts, coupled with the loss of Best and Most Versatile Agricultural Land outweigh the benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is not engaged. Notwithstanding this, even applying the tests within paragraph 14 it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

The application is subject to an Appeal against non-determination. Accordingly it is recommended that Members resolve that they would have been minded to refuse the application and to contest the Appeal on the above grounds.

RECOMMENDATION

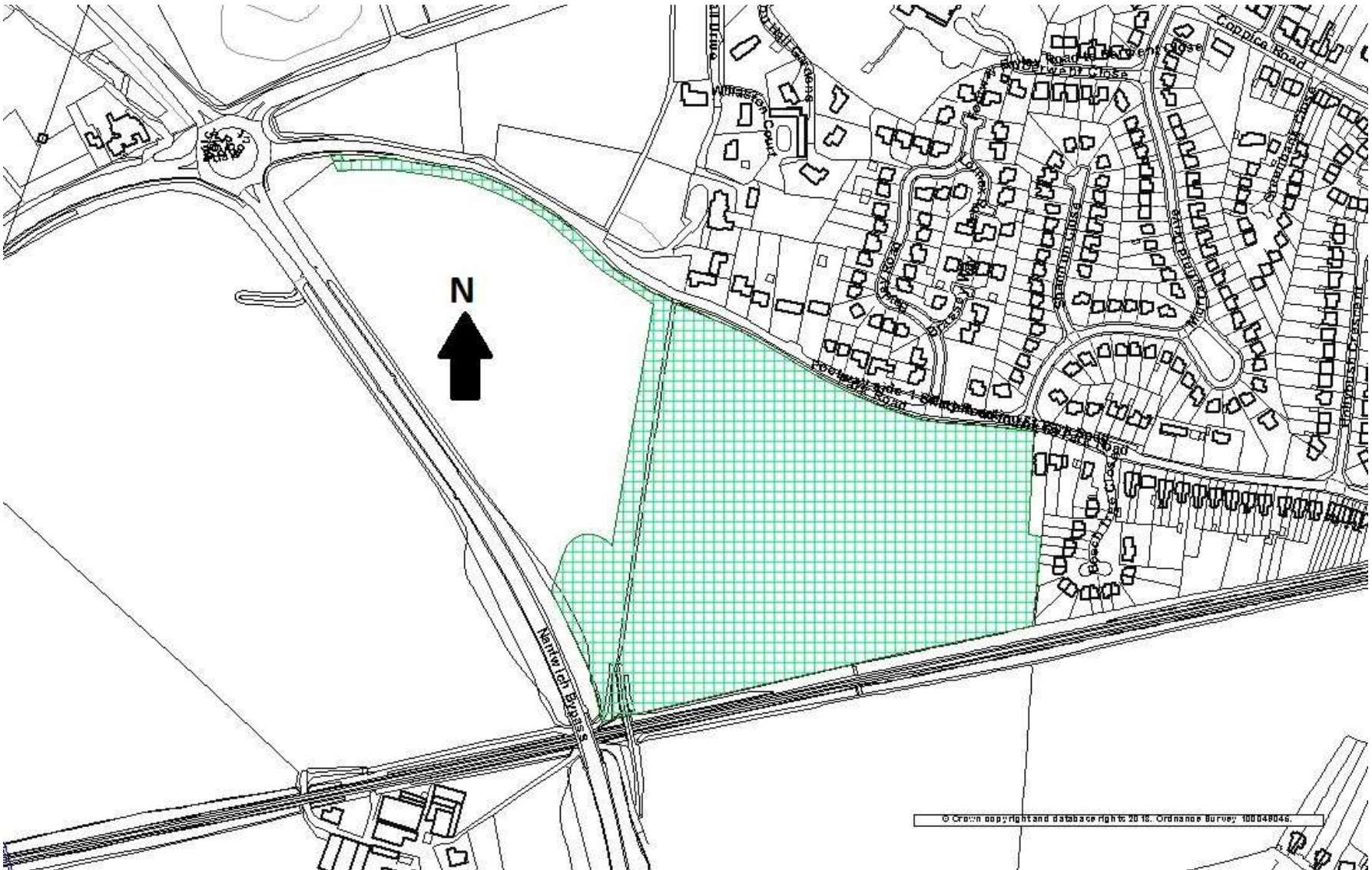
MINDED to REFUSE for the following reasons

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Willaston and Nantwich and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**
- 3. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and**

contrary to Policy NE12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

RESOLVE to enter into a Section 106

- **Affordable housing:**
 - **30% of the total dwellings to be provided as affordable housing**
 - **65% of the affordable dwellings to be provided as either social rent or affordable rent**
 - **35% of the affordable dwellings to be provided as intermediate tenure**
 - **Affordable housing to be provided on site**
 - **Affordable rented or Social rented dwellings to be transferred to a Registered Provider**
 - **The affordable dwellings to be provided as a range of property types to be agreed with Housing**
 - **Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.**
 - **The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.**
 - **Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.**
- **Equipped children's play area. for younger children - 5 pieces of equipment including a ground-flush roundabout. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**



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