

Strategic Planning Board

Agenda

Date:	Wednesday, 27th October, 2010
Time:	2.00 pm
Venue:	Main Hall, Sandbach Town Hall, High Street, Sandbach

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 of 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 personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Meeting (Pages 1 - 6)

To approve the minutes as a correct record.

4. Public Speaking

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: Sarah.Baxter@cheshireeast.gov.uk

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

A period of 3 minutes is allocated for the planning application 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 Group/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/12608C-Erection of up to 269 dwellings, provision of public open space, highway works and associated works, Land East of Marriot Road, Anvil Close, Forge Fields and South of Hind Heath Road, Sandbach for Richborough Estates** (Pages 7 - 54)

To consider the above application.

6. **10/1323M-Renewal of Planning Permission 03/3214P - (Relocation of Existing Garden Centre and Landscape Contractors Business - Outline Planning Permission), Land North of Bollington Lane and West of Congleton Road, Nether Alderley, Macclesfield for I & W Urquhart** (Pages 55 - 80)

To consider the above application.

7. **10/3139M-Extension of Time to 07/1041P Erection of 9 Three-Storey Buildings for Class B1 (Business) Use, 1 Two/Three-Storey Building for Class C1 (Hotel) Use Together With Associated Highways, Car Parking And Landscaping Infrastructure, Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield for Hadley Development Solutions Ltd** (Pages 81 - 120)

To consider the above application.

8. **Future Housing Provision Cheshire East** (Pages 121 - 136)

To consider a report on future housing provision in Cheshire East.

9. **Appeal Summaries** (Pages 137 - 138)

To note the Appeal Summaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 6th October, 2010 at Council Chamber - Town Hall,
Macclesfield, SK10 1DX

PRESENT

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

Councillors A Arnold, D Brown, M Hollins, D Hough, J Macrae, C Thorley,
G M Walton, S Wilkinson and J Wray

OFFICERS IN ATTENDANCE

Mrs R Ellison (Principal Planning Officer), Mr A Fisher (Head of Planning and
Housing), Mrs R Goddard (Senior Lawyer), Mrs R Kidd (Spatial Planning
Manager), Mr D Malcolm (Interim Development Manager) and Mr S Molloy
(Project Leader, Minerals and Waste)

47 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs R Bailey, P Edwards
and B Livesley.

48 DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillors D Brown and W J Macrae declared that in respect of agenda item 55
'Interim Planning Statement on Affordable Housing' they had pre-determined the
and therefore they left the room prior to consideration of the item.

Councillors D Brown and W J Macrae declared that in respect of agenda item 56
'Local Development Framework Core Strategy Issues and Options' they would
not be participating in the debate as they did not want to Fetter their Discretion at
a future Cabinet meeting where the item would be considered and which they
were Members of and therefore they left the room prior to consideration of the
item.

(During consideration of the following item Councillor S Wilkinson arrived to the
meeting).

49 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

50 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

51 10/1005N-APPLICATION TO VARY PLANNING CONDITIONS 5 AND 6 ON PLANNING PERMISSION 7/2009/CCC/1, IN ORDER TO VARY THE DESCRIPTION OF PERMITTED WASTE AND SPECIFY A PERCENTAGE OF CONTAMINATED WASTE ALLOWED, WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE FOR MR F.H. RUSHTON

The Committee considered a report (together with an oral update) regarding the above planning application.

(Councillor D Brickhill, Ward Councillor, Parish Councillor Mrs Wilson, Doddington and District Parish Council, Mr Frodsham, an objector and Mr Thornley, agent on behalf of the applicant).

RESOLVED

1. That the recommendation to amend condition 5 be refused as the submitted amended wording to condition 5 is considered ambiguous and does not assist to clearly define the nature of waste materials that would be acceptable for import. The existing condition, read in relation to the permitted development, is considered to provide sufficient indication of the nature of wastes that are acceptable to be imported to, processed or stored at the site.

2. That the recommendation to leave existing condition 6 unaltered be approved as Condition 5 makes it clear that only green garden waste shall be imported and accepted on the site. The operator should ensure that only such waste is imported. Allowing a 5% quantity of mixed waste to be imported does not accord with the requirements of condition 5 and would lead to unacceptable impacts on amenity. It is considered the current wording of condition 6 adequately allows for those incidents where contaminated material which is not green garden waste is inadvertently imported within the main body of the green garden waste.

(The decision to refuse an amendment to condition 5 was against the Officers recommendation to amend).

52 10/2251N-APPLICATION TO VARY PLANNING CONDITIONS 5 AND 6 ON PLANNING PERMISSION 7/2009/CCC/1, IN ORDER TO VARY THE DESCRIPTION OF PERMITTED WASTE AND SPECIFY A PERCENTAGE OF CONTAMINATED WASTE ALLOWED, WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE FOR MR F.H. RUSHTON

The Committee considered a report (together with an oral update) regarding the above planning application.

RESOLVED

1. That the recommendation to amend condition 5 be refused as the submitted amended wording to condition 5 is considered ambiguous and does not assist to

clearly define the nature of waste materials that would be acceptable for import. The existing condition, read in relation to the permitted development, is considered to provide sufficient indication of the nature of wastes that are acceptable to be imported to, processed or stored at the site.

2. That the recommendation to leave existing condition 6 unaltered be approved as Condition 5 makes it clear that only green garden waste shall be imported and accepted on the site. The operator should ensure that only such waste is imported. Allowing a 5% quantity of mixed waste to be imported does not accord with the requirements of condition 5 and would lead to unacceptable impacts on amenity. It is considered the current wording of condition 6 adequately allows for those incidents where contaminated material which is not green garden waste is inadvertently imported within the main body of the green garden waste.

(The decision to refuse an amendment to condition 5 was against the Officers recommendation to amend).

53 10/3103N-APPLICATION FOR REMOVAL OR VARIATION OF A CONDITION FOR APPROVED PLANNING PERMISSION P09/0126 - CONDITION 1 REQUIRES THAT THE DEVELOPMENT BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED PLANS AND CONDITION 18 RESTRICTS ANY FUTURE INCREASE IN RETAIL FLOORSPACE AND ALSO PREVENTS INTERNAL ALTERATIONS THAT WOULD RESULT IN AN OVERALL INCREASE IN THE GROSS FLOORSPACE, SAINSBURY'S STORE/FAIRWAY SUITHOUSE, MIDDLEWICH ROAD, NANTWICH, CHESHIRE FOR SAINSBURY'S SUPERMARKETS LTD

The Committee considered a report (together with an oral update) regarding the above planning application.

Members were asked to consider an amendment to the recommendation which remained one of approval subject to the decision being delegated to the Head of Planning and Housing in order to draft a set of revised conditions and a new S106 agreement.

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

RESOLVED

That the application be approved subject to the decision being delegated to the Head of Planning and Housing in order to draft a set of revised conditions and a new S106 agreement.

54 REPORT IN RELATION TO (1) AMENDMENTS TO PLANS FOR THE OUTLINE PLANNING APPLICATION AND SECTION 106 AGREEMENT AND (2) AMENDMENTS TO CONDITIONS FOR PLANNING APPLICATION P06/1001 FOR OUTLINE APPLICATION FOR REDEVELOPMENT AND RELOCATION OF EXISTING GARDEN CENTRE FACILITIES, A1 AND A3 RETAIL UNITS, CONSTRUCTION OF CLASS C3 RESIDENTIAL DEVELOPMENT, B1 OFFICE

DEVELOPMENT, CAR PARKING, ANCILLARY FACILITIES AND ASSOCIATED INFRASTRUCTURE AT STAPELEY WATER GARDENS, LONDON ROAD, STAPELEY

The Committee considered a report (together with an oral update) regarding the above planning application.

RESOLVED

That the amendments to the application be approved as follows:-

1. The alteration to the plans to remove an area of land on the north side of the Stapeley Water Gardens development site for use with the outline planning application and for the related S106 agreement.
2. Alterations to the wording of condition 18 on the outline planning permission to require the submission of the tree survey in relation to land to the south west of the outline planning application area (i.e. part of the ecological mitigation area) prior to the commencement of development of the outline permission.
3. The removal of condition 19 from the outline planning permission to be issued which requires the retention of planting between the Stapeley Water Gardens development area and Peter Destaplegh Way.

(Prior to consideration of the following item Councillors D Brown and W J Macrae left the meeting and did not return).

(The meeting adjourned at 3.35pm and reconvened at 3.45pm).

55 INTERIM PLANNING STATEMENT ON AFFORDABLE HOUSING

Consideration was given to a report on the Council's Interim Planning Statement on Affordable Housing.

Members welcomed the report although concerns were raised in relation to the percentage of affordable housing that developers were required to build.

It was suggested by the chairman that once the economic situation improved then the percentage could be amended.

RESOLVED

1. That endorsement be given to the Cabinet's approval of the draft Interim Planning Statement on Affordable Housing (as appended to this report) for consultation purposes.
2. That the Board gives its agreement that it be treated as a material consideration in the determination of planning applications pending the adoption of the finalised document in such a format as may be appropriate following the consultation process.

56 LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY ISSUES AND OPTIONS

Consideration was given to a report on the Local Development Framework Core Strategy Issues and Options.

Whilst the Board was happy that the consultation stage be progressed, the following comments were made:-

- (i) Information in the earlier part of the report could be improved.
- (ii) More information on transport connections was required.
- (iii) Statistical information on pages 16 and 41 of the report was inaccurate and needed correcting.
- (iv) Lack of reference to agriculture in the report.
- (v) Mineral sites were referred to in the report, but waste sites had been omitted.

RESOLVED

That report be noted and that Cabinet be recommended to approve the Issues and Options report for the Local Development Framework Core Strategy for consultation purposes.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor H Davenport (Chairman)

This page is intentionally left blank

Planning Reference No:	10/12608C
Application Address:	Land East of Marriot Road, Anvil Close, Forge Fields and South of Hind Heath Road, Sandbach
Proposal:	Erection of up to 269 dwellings, provision of public open space, highway works and associated works.
Applicant:	Richborough Estates
Application Type:	Outline
Grid Reference:	374493 359551
Ward:	Sandbach
Consultation Expiry Date:	16 th September 2010
Date for determination:	4 th November 2010

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

**Planning Policy And Housing Land Supply
Affordable Housing,
Amenity
Ecology,
Landscape and Tree Matters,
Drainage And Flooding,
Infrastructure,
Highway Safety And Traffic Generation.**

REFERRAL

The application has been referred to Strategic Planning Board because it is a largescale major development.

1. SITE DESCRIPTION

The application relates to 7.5ha of land, situated on the southern side of Hind Heath Road, approximately 1.6 miles south west of the centre of Sandbach. It is bordered by residential properties to its north and eastern side, the Trent and Mersey canal located to the south and a open field to the western side.

The site rises slightly from the front northern boundary to the southern boundary. There is quite a steep fall to the southern of the site, down to the canal. The west of the site has an access road to the water treatment works running along the boundary.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for up to 269 homes together with associated public open space, and highway improvements including the widening of Hind Heath Road at various points and the provision of traffic signals at the Hind Heath Road/Crewe Road junction. A further application is submitted in respect of a footpath and cycleway along Hind Heath Road from the site to Ettiley Heath, which is considered elsewhere on this agenda. This will also provide connections across the road to Lilliput Farm Day Nursery and the proposals for Sandbach United Football Club at Abbeyfields.

Although in outline, the Design and Access Statement provides the parameters for the development. In general the focus is on two storey dwellings (with some 2.5 storey within selected areas of the centre of the site) with the street pattern reflecting the adjacent residential built form of suburban housing development. There will be a mix of affordable and open market housing within the site. An Indicative Site Layout drawing has been provided which shows how the site could be developed with 269 units, based on 1, 2 and 3 bed mews development and 3 and 4 bed detached houses.

The site has a frontage to Hind Heath Road, from which it will be accessed by both vehicle and pedestrians. It is also proposed to provide a pedestrian and cycle link into the existing residential area via Forge Fields. Off-site improvements include works to the junction of Hind Heath Road and Crewe Road as well as the widening of Hind Heath Road at specific points. It is also proposed to provide a new pedestrian refuge crossing facility at the Hind Heath Road/Hind Heath Lane junction; and the signalisation of the Hind Heath Road/Crewe Road junction will also provide enhanced pedestrian crossing facilities.

Public open space will be provided within two areas of the site. One location will be alongside the canal and will incorporate a balancing pond and an ecological area. A further location will be within the built form of the site and will include a children's play area.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site. However, it was proposed as a housing allocation in the Congleton Borough Council Site Allocations Preferred Option Document (September 2006) but was not included as an allocation in the Revised Preferred Option document.

3. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS.5 Planning for the Historic Environment
PPS23 Planning and Pollution Control
PPS225 Development and Flood risk.

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
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
BH9 Conservation Areas

4. OBSERVATIONS OF CONSULTEES

Housing

- Welcome the provision of the policy requirement of 30% affordable housing on the site as well as the 50/50 split between social rented and intermediate housing. They also welcome the fact that the units will be 'tenure blind' and also evenly distributed across the site.
- The proposed mix of units is generally satisfactory however recent housing register information indicates that there is a greater demand for 2 bedroom social rented houses than for 2 bedroom social rented flats. As such they would like to see the 2 bedroom flats be 6 and the 2 bedroom houses be 11.
- Would like the shared ownership units to be rent to homebuy/shared ownership in order to give the RSL some more flexibility.

