

# Strategic Planning Board

## Updates

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**Date:** Wednesday, 5th December, 2012  
**Time:** 10.30 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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

**Planning Updates** (Pages 1 - 30)

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Please contact Sarah Baxter on 01270 686462  
E-Mail: [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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Application No: 12/3329C  
Location: Land South of Old Mill Road, Sandbach  
Proposal: Mixed-Use Retail, Employment and Leisure Development  
Applicant: Carl Davey, The Point, Crewe Road, Alsager  
Expiry Date: 28<sup>th</sup> November 2012

### **UPDATE 5<sup>th</sup> December September 2012**

#### **Applicant's Supporting Information**

The applicant has now provided the following additional information:

- Retail Response Note in relation to the Councils Retail consultation
- Agricultural Land Quality Appraisal
- Additional info in relation to Ecology
- Additional info in relation to Trees
- Additional info in relation to Highways

This information is available to view on the application file.

#### **Officer Comments**

##### **Agricultural Land Quality**

A survey of the agricultural land has now been provided this states that the area of farmable land extends to approximately 7.65ha and just under half is classed as Grade 2 (best and most versatile) with the rest being Grade 3b or 4 due to the steep gradient.

In this case the loss of Grade 2 agricultural land needs to be added to the planning balance and as the use of this land is not demonstrated to be necessary. As a result this issue will form a reason for refusal.

##### **Ecology**

The applicant has provided additional information for on-site ecological mitigation principles. These have been forwarded to the Councils Ecologist who states that a plan of what is being proposed is required and a further site visit will be required to assess if what is being proposed is adequate to address the loss of habitat in the wildlife corridor.

The Councils Ecologist is satisfied that this land provides suitable opportunities to allow a scheme to be developed that will work – however he is also conscious that the landowners want this land to stay in agricultural usage so he will need to look closely at how these two land uses could be integrated.

As a result we are not yet in a position to agree that the impacts on the wildlife corridor can be mitigated and this will form a reason for refusal.

### **Trees**

The submitted information does not include a plan and it is difficult to assess the additional information.

The Arboricultural Statement says at Para 6.6 that the development would result in a small amount of unavoidable tree loss. However it is not clear which trees would be lost. In particular there does not appear to be any assessment of the extent of level changes which would be required to facilitate the internal access arrangements and proposed layout in relation to the Root Protection Areas of trees particularly as it is stated below that indicative layouts may change.

### **Highways**

With regard to the additional information submitted in their Tech Note 6, the highways officer still has some fundamental concerns with the development.

There are issues relating to the surveys used compared to those that Cheshire East Council has undertaken. The junctions of the Waitrose Roundabout and the Old Mill Road/The Hill junction are operating at capacity and the amount of traffic that can pass through them is at their limit. As there are considerably longer queue lengths that means that there is much more demand than included in the turning counts. As a result these vehicles are not included in the modelling which the applicant carried out. Also, in some movements our traffic counts are significantly higher so the junctions will operate a worse than they have modelled.

The Highways Officer is not happy with the safety audit which has been submitted for the following reasons:

- The improvement proposals show two lanes northbound towards the Old Mill Road/The Hill junction these are very narrow lanes no more than 3.0m (3.65m normally) and the risk of collision has not been assessed.
- Tracking for two HGV's in both lanes at the roundabout has not been assessed.

The toucan crossing has not been designed adequately; a much wider separation on the stagger is needed (min 3m, currently 0m).

The Old Mill Road/The Hill junction is one of the most important issues. It has been argued that the change in layout means that green time can be taken away from the westbound approach and redistributed to improve capacity across the junction, this is over optimistic as the applicant's highways consultant has shared traffic evenly between the two lanes on the westbound approach to the junction. In practice this does not happen and the minor extension of the merge on the exit of the junction is unlikely to significantly change existing driver behaviour, also the length of merge is not 100m as required.

Despite the modelling showing the junction operating within its capacity the Mean Max Queue values on the eastbound approach exceed 150m in the peak hours; this will lead to queuing through the Waitrose Roundabout junction impacting on junction operation in this location. It is also unclear how/if pedestrians are included in the modelling at the junction.

The recommendation of the highways officer remains unchanged and this will form a reason for refusal.

### **Design**

The application is outline with only access to be determined at this stage. Although there are concerns over the indicative layout it is considered that these concerns could be addressed at the Reserved Matters stage and as a result this reason for refusal has been withdrawn from the recommendation.

### **Retail Impact**

Further information has been submitted by the applicant in relation to the retail impact of the development and this was received on 4<sup>th</sup> December 2012. This has been forwarded to the Councils Retail Consultant and at the time of writing this report no response has been received. A verbal update will be provided.

### **RECOMMENDATION**

Following further consideration of the additional information and the officer's report the recommendation is amended as follows:

**1. The proposed development relates to an out-of-centre retail development which fails to satisfy the sequential test and does not satisfy the retail impact test of the NPPF (Para's 24 & 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed development is not considered to be sustainable development and would have a significant adverse impact upon Sandbach in terms of the impact upon the vitality and viability of the town centre. The proposed development is therefore not sustainable development and contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.**

**2. The proposed access and improvements at the Old Mill Roundabout and the junction of The Hill/High Street/Old Mill Road would not mitigate the impact of the proposed development which is reliant on carborne trade. The development would result in increased congestion at these junctions which are already at capacity. As a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.**

3. Part of the application site is located within the Sandbach Wildlife Corridor and the proposed development would result in a significant loss of habitat within the wildlife corridor. The proposed development does not include any details mitigation to off-set this impact and as a result, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).

