

Strategic Planning Board

Planning Application Update Reports

Date: Monday 9th December 2013
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

Planning Application Update Reports for

Item 5: 13/4092C Land South of Hall Drive, Alsager (Pages 1 – 10)

Item 6: 13/2055N 138 Sydney Road and Land to North East of Sydney Road, Crewe (Pages 11-14)

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Application No: 13/4092C

Location: Land South of Hall Drive, Alsager, Cheshire

Proposal: Outline application for erection of up to 125 dwellings with associated infrastructure (Resubmission of 12/4150C)

Applicant: Renew Land Developments Ltd

Expiry Date: 27-Dec-2013

UPDATE REPORT 6th DECEMBER 2013

ERRATA

- On page 99 the report refers to the site being identified within the **Pre-Submission Core Strategy. It is not.** The site is however included in the SHLAA (years 6-10) and therefore can be moved forward to contribute to the 5 year supply
- On page 100 the report refers to the loss of Grade 4, 3a and 3b agricultural land being not “Best and Most Versatile”. Grade 3a is . “Best and Most Versatile”
- The highways response (1st bullet page 51) incorrectly refers to the number of dwellings to be served from Hall Drive rising from 180 currently to 330 which is on the upper limit for being served from one point of access. On the basis of the proposed condition restricting the number of dwellings, the total number of units to be served from Hall Drive would be 289– which would be significantly below the upper limit to be served from a single point of access.

ADDITIONAL CONSULTATION RESPONSES

Environment Agency

- We have reviewed the objections made by Halton Drive Action Group and 22 Swettenham Close, in respect of the above outline application and the subsequent Statement of Flood Risk submitted by AMEC (dated November 2013) on behalf of the applicant.
- We are satisfied that the Statement of Flood Risk prepared by AMEC and the conditions recommended in our letter dated 3 December 2012 (Ref: SO/2012/111381/01-L01), are sufficient to address the outstanding flood risk issues that have been raised in association with this application.
- We note that further hydraulic modelling has been undertaken by AMEC, which largely verifies the findings of the modelling undertaken as part of the Flood Risk Assessment (FRA) prepared by ARJ Associates. As within the FRA, this makes a conservative allowance (of 30%) for increases in fluvial flows as a result of climate change in accordance with Table 5 of the National

Planning Policy Framework (NPPF) Technical Guidance. Through the implementation of the recommended conditions, suitable measures should be incorporated within the design of the development to mitigate the risk of fluvial flooding over its lifetime. In order to reduce the potential increased risk of fluvial flooding, it is recommended that no built development or alteration of existing ground levels take place within the Flood Zone 3 (1% AEP) outline.

- Our recommended conditions also require a scheme for the management of surface water to be submitted to the local planning authority, prior to the commencement of development. This would be expected to comprise the detailed design of the scheme based upon the findings of infiltration tests, incorporating the use of Sustainable Drainage Systems (SUDS) where practicable and demonstrating how the risk of flooding from overland flow of surface water is to be managed, so as not to increase flood risk to either the development or elsewhere. Surface water runoff should be restricted to the mean annual runoff from the existing undeveloped greenfield site, which has been calculated within the FRA as 2.24 litres/sec/hectare. We would expect surface water runoff from any new impermeable surfaces to be restricted to this rate, with attenuation up to the 1% AEP including an allowance for climate change.