Environmental Health

Recommend the following conditions:

1. Approval of external lighting
2. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
3. Details of the method, timing and duration of any pile driving operations connected with the construction of the development shall be approved in writing by the Local Planning Authority prior to such works taking place

4. Prior to development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority.

Contaminated Land Comments:

- The application area has a history of farming use and therefore the land may be contaminated.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The application area is located adjacent to a sewage works which has the potential to affect the subject site.
- As such, and in accordance with PPS23, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

Prior to the commencement of development:

- a. A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority (LPA).
- b. Should the Phase 1 report recommend that a Phase 2 investigation is required, a Phase 2 investigation shall be carried out and the results submitted to, and approved in writing by the LPA.
- c. If the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement including details of the timescale for the work to be undertaken shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out in accordance with the submitted details.
- d. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Air Quality Comments:

- Environmental Health are satisfied with the outcome of the odour assessments.
- The area of public open space and balancing pond in the southwest and southern corners of the site should aid to provide a greater stand-off distance to the proposed houses to the Sewerage Treatment Works, thereby serving to further reduce the risk of a statutory nuisance arising.
- A Travel Plan should be implemented as part of the development. In addition, it should be monitored in terms of take up.
- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on Air Quality in addition to ensuring related complaints are kept to a minimum.

Highways

The Strategic Highways Manager has considered this outline application and held both pre and post-application discussions with the applicant's highway consultant.

The proposal is accompanied by a Transport Assessment which assesses the impact of the development traffic generation on the local infrastructure and considers other relevant issues as prescribed in the DfT document: Guidance on 'Transport Assessments'.

The TA identifies that there is a negligible impact at Junction 17 of the M6.

Despite this the Highways Agency – who manage the motorway infrastructure – requested a Supplementary Transport Statement specifically for the M6 at junction 17.

This report was provided with additional details, to the Highways Agency and they have verified the figures and projected traffic impact and are content with the conclusions.

Transport Assessment Detail

The Transport Assessment was written after a scope for its detail had been agreed with the Strategic highways Manager.

This has ensured that the TA addresses all salient issues for and surrounding the site.

Crucially it was important that local traffic impact was assessed for an agreed list of existing junctions on the local infrastructure and provided appropriate improvements and necessary contributions where the proposed development showed a need.

In addition, and considering junction 17 of the M6, Cheshire East Council Highway Authority have identified the need for contributions to the improvement of the strategic highway network in the Sandbach area and have highlighted and negotiated for such a contribution with regard to this development proposal.

A contribution of £60,000 has been agreed with the developer despite the proven negligible impact on junction 17 from this development's traffic generation.

In addition the development is offering a £10,000 contribution towards local sustainable links and traffic management.

These provisional sums would be captured within a Section 106 agreement under the Planning Act 1990.

Local improvement.

The proposed development of 269 houses has clear impact on the local highway infrastructure and the Transport Assessment has identified the need for some local improvements which will mitigate that local traffic impact. These local improvements will also have the added benefit of improving existing conditions on a significant portion of the immediate local highway infrastructure.

Most prominently the development is offering traffic signal control at the junction of Hind Heath Road and Crewe Road.

It is identified in the Transport Assessment that this junction currently suffers some queuing at peak times on Hind Heath Road, which will in future projected years amount to substantial queuing due to general traffic growth.

The traffic signal junction will balance the flows on the three arms of the junction (two for Crewe Road and Hind Heath Road), and this will provide junction capacity and control queuing in such a way that those queues are minimised throughout the day.

Incorporated within the junction will be a pedestrian phase to assist in the crossing of the Hind Heath Road arm.

In addition, the development offers widening and improvement of Hind Heath Road along its length to regulate width and alignment on what is a relatively narrow local 'B'-classified road, carrying a significant traffic flow. This will have the effect of improving heavy commercial vehicle transition along the length of Hind Heath Road and improving the perception of safe travel locally.

These desirable improvements were identified at a public liaison meeting held by the developer, where they presented the development proposals.

In addition to these locally identified issues, the Strategic Highways Manager has also secured:

- An extension to the 30mph area to extend past the frontage of the proposed site through the provision of a system of street lighting.
- A revised system of white lining for the length of Hind Heath Road to compliment the proposed widening and alignment improvements.

All of the local improvements to the existing highway network will be secured by a Section 278 Agreement under the Highways Act 1980.

Internal layout.

The Strategic Highways Manager does have one concern, in that the internal layout for this residential development does need significant revision to improve the proposed design to a point where it complies satisfactorily with the current design guidance in the DfT document: Manual for Streets.

The SHM recommends that the developer should bring forward a revised layout for the approval of the Local Planning Authority, which addresses discussed concerns and which, through innovative design, will provide a quality public realm with a strong sense of place.

Conclusion.

The Strategic Highways Manager is satisfied that the Transport Assessment for this development proposal appropriately identifies the development traffic generation and assignment onto the existing highway network.

The document also identifies necessary improvements to the existing highway infrastructure for of a traffic signal junction at: Hind Heath Road/Crewe Road with pedestrian facilities, with

other measures along Hind Heath Road offering: carriageway widening, pedestrian facilities, street lighting provision and speed limit reduction.

A number of these facilities also benefit existing highway network issues indicated by Strategic Highways or picked up through a public consultation exercise.

In addition capital sums of £10,000 and £60,000 are also made available for local traffic management and as a contribution to strategic improvements at M6 junction 17.

In relation to the internal layout, it is considered that the developer should provide a revised plan through a planning condition.

The Strategic Highways Manager recommends therefore that the following planning conditions and informatives should be attached to any permission which may be granted for this application proposal:

Conditions:

1. Prior to first development, the developer or their consultants will provide a suite of scale plans which demonstrate the specific design and construction specification of the proposed local highway improvements – including street lighting and signing, to the satisfaction of the L.P.A.
2. Prior to first occupation the developer will provide a traffic signal facility at the junction of Hind Heath Road with Crewe Road, to include pedestrian facilities in accordance with the agreed suite of plans provided under condition 1 above. This will form part of the offsite highway works.
3. Prior to first development, the developer will provide the carriageway widening works and lining and lighting scheme proposed for Hind Heath Road. This will form part of the offsite highway works.
4. Prior to first occupation the developer will enter into a Section 106 Agreement under the Planning Act 1990 so that the capital sums offered for local traffic management and strategic highway improvement can be legally secured.
5. The developer or their consultant will provide an amended internal layout plan for the residential development which complies with Manual for Streets guidelines, to the satisfaction of the Strategic Highways Manager and the Local Planning Authority.

Informatives:

- The developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 with regard to all of the off-site highway works.
- The developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regard to the adoption of the new residential road infrastructure.

- This site may be subject to the requirements of Section 12 of the Cheshire County Council Act 1980. If Cheshire East Council invokes rights for design review under the Cheshire County Council Act 1980, the developer will enter negotiation with Cheshire County Council and resolve any design issues which may arise. This will be resolved prior to first development.

Education

The site is within the catchment area of Wheelock Primary School which is currently full to capacity and several of the surrounding schools are also full and forecast to remain full.

The summary is that for the Hind Heath Road development there is currently insufficient capacity in the schools within a 2 mile radius of the development to accommodate the potential pupil yield from the proposed development. This was based on the information I had been sent by the developer that there would be 252 2+ bedroom dwellings (1 bedroom dwellings aren't included in the calculation).

The pupil yield factor of 0.182 gives a potential primary pupil yield of 45.86 for this development and using the School Extension cost multiplier of £11,079 and the Regional Weighting of 0.91 gives a developer contribution of £462,355.

Sustrans

Should this be considered an appropriate use of this land, their comments are as follows:

1. All vehicle movements will be by one entry point only on to Hind Heath Lane. This will make walking and cycling less attractive in the immediate vicinity
2. They would therefore like to see measures to create a more pleasant environment for local pedestrians and cyclists such as:
 - direct access by bridge from the estate to the canal towpath on the south side of the canal
 - much improved access to the Wheelock Trail, National Cycle Network 5, including a safe crossing of Hind Heath Lane
 - estate roads to be limited to 20mph by design

Environment Agency

Consider that outline planning permission should only be granted to the proposed development if the following planning conditions are imposed on any planning permission.

- Provision of surface water regulations system (based on sustainable drainage principles)
- Provision of a scheme for the management of overland flow from surcharging of the site's surface water drainage system. The scheme shall include details of the proposed finished floor levels and ground levels.
- Provision of a landscape management plan, including long - term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens). The scheme shall include the following elements:
 - detail extent and type of new planting, with a preference for native species.
 - details of maintenance regimes
 - details of any new habitat created on site

- The proposed new wetland shall be constructed in accordance with a scheme to be submitted to and approved

The following informatives should be included on the decision notice.

1. The FRA submitted with the application has specified that it is the applicant's intention to dispose of surface water generated by the development to the neighbouring Trent & Mersey Canal, subject to agreement with British Waterways. If agreement to discharge surface water to the canal is not able to be made, it would then be the applicant's intention to discharge surface water to the watercourse located to the south west of the application area. This is an un-named tributary of the River Wheelock.
2. The FRA has indicated that surface water discharge rates would be restricted to a "greenfield" runoff rate. If at the detailed design stages, it becomes apparent that surface water is to be directed to the watercourse (as opposed to the canal) we will expect a detailed local catchment assessment to be undertaken. It may be the case that the site does not currently contribute to the catchment of this watercourse. As such, any additional flows directed to the watercourse (even those restricted at a "greenfield" rate) have the potential to increase flows within the watercourse, and hence increase flood risk. It may therefore be the case that we request that a lower discharge rate be implemented. This could require additional on-site attenuation to accommodate the surface water volumes generated by events with flow probabilities of up to and including the critical 1 in 100 year event (including a 30% allowance for climate change).
3. It may also be necessary to undertake an assessment of the culvert structure which is believed to run beneath the canal and sewage works to ensure that there is sufficient capacity to receive additional flows generated by the development, and is in a suitable condition to service the site.
4. The E.A. would recommend that the proposed large scale residential development be accredited under Code for Sustainable Homes and aim to meet as a minimum level 3, and preferably level 4 rating, to ensure the said development minimises its environmental footprint and achieves the highest practicable sustainable design standards.
5. The application site is adjacent to the Trent and Mersey Canal, and consultation with British Waterways is recommended.
6. All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse.

Inland Waterways Association

- The Inland Waterways Association (IWA) is a registered charity, founded in 1946, which advocates the conservation, use, maintenance, restoration and development of the inland waterways for public benefit. IWA has over 17,000 members whose interests include boating, towing path walking, industrial archaeology, nature conservation and many other activities associated with the inland waterways. The

local Stoke-on-Trent Branch, which covers the Trent & Mersey Canal between Middlewich and Sandon, the Macclesfield Canal from Kids Grove to Bosley; and the whole of the Caldon and Uttoxeter Canals, has over 260 local members.

- They have reviewed the proposed development in the context of planning policies drawn up by Congleton Borough Council, which they understand still apply at this time. The field is defined in the local plan as "open countryside" and "protected area of open space" Policies defined as applicable include H6 (residential development in the countryside) and PS6-8 (development in open countryside)
- This proposal is clearly contrary to these and therefore they would hope that it is rejected as a matter of policy. Policy PS8 states that "Development in the open countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements." This is clearly not the case as there is not an identified shortage of housing in Wheelock and in the wider area a number of sites already have planning permission but have not yet been developed.
- From the specific perspective of the canal, they oppose what is clearly urban sprawl which if approved sets a precedent that would allow the waterside settlements along the canal to be progressively joined up. They have seen (and support) the principle of redevelopment of former industrial sites along the canal in Malkins Bank and on the edge of Ettiley Heath, but strongly oppose development of Greenfield sites, leading ultimately to a linear estate along the canal.

United Utilities

Have no objection to the proposal provided that the following conditions are met: -

- United Utilities access road to Sandbach Water Treatment Works runs along side the North East boundary of the proposed site. The developer must confirm how they intend accessing the site, as the use of United Utilities access road would not be permitted.
- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency.
- The applicant must discuss full details of the site drainage proposals with United Utilities
- If any sewers on this development are proposed for adoption then the developer should contact United Utilities
- Due to the size of this development their water mains may need extending and some network reinforcement is likely to serve this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (Water Fittings) Regulations 1999.

Amenity Greenspace

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Planning Layout, Drawing no 10004/PC.01, dated June 10) there would be a surplus in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace. Therefore, whilst there is obviously a need to provide green spaces within the boundary of the new site, there is not a requirement for additional provision in line with the Interim Policy Note for the Provision of new Open Space.

The amount of Public Open Space that would be expected in respect of the new population on site would equate to 8410 m².

It should be noted that the area of water would not be classed as useable open space and would therefore be deducted from the total area of amenity greenspace that is being offered on site.

According to the plans provided a total amount of 8498 m² is being provided, less the 500m². This will equate to the children's play space, and pond 2,401m² which leaves a total amount of 5,597 m² of on site POS.

In light of the deficiency in what would be required in respect of the possible new population of the area, the Greenspace Service would require the enhancement cost calculation to be applied to the deficit of 2813 m². This would provide a contribution in lieu of the POS that would contribute to qualitative enhancements of existing green space facilities in the area. The Wheelock Rail Trail is a green corridor where an opportunity exists for improvements to be made; improvements to this area would improve links to the wider footpath network increasing accessibility for local residents in line with the Health & Well being Directorates priorities and objectives. It is acknowledged and highly welcomed that a footpath and cycleway along the Southern boundary of Hind Heath Road is planned (planning application 10/2609C). However The Wheelock Rail Trail still provides an important link with a 'rural feel' and potentially links the proposed football fields on Abbey Road and Abbey Road estate. Alternatively, Forge Fields playing field could benefit from enhancement work, but further investigation for this is required at this stage.

Taking into account the amount of POS located within the area of the development site, the location and quantity of the areas of POS that have been proposed would seem adequate, although more detail as to the landscaping proposals would be sort.