4. The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality, noise and odour. Without these assessments it is not possible to fully assess the impact of the development upon surrounding residential properties and as a result there is a potential detrimental impact upon residential amenity. Therefore the proposal is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution and protect residential amenity.

5. The proposed development is an inappropriate form of development within the open countryside. The development would not preserve the openness of the countryside and maintain or enhance its local character. Therefore the proposal would not be sustainable development and would be contrary to the provisions of Policies PS3 and PS8 of the adopted Congleton Borough Local Plan First Review and the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside.

6. The proposed development would involve the loss of the best and most versatile agricultural land. As the proposed development is not necessary it would not represent sustainable development as it would result in the loss of a finite resource. The proposal is therefore contrary to paragraph 112 of the NPPF.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control 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 Committee's decision.

Application No: 12/4115N

Location: FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE

Proposal: Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works.

Applicant: Cheshire East Council

Expiry Date: 19-Feb-2013

**UPDATE 5<sup>th</sup> December September 2012**

**Additional Consultation Responses**

**Health and Safety Executive:** As explained in HSE's letter of 7 October 2011, which provided advice in respect of planning application 11/1982N, the pipeline in this area has been strengthened using thick-walled pipe, which reduced the HSE consultation distance and zones which apply to the pipeline in the vicinity of the proposed development. Nevertheless, when a proposed road development crosses a major accident hazard pipeline, PADHI+, the HSE's land use planning methodology, will automatically advise against the granting of planning permission, despite any additional protection which may have been provided and which may have reduced the extent of the zones.

However, after careful consideration of the risk reduction measures that have been applied to this pipeline in the vicinity of the site of the proposed dual carriageway, HSE does not advise against the granting of planning permission in this specific case.

**Environment Agency:** No objection in principle but request that the following conditions are attached:

- The development permitted shall only be carried out in accordance with the approved FRA
- The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.
- A surface water regulation scheme shall be submitted to the LPA for approval in writing
- A detailed design for the provision of flood defence structures shall be submitted to the LPA
- No development shall take place until a scheme for the provision and management of a 8 metres wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.

- Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
- No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand martins and their associated habitat during construction works and once the development is complete
- Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority
- No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority
- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.

**Crewe Green Parish Council:** The Parish Council would like to support the principle of extending the proposed road as it will relieve traffic on the surrounding road network. However as a consequence, it is understood that this proposal will increase the traffic on the Crewe Green Roundabout by up to 30%. It is therefore requested that if CEC approve this development, sufficient funds should be obtained from the Applicant by way of a Section 106 Agreement for use directly for the improvement of the Crewe Green Roundabout to take account of the consequential increase in traffic and the inevitable further congestion.

### **Additional Representations**

An additional letter of objection has been received from the occupants of The Coach House raising the following points:

- Object to the borrow pit and the use of the access gate on Weston Lane
- Details of the borrow pit are vague
- The Coach House has a legal right of way to use the access gate. Sharing the access with HGV's will impact upon safety including that of children
- The access gate will be difficult to use when it is wet
- Accessibility is difficult and would cause highway safety problems
- Potential impact upon horse riders and pedestrians who may use the lanes
- Concern about the potential damage to services which are located near to the access
- Potential vibration impact caused by construction vehicles due to the proximity to The Coach House
- Loss of outlook caused by the borrow pit
- Excavations may compromise the borrow pit

A further e-mail has been received from the occupants of Dairy House raising the following points:

- Appreciate that the proposed works are meant only to last for an estimated period of 13 days for the excavation and a similar period for the fill material

but there could be uncertainty depending on the source and availability for the fill material and any restoration. The following detail are not clear: are the working days consecutive, details of the backfill, will there be baffle mounds or lighting

- Planning conditions should apply to all aspects of the development
- The working hours should be restricted to 09:00 – 17:00 and this should include the arrival of staff, vehicles and haulage vehicles
- The noise levels should be controlled
- The proposed access its design and position need to be reconsidered
- The source and fill material should be known
- The vehicle park and plant positions should be identified together with any security fencing and lighting

### **Applicant's Supporting Information**

The applicant has now provided a Technical Note for the construction of the borrow pit.

### **Officer Comments**

#### **Flood Risk and Surface Water Quality**

A consultation response has now been received from the Environment Agency in relation to the issues of flood risk and surface water quality. The EA has raised no objection to the development subject to the imposition of a number of planning conditions. As a result the development is considered to be acceptable in terms of its flood risk and surface water quality issues.

#### **Impact upon the Hazardous Installation**

The HSE have considered the application and have raised no objection to the proposal. As a result the impact upon the pipeline is considered to be acceptable.

#### **Highways**

Crewe Green Parish Council has requested that S106 contributions are secured to assist with the upgrade of Crewe Green Roundabout. This is not possible as Cheshire East Council is the applicant and is not able to enter into a S106 Agreement with itself.