BAe

- provided the following planning conditions agreed by Renew are imposed on any planning permission that may be granted by the Council then BAE Systems does not object to the application. ;
 - 1 The dwellings hereby permitted shall be of traditional brick construction and no more than 12m in height;
 - 2 Private amenity spaces (ie rear gardens) associated with dwellings within the "Noise Mitigation Zone" marked on plan WYGA083386SK07 dated 18 September 2013 should be enclosed with minimum 1.8 metre solid fencing and should only be located to the north or north east of a two storey dwelling;
 - 3 Habitable rooms within the "Noise Mitigation Zone" marked on plan WYGA083386SK07 dated 18 September 2013 with a south or south west aspect should have a means of ventilation that is alternative to reliance upon open windows.
- No development shall take place within the class 2 land as identified on the safeguarding plan reference RG/O/23491/ED
- Note from the officer's report on the application that the scheme is recommended for approval subject to a number of planning conditions and a section 106 agreement.
- Proposed conditions 6 and 7 effectively replicate the conditions in the SoCG resolving the safeguarding concerns of BAE Systems. This is welcomed and supported by BAE Systems.

- With regard to noise, note the Council proposes a condition (number 15 in the report) which requires " *Any mitigation measures applied must achieve the internal noise levels defined within the "good" standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulations requirements.*"
 - Have consulted WYG (BAE Systems retained noise consultants) and they have advised that:-condition 15 does not deal with noise levels in private amenity space (ie rear gardens); and
 - By referring to BS8233:1999 the condition does not deal with instantaneous noise levels(LA MAX) which best describes the source of noise from BAE Systems' operations (in particular ammunition disposal and proofing) and the railway.
- For these reasons BAE Systems is advised by WYG that to satisfactorily resolve noise issues on the application the two noise conditions contained in the SoCG should be attached to any planning permission that may be granted by the Council in place of condition 15.
- Assume the Council will agree to this request particularly as Renew and their acoustic advisers have agreed to the imposition of conditions on these terms in the SoCG.

Network Rail

- The Council can drop the requirement for the Section 106 contribution towards crossing improvements
- Recommend condition requirement the developer to carry out improvements to other PROW / pedestrian routes to discourage use of the level crossing to the west of the site and to encourage the use of the safe crossing at the under bridge provided these are within the site.

APPLICANT'S REPRESENTATIONS

- The report should advise members that this is a resubmission of an application due to be heard at a Public Inquiry on 4th Feb. It should state that the only reason for refusal of that application related to the principle of development of a site in the countryside for housing at a time when the council considered it had a 5yr supply. The council previously considered that there were no other adverse impacts arising from the development that could warrant refusing planning permission. Subsequently it has been determined by the Secretary of State and at appeal that for the time being the council does not have a 5 year supply of housing and must therefore look to sites in the countryside to boost its supply. Whilst members are required to consider each application on its own merits, it is of paramount importance to emphasise that members should apply themselves only to material changes in circumstance since they considered the previous application. This site has

previously been assessed by the council and found to have no adverse impacts that would justify refusing permission apart from its location in open countryside. The only changes since the members considered the previous application are:

- The council does not currently have a 5 year housing supply – this removes the in-principle objection (for reasons stated in the report). This is a material change and affects the officer recommendation;
 - Additional information has been submitted by AMEC in respect of flood risk issues to provide a second opinion (as suggested by Cllr Hough when the previous application was considered) and to respond to objectors comments. The additional flood risk information reinforces the previous conclusions using more detailed modelling – therefore there remains no reason to refuse on the basis of flood risk. This is not a material change but reinforces the previous conclusion that the development is acceptable in terms of flood risk;
 - Further discussions have taken place with BAE Systems and HSE following receipt of more information from them about the safeguarding zones. Both BAE Systems and HSE are satisfied that the development as proposed would be acceptable subject to conditions in respect of the safeguarding zones. BAE has agreed a statement of Common Ground in respect of the appeal to this effect – therefore it is absolutely clear that there is no reason to refuse on the basis of any potential impact on BAE Systems (or vice versa). This is not a material change and reinforces the previous conclusion that the development is acceptable in terms of safeguarding and noise issues.
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- The highways contribution should be amended to be consistent with the Persimmon site (page 51 and s106 summary). Both sites are in the same town, both accessed from the same road, both with a similar number of units (as the Council are seeking to limit Hall Drive to 109), both being required to contribute to improvement of the same 2 road junctions.
 - Fail to see how the Council can justify recommending a contribution that is more than twice as much for one site than the other, particularly as the Hall Drive site is closer to the town centre; ticks more of the accessibility boxes, and would actually accommodate fewer units.
 - The “objection” from HSE can easily be resolved by condition, and is superseded in any event by the SOCG agreed with BAE in respect of conditions.
 - BAE Systems are not a consultee; they are a third party which has been notified of the proposed development.
 - The Oak tree in the centre of the site is shown on the indicative layout submitted with this application as being retained (contrary to comments in the report at the bottom of page 92). This also relates to the comments in respect of trees and forestry on page 93. Can These consultation responses have not