To the SW side of the site a large balancing pond is proposed and whilst it is appreciated that this is due to regulatory requirements to comply with SUD's it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is suggested that consideration is made for this area of POS to be transferred to a management company.

The 12m wide landscaped buffer zone is something that should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species type of trees. Again for liabilities and maintenance implications I would look to a management company.

The Design and Access Statement dated July 2010 makes reference in Section 7.0 that Courtyard areas will include tree and shrub planting. Home zone areas also include tree planting set in grilles together with hard landscaping. Clarification would be required as to the intended end ownership of these areas due to any maintenance implications that may arise as a result of it. With these areas being predominately hard landscaped abutting the highway I would suggest Highways would be the suitable department responsible, but confirmation would need to be sort from that section.

Given that an opportunity has been identified for enhancing the capacity of existing Amenity Greenspace to serve the development based on the Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Enhanced Provision:	<u>£14,861.00</u>
Maintenance:	<u>£33,263.00</u>

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision having regard to the adopted local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

The plan indicates the inclusion of a play area in an appropriate location; Green spaces can confirm that a LEAP (Locally Equipped Area for Play) standard play area would be sufficient. This should include at least 5 items incorporating DDA inclusive equipment, using play companies from The Councils select list.

Providing the LEAP standard play area is provided on site, a commuted sum only for a 25-year maintenance period would be required based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance:	<u>£246,860.00</u>
--------------	--------------------

Cheshire Brine Board

The dwellings should be constructed on reinforced concrete raft foundations.

British Waterways

British Waterways has no objections to the proposed development, subject to the applicant first entering into a legal agreement which includes a financial contribution towards the upgrade of nearby off-site public open space. The offsite contribution is intended to be used by the Council for local improvements such as the existing sports fields near to the site, to the south of the canal.

Residents from the proposed development are likely to access this public open space to the south of the canal via the canal bridge from Smithy Way, and then also access the canal towpath. They would therefore suggest that the proposed financial contribution should include for improving the access to the towpath, and to improving and maintaining the stretch of towpath which is adjacent to the public open space, from the eastern end of the sewage works to the boundary across the canal from 64 Forge Fields.

British Waterways welcomes the proposals to retain an area of 'natural ecology' adjacent to the canal bank. Any proposed new landscaping adjacent to the canal corridor should be of native species only and be appropriate for a canal environment. Details of new tree plantings should be agreed with British Waterways prior to landscaping works commencing on site.

Should the Council be minded to grant planning permission, it is therefore requested that the following conditions are attached;

1. landscaping and boundary treatments scheme to be submitted to and agreed
2. Submission of method statements for approval detailing how the canal corridor and users will be protected from dust, debris, noise and contaminated run-off throughout the demolition and construction works.
3. Submission of details of appropriate mitigation measures to prevent pollution of the waterway during and after construction of the proposed development
4. Submission of details of surface water drainage

It is requested that the following informatives are attached to the decision notice:

- *The applicant/developer is advised that an agreement with British Waterways would be required for the discharge of water into the canal.*
- *"The applicant/developer is advised to contact third party works engineer, in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".*

5. VIEWS OF THE PARISH / TOWN COUNCIL

Cllr Chadwick notified members that she had recently been contacted by residents concerned by this application. Upon visiting the site and hearing residents objections she believed the proposals would have a detrimental impact on Wheelock Village and the local transport and leisure facilities, and that alternative sites should be sought before this particular Greenfield area.

Wheelock residents informed the committee that they feel the proposal exceeds local need for housing and believe it to be disproportionate to put so much housing in one area. They echo Cllr Chadwick's view that Greenfield sites are not suitable for development when so many alternative Brownfield areas are available locally, and added that the development will breach the settlement zone line.

Question was raised of the potential impact of this development on local schools, already functioning at full capacity, leisure and medical facilities, roads with existing traffic problems and to stretch of the canal which runs along the site.

Residents referred to additional concern over increased traffic and the potential hazards through drivers seeking alternative routes via the residential areas such as Oldfield and Armistead Road which lead to the canal bridge junction which does not give a clear view of all oncoming traffic.

As the development breaches the settlement zone line and offers no specific benefit to the Town and surrounding Villages residents do not feel it an appropriate proposal.

Resolved: Strongly Object on the following grounds:

1. The defined Strategy of the Congleton Borough Local Plan is to minimise the loss of open countryside to new development and maximise the use of urban land, particularly Brownfield site. This application runs completely contrary to that strategy and furthermore takes development outside the settlement zone, setting a precedent and making an uneasy defining line to the whole area. This contravenes policy PS3.
2. This Council maintains that the site is not a sustainable location for further development. No significant shopping facilities are within comfortable walking distance and use of the car becomes inevitable. Public transport does not operate on Hind Heath Road. Therefore Policies GR9 and GR10 could be compromised. Agricultural land is a finite resource and should be maintained as such.
3. This Council strongly believes that existing permissions, allocated sites plus the development of existing Brown Field site, together will meet the requirement for development in the area and also confirm with PPS3.
4. The implications for the infrastructure of the area by this and other pending applications is alarming. Schools, leisure facilities and other services can not be protected by the imposition of Planning Conditions.
5. This Council supports residents on the impact of Traffic Generation this proposal creates. Hind Heath Road and associated roads will be affected by 500 extra car journeys with a strong possibility of 'rat runs' being created.
6. Due to the Council imposed 7.5 tonne weight limit on Abbey Road and Elton Road, heavy goods traffic from the nearby industrial estate has to use Hind Heath Road. This contributes to a substantial hazard along this relatively narrow road. The proposed development will further add to this ongoing problem both during a construction phase and following completion.

6. OTHER REPRESENTATIONS

Letters of representation have been received from 2, 6, 8, 9, 10, 14, 16, 18, 20, 26, 32, 40, 52, 65, 82, 100, Marriott Road; 241, 335 Crewe Road; 7, 9, 61 Armistead Road; 31, 35, 37, 50, 60, 68, 69, 71, 75, 77, 82 Oldfield Road; 3 Smithy Walk; 64, 69, 77, 80, 84, 92, 98, 99, 100, 101, 103, 107 Forge Fields; 7, 18 West Way; 3, 5, 7, 9, 10, 11, 24 Anvil Close; 4, 6, 34, 38, 47, 55, 69 Hind Heath Road; 1, 2 Low Barn, 1, 2, High Barn; 4, 7 Ordsall Close; 14, 28, 31, 47 Thornbrook Way; 65 Lightly Close; 9, 19, 26, 31, 33 Proctors Lane; 24 Rutland Close; 5, 8

Coverdale Fold; 4, 32 Arley Walk; 4, 14 Radcliffe Road; 21, 22, 24 Rookery Close; 17, 121 Abbey Road; Conway, 28 Elton Road; 7 Southey Close; 29 Chartwell Park; 20 Belmont Avenue; Little Hind Heath Farm; 9 Goldsmith Drive; 119 Middlewich Road; 28 Milton Way; 30 Fishpond Way; 3 Alvaston Business Park; and 13 Deans Lane making the following points:

Principle of development

- the proposed site for this development is on a greenfield site and therefore the application is going against local planning policy
- The proposed development is not only disproportionate to the Village it also falls outside the current housing allocation planned for Sandbach and surrounding areas, as established by Congleton Borough Council
- The village of Wheelock is not short on available housing and an increase of this magnitude is unnecessary and excessive. The proposal for 269 dwellings is disproportionate to the size of the adjacent community.
- The independent charity, Empty Homes, reported in 2009 that there were 1,251 empty homes in the former borough of Congleton. There are also many empty houses not on the market but going to rack and ruin- these create an eyesore, attract anti social behaviour including vandalism and fly tipping.
- The Housing Market Area assessment provided by the developers is in parts in error.
 - a) Footfall in estate agency statistics for local estate agents do not consider the 40% reduction of local agents in Sandbach in recent years and hence gives a misleading appreciation of market viability.
 - b) Commercial assessment of existing proposed brown field site developments are contradictory. If market conditions do not make these viable then by inference additional green field developments will also be unviable. The report also makes assumptions about the brown field developments the substantiation of which is not within the scope of knowledge of the report authors.
 - c) Sample size on the land registry data is too small due to low current market turnover to allow confident conclusions on the strength of the market in any particular price band or house category. The report does not factor this in.
- There is currently significant unsold housing stock in the Sandbach area and market turnover continues to be low by comparison to average years. Further provision of housing stock beyond existing planning permissions is not required and will negatively impact the market.
- There are numerous Brownfield sites available. The old Fodens test site was identified and adopted into the local plan; nothing has been developed on it to date. There are a number of brown field sites such as the former petrol station and Lorry Park on Congleton Road, the former Job Centre opposite, and the large warehouse complex on Elworth Road (formerly Saxon Engineering Works), the latter of which has been empty for some years and is fast becoming an eyesore.
- The Company claims to specialise in developing Brownfield sites on their website and should be encouraged by the council to do this in Sandbach.
- Why do we need extra housing when the housing market has been at best static in the Sandbach area over the last 2 years? A look at the internet shows there are (as at 22/8/10) 60 properties for sale in the area at under £130,000, many of which have been on the market for a considerable time, in total 357 houses for sale in the Sandbach area (source www.globrix.com). Is there really a need for another 269?
- The claim that this development has been approved to meet the shortage of housing in the Sandbach area does not appear to be factual since a number of shared ownership and other homes in the town have been on the market for a considerable

time. If there was such a shortage, surely the existing housing stock would have been snapped up?

- This field was part of Congleton Borough Council's local Plan and after a protest by residents it agreed by the council to remove it from that plan. Nothing that influenced that decision has changed so it seems that the main reason the developers are choosing this piece of Greenfield land as opposed to the Brownfield land available comes down to their profit margin being far less when developing the Brownfield land.
- This settlement was voted on by council and removed from the local development framework due to the size and location. As this has already been voted on by council, it is disappointing that it is again the subject of consideration.
- The proposed development in the LDF more than covers any growth and demand requirements.
- Recent planning applications to build on Greenfield in Sandbach have already been approved and this is becoming an inappropriate trend (football pitches Abbeyfields, Housing Estate next to Zan Drive etc).
- Fields along Hind Heath Road provide a green space between Ettiley Heath and Wheelock. To lose this green space would mean continuous building and Wheelock village would no longer keep its individual identity – Residents do not want 'ribbon development'.
- This development, if it went ahead, would effectively link Ettiley Heath and Wheelock. This not only contravenes previously stated policy but would destroy the separate identities of the two communities.
- In the last round of local housing planning Wheelock appeared to be faced with providing the bulk of the required housing increase (in which this field was then highlighted) for the Sandbach area. Why can the burden of housing increase not be spread to other areas of Sandbach?
- The identity of Sandbach is of a market town in the Cheshire countryside, why is it necessary to dig up this countryside in order to make money for developers who have no interest in the community
- The land is not redundant farm land, it has either been grazed by cows, sheep, grown potatoes, sweet corn, wheat and various other crops over the last 44 years, At the moment it has a crop of winter wheat which will soon be ready for harvesting.
- It is good Cheshire farming land which has been allowed to lie fallow, but which could easily be returned to productive agriculture if allowed to do so, which would be in line with the governments green policies and would not be destroying yet another green field site in Sandbach.
- As noted this rich arable land is suitable for many agricultural purposes and capable of producing crop yields comparable to the best in the UK. For example just this week we have witnessed the harvesting of around 100 tonnes of quality wheat grain suitable for use in prime food production and 80 tonnes of straw suitable for feeding and bedding cattle during the winter months. The process of reaping took just a few hours. In broader terms this represents a valuable contribution to the prosperity of both the county and the country.
- We need to keep our countryside for environmental reasons. In fact the previous and present governments have both stated that as a country we will need to grow more of our own produce in the near future. Good agricultural land cannot be created overnight.
- Under the Agricultural Land Classification system currently in use to grade agricultural land, the current site is considered to be grade 2 (very good quality agricultural land) and grade 3a (good quality agricultural land) land. This land is therefore able to support a wide range of agricultural and horticultural crops and once swallowed up by

development will never again be available for agricultural purposes. In line with current council policy of not allowing development on agricultural land of grade 3a and above.

- The proposed development is in opposition to many aspects of the Regional Spatial Strategy, the Local Development Framework policy and objectives, and national policies, including : PPG3, 'A better Quality of Life', Cheshire 2011 Structure Plan, PPG7, PPS7, PPG9, PPG12 and PPS12
- The borough should instead be putting housing near employment centres to reduce commuting and maintain sustainability, not in a small semi-rural village.
- At the exhibition the developer gave the impression that the cost to develop Brownfield land did not allow them (the developer) to provide adequate low cost housing and that was one of the reasons that it had been chosen because it was good for the company.
- According to the developer it is cheaper to develop a Greenfield site than a Brownfield site because of the costs associated with ground preparation on Brownfield sites. The builder was quite clear that he is actively withdrawing from Brownfield site development because there is no profit to be made in developing such sites. This means that current policy encourages builders to opt out of developing Brownfields sites in favour of Greenfields sites.
- At the recent open evening held by the Developers agents at Sandbach Cricket Club, when challenged on this point, residents were told that the cost of developing brownfield sites were proving too prohibitive and developers would prefer to pursue greenfield options to maximise profit. The depreciation of our remaining green spaces should not be allowed just so that greedy developers can pursue easy profit.
- Greenfield sites should be protected for the future generation for both leisure and agriculture Sandbach is at saturation point for new housing as several developments have been completed in the last few years
- If the land is to be rezoned for residential development this must only be by due democratic process between elected representatives and those who elected them to serve their local community, not leverage by developers attempting to exploit the vulnerability of the planning authority by virtue of the statutory obligation to achieve housing targets.
- The draft SHLAA for Cheshire East has recently been sent out for consultation (consulted on in 2009 and currently awaiting publication), and while this does not itself determine where housing should be built it does nevertheless provide background evidence on the potential availability of land. The field selected by Richborough Estates for this development has not been identified as a potential housing site under the recent draft SHLAA and therefore does not accord to council plans. In fact this document has highlighted where future housing development should occur and cites that this particular location would be seen as "an incursion into open countryside" and therefore would be against current council policy.
- The draft SHLAA highlights several sites within 2km of the proposed housing site and includes sites that have already gained planning permission for housing in both Ettiley Heath and Wheelock including:-
 - Fodens Test Track – 142 – 149 residential properties
 - Fodens Factory Site – 250 residential properties
 - Canal Fields, Moston – 120 residential properties
 - Crewe Road – 37 residential properties
 - Total – 549 – 556 residential properties
- In total, there is already over 500 residential properties scheduled to be built within close proximity to this proposal. The draft SHLAA is clear that if the sites identified within this document (including the above) are used for housing then the net total number of houses for the period 2008 – 2023 will be more than specified in the

Regional Spatial Strategy. Consequently alternative sites that are outside of the identified sites within this document should not be built on as they are both against council policy and also have not been consulted on with residents within the local area.