#### **Borrow Pit**

Further information has been provided in relation to the borrow pit and it has raised the following points:

- The potential requirement of the borrow pit is related to the phasing of the earthworks of the scheme and the sequence in which material becomes available rather than the deficit in the amount of material arising from the works.
- The borrow pit will be back filled at the end of the works

- The highway design will require a bulk volume of approximately 25,800cu.m of acceptable highways structural earthworks material. The highway design alone would result in the excavation of 10,000cu.m from cuttings for the highway resulting in an initial shortfall. In addition the majority of the cutting volume will not become available until the area of land under the Crewe-Derby railway is excavated which will be late in the construction works.
- The flood compensation area is expected to result in 25,500cu.m of material being won. This will compensate for the additional shortfall.
- The proposed borrow pit is located on land owned by the Co-Op and has been chosen for the following reasons:
  - The location is close to the scheme site, minimizing haul distance and the number of receptors.
  - The location is in the ownership of the Co-Op a major stakeholder in the scheme but is not allocated for development and therefore result in made ground which would serialise otherwise useable land.
  - The field in question will already be subject to disruption as it is adjacent to an ecological mitigation area
- The haul route is yet to be finalized but the optimal and preferred route would be via Mill lane over the A500. The route passes over an existing side road over bridge above the A500 which has not been assessed for capacity. However it is assumed that the structure has been designed to accommodate standard highway loading in which case the route would be suitable for use by smaller articulated haulers.
- The assumed volume of the material required would be approximately 17,500cu.m. Assuming the use of four 38-tonne haulers there would be a peak of 12 two-way vehicle trips per hour over the eight-hour working day. The frequency of trips would require a approximately 13 days to complete the excavation of the tip and a similar amount of time to back-fill at the end of the works.
- A number of alternative haul routes are available using local roads and avoiding the Mill Lane over bridge. These routes would be considerably longer and would result in greater impacts arising from construction traffic.

The highways officer has no objection to the borrow pit, the access point and the use of the proposed access route.

In terms of the amenity the proposed borrow pit would only be in use for a limited time period (two 13 day periods). The Environmental Health Officer has no objection to the development subject to the imposition of a condition in relation to a method statement.

## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Standard time 3 years**
- 2. Development to proceed in accordance with the approved plans**
- 3. Details of the diversion of PROW Basford FP1**
- 4. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a**

programme of archaeological work 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.

5. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
6. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA
7. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
8. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
9. Implementation of the approved landscaping scheme
10. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
11. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.
12. Prior to the development commencing:
  - (a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.
  - (b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.
  - (c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.
13. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.
14. Prior to undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds
15. Submission of revised protected species mitigation method statements including detailed plans showing Badger fencing, Badger tunnels and barn owl boxes.
16. Submission of environment management plan for the construction phase of the development
17. Submission of ecological monitoring and reporting schedule.
18. Submission of a 10 year Habitat Management Plan

19. Details of all external lighting to be submitted and agreed in writing with the LPA
20. The development permitted shall only be carried out in accordance with the approved FRA
21. The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.
22. A surface water regulation scheme shall be submitted to the LPA for approval in writing
23. A detailed design for the provision of flood defence structures shall be submitted to the LPA
24. No development shall take place until a scheme for the provision and management of a 8 metres wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.
25. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
26. No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand martins and their associated habitat during construction works and once the development is complete
27. Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority
28. No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority
29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control 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 Committee's decision.

## **UPDATE REPORT**

**Application No. 12/3937M**

**Location: LONGLEA, LANGLEY ROAD, CHESHIRE, SK11 0DR**

**Proposal: ERECTION OF DWELLING**

**Prepared: 4 DECEMBER 2012**

## **ADDITIONAL INFORMATION**

Revised landscape plans have been submitted which provide further details in respect of the boundary treatment.

## **CONSULTATION RESPONSES**

The Landscape Officer has assessed the revised landscape plans, and advises that the fence will not adequately screen the boundary with Greenacres, and therefore further landscaping treatments are required to both side boundaries. It is recommended the further revised plans be submitted. This matter can be resolved through appropriately worded conditions.

## **ADDITIONAL REPRESENTATION**

The neighbour from Hollinswood has advised that the four obscurely glazed windows on the side elevation of his property are secondary windows to 1) living room, 2) dining room, 3) master bedroom 4) secondary bedroom. He remains concerned about the window to the en-suite bathroom on the side elevation of the proposed development, as he considers it will result in direct overlooking. In order to protect amenity, it is recommended that condition No. 9 be expanded to include the window to the en-suite bathroom on the east elevation.

Concern has also been expressed in respect of the scale and design of the master bedroom on the rear elevation of the dwelling, and overlooking from these windows. These windows were assessed during the consideration of the previous application 12/0078M, and were found to be acceptable. This is a material consideration in the determination of this application. It is considered that the impact on amenity is no different to standard sized windows.

## **CONCLUSION**

In conclusion, whilst further revisions to the boundary treatment are required, this issue can be resolved through conditions. The additional concerns expressed by neighbour are noted, and it is recommended that condition No. 9 be expanded to require the window to the en-suite bathroom be obscurely glazed.