appear to have been updated since the original comments in respect of the previous application.

- There is no requirement for Persimmon to submit a travel plan (16) or to provide electric vehicle infrastructure (17). Again this is a point of consistency.

OFFICER COMMENT

- The applicant is correct in pointing out that this is an identical application to that previously considered by Members and that the Strategic Planning Board resolved to refuse it only on the grounds of housing land supply. It was considered to be acceptable, therefore, in all other respects, although Members attached an informative to the decision notice requiring further information relating to flooding to be provided as part of any resubmission and further consultation with the Environment Agency.
- It is considered that in the light of the additional information submitted by the Applicant in respect of flood risk and the comments of the Environment Agency that Members previously expressed concerns regarding flooding have been adequately addressed and that a refusal on these grounds would not be sustainable.
- The previous housing land supply refusal is considered to be negated by the recent Appeal Decisions in Sandbach and Alsager.
- With regard to the proposed highways contribution, In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications and appeals which involve 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.
- In this case the Heads of Terms as set out in the recommendation below would apply. The traffic impact has been assessed on a number of junctions on the road network and although the applicant does not conclude that there is an impact there are concerns at two junctions Hassall Road /Crewe Road and Sandbach Road / B5077 Crewe Road where capacity problems exist. The development will add to congestions problems and the proposed commuted sum would contribute towards improving the highway. The commuted sum in lieu of highway improvements is therefore necessary, fair and reasonable.
- As the proposed development would provide 20 primary aged pupils. Taking into account other developments in the vicinity local primary schools would be oversubscribed and such, there is a need to upgrade/enhance existing provision.

- All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.
- In the light of the comments received from Network Rail, the proposed level crossing contribution should be omitted from the recommendation as this would not be CIL Compliant.
- It is agreed that the points raised by the HSE can be easily addressed by conditions and these are included in the recommendation. BAe have subsequently confirmed that they are happy with this approach subject to a slight amending to the wording of condition 15 which has been endorsed by the applicant and Council Officers.
- The requirement for Persimmon a travel plan and to provide electric vehicle infrastructure is based on the findings of the submitted Air Quality Impact Assessment and its subsequent assessment by the Environmental Health Officer, who has deemed that these measures are necessary to mitigate against any potential impact on air quality.

AMENDED RECOMMENDATION

APPROVE subject to Section 106 agreement to secure:

- **33 affordable units (21 rented and 12 intermediate)**
 - **Type and number of bedrooms to be agreed at reserved matters**
 - **Affordable units to be tenure blind and pepper potted within the development.**
 - **no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased**
 - **Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008**
- **LEAP including at least 5 items of equipment. Specification to be submitted to and agree by the Council.**
- **Provision for a private residents management company to maintain the on-site amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages**
- **Detailed management plan for the above Open Space be submitted and approved.**
- **Highways contribution of £146,000 in mitigation at Hassall Road/ Crewe Road junction and the signal junction in the town centre at Sandbach Road / Crewe Road.**
- **Contribution of £206,080 towards education.**

And the following conditions:

1. **Standard Outline**
2. **Submission of reserved matters**
3. **Plans**
4. **Limit number of dwellings to 109**
5. **Submission / approval and implementation of programme of archaeological works**
6. **Reserved matters to include no development within yellow line on BAE Safeguarding Plan**
7. **Development to be of traditional brick / tile construction and of no more than 12m in height**
8. **Reserved matters to make provision for development fronting footpaths within site**
9. **Submission / approval and implementation of works to improve and enhance footpath no.8 / 10 including upgrading to cycle way and improvements to discourage use of the level crossing to the west of the site and to encourage the use of the safe crossing at the under bridge.**
10. **Provision of signage within the site for cyclists and pedestrians**
11. **Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil**
12. **Submission, approval and implementation of a piling method statement**
13. **Submission, approval and implementation of an Environmental Management Plan**
14. **Construction works (and associated deliveries to the site) are restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
15. **Any mitigation measures applied must achieve the internal noise levels defined within the “good” standard within BS8233:1999. Habitable rooms within the "Noise Mitigation Zone" marked on plan WYGA083386SK07 dated 18 September 2013 with a south or south west aspect should have a means of ventilation that is alternative to reliance upon open windows.**
16. **Submission, approval and implementation of a residential travel plan**
17. **Provision of Electric Vehicle infrastructure on the properties.**
18. **Submission and approval of a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).**
 - **If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement to be submitted, and approved**
 - **If remediation is required, a Site Completion Report to be submitted and approved.**

19. Site to be drained on a separate system with only foul drainage connected into the public foul sewerage system. Surface water should discharge directly in to the adjacent watercourse
20. Reserved matters to include no buildings or alteration of existing ground levels within Flood Zone 3
21. Reserved matters to include finished floor levels of proposed buildings to be set at a minimum of 600mm above the 1 in 100 year (1% AEP) plus climate change flood level,
22. All proposed access roads, parking and pedestrian areas are to be set at a minimum of 300mm above the 1 in 100 year (1% AEP) plus climate change flood level,
23. Submission, approval and implementation of a scheme to limit the surface water runoff
24. The discharge of surface water from the proposed development to mimic that which discharges from the existing site.
25. Submission, approval and implementation of attenuation for discharges above 1% annual probability event, including allowances for climate change
26. Submission, approval and implementation of Sustainable Drainage Systems (SuDS).
27. Submission, approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
28. The site layout to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
29. Reserved matters to include the provision of an undeveloped buffer zone (at least 8 metres wide), between the banktop of Valley Brook and any built development,
30. Submission, approval and implementation of a scheme for landscaping and management of the buffer zone
31. Submission, approval and implementation of boundary treatment
32. Submission, approval and implementation of ground levels, earthworks and excavations.
33. Tree protection & retention
34. Arboricultural Impact Assessment
35. Arboricultural Method Statement
36. Reserved matters to make provision for buffer zones along railway
37. Retention of hedgerow on western boundary
38. No works in bird nesting season without survey
39. Provision of features for breeding birds

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for

approval / refusal) prior to the decision being issued, the Planning and Placeshaping Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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Application No: 13/2055N

Location: 138, SYDNEY ROAD AND LAND TO THE NORTH EAST OF SYDNEY ROAD, CREWE, CW1 5NF

Proposal: Outline application for up to 240 residential dwellings, open space and new access off Sydney Road