- If the field is redundant it should be used for allotments, which are a much needed facility
 - The Wheelock area and particularly Hind Heath Road is being asked to provide a large share of Greenfield land for development purposes. Recently completed and approved developments include:
 - i) Sandbach Cricket Club relocated to the north end of Hind Heath Road a few years ago.
 - ii) Planning permission granted to construct a football centre with 10 pitches again off Hind Heath Road.
 - iii) Planning permission granted for 40 plus houses at the Zan site in Wheelock.
- Further development along Hind Heath Road in the form of a huge housing development would be disproportionate.

Flooding / Drainage

- There is a very high potential of flood risk to existed properties as some flooding occurs already.
- The proposed car park at the South East Corner will adversely affect already poor draining land.
- The slope of the proposed site increases markedly towards the rear gardens of numbers 2 to 22 Marriott Road combined with the slope away from Hind Heath Road increasing measurably steeper to numbers 20 and 22 will make a well known poor drainage problem in to an intolerable one, in fact I will go as far as saying that it will turn rear gardens into a storm water drains.
- Green space reduces pressure on drainage and flooding. The addition of the forge field estate caused flooding lower in the village which was highly publicised at the time. The addition of further hard landscaping and on such a huge scale again has the potential to do the same with more impact on the same drains. The site has a large number of mature trees and hedgerows removal of these again adds to the drainage issues.
- The lake on the plans and public footpath is just ridiculous. Who would want a lake next to a canal it would be a Health and Safety issue for the council to maintain and is probably just a cheap way to address the above. We already get mosquitoes in this area and it will be a potential flooding risk in itself and children may fall in.
- Will the existing sewerage system be able to deal with the extra waste, or will the smell problem of a few years ago return to Wheelock because the plant is unable to copy, not only with these houses but the forty plus new houses already agreed on land off Crewe Road.

Amenity

- A proportion of the houses scheduled for the development will back onto the canal, on the other side of which are the sewerage works, the prevailing wind blows from the sewerage works directly over the new site.
- The slope of the proposed site will mean that the houses built adjacent to the rear gardens will dominate, over shadow and overwhelm my house and garden, resulting in the removal of my privacy. Some houses have a proposed height of two and a half stories which is totally out of keeping with a rural setting.

- At the bottom end of the plan near the canal there is a footpath which leads directly to a neighbouring house. This area will become an area where youths hang out as it is away from any roads. It will certainly provide a quick escape route for burglars etc and affect the security of this home.
- Again the footpath - it can go nowhere - the road where it is leading to has not been adopted by the council which means that the public will have to walk along a steep bank until they reach council owned road.
- The pond - what will make this area safe and not a hang out for youths or unsavouries? There is already a problem with sex offenders being placed in a bail hostel not far away - these sort of areas provide an ideal place for them to visit.

Ecology

- The land off Hind Heath Road is an area of natural beauty and building 269 homes would destroy an area currently enjoyed by all Wheelock's residents, making the area unattractive to residents, pulling down house prices and driving people out of the area.
- Environmentally the area supports protected species.
- The natural habitat will be destroyed thus depriving wild life of its surroundings.
- This field and surrounding fields are a hive of activity for various species of wildlife and is a wildlife corridor [well established] including badgers, bats and owls.
- The planning authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission. In England and Wales bats and their roosts are protected by law under the Wildlife and Countryside Act 1981 (amended by the Countryside and Rights of Way Act 2000), and the Conservation (Natural Habitats, &c.) Regulations 2010. A roost is defined in the Wildlife and Countryside Act as "any place that a wild bat uses for shelter or protection", and the roost is protected whether bats are present in it or not. By this development and ensuing pathway near their habitat this will endanger their roost and hunting ground and if permission is granted without a full survey a crime will have been committed. A detailed bat survey should be carried out of the trees at the southern edge of the proposed development.

Infrastructure

- This proposal does not form part of a well planned, considered, logical growth of this community. It is simply a profit led project by opportunistic developers. Not only would it be an unsustainable site in relation to the town it would have an unacceptable impact on the local area and the local community. The increased pressure on local services, amenities and school places would be grossly unfair on existing residents.
- The sheer number of houses is totally disproportionate for this area; the impact on local infrastructure will be tremendous as it is already struggling from school places to doctors, dentists and the roads. Wheelock County Primary and other local schools are pressurized for places.
- The scheme offers no perceivable benefit to the local community or surrounding area. Rather it appears to be a solely opportunistic, undesirable scheme.
- There is next to nothing in the way of local employment. At this difficult time people would have to travel to their place of work, creating yet more carbon emissions and polluting the countryside. Junction 17 of the M6 is notoriously difficult to exist from and this would make it even more dangerous.

- There are hardly any shops within walking distance. There is not, as stated by the applicant a post office in Wheelock, The office closed some months ago. The nearest Post Office is in Sandbach about 1 ½ miles away. The alternative is Haslington .The only local post boxes are unsuitable for large items.
- There is only 1 local shop in Wheelock, a small general store. Experience proves that traffic blight in Wheelock does not encourage pedestrian access through the village: recent residential development (Forge Fields, Anvil Close, etc.) has done nothing to help retail outlets in the village. Shopping will generate (yet more) car journeys and yet more traffic blight.
- Can the secondary schools in the town cope with the eventual number of new pupils? Is a new primary school to be built for all the children from these new houses, The existing one will not be able to accept the number of pupils from developments as large as these. If a new school is to be built are the developers allocating land for it if not where is it to go.
- In the last year we have seen a number of instances where children with siblings have been unable to get into the same school.
- For the 2009 intake, children within catchment did not get a place and had to go to other schools in Sandbach. New families moving to the area would be unlikely to get a place at this local school and would have to drive their children to schools further away in Sandbach adding to congestion and pollution problems. A bus brings children to school from Ettiley Heath. School places are offered based on closest within catchment first so the proposed development would be closer to school than Ettiley Heath meaning new intake children in Ettiley Heath may not get a place, would be unable to use the bus to get to school and would have to be driven to a different school again adding to congestion and pollution
- The developer proposes throwing a large sum of money to solve this particular problem as part of a section 106 attached to any planning permission however money itself will not address the problem – do the local schools have the capacity for extra buildings for example to take the extra children that this proposal will create?

Highways

- There would be a huge increase in traffic on Hind Heath Road, and other surrounding routes.
- Richborough Estates claims an additional maximum of (only) 150 cars will use the B5079 road during peak hours. Residents would seriously question this figure.
- The proposal suggests that 269 houses would be erected. This means another 400 plus cars. All cars would have to access the site via Hind Heath Road which is narrow with dangerous bends and has no footpath or lighting; also delivery vans etc would mean additional traffic.
- The roads are already dangerous and difficult for local children to cross. There is no lollipop lady on Hindheath Rd.
- There is little parking available locally for residents.
- Hindheath Rd is already very congested at peak times. Heavy vehicles and cars going to and from the Industrial Area heading south use it then travel through Wheelock.
- If we need more housing in Sandbach may a site between the town and the M6 would be more suitable.
- Hind Heath Road, despite what the traffic survey for this application states, is a very busy lane with heavy goods vehicles using it throughout the day, there have been many near misses with traffic on this lane, an extra 269 residences will only add to the potential for a fatality. The survey also states there is only minimal queuing at the

junction with Crewe road in the morning, perhaps they should have been there during the Monday-Friday school run hours.

- The Sandbach United new facilities access point will also add an extra traffic burden to this lane every evening from 5 pm onwards and during the mornings at the weekends.
- Parking in Sandbach is already a difficult task. We like to support our local town but the lack of parking makes people take the 'easy' option of driving to Crewe or some other nearby shopping facility where parking is readily available. If another 300+ cars were trying to use the town centre this will 'drive' more business away from Sandbach town.
- Looking at the Travel Plan in the supporting information, this development seems to go against what it recommends. It talks about a 'coordination between land use planning and transport' and 'promoting more sustainable transport choices, and promote accessibility to jobs, shopping and leisure activities by public transport, walking and cycling' and also to 'reduce reliance on public transport'. Research has shown 85% of commuters (which is who this development will attract) travel alone, resulting in at least 260 vehicles being in daily use, thus resulting in increased pollution in the area. The transport plan can only give guidance to reducing the use of private cars but realistically no one these days has the time to walk any distance to catch a bus. It would take someone fit to walk to the nearest bus stop at least 10-15 mins. The Report is also out of date there is no Post Office in Wheelock.
- There are discrepancies in the Report which make this look like an ideal development site. For example 4.1.2 talks about numerous retail, employment and leisure opportunities. Sandbach is a small town with a few retail outlets and very few leisure activities. So this development will flood what few facilities are available including schools.
- The development will increase traffic substantially, going over Crewe Rd bridges that are repaired regularly. There will be an increase in traffic via Oldfield Rd estate as people will use it as short cut to get onto Crewe Rd when queues form. Hind Heath Rd will close for while during development forcing people to go via Sandbach into the school traffic or block up Park Lane.
- The developers proposed to put traffic lights on the junction of Hind Heath and Crewe Road. Having witnessed the traffic in this area whilst restoration work is done on the bridge on Crewe Road, traffic uses Forge Fields, Oldfield Road and Armistead Road as a rat run to miss the traffic lights.
- The road is very dangerous and is only just wide enough for two vehicles to pass each other, leaving no room for pedestrians or cyclists, a new footpath / cycle lane as promised by the developers would make very little difference to the pedestrians distance from the traffic and therefore their safety. In fact all a cycle lane would do is give the cars and lorries a little more room on the road leaving the pedestrians with nowhere to go in the face of two vehicles travelling in opposite directions. To add to the problem there are blind bends on this road one of which is a tight blind bend on the opposite side of the road approximately one hundred yards from the proposed site exit road.
- Wheelock primary school Parents park all the way down Chartwell Park and then pupils either have to walk up in the road or walk all over residents gardens. Neither situation is good. I am awaiting a child to be seriously injured or even killed outside the school due to bad parking. The school would inevitably see further increases in its numbers if this estate was to be built.
- The new footpath / cycle link will not encourage access to Lilliput Lane Nursery, the Cricket Club and the Soccer club due to the increased traffic making Hind Heath Road difficult to cross.

- Moreover, the lack of pedestrian footpaths, the high bank sides and undulating road surfaces along the unlit B5079, makes this road a place where yet more (reported and unreported) accidents are just waiting to happen.
- Richborough Estates claims to have undertaken a traffic movement count along the B5079 during October 2009. This would not take into account heavy agricultural vehicle movements during seasonal harvest times and which continue 24hours/day on every day of the week.
- Vehicle movements along the B5079 are well documented by the local authority and are already strained. It must be the busiest B class road in South Cheshire. It is used as a "rat run" for drivers wanting to avoid Sandbach and the M6 motorway. 40tonne HGV's including foreign left-hand drive juggernauts use the road to access the Industrial Estates to the west end of the road. They also commute between Crewe and areas to the north and west, including Northwich, Winsford and Warrington.
- Traffic levels on this road are already set to increase further, following the recent approval to build football pitches with sole access onto Hind Heath Road and now that a further development of 300 houses on the Abbeyfield site are also being proposed.
- Widening will encourage more use by larger vehicles
- Traffic will be funnelled into Wheelock Village which is suffering from increased traffic despite the bypass
- There is no school crossing patrol anymore
- The survey done by Hurstwood clearly demonstrated that it was not safe or suitable for this volume of traffic when the development was proposed for 150 houses, this number has now doubled. The only potential road improvement suggested is a totally inadequate stretch of pavement and lighting outside the new development and school.
- The 40mile speed limit in place rarely observed by the road's users who persistently break the speed limit. Despite the by pass, Hind Heath Road and the village of Wheelock is still used by many motorists as a cut through and congestion at the end of Hind Heath Road is already an issue with a 1 mile journey into Sandbach town centre taking up to 20 minutes in the morning from Hind Heath Road.
- Hind Heath Road is consistently used by coaches and HGV vehicles, which again present a safety issue for pedestrians using the road, which in places does not have a pavement. A weight restriction was put on Hind Heath Road but was revoked. Several collisions have taken place on the road due to the number of vehicles using the road and the speed they are going at. Mothers are encouraged to walk their children to the local school in the village; again our concerns are for their safety with an increased risk of accidents.
- If easier access is required to the Wheelock Way, if it is dangerous to cross to the Nursery School in Hind Heath Road, if the road is so narrow that two large vehicles can't pass each other, if schoolchildren can't cross to the cut in Hind Heath Lane, if Hind Heath Road is so congested that traffic lights are required at the junction to Crewe Road, if for some inexplicable reason the current speed limit on the residential part of Hind Heath Road is 40 mph and not 30mph in common with all other local and major residential roads, then the proper authorities should get together and sort it out. A massive development on the road with only one shared exit and entry ensuring that all traffic has to use Hind Heath Road will surely exacerbate all of these problems. Why should the local residents have to put up with a blatant land grabbing exercise resulting in a totally unnecessary massive development and have the solution to these problems offered as a bribe?
- The applicants say they will improve traffic flow on Hind Heath Road. How can this be when an extra two to three hundred vehicles will exit and enter the site every day. Even now every weekday from before 8am until after 9am and again in the late

afternoon. The bypass was built to give Wheelock relief from never ending streams of traffic. Vehicles from this development will make the situation worse than it ever was