There is no change to the recommendation of approval.

**APPLICATION NO:** P07/0639

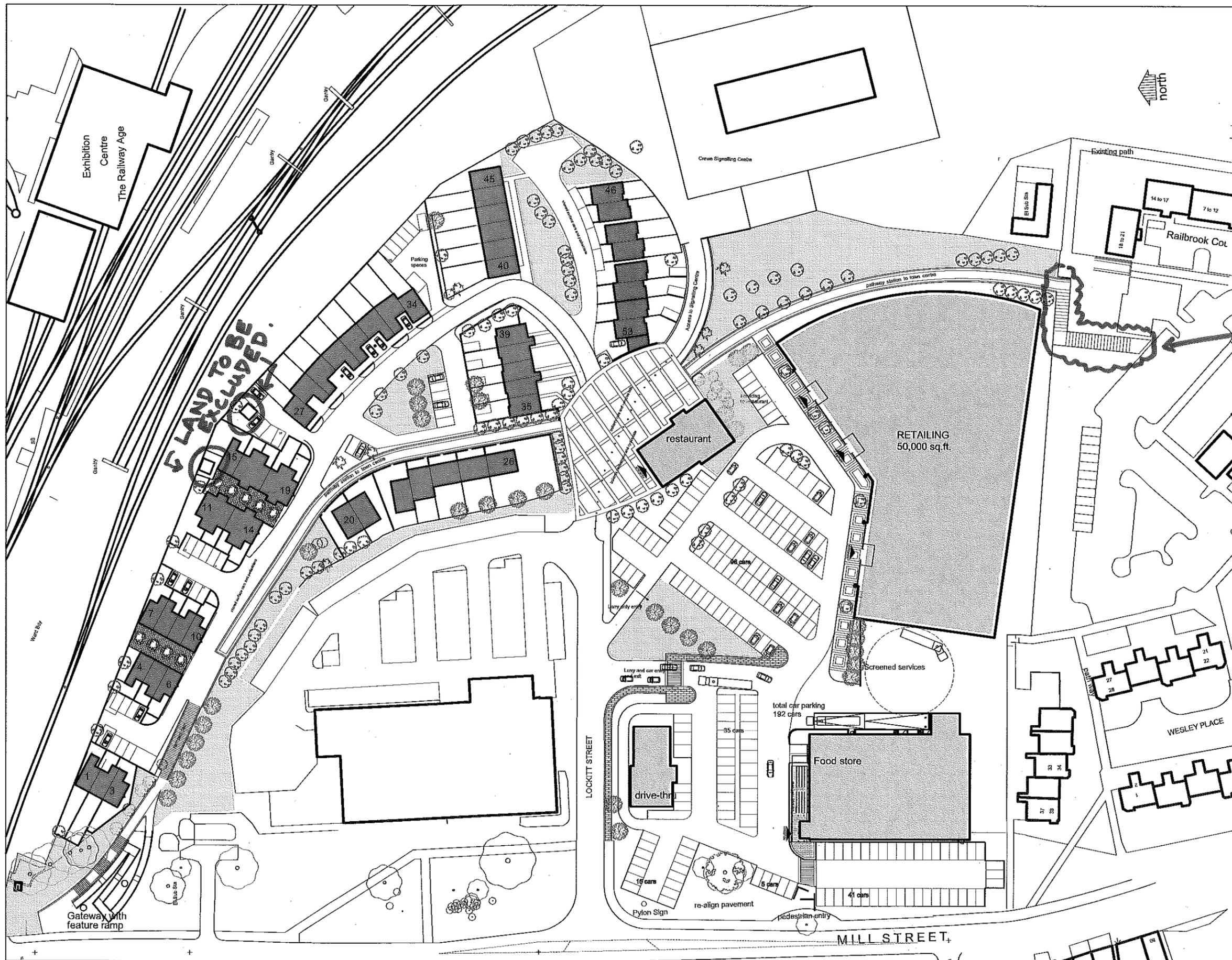
**LOCATION:** Mill St / Lockett St. Crewe

**PROPOSAL:** Amendments to resolution in respect of Section 106 Agreement

**UPDATE:**

Plans are attached showing the site location and the indicative layout. The amendment to the footpath link and the areas to be excluded from the site have been highlighted.

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REV	AMENDMENT	DATE	CHKD
B	Drive-thru added	20-10-10	
C	UU pump station added	16-08-12	
D	Area pump 2 added	18-10-12	

**AMENDMENT TO FOOTPATH ROUTE.**

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CLIENT  
 Clowes Developments