Applicant: Muller Property Group

Expiry Date: 12-Aug-2013

UPDATE REPORT 6th December 2013

DEVELOPER'S SUPPORTING INFORMATION

1. Countryside Policies

- *In the report to committee, reference is made at page 120 to decisions at Sandbach Road North and Congleton Road, Sandbach and these have been clearly used to assess the application scheme. However, these policies stem from the Congleton Borough Local Plan and as such we do not believe they are relevant to the application site which falls within the Crewe and Nantwich replacement Local Plan 2011.*
- *However, what is pertinent to note is that in the case of the correct policies, NE2 and NE4, these have already been the subject of independent consideration by an Inspector in the context of a five year housing land supply shortfall in the Crewe and Nantwich Replacement Local Plan area. In this case, appeal decision APP/R0660/A/12/2173294 the Inspector noted that Local Plan Policies NE2 and NE4 did relate to the supply of housing and therefore must be considered to be out of date. Indeed at paragraph 10 of the decision letter it should be noted that the local planning authority itself acknowledged that policy NE10 was not up to date.*
- *Therefore, we would be grateful if it could be clarified to Members that the appropriate countryside policies are set out in the Crewe and Nantwich Replacement Local Plan and that these are NE2 and NE4 and given that the Council cannot demonstrate a five year housing land supply, these policies must be considered to be out of date. A position which is consistent with the Inspector's findings at the Rope Lane, Shavington appeal.*

2. Landscape Policies

- *The application site does not fall within any of the national or special designations referred to in the NPPF. Therefore the weight to be attached to landscape issues must be calibrated in the context of the fact that the application site would not have implications for any of the NPPF identified landscape designations. Furthermore, it must also be noted that the Cheshire East Council is releasing land in countryside locations so that*

development in the countryside, as a matter of principle, cannot be regarded as a reason for refusal. It should be noted that policy NE2 does not contain any reference to landscape issues.

3. Status of the Crewe and Nantwich Replacement Local Plan

- *The plan must be considered to be out of date because it only provides guidance for the allocation of land up to 2011.*
- *Furthermore, housing supply policies must be considered out of date because the Council does not have a five year housing land supply shortfall.*
- *Accordingly, and given that it is accepted that the site is able to deliver sustainable development, the presumption in favour of granting planning permission as identified in paragraphs 14 and 49 of the NPPF.*

4. Landscape Rebuttal

- *The applicants have reviewed the comments of the council's landscapes section and note that the characterisation process of landscape is a non-value judgement process; the classification of landscapes does not mean that one is necessarily more or less valuable than another.*
- *In terms of the application site the applicant notes that the site has a distinctly developed backdrop to southward facing views towards and across the site associated with the rural fringe of Crewe such that the site is not considered representative of "countryside". Therefore the site remains largely segregated by the established surrounding landscape framework.*
- *The development respects the character and context of the surrounding landscape and provides enhancement and mitigations in line with policy and character requirements.*
- *Turning to green gap issues the applicant has reviewed the role of the site in terms of the green gap objectives and notes that the site is capable of development without having a significant impact on coalescence because the proposals are broadly located within an established pocket of development at the settlement edge of Crewe. As such, the scheme will not result in the erosion of a physical gap between the built up area of Crewe and Haslington. The screening afforded by on site topography coupled with the presence of significant intervening screening vegetation within the wider locality further limits the intervisibility between the site and surrounding settlements beyond Crewe.*
- *Due to the sites relationship with Crewe the application proposal will not affect the visual character of the wider green gap.*

OFFICER COMMENT

Countryside Policies and Status of the Local Plan

Officers disagree with the Applicant's view that Open Countryside Policies are out of date. Although the Applicant draws attention to the conclusions of the Inspector at the Rope Lane appeal.

However, as set out in the main report, the decisions at Sandbach Road North and Congleton Road Sandbach consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged. He also noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

This means that these policies remain important in the planning balance – but are not necessarily determinative.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Landscape

Although the Council's Landscape Officer, disagrees with some of the methodology and conclusions of the submitted landscape assessment, and in particular the level of impact that has been identified, he believes that in principle the site can accommodate the proposed development without significant and demonstrable harm in landscape terms. Therefore, whilst the submitted rebuttal is noted, and notwithstanding the differences in opinion between the applicant's consultant and the Council Landscape Officer in respect of the detail of the Landscape and visual Impact assessment, they are in agreement that the development of the site is acceptable in principle in landscape terms.

RECOMMENDATION

As per main report with correction to footpath and cycleway contribution to read £43,000.

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