- Hind Heath Road has the only 40mph speed limit in Sandbach
- Existing residents of Ettiley Heath would, totally trapped in their own homes at peak times, as there are no other ways out of the estate.
- This would also re route traffic back over the bridge in Wheelock, in the past this was felt not to be strong enough for huge volumes of traffic hence the bypass being built.
- It is not long ago that 500 houses were built of farm land in Ettiley Heat. This has already made the area so much more congested with traffic.
- The building of a roundabout would also enable both traffic calming and safer access from the development to Hind Heath Road.
- It is very difficult already to turn out of Brock Hollow in either direction. From the right there is an incline so it is difficult to see approaching vehicles before they are right behind you especially as many are driving in excess of the 40mph limit. To the left there is a blind bend so you cannot see anything coming from this direction. The plans for this development show Hind Heath Road as a straight road which may be the case from an aerial view, however in real life when driving along it or pulling out of Brock Hollow in the Crewe Road direction it is definitely a blind bend right opposite the new entrance for the proposed site.
- This proposed development can only exacerbate the problem for the residents of Brock Hollow. Richborough Estates mention in one of the reports the possibility for commuting from Sandbach station which has a car park with apparently 45 spaces. However the car park is full before 8.00am, the only other place to park therefore is in the side streets around the station which annoys the local residents to have commuters cars parked outside their houses.
- The people who buy these houses will typically be commuting to work on the M6 motorway. The additional traffic created by the development will cause serious safety risks at junction 17 of the M6 motorway. This junction is already badly congested with traffic backing down the sliproad towards the motorway. At peak times the junction is extremely dangerous with no space on the sliproad to allow a safe braking distance. The consequence of the development will be to increase the number of fatal accidents on this section of the motorway. Traffic backing onto the slow lane of the M6 will inevitably lead to traffic jams on the main carriageway. This will cost the economy of the region many millions of pounds per annum. The planning application submitted by the developer does not include any dynamic modeling of the motorway junction. There has been no numerical calculation of the number of fatalities per annum which would result from the development. The failure to provide such analysis is reckless and irresponsible. Cheshire East Council has a duty of care towards the residents of Sandbach. Approval of the planning application, without a full quantitative risk assessment would breach this duty of care.
- Resolution of the traffic issues described in the bullet point above could not be achieved by installing traffic lights at the junction. The only viable alternative would be to completely remodel the junction putting in a full roundabout, and new sliproads. The cost of such a project would be tens of millions of pounds, plus the economic cost created by the disruption to the motorway during the construction phase of the project. This project would be a necessary consequence of the safety issues described above. It would inevitably be funded from the public purse.

Other matters

- The sheer weight of documentation provided by the developers makes reading the proposal very off-putting and understanding it almost impossible for the general public. Impression that this is designed to discourage public opinion rather than canvass it.
- Devaluing existing property by flooding the housing market

A personal objection has been received from Fiona Bruce MP. She states that the amount of correspondence and number of surgery attendances from constituents has clearly demonstrated to her that concerns regarding the inappropriateness of this development in this vicinity are deeply and widely shared by many people in the local community.

An objection has been received on behalf of Fox Land and Property, who have recently submitted a similarly scaled development for land off Abbey Road and Middlewich Road, Sandbach. They have reviewed the transport assessments and make the following observations

- Both schemes will generate about the same level of traffic
- The TA report only examines junctions in the immediate vicinity of the site
- This is surprising as FLP were asked to consider all major junctions, in the area, including Junction 17 of the M6.
- The TA does state that they have considered Junction 17 and there would be no material impact as there would only be a 3% increase in traffic, which equates to between 57 and 63 vehicles per hour
- It is usual practice to carry out full analysis where impact exceeds 30 vehicles per hour
- Their TA was also required to consider other permitted residential developments, such as the Fodens Site, Canal Fields and Old Mill Road
- None of these appear in the Hind Heath Road TA
- The distances to bus and rail services in the TA seem optimistic.
- It is therefore considered that the TA does not adequately address the traffic impact of the scheme.

An objection has been received on behalf of Taylor Wimpey stating that the Council should refuse planning permission for residential development at Hind Heath Road because:-

1. The site has been identified in the draft Cheshire East SHLAA as not suitable, not achievable and not currently developable due to a number of constraints including TPO trees, overhead power lines and the close proximity of the sewage works. The site is therefore not supported by the Council's Planning Policy Officers as a greenfield site for early release.
2. The site is not well related to existing local community facilities, public transport and services, and is therefore not considered to be a sustainable location for housing in accordance with PPS3.
3. The development of the site would narrow the gap between Eittiley Heath/Elworth and Sandbach.
4. The site is open in character and would comprise a significant intrusion into the open countryside.
5. The application site is bounded to the south by a WWTP and the location of residential properties in close proximity to the WWTP is likely to create an unsatisfactory level of residential amenity.

6. There are other better and less constrained greenfield sites on the edge of Sandbach, such as Congleton Road which can be delivered immediately to meet the Council's shortfall in housing.
7. It is also considered that the Council should take a pro-active approach when seeking deliver housing sites outwith the Local Development Framework process given that there is a shortage of supply. This letter has demonstrated the reasons why land at Hind Heath Road, Sandbach is not suitable for immediate release. The land to the north of Congleton Road, Sandbach is an appropriate greenfield release and we recommend that the Council drafts a Interim Policy Statement to allow the site to come forward whilst the Council progresses with its LDF. On behalf of Taylor Wimpey UK Limited, NLP recently provided your Planning Policy Officers with a representation on the why land at Congleton Road, Sandbach [SHLAA ref: 2621] is considered to be available, suitable, achievable and deliverable for housing development.

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

- In developing this proposal, the design and consultant team have sought to deliver a desirable living environment within this area of Sandbach.
- The form and arrangement of space, buildings and routes have been developed on sound urban design principles, with a view to creating a cohesive, legible and attractive new residential area.
- Dwelling forms and types have been conceived to meet local need in its present form and also provide for the aspirational new houses that will be required in the future economic growth, including the provision of affordable housing. The accompanying area appraisal produced by MMS provides further evidence.
- Developing the site brings significant highways improvements to benefit the area as a whole and detailed reports conclude that the additional traffic generation created will not have an unacceptable impact on the sourcing area, due to extensive improvements proposed.
- Ecology has been considered and all existing wildlife and trees are protected. Public open space and buffers will also be provided
- Air quality assessments have been carried out, the findings of which shows that the existing air quality is acceptable
- Although the site is Greenfield, attached reports provide evidence of housing need. With existing brownfield sites failing to provide this housing need, this site represents an excellent opportunity to provide this need in a location which helps to properly define the settlement boundary.

Transport Assessment

- There are two existing access points to the site; both of which are relatively minor gated track entrances, one off Hind Heath Road and the other from the narrow track running alongside the western edge of the site
- The master-plan sets out access to the proposed residential development from Hind Heath Road in the form of a simple priority junction.
- The proposed residential development will generate around 1 vehicle every 3 minutes (on average) during the morning and evening peak hours, the impact of which has been identified and assessed at 3 junctions (including the site access)

- In addition to the proposed Hind Heath Road / Crewe Road junction improvement to provide signals with formal pedestrian crossing facilities, the following transport related improvements are also to be implemented as a result of the proposed development.
- 3 m wide shared footway / cycleway along the southern edge of Hind Heath Road, between hind heath Lane and Ettiley Heath with connections across to the Lilliput Nursery and the proposed new development at Abbeyfields
- A new pedestrian refuge crossing facility at the Hind Heath Road / Hind Heath Lane junction.
- New bus shelter on the western side of Crewe Road, just to the north of Hind Heath lane and Adjacent to Lightly Close.
- Widening of Hind Heath Road at several locations, including to 6.7m alongside the site frontage.
- Installation of Dragons Teeth Road markings along Hind Heath Road
- Implementation of a Traffic Regulation Road to reduce the speed limit along Hind heath Road from 40mph to 30mph
- A full travel plan has been prepared highlighting additional sustainability proposals such as the provision of public transport information and an implementation and monitoring programme for the effective delivery of initiatives and ongoing assessment of their impact
- As a result of the assessment work contained within this report it is considered that in transport terms this proposal is suitable for planning approval.

Arboricultural Appraisal

- Arboriculturally the site lends itself to development well, and a suitable layout can be achieved with little impact on the trees provided the recommended protection measures illustrated on the tree constraints plan are followed.
- No tree removal is advised at present,

Air Quality Impact Assessment

- The baseline air quality data for the site and immediate surroundings indicates that the existing air quality
- is acceptable.
- Data has been provided for traffic to and from the development. The assessment undertaken using the DMRB model has concluded that the additional traffic generated by the development will not result in unacceptable high levels of air pollution or have an unacceptable effect on the local air quality. The air quality will also be acceptable for the occupants of the new residential development associated with the scheme. The impact significant for the introduction of new receptors is negligible.
- The construction dust assessment indicates that, with adequate mitigation, and in particular careful site management, significant adverse impacts due to dust are unlikely to occur.
- The Waste Water Treatment works to the south / southwest of the site is expected to give rise to occasional odours and faint to moderate odours were noted in the southern / southeastern corners of the site during the site visit. Given the absence of any complaints from the existing nearby residential properties in the last 3 years and based on the site observations it is concluded that there is a potential for a low impact on the development from odours arising from the Water Treatment Works. Any such odours are expected to drop off across the site.

Affordable Housing Statement

- The credit crunch and subsequent property slump have significantly reduced the delivery of all new housing (affordable and private). Recently released Government data⁹ shows that only 113,420 new homes were completed in the year to 31st March 2010. This represents a drop of 15% from last year and a fall of 33% (54,710 new home completions) from the level of 168,140 just two years earlier.
- Within Congleton the majority of forthcoming residential planning applications are now running viability based arguments to either reduce or perhaps even remove their S106 affordable housing obligations.
- Consequently, for the period (2008/9) show that affordable housing completions for Congleton were 60 units.
- The planning application proposes a development of 269 residential units, with associated infrastructure and public open space.
- The proposal incorporates a full policy provision of 30% affordable housing equating to 80 units.
- An affordable housing tenure split of 50% social rent and 50% shared ownership is also proposed.
- The proposed affordable housing mix has been informed by the Congleton Borough Council's Housing Needs Survey. The initial proposed mix based on the proportions of each unit type by demand is shown below:
 - 1 bedroom flat 499 29.79% 24
 - 2 bedroom flat 207 12.36% 10
 - 2 bedroom house 728 43.46% 35
 - 3 bedroom house 238 14.21% 11
 - 4 bedroom house 3 0.18% 0
- This mix has subsequently been adjusted to reduce the proportion of flatted accommodation following discussions with Plus Dane Housing Association.
- The revised affordable housing proposal is shown below:
 - 1 bedroom flat Social Rent 12
 - 2 bedroom flat Social Rent 12
 - 2 bedroom house Social Rent 5
 - 3 bedroom house Social Rent 9
 - 4 bedroom house Social Rent 2
 - 2 bedroom house Shared Ownership 36
 - 3 bedroom house Shared Ownership 2
 - 4 Bedroom house Shared Ownership 2
- The affordable housing element of 80 units within the Hind Heath Road proposal would make a significant contribution to addressing the shortfall in delivery compared to housing needs. These units will also help offset the effects of the reduced developer S106 affordable housing obligations already approved as well as those currently being negotiated.
- In line with the SPD policy 4.7 it is proposed that the affordable housing units will be pepper-potted across the site in clusters of a maximum of 15 units each.
- Affordable housing apartments will, where possible, be either walk-up units with individual front doors or located within dedicated stair cores to assist with the RSLs management and to help control service charges.

Phase 1 Habitat Survey

- An extended Phase 1 habitat survey was undertaken at the site on 17th March 2010. At the same time protected species surveys for badgers, great crested newts and water voles were also undertaken.
- Trees with potential to support roosting bats were identified on the site. The site was considered largely unsuitable for great crested newts, reptiles and water voles but has potential to support nesting birds
- The effect of the development has been considered and key constraints identified include the potential for nesting birds and bats on site.
- Recommendations made include the need for further bat survey and for the protection of nesting birds during the development

Bat Survey

- Following ecological surveys undertaken by Just Ecology in March 2010 further bat surveys were recommended on one tree with high and two trees with low-medium potential for roosting bats as well as a more general transect of the site.
- No bats were seen emerging from the trees during the surveys. The bat activity surveys have shown that the most utilized foraging and commuting areas were above and along the vegetated banks of the Trent and Mersey Canal and in the gardens of Anvil Close and Marriott Road. There was very minimal commuting use of the hedgerows along the northern and western boundaries.
- Recommendations are provided in the event that any tree work is required as well as features that will preserve and enhance the site for bats.