PROJECT  
 MILL STREET CREWE

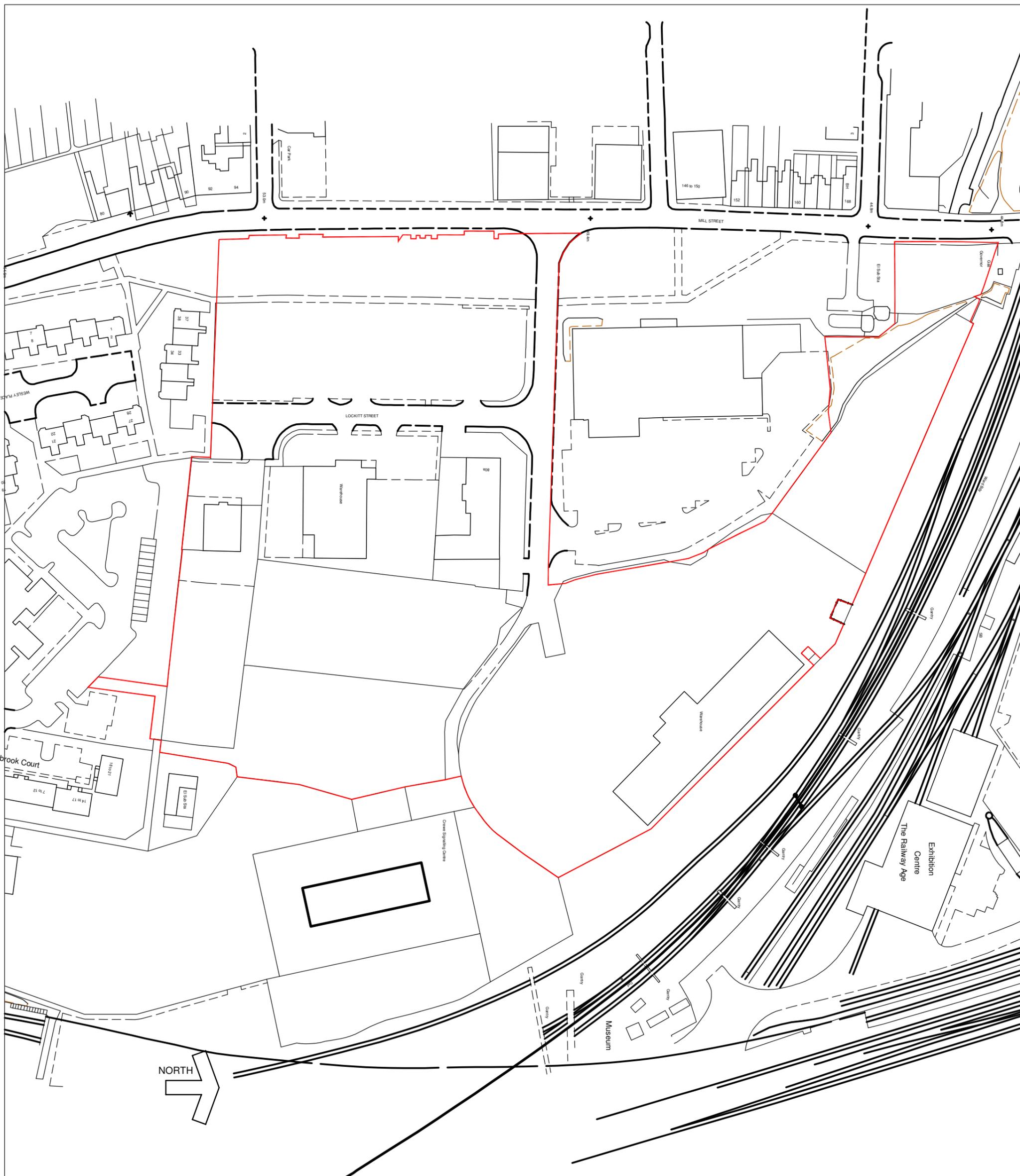
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REV	AMENDMENT	DATE	CHD
A	red line amended	04-08-11	
B	red line amended	16-08-12	
C	red line amended	19-08-12	
D	red line amended	21-09-12	

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**CLIENT**  
**Cloves Developments**  
**PROJECT**  
**Mill Street, Crewe**

**DRAWING TITLE**  
**Location Plan**

SCALE	DRAWN BY	CHECKED	DATE
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<b>PLANNING</b>			

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**APPLICATION NO:** 12/2440N

**LOCATION:** Queens Drive, Nantwich

**PROPOSAL:** Outline Application – Proposed Residential Development

**UPDATE:** 3<sup>rd</sup> December 2012

### **DEVELOPERS REPRESENTATIONS**

A letter has been received from the developer making the following additional representations:

- The Rope Lane appeal decision is now a materials consideration.
- Also draw attention to the Secretary of State Appeal Decision - Ridgeway Farm,

Swindon approving 700 dwellings

- On prematurity, the Decision Letter<sup>3</sup> states:
  - *The Secretary of State agrees with the Inspector's reasoning and conclusions on prematurity, as set out in IR356-359, IR400 and IR404.*

*Like the Inspector, the Secretary of State has taken into account the level of local concern regarding the proposed development (IR359). However, he agrees that the weight to be given to objections on prematurity grounds is not so great as to indicate that this, alone, should result in a refusal of planning permission.*

- The Inspector<sup>4</sup> cites NPPF §49 when concluding that policies for the supply of housing cannot be considered up to date where a five year land supply cannot be demonstrated. This of course is the same approach taken by the Inspector in the Shavington Decision.
- Finally, it should be noted the Swindon decision was made against considerable local opposition. By contrast, as reported in the Committee report, the Council have received 2 written objections to the Nantwich proposal.