Flood Risk Assessment

- The site is shown to lie within Flood Zone 1 and is elevated in relation to all surrounding land and watercourse/ canal systems. As such, the site is considered to be at low risk of flooding from all sources.
- Flood risk on the site as a result of the development is proposed to be mitigated through the setting of floor levels of buildings a minimum of 150mm above the highest of the immediate ground levels at each plot, and by avoiding siting of buildings with any localised hollows and depressions. It is also recommended that the road network be designed to convey flood flows that exceed the drainage infrastructure capacity safely away from the buildings to regional interception and attenuation features along the site boundary.
- The site has the potential, unless mitigated, to increase flood risk off site through increased rates of runoff. As such, a surface water drainage strategy including SuDS in the form of distributed swales within the main fabric of the development and regional pond/ dry extended basins along site boundaries – specifically in the lowest south west corner of the site.
- It is intended to control flows to existing greenfield runoff rates and is recommended to discharge surface water flows to the canal on the southern boundary of the site, although it is also feasible to discharge to the unnamed watercourse to the west should a discharge to the canal not be feasible. British Waterways will, like the EA, require SuDS and a treatment train to be provided on the site to ensure water quality in the canal is not impacted by the development.
- The discharge itself will also need to be designed to limit outfall velocity to <0.3m/s so as not to adversely impact on canal boat users.

- United Utilities have confirmed that there is capacity for the proposed development at the treatment works. An assessment of levels on site suggests that the south west corner of the site will require the implementation of a pumping station.
- However, it should be possible to drain the vast majority of the site by gravity.

Landscape and Visual Appraisal

- In terms of its character, both the Site and its context are generally consistent with both national and local landscape character studies, displaying mixed (intensive) agricultural land across flat or almost flat topography, with some riparian woodlands. There are distinct areas of agriculture where the planting infrastructure is more substantial than other areas. To the east, the site retains a good relationship with the eastern edge of Wheelock, which extends right down to the canal corridor where relatively new properties have an open aspect to the Canal.
- The Site itself is irregular in plan form, comprising a single field enclosure with generally flat topography, which varies only at the southern edge as it falls via a short embankment (or slope) towards the canal corridor. Generally the site provides a good physical platform for development.
- Visually the Site is well contained, by various different elements. These include existing urban form to the east; localised topography and planting infrastructure to the south; and elements of built form to the north. To the east, planting along the site boundary is limited to a single intensively managed hedgerow, and consequently there are some filtered views from areas further north-west across the site to the existing urban edge of Wheelock. Consequently, the majority of views are limited to short distant ones on or adjacent to the Site boundary (including from adjacent residencies), with filtered views from the north-west and a single view from the south.
- It is proposed to develop the Site for residential use. The development will be accompanied by means of access, open space and infrastructure and perimeter landscape. The landscape strategy includes an open space network that focuses on the Canal corridor, linking to a landscape infrastructure focused along the western site boundary to assist in further containing the Site from areas to the north-west. The proposals have been developed inherently with this landscape strategy, in order to provide a balanced setting for the development.
- In terms of the adjacent Canal corridor, whilst there is neighbouring development directly to the east which relates to the canal, the building line has been set back in order to address the Canal setting, and provide a large area of open space with balancing ponds and associated infrastructure planting.
- On the basis of this landscape and visual appraisal therefore, development of the nature and scale proposed is considered to be acceptable on the basis of the character of the Site in its context. In summary, the Site retains many attributes that provide good development potential. The proposed landscape strategy is based on a landscape and visual appraisal of the Site and its context, and responds to matters of local landscape resources, character, visual amenity and the broader (landscape) planning context within which the site lies.

Planning Statement

- The application proposals are for residential development, public open space, highway works and associated works. The proposals will also see the delivery of a new footpath and cycleway between the site and Ettiley Heath and this is subject to a separate planning application.

- A considerable amount of work has been undertaken in bringing forward this planning application. A number of technical reports have been undertaken and none have raised any issues that prevent the proposed development coming forward.
- The site is greenfield land but, as evidenced by the work undertaken to support the application, there is a housing need (especially for affordable housing), previously-developed sites in the town have failed to deliver new housing because of viability constraints, there is a desire by buyers for family housing in Sandbach but no site is delivering this at the present time, and the Council does not have a 5 year supply of deliverable sites. Sandbach is identified in the Development Plan as a first tier settlement in terms of the location of new development. Clearly the site conforms to this locational strategy as it adjoins the Sandbach urban area. Sandbach is therefore an entirely suitable location for new development.
- In addition to providing new housing and making a contribution to helping affordability through the provision of 80 affordable homes (30% of the total number of new dwellings); the proposals will also deliver transportation improvements including a new footpath and cycle link to Ettiley Heath, a pedestrian refuge on Hind Heath Road to allow easier crossing (a particular benefit for children going to and from Wheelock Primary School), a new bus shelter, the reduction in vehicle speeds along Hind Heath Road to 30mph, and the signalisation of the Hind Heath Road / Crewe Road junction. The package of improvements not only include any required mitigation for the proposals but as a side product will also have a beneficial impact on some current problems such as queuing at the junction of Hind Heath Road with Crewe Road.
- There are also potential ecology benefits and the supporting ecological information makes specific reference to the protection of the vegetation along the southern boundary of the site, landscape buffer along the western boundary, the balancing pond, and the introduction of new gardens as all having the potential to be beneficial for bats especially in terms of foraging and commuting routes.
- In conclusion the application proposals will deliver new homes now for Sandbach in a location which is entirely suitable for residential development.

Public Consultation Statement

- This Statement has set out details of how community consultation has been undertaken and the main issues raised by the public together with our responses.
- All written and verbal comments have been considered. Following the feedback various amendments have been made to the proposals and these can be summarised as follows:
- Widening of Hind Heath Road along the site frontage and at certain points along the carriageway towards Ettiley Heath.
- Incorporation of a permanent central pedestrian refuge on Hind Heath Road to allow each side of the road to be crossed separately.
- Implementation of a TRO to reduce the speed limit along Hind Heath Road between Wheelock and Ettiley Heath from 40mph to 30mph.
- Installation of 'Dragons Teeth' road marking along Hind Heath Road.
- Pedestrian and cycle link from the site to Forge Fields so that there can be easier access to the public open space located to the south of the canal. Equally this provides easier access by existing residents to the public open space in the south of the application site and to the proposed footpath and cycle link to Ettiley Heath (subject to a separate planning application).
- The above will now form part of the overall package that will be delivered as part of the development proposals.

Sandbach Housing Market Appraisal

- It is noted that the majority of future proposed developments lie in the Ettiley Heath Area to the west of Sandbach and in fact to the west of the main railway line, which is some distance from the proposed development in Wheelock. These are quite different locations and would appeal to a different sector of the purchasing public
- The proposed development in Wheelock would attract purchasers at a higher affordability and socio-economic level and therefore it is unlikely to deter prospective buyers in the Ettiley Heath area
- The number of proposed sales outlets would be a benefit to the purchasing public and give the opportunity for choice at different levels of the market.

Additional Statement in Respect of Housing Land Supply

- Cheshire East has formally accepted that there is a shortfall in the 5 year housing land supply for the Borough. Given the guidance set out in Paragraph 71 of PPS3 then it is clear that Local Planning Authorities should: *".....consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in Paragraph 69."*
- These are suitably addressed by the development proposal other than in relation to the final bullet point namely: *"ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g addressing housing market renewal issues."*
- Paragraph 72 of PPS3 goes on to state: *"Local Planning Authorities should not refuse applications solely on the grounds of prematurity."*
- Advice on housing policy objectives is set out within Paragraph 11 of PPS3 which in particular advocates an evidence based policy approach: *"Local Development Documents and Regional Spatial Strategy policies should be informed by a robust shared evidence base, in particular, of housing need and demand, through a strategic housing market assessment and land availability, through a Strategic Housing Land Availability Assessment."*
- The report "Future Housing Provision Cheshire East" being taken to Cabinet on 18 October 2010 proposes an interim policy position which effectively seeks to focus greenfield releases around Crewe and prohibit them elsewhere. On the basis of this document Officers are concerned that there is a conflict with PPS3, Paragraph 69 in that the award of permission at Hind Heath Road would not reflect the spatial vision for the area.
- This interim policy statement flies in the face of advice and guidance contained within PPS3 and PPS12.
- Firstly the correspondence from Sarah Lewis at Government Office for the North West states: *"Whilst it is possible that the distribution of housing within and between areas of the new Unitary Authority may be somewhat different from that identified in RSS district housing requirement figures, it should be noted that the distribution outlined in RSS supports the North West of England plans spatial framework."*
- In addition the former Congleton Borough in its submissions to the North West Regional Spatial Strategy stated: *"The uplift proposed by Congleton Borough Council is to increase the annual average rate of provision from 300 to 500 dwellings, this would result in an extra 3,600 houses being constructed over the RSS period to help meet local need."*

- This is the latest relevant evidence in relation to the distribution of the housing requirement and there is nothing to support the proposition contained within the Committee Report that land release away from Crewe should be prohibited.
- Secondly the Councils published housing land supply information identifies significant existing land availability at Crewe currently in excess of 12 years. This indicates that what is proposed would enormously imbalance the supply of housing land in the Unitary Authority – further land identified at Crewe would increase the supply chain even higher but in real market terms there is a limit to the number of new occupations that can be achieved around this single town. Increasing the land supply at Crewe will not actually resolve the delivery of the requisite 5 year housing requirement.
- Thirdly detailed reading of the Core Strategy Issues and Options reveals that under all 3 scenarios, the release of land at Sandbach would not be objectionable. The suggestion that the grant of permission for this site would prejudice the spatial strategy for the area is therefore unfounded.
- The applicants have serious reservations in relation to the lawful status of the proposed interim policy statement. It does not derive from any adopted Development Plan policy. Neither does it originate from any evidence based assessment of the housing supply/requirement situation in fact it fundamentally alters the current policy position without justification.
- Paragraph 6.4 of PPS12 states: *“District/Borough/City Councils should not produce planning guidance other than SPD where the guidance is intended to be used in decision making or the co-ordination of development. This could be construed as wishing to circumvent the provisions for consultation and sustainability appraisal which SPD’s have.”*
- The advice in relation to the preparation of planning guidance in PPS12 also makes clear that under the provisions of Section 19(5) of the Planning and Compulsory Purchase Act 2004, such policies should be accompanied by a Sustainability Appraisal and no such appraisal has been undertaken in the context of the proposed interim planning policy.
- For the above reasons they consider the interim planning statement has no material weight and in fact specifically contravenes the advice in relation to spatial planning policy making set out in PPS12.
- The advice in PPS3 is clearly that the consideration of housing requirements should be based upon housing market areas and that Cheshire East does not constitute one housing market area. Whilst the applicants are prepared to consider the more finite determination of housing market areas, there is a robust figure for the housing requirement in Congleton which derives from an evidence based analysis and to that extent there are persuasive grounds for using that in calculating the housing requirement.
- A detailed assessment setting out the applicant’s view of the 5 year supply has been provided and the authority has refused to debate or agree that assessment. They are confident that the deficiency in the 5 year supply is much greater than the Council is suggesting.
- Evidence in relation to the distribution of the housing requirement has not been the basis for the Interim Policy, it is derived from the “Unleashing the Potential” document. This is a draft strategy for Cheshire and Warrington published in July 2010. It discusses an ambition for 25% growth in jobs and population in Crewe. Its key objectives are to increase the supply of affordable housing and to increase the supply of housing to meet local needs.
- The document is produced by the Cheshire and Warrington Enterprise Commission. It is not a Development Plan Document and is draft. It contains no information on

consultation and has little to offer as a justification for what is effectively a moratorium on greenfield release anywhere in Cheshire East other than Crewe.

- In summary the Council is obliged under the terms of Paragraph 71 “to consider favourably” this planning application. The grant of permission would not undermine any extant wider policy objectives. ‘Unleashing the Potential’ is a draft document not adequately refined by consultation to have any significant planning status. The proposed interim policy is contrary to advice in PPS12, prejudicial to transparent policy making, lacking in any sustainably appraisal – a legal requirement under the 2004 Act and a blatant exercise in seeking to pre-empt proper planning process.
- On the other hand there is persuasive evidence to support a local housing requirement in the former Borough of Congleton and policy guidance to provide for housing on the basis of housing market areas. Crewe and Sandbach are not compatible in that sense. Providing an excess of housing land supply in Crewe will not alter the fundamental lack of a 5 year supply elsewhere.
- In the absence of any demonstrable adverse affects on the spatial vision for East Cheshire the application should be assessed on the basis that it will contribute towards meeting the shortage in the housing land supply in an area where that shortage is most severe. It will deliver 80 affordable homes which otherwise would not be provided and it meets the Authority’s requirements in terms of a high quality of design. It will facilitate material benefits through the improvement in Hind Heath Road and in all other respects meets planning policy requirements.

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, with all matters with the exception of access reserved for subsequent approval, the main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of planning policy, housing land supply, affordable housing, amenity, ecology, landscape, drainage and flooding, infrastructure, highway safety and traffic generation.

Planning Policy and Housing Land Supply

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 states 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.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are very exceptional circumstances associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

The applicant's case is that the new Government has stated that it will maintain the need for local planning authorities to provide a rolling 5 year supply of deliverable land for housing. What is evident at the present time, though, is that there is uncertainty over what the actual housing requirement should be. At the same time the DCLG advice 'Demonstrating a 5 Year Supply of Deliverable Sites' has been withdrawn and the Government are not committing themselves to producing any new advice beyond the current PPS3 or its replacement.

PPS3 states that, in determining housing provision, local planning authorities should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government's overall ambitions for affordability. PPS3 advises that where a LPA cannot demonstrate a five year supply of available and deliverable housing land it should consider favourably suitable planning applications for housing

Government Guidance, published following the revocation of the RSS notes that LPA's will still need to justify their housing supply policies in line with PPS3 and that evidence which informed the preparation of the revoked Regional Strategies may also be a material consideration.