The letter goes on to comment on each reason for refusal as follows:

#### **Reason 1**

It is noted that the proposed Reason 1 cites "*capacity problems*". This is well below the threshold set within NPPF paragraph 33 which clearly states:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

In the absence of demonstrable evidence of severe residual cumulative impacts, it is unclear on what basis the Council will defend a conclusion that "capacity problems" outweigh (the common ground that there is) a clear presumption in favour.

Further, this reason for refusal does not even appear to be supported by the Highways Authority, who state in their Update Report6:

*The junction at the signal junction High Street / Waterlode / Welsh Row has capacity issues and a number of different models have been tested to improve the situation but although the capacity issue can reasonably be mitigated there is safety concern with the operation of the junction in respect pedestrians crossing the junction.*

Given that the Council accept the capacity issue can reasonably be mitigated, the Council is unable to demonstrate that the residual cumulative impacts of development are severe and this proposed reason for refusal should be withdrawn.

## **Reason 2**

This reason alleges:

*...the proposal will cause danger to highway safety associated with the operation of the High Street / Waterlode / Welsh Row signal junction, particularly in respect pedestrians crossing the junction. Danger to Highways Safety*

It is noted that neither the Highways comments or the Officer Appraisal on highways matters in the Committee Report sets out any detail what the general "danger to highway safety" at this junction is.

Given this lack of evidence, it is difficult to understand how it can be concluded this outweighs the presumption in favour.

### *Safety Concern with Pedestrian Crossing*

Further, the Committee Report (as quoted above7) simply states:

*...there is safety concern with the operation of the junction in respect pedestrians crossing the junction.*

There is no further detail of what this 'safety concern' is, nor evidence that there is no possibility of mitigation through the imposition of conditions or s106 obligation.

Pedestrian facilities are provided on all 4 arms of the junction, with the crossing marked on the road and tactile paving provided on the pavements. Refuges are also provided on the Waterlode crossings.

Video of the traffic surveys indicated that the 'all-red pedestrian' stage (when all traffic is stopped) occurred less than 10 times in each of the peak hours. More significantly, the video showed that the majority of pedestrians felt safe enough to cross either without activating the crossing at all, or (having pressed the crossing button) felt safe enough to cross before the all-red pedestrian stage occurred.

The submitted TA analyses 5 years of personal injury accident data. These show no records of accidents involving pedestrians at this crossing. The applicants, have only been made aware of is an alleged safety 'concern'. Yet the proposed reason for refusal suggests this un-evidenced concern is sufficient to outweigh the presumption in favour. It is not considered that this reason is defensible at an inquiry

### **Reason 3**

This reason for refusal essentially alleges the site is unsustainable due to poor accessibility. It is noted that when this matter was first due to be determined at Committee in September, despite considering at length the sustainability of the site, Officers did not recommend refusal on the grounds of poor accessibility. Without wishing to be facetious, neither the location of the site nor the amenities have changed since the matter was first reported to Committee. Yet the conclusion of this section has. By way of comparison:

- Both Committee Reports undertake the same analysis, assessing the sites accessibility against the NWDA toolkit.
- Both conclude that the proposal meets the minimum standards of accessibility to all but five facilities, and that for these five, all are *“still within a reasonable distance of those specified and are therefore accessible to the proposed development.”*
- The September Committee Report fairly concluded:
  - *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. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development on foot, by bus or bike and therefore **it is considered that this small scale site is sustainable.***
- Whilst the latest Committee Report repeats most of this, it omits the final sentence, instead noting:
  - *However, the Strategic Highways Manager has commented that the accessibility of the site is considered poor in that it considered that most workday trips will be car based and there should be improvements made*

*to improve sustainability of the site. It is possible to improve the non-car*

*mode accessibility and discussions have been undertaken to improve public transport access, although no improvements have been agreed to date.*

There is no explanation as to why the previous conclusion that the site was sustainable (reached after following the measured analytical approach favoured by CEC) has been superseded by a comment made by a statutory consultee.

Further, in discussions with Janet Mills (CEC Transport Policy Officer) between 27th September 2012 and 12th October 2012, Gladman offered to double the frequency of the No. 53 bus to make it a half hourly service. The outcome was that the current No. 53 service was poorly used and that a new housing scheme would need to be far larger to attract the numbers to make a bus viable. The proposal was therefore not pursued.

It is therefore almost certain that the 'harm' alleged in the reason for refusal (that "*most workday trips will be car based*") will occur wherever development is located in the town. To overcome this proposed reason for refusal would require most workday journeys *not* to be car based, requiring a modal shift only achieved in cities with extensive public transport provision.

Further, neither the reported analysis of accessibility sustainability, the highways comments nor the Officer Appraisal make reference to the Interim Travel Plan submitted with the application (as required by NPPF §36). The successful implementation of a travel plan is a key tool to ensure sustainable transport choices are considered by new residents. Given there are no criticisms of the submitted Travel Plan, it must be considered that its measures will further enhance the sustainability of this site.