In view of the uncertainty the applicants have undertaken three separate 5 year supply assessments based on:

1. the regional housing requirement between 2003 and 2021;
2. the individual Crewe & Nantwich, Congleton, and Macclesfield positions at the time of the emerging regional figures covering the same RSS period of 2003 to 2021; and,
3. an assessment based on the 2006 household projections covering the same RSS period of 2003 to 2021.

So that a like for like comparison can be made between the applicant's assessment of the 5 year supply and that provided in the latest Cheshire East Annual Monitoring Report (December 2009) they have utilised the five year period of between 2010 – 2015. Also to reflect the AMR we have addressed any under or over supply within that 5 year period of 2010 to 2015, rather than a residual assessment spread over the remaining years up to 2021.

As part of the three assessments they have undertaken a review of sites that the Council has included in their own 5 year supply calculations and they have identified a number where they believe that either the sites will not deliver the amount of housing envisaged or they will not deliver any housing at all within the five years.

The applicants argue that there are a variety of reasons why sites have become unviable including planning permission for the wrong product, bank funding, abnormal clean-up costs, falling house values against site purchase costs, desire for lower density housing rather than apartments and with it the implication for less units reducing sales revenues and diminishing land values, and increased environmental standards.

For many previously-developed sites there are significant up front costs which affect developers return on capital and is more risky, and is thus more vulnerable to scarcer bank financing. This was not the case pre-recession when bank financing was available and risk appetites greater.

On this basis, for each of the three separate assessments referred to above, the applicants have carried out a comparison, between the sites that Cheshire East suggest will come

forward within the five years and those that the applicant believes could deliver housing within the five years. The latter discounts capacity from those AMR sites where the applicant has identified deliverability problems of the nature described above.

From this exercise, the applicant has not concluded that, based on three separate assessment bases, Cheshire East as a whole, nor the former Congleton Borough, can maintain a 5 year supply of deliverable sites. Even where sites are not discounted in the majority of scenarios a 5 year supply cannot be maintained. They argue that the application site meets all the criteria in respect of deliverability within PPS3 and would help to address this shortfall. The advice within PPS3 in respect of the need to maintain a rolling 5 year supply of deliverable land for housing, is an important material consideration, which the applicants believe is of sufficient magnitude to warrant the setting aside of normal development plan policies of restraint within the Open Countryside. On this basis they consider that the application should be permitted.

The Council's position is that although the NW Regional Spatial Strategy (2008) has recently been revoked, we intend to continue to rely upon the figures contained within it until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The distribution apportionment of Congleton Local Plan Policy H2 equates to approximately 50 dwellings per annum for Sandbach.

A report is being considered by the Council's Cabinet on 18th October which recommends that the Council adopts a housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy. An update from Cabinet will be provided on a written update.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. This suggests that Cheshire East Council should be providing its 5-year housing supply information for Cheshire East as a whole rather than the former districts or any housing market areas. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

The above mentioned Cabinet report notes that following a review, the Council has 4.58 years housing land supply. Consequently the report recommends that in order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land should be approved for consultation purposes and that it be used in the determination of planning applications pending its adoption. This policy states that when it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, the Council will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements.

Members will recall that at the meeting of the Strategic Planning Board on 6th October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an

emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that *“Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account.”*

Furthermore, Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia, *“ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”*

Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan, and advises that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. *This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.*

The proposal does not reflect the spatial vision for the area both in terms of the adopted Local Plan which prohibits development on sites within the Open Countryside and the emerging Core Strategy. In addition, the proposal undermines wider policy objectives, such as achieving sustainable development, in close proximity to the more major town centres and sources of employment and supporting urban regeneration, in the parts of the Borough where it is most needed.

In addition, it is considered that priority to be given to the redevelopment of previously developed with planning permission. A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. At July 2010, there were over 753 dwellings with planning permission or under construction in Sandbach. These sites are with one exception brownfield or mixed brownfield and greenfield. The details of these sites are set out in Appendix 2. One additional site for 100 houses is awaiting the signing of a S106 agreement. Based on the Congleton Local Plan housing distribution figure this equates to 13 years' supply of housing land in Sandbach. Local Plan policy and PPS advice is that priority should be given to the redevelopment of PDL. It is understood that developers of the major sites have indicated that are proposing to bring them forward for development within the next 5 years. It is considered that to release additional greenfield sites in Sandbach at present would prejudice the redevelopment of these sites.

According to Policy H2 of the Local Plan, approximately 25% of housing land supply for the former Borough of Congleton area should be apportioned to Sandbach. Currently approximately 43% of the housing land supply for the former Borough area is located within Sandbach. It is therefore considered that the existing brownfield sites are sufficient to address housing requirements within the Sandbach area, and that an imbalance in provision

across the former Borough currently exists. To release further sites within Sandbach would exacerbate that imbalance.

The developers have submitted an additional supporting statement in response to the Cabinet Report. This has been reproduced in the "Applicants Supporting Information" section above.

In response to those comments, it is considered that the Councils approach to the housing land supply policies within Cheshire East has been exactly in accordance with paragraph 11 of PPS.3. The Draft SHLAA has been consulted upon with the Task Group and the final version will be published in early November. The production of this document has identified the shortfall in terms of the five year supply, which has led to the publication of the interim policy. The SHMA will be available from today.

It is not solely on the basis of the report "Future Housing Provision Cheshire East" that officers are concerned that the proposal would not reflect the spatial vision for the area. The adopted Local Plan directs development to settlement zone lines and the emerging policy in the form of the issues and options paper, indicates that where release of open countryside is required to accommodate housing growth, this should be directed in the most part towards Crewe. This in turn is based on evidence and overarching corporate objectives such as the Crewe vision.

With regard to the Applicant's comments on the correspondence received from the Government Office for the North West, I would point out that the R.S.S. has now been abolished and therefore the points raised are largely academic. Furthermore, the reference to the request by Congleton Borough Council to increase its annual rate of provision should also be afforded little weight, given that the evidence upon which it was based was not considered to be sufficiently sound by the Government Office.

To turn to the issue of the 12 year supply at Crewe. Given that Crewe is the major population centre within the Borough it is considered to be reasonable that it should have both the largest existing supply of housing and should take the largest share of any future allocations. It is not therefore considered that further development at Crewe would result in an imbalance of housing land supply. Notwithstanding this point, the 12 years, incorporates the whole of the former Crewe & Nantwich Borough Council area. The supply for Crewe itself is less. Furthermore, the majority of the sites within the 12 year supply are Brownfield, and, as the applicant's own assessment has correctly pointed out, many Brownfield sites are currently stifled by viability issues. Therefore the supply within Crewe is likely to be significantly less than the 12 years,.

It is considered that increasing the land supply at Crewe will not actually resolve the delivery of the 5 year housing land supply issue, as like the application site, any Greenfield site released at Crewe would be highly deliverable, relative to existing consents.

Officers also take issue with the view that the Interim Policy Statement does not originate from any evidence base. It has been derived from the forthcoming SHLAA, the emergent Core Strategy and background documents such as Crewe Vision and "Unleashing the Potential". The Council does not claim that it is an SPD, therefore we are not bound by the requirements of PPS 12 in its production and it is not unlawful. Nevertheless, it will be the subject of public consultation and a Sustainability Appraisal could easily be undertaken. Interim Policy Statements have been used by other authorities in similar situations, whilst

out of date development plan documents are revised, and have been afforded weight as a material consideration by Inspectors at Appeal.

PPS3 states at paragraph 5.4 that Local Planning Authorities should maintain a 5 year supply. It does not refer to Housing Market Areas. Therefore the determination of this area is irrelevant.

With regard to “Unleashing the Potential”, the document is no longer in draft format and it is not a discussion document. It is a vision which the authorities concerned have signed up to and like the Crewe vision it forms part of the evidence base for the Issues and Options for the Core Strategy.

Contrary to the applicant’s claim the approach taken by Cheshire East is not “a blatant exercise in seeking to pre-empt proper planning processes.” However, this accusation could be levied at the Local Planning Authority were it to permit a speculative application of this nature in the open countryside, which does not reflect the consistent spatial vision for the area.

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be “suitable” as it is located on the periphery of Sandbach, located on the periphery of Sandbach, and would be contrary to the Council’s agreed position to manage the supply of housing land as set out in the Council’s draft Interim Policy on the Release of Housing Land which directs the majority of new development towards Crewe. According to PPS1 these emerging policies are material considerations. Furthermore, to permit development of this scale within the vicinity of Sandbach would pre-determine decisions about the location of the remainder of the Borough’s requirement for new development which is are being addressed through the Core Strategy.

For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.

Affordable Housing

The applicants point out that the lack of a deliverable five year housing land supply also impacts on the supply of affordable housing. Furthermore, the majority of the Council’s existing supply of housing land is based on previously developed sites. One of the main problems with previously developed sites has been viability, which in turn has affected the percentage of affordable housing, within those schemes, which developers have been able to provide. The use of such viability arguments, to justify reduced affordable housing provision, has been upheld by Inspectors at Appeal on a number of occasions. However, the applicants argue, the provision of affordable housing is an important priority for the Borough and Members have acknowledged this in their refusal of the above mentioned schemes, on lack of affordable housing grounds.

The applicants are therefore of the opinion that the proposals at Hind Heath Road recognise the importance Members place on affordable housing and will deliver 80 affordable units. The Hind Heath Road site is not constrained in terms of viability and therefore can provide for 30% affordable housing requirement with a proposed mix of 50% shared ownership and

50% social rented. They state that we are at a point in time when not only are some sites in the Borough having difficulty providing affordable units because of viability but also the housing market is still in recovery and therefore the lack of sites coming forward impacts on the amount of affordable housing delivered. It is important for sites like this one to deliver their affordable housing requirement.

It is acknowledged that the site will provide 30% affordable housing. However, it should be noted that this is the minimum policy requirement within Local Plan Policy H13 and is expected of all new developments, including those within the Settlement Boundary and on brownfield sites where there is a presumption in favour of new development. It is acknowledged that viability arguments have been accepted in respect of some brownfield sites, where the immediate regeneration of those sites has been seen to outweigh the need for affordable housing. However, it is not considered that by default this renders a scheme which provides the minimum amount of affordable housing in order to be Policy H13 compliant, so exceptional as to warrant a departure from the Local Plan in respect of development within the open countryside.

Amenity

The site is bounded to the north west and south west by open countryside. Existing residential development bounds the site to the south east and is located on the opposite side of Hind Heath Road to the north east. The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 269 dwellings could be accommodated on the site, whilst maintaining the recommended minimum distances between existing and proposed dwellings as set out in the Councils SPG 2 ; Private Open Space in New Residential Development. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

Ecology

To mitigate for the potential adverse impacts of the development the submitted survey report recommends the provision of a 30m buffer zone together with a 12m wildlife corridor along the canal. In addition a wildlife corridor is also proposed along the western boundary of the site to allow animals to move in a north – south direction. The submitted report recommends that the public is excluded from the wildlife corridor areas.

The submitted indicative plan appears to show the buffers zone and also a wildlife corridor along the western boundary. The wildlife corridor along the canal to the south however appears to have been incorporated into a potential area of public open space. This may result in a conflict between the ecological function of the wildlife corridor and the needs of people making use of the area as open space. However, the provision and design of a 12m wildlife corridor along the southern and western boundary could be secured by means of a condition.

No evidence of roosting bats was recorded during the survey; however bats are active around the site the site. Most activity is restricted to the southern boundary of the site and the adjacent gardens to the west. The proposed wildlife corridors along the western and southern boundaries would be likely to retain the potential for bats to forage in these areas provided they are designed appropriately. The revised bat mitigation report also now recommends native species planting along the eastern boundary of the site to ensure this area continues to offer good quality bat foraging habitat. This should be secured by

condition, along with the installation of bat boxes to increase the available roosting habitat present on site.

No evidence of water voles being present along the canal was recorded during the submitted survey. Unfortunately, the survey was undertaken early in the survey season and due to access constraints the canal was only surveyed from the opposite bank using binoculars which is a poor survey methodology for this species. The Council's Ecologist is therefore not satisfied that the absence of this species has been established. However, provided the recommended 12m wildlife corridor is established, and that no development takes place within 8m of the bank, there is not likely to be any adverse impact on this species. A condition could be attached to ensure that no development takes place within 8m of the waters edge.

Any potential lighting of the site particularly the public open space and wildlife areas should be designed sensitively to avoid potential adverse impacts on both badgers and bats and it is recommended that this is the subject of a condition.

There appears to be some loss of hedgerow associated with the proposed development. Hedgerows are a BAP priority habitat and a material consideration. There must be an appropriate level of native species hedgerow creation provided as part of the development to compensate for this loss. The conditions are also required to safeguard breeding birds.

Landscape and Tree Matters

In the Cheshire Landscape Character Assessment (2008) the site falls under East Lowland Plain Character Area (ELP5: Wimboldsley). In the Landscape Assessment of Congleton Borough (1999) it lies with the Wheelock Rolling Plain. The Trent and Mersey Canal Conservation Area adjoins the southern boundary. Although there is residential development to the north, to the south this section of Hind Heath Road is rural in character with managed hedges bounding the road. There is only one lighting column in the vicinity, on the southern side of Hind Heath Road toward the eastern frontage of the site. The site and the adjoining agricultural land to the west provide a green wedge separating Ettiley Heath and Wheelock.

The site is fairly flat with a fall to the south. There are hedgerows to the north and west, trees and scrub vegetation on the canal side and a combination of fencing and hedge to the east /southeast where the rear garden boundaries of residential properties adjoin. There are several mature trees close to the east and southeast boundary.