In summary, the proposed reason for refusal alleges the site is unsustainable on accessibility grounds despite:

- Noting the Clitheroe Appeal decision finding that: "*accessibility is but one element of sustainable development; it is not synonymous with it. There are many other components of sustainability other than accessibility.*"
- Conducting an analysis using CEC's preferred method which evidences that all facilities listed within the NWDA Toolkit are "*accessible to the proposed development.*"
- The offer made by Gladman to double the frequency of bus services having not been pursued.
- The Council considering this small scale site as sustainable, since all amenities are accessible by bus foot or bike.

Lastly, the application is considerably better located in terms of the services and facilities than the Rope Lane site in Shavington which the Inspector considered was sustainable. With respect, in the light of the above, the committee are asked to reflect on whether this proposed reason for refusal is defensible at Inquiry.

#### **Reason 4**

The Council's witness at the recent Shavington Inquiry accepted that Policy NE2 must be considered out-of-date in the terms of NPPF paragraphs 49 and 14, a point which was key to the Inspector's decision.

The Inspector in the Shavington decision was also very clear that the current stage of the Council's Core Strategy is not sufficiently advanced to override the presumption in favour due to lack of 5 year housing land supply.

It must also be noted that the draft of Borough Development Strategy will be presented to the SPB the day after the decision on this appeal is taken. It is of course open to the SPB or Cabinet to vote to change this draft Strategy prior to it being consulted on in early 2013. Following this, further changes may be made prior to submission or at examination. It is also unknown at this stage what level of support or objection to this Draft Strategy will be received and as a result (pursuant to NPPF paragraph 216) what degree of weight can be given to this document.

In short, the Inspector in the Shavington Decision was crystal clear that given the lack of a 5 year land supply, the Council do not have up to date housing land supply policies. In this context, the emerging Core Strategy (whilst a material consideration) can have only limited weight. Further, the mere identification of the Council's preferred locations for strategic allocations in the draft Strategy does not change the fact it cannot demonstrate a 5 year housing land supply today.

Indeed, if increased weight was to be given to the draft Strategy, it would only make the situation worse given the evidenced increase in the Borough's housing need.

As discussed above, this week the Secretary of State allowed a large scale housing proposal in Swindon, where the Councils' Core Strategies were more advanced than the Council's draft Local Plan. The Secretary of State, when considering his own policy, did not regard those proposals as premature.

In the light of the Shavington Appeal decision, the clear guidance on prematurity contained within the General Principles Document and clear guidance on weight to be given to emerging policy in NPPF, the developer would again ask committee to reflect on whether this proposed reason for refusal is defensible at Inquiry.

## **Conclusion**

As I have previously discussed with you, it is difficult not to characterise the conduct of Officers during the consideration of this matter as either seeking a reason to refuse it, or find reasons to delay its determination.

Not raising concerns related to design or density during the 13 week period and then seeking to refuse an *outline* application on design grounds, and then later deciding that what was previously reported to Members to be a small scale sustainable site is now concluded to have poor accessibility and to be of a scale which undermines the Core

Strategy process, are both far from the approach required by the NPPF of *“looking for solutions rather than problems.”*

### **ADDITIONAL OBJECTION**

An objection on design grounds has been received from a member of the public making the following comments:

- Question the suitability of the site as it is open countryside, with 3 boundaries opening onto open countryside and proximity to a registered parkland landscape – which whilst screened by trees should be a factor in considering the impact on that registered landscape and should therefore be driving the need for high quality design.
- As an accredited Building for Life assessor query the BfL self-assessment. A score of 18 would put this in an award-winning category, which this masterplan certainly is not.
- Question why it had not been to a design review panel (in accordance with the NPPF).
- Question why Cheshire West and Chester would be interested in managing the landscape component of the scheme as stated in the D&A Statement and feel this is in appropriate.
- Question why it was only aspiring to Code for Sustainable Homes Level 3.
- Question the need/desirability for a convenience store as this would have a negative impact on the Spar Shop off Queens Drive.
- Question the traffic/access arrangements with comments about Marsh Lane and Welsh Row junctions.

### **RECOMMENDATION**

**As per main report**

**STRATEGIC PLANNING BOARD – 5/11/ 2012**

**UPDATE TO AGENDA**

**APPLICATION NO: 12/3025C**

**LOCATION: LAND AT KESTREL DRIVE AND GOLDFINCH  
CLOSE**

**UPDATE PREPARED 3 DECEMBER 2012**

**PROCEDURAL**

In the period between the SPB Agenda being published and this update being prepared, the applicants have appealed against non-determination of this application. In such cases the matter is now taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

**LOCATION PLAN**

It is noted that the incorrect location plan is attached to the Committee report. A corrected site location plan is attached.

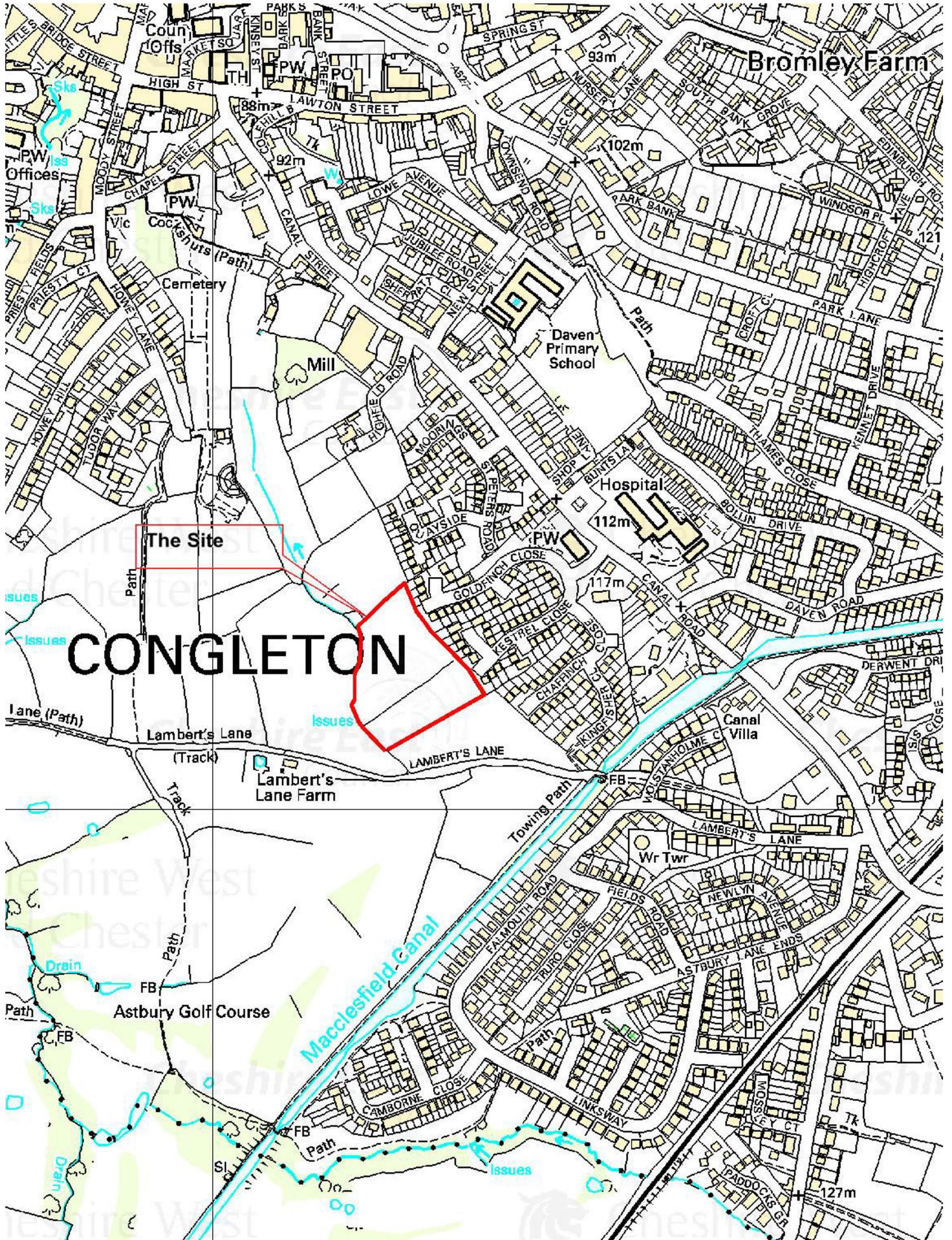
**APPLICANTS FURTHER INFORMATION**

The Applicant wishes to confirm that they accept the provision of affordable housing by S106 Agreement rather than condition and have provided Heads of Terms to this effect.

The Applicant wishes to confirm the extent of Grade A agricultural land is 0.71ha and not the 1.1ha reported in the Committee report

**RECOMMENDATION**

The recommendation is amended to 'minded to approve subject to the satisfactory completion of a S106 Agreement'



**STRATEGIC PLANNING BOARD – 5/11/ 2012**

**UPDATE TO AGENDA**

**APPLICATION NO: 12/3028C**

**LOCATION: LAND AT THE MOORINGS CONGLETON**

**UPDATE PREPARED 3 DECEMBER 2012**

**PROCEDURAL**

In the period between the SPB Agenda being published and this update being prepared, the applicants have appealed against non-determination of this application. In such cases the matter is now taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

**APPLICANTS FURTHER INFORMATION**

The Applicant wishes to confirm that they accept the provision of affordable housing by S106 Agreement rather than condition and have provided Heads of Terms to this effect.

**RECOMMENDATION**

The recommendation is amended to 'minded to approve subject to the satisfactory completion of a S106 Agreement'

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**APPLICATION NO:** 12/3020N

**LOCATION:** New Start Park, WETTENHALL ROAD, REASEHEATH,  
NANTWICH, CHESHIRE, CW5 6EL.

**PROPOSAL:** Removal of Condition 1 of 09/4331N - Change of Use as a Residential Caravan Site for 8 Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstandings and Provision of Foul Drainage

**UPDATE:**

1 additional letter of representation received from the residents of Cinder Lane, Nantwich.

- It is a great concern that assertions in the Officers report indicating when future sites may be allocated and deliverable. It is considered that the tentative nature of the language used does not give us the impression of the robustness we would have hoped for; and
- Cheshire East Council failure to provide adequate accommodation for gypsy/travellers leads to protracted and debilitating implications of cyclical planning application and is a stressful experience for all.

**RECOMMENDATION:** The recommendation for REFUSAL still stands

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