Where there are gaps in the roadside hedge on Hind Heath Road, views of the site to the south are across open agricultural land. The site is visible from the Trent and Mersey Canal towpath to the south and from residential properties to the east.

The Council's Landscape Officer has considered the submitted Landscape and Visual appraisal dated June 2010. In overall landscape terms she objects to development of the site. As described above, it is open and rural in character and an integral element of the wedge of agricultural land separating Wheelock and Ettiley Heath. With the change in land use and character which residential development would introduce, in addition to the loss of open countryside, there is potential for detrimental impact on the setting of the Trent and Mersey Canal Area. It is worthy of mention that in the above-mentioned Landscape Character Assessment of Congleton Borough, the main issues and forces for change affecting the relevant character area are cited as stemming from development pressure and

agricultural change. Under future management recommendations in the Assessment, specific mention is made to avoiding new developments along the course of the canal.

Therefore, it is considered that unless there are other over-riding needs to develop the site, which cannot be accommodated within existing settlements, the proposal should be refused on the grounds of the harmful impact on the character and appearance of the open countryside and rural landscape, which should be protected for its own sake.

Notwithstanding the objection to the principle of developing this site, the indicative layout plan reference 10004/PC:01 has some merit in that it aims to provide a landscape buffer to the canal conservation area and to the land to the west. The overall landscape framework of the site would, however, need further consideration, particular the Hind Heath Road frontage. Given that this is an outline application, these issues, whilst worthy of note, could be addressed at the reserved matters stage and do not provide further reasons for refusal.

There are a number of trees on the site boundaries, including trees subject of the Forge Fields, Wheelock TPO 1995. The submission includes a report - Arboricultural Advice, Recommendations, Tree Survey and Constraints Advice dated 7 May 2010. The submitted arboricultural information is comprehensive. However, it does not provide any assessment of the impact of the illustrative layout. The illustrative layout appears to be unsympathetic to several trees, particularly those to the east /south east of the site, several of which are subject to TPO protection. In several cases the trees would shade or dominate plots to the extent that there would be pressure to fell. Whilst it is accepted that the layout is indicative, it may not be practical to accommodate the total number of dwellings proposed.

The developer has commissioned a survey in which the hedgerow is assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies as 'Important'. The results of the survey are that hedgerows 1, 2, 3 and 4 (the roadside hedges) were found to be 'Important' under the Regulations, because they form an integral part of a field system pre-dating the Inclosure Acts, which is a significant material consideration in the determination of the application. The current masterplan requires the removal of a section of the hedgerow on the northern boundary for access into the site as well in a few sections along the proposed footpath.

Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy all of these criteria must be met.

In this case, it is the historic line of the hedgerow which is considered to be important rather than the species within it or the habitat which it creates. It is acknowledged that only sections of the hedgerow need to be removed, and that, as its line follows that of the road, it could still be traced in the landscape following the implementation of the development. Notwithstanding this point, there are no overriding reasons for allowing the development and it is considered that there are suitable alternatives for accommodating the necessary housing supply. Therefore, the development fails to comply with all of the tests within Policy NR3.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes that the site is at low risk of flooding from all sources, and that flood risk on site can be adequately attenuated. Risk of off-site flooding as a result of increased rates of runoff and be adequately mitigated for through a surface water drainage strategy including SuDS in the form of distributed swales within the main fabric of the development and regional pond/ dry extended basins along site boundaries – specifically in the lowest south west corner of the site. There is also the opportunity to discharge surface water to the adjoining watercourse and the canal. The report also concludes that there is capacity for the proposed development at the treatment works. An assessment of levels on site suggests that the south west corner of the site will require the implementation of a pumping station. However, it should be possible to drain the vast majority of the site by gravity.

The Environment Agency and United Utilities have considered the report and raised no objections subject to the imposition of appropriate planning conditions to ensure that the required mitigation is carried out. Therefore, it is not considered that a refusal on flood risk or drainage grounds could be sustained.

Design

The surrounding development comprises a mixture of ages and architectural styles, ranging from modern suburban development on the adjacent housing estate to the south east, to larger inter-war properties, within substantial curtilages, forming ribbon development along Hind Heath Road, to traditional vernacular farm buildings, which pre-date the expansion of Sandbach and Wheelock. 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.

Although external appearance and design are reserved matters, the applicant has submitted indicative street scenes which show typical, house types. These have been influenced by the form and mass of surrounding residential properties. The house types include traditional features such as, chimneys, tile hanging, brick arched heads and stone cills and a brick band course. The use of render to feature house types helps to break up the massing of the buildings and maintain visual interest.

On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

The site is adjacent to the canal conservation area and the Inland Waterways Association has objected on the grounds of the suburbanising effect on the appearance of the canal and its conservation area. Whilst it is acknowledged that there would be a marked change in the character of the conservation area, it is not considered that it would necessarily be detrimental to that character. High quality of design and layout has the potential to create an active and attractive frontage to the canal. The indicative layouts show properties fronting onto the canal and a large area of open space which would link the canal to the development and would allow the public to enjoy the waterside setting. These open areas are also required in order to protect the ecology of the site and the canal bank. Subject to conditions, to ensure that these are carried forward into the final design, it is considered that the proposal would achieve the requirement to conserve and enhance the quality of the canal conservation area. It is noted that British Waterways do not object to the development and welcome the provision of the ecological mitigation areas alongside the canal bank.

Open space

The indicative layout plan shows the provision of both Amenity Greenspace and Public Open Space within the development. Having regard to the adopted local standards set out in the Council's Open Space Study for Amenity Greenspace, there would be surplus of green space within the development.

The amount of Public Open Space that would be expected in respect of the new population on site would equate to 8410 m². According to the plans provided a total amount of 8498 m² is being provided. From this it is necessary to deduct 500m² for the children's play space, and pond 2,401m² which leaves a total amount of 5,597 m² of on site POS.

In light of the deficiency in what would be required in respect of the possible new population of the area, a contribution in lieu of POS that would be required to provide for qualitative enhancements of existing green space facilities in the area. These would include The Wheelock Rail Trail or the Forge Fields playing field. The sum has been calculated as Enhanced Provision of £14,861.00 and maintenance contribution of £33,263.00

The location of the public open space is considered to be acceptable, although given that it contains a Sustainable Urban Drainage system and pond, it should be transferred to a management company rather than being adopted by the Council. The on-site POS provision should include a LEAP (Locally Equipped Area for Play) standard play area would be sufficient. This should include at least 5 items incorporating DDA inclusive equipment, using play companies from The Councils select list. A maintenance contribution of £246,860.0 would also be required.

Subject to the above requirements, which could be secured through a Section 106 agreement, and in the absence of any objection from the Amenity Greenspaces Section, it is considered that the proposal complies with Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development and the relevant local plan policies.

Highway Safety and Traffic Generation.

The proposed development will generate a significant increase in traffic movements on Hind Heath Road, as well as the surrounding routes. A Transport Assessment has been submitted to demonstrate that the proposal would not have an adverse effect on the highway network. The Highways Department have examined this and endorsed its conclusions. As part of the scheme the developer proposes to off-set the increase in traffic through the provision of infrastructure for a traffic signal junction at: Hind Heath Road/Crewe Road with pedestrian facilities, with other measures along Hind Heath Road including, carriageway widening, a pedestrian and cycle link (which is the subject of a separate planning application), street lighting provision and speed limit reduction.

In addition, the highways department has negotiated a number of other mitigation measures including contributions to the improvement of the strategic highway network in the Sandbach area and a contribution of £60,000 towards improvements at Junction 17 of the M6. In addition the development is offering a £10,000 contribution towards local sustainable links and traffic management.

Therefore, whilst the concerns of local residents are duly noted, in the light of the above and in the absence of any objection from the highway authority, it is not considered that a refusal on highway safety, parking, or traffic generation grounds could be sustained.

Infrastructure

Local residents have expressed concerns in respect of the impact of the development upon local infrastructure including schools, shops and post offices. The Council's education department has assessed the application and determined that a developer contribution of £462,355, will be sufficient to off-set any impact on local provision and the developer has agreed that this would be acceptable. The payment can be secured through a Section 106 Agreement. With regard to shops and post offices, it is acknowledged that there is not an abundance of facilities within the Wheelock area, and that there have been a number of closures in recent years. However, it could also be argued that increasing the size of the local population would increase the viability of such businesses and would help to support remain shops and encourage others to open. Similar points could be made in respect of the town centre itself.

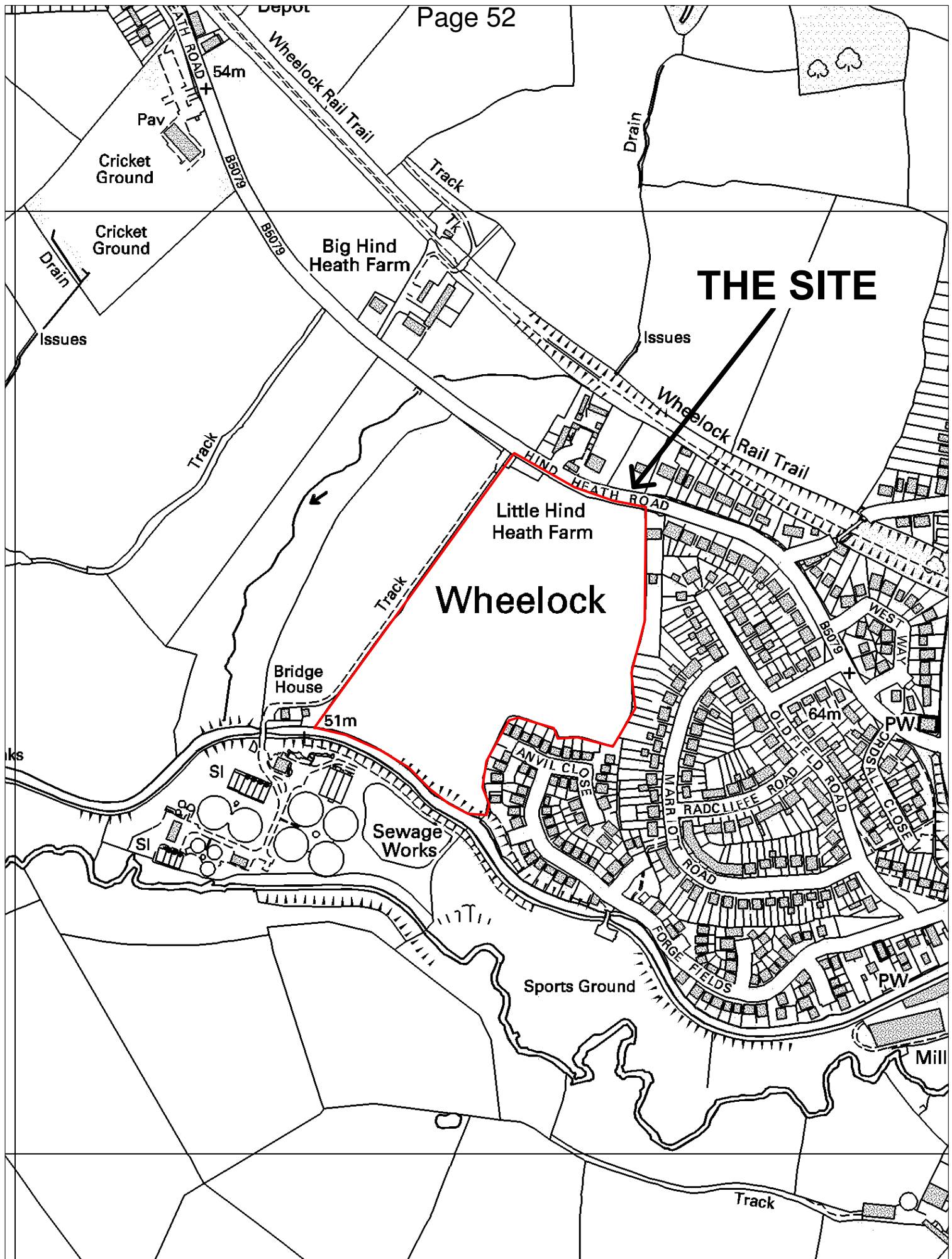
9. CONCLUSIONS

Therefore, in summary, it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be "suitable" as it is located on the periphery of Sandbach, located on the periphery of Sandbach, and would be contrary to the Council's agreed position to manage the supply of housing land as set out in the Council's draft Interim Policy on the Release of Housing Land, which directs the majority of new development towards Crewe. According to PPS1 these emerging policies are material considerations. To permit development of this scale within the vicinity of Sandbach would pre-determine decisions about the location of the remainder of the Borough's requirement for new development which is are being addressed through the Core Strategy. Furthermore, given that Sandbach has some significant brownfield sites, with consent, it is considered that that the release of a greenfield site not only prejudices the overall spatial strategy for the Borough but will impair the ability to develop major brownfield sites in a local context.

It is considered that the development could be accommodated without harm to significant trees of amenity value and that a suitable landscaping scheme could be devised for the site. However, the proposal would involve the removal of an "important" hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated above, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.

The proposal is considered to be acceptable in terms of affordable housing provision, impact on amenity, ecology, drainage and flooding, infrastructure provision, highway safety and traffic generation. However, this is considered to be insufficient to outweigh the adverse effects of the proposal in terms of its impact upon housing land supply. The proposal is therefore contrary to the adopted Local Plan, the advice contained within PPS.1 and PPS.3

and the Council's emerging planning documents. Accordingly it is recommended for refusal.



10/2608C LAND EAST OF MARRIOTT ROAD/ANVIL CLOSE/Forge Fields AND SOUTH OF HIND HEATH ROAD, SANDBACH
NGR- 374,510:359,550

Reproduced from the Ordnance Survey map with the permission of HMSO.
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045.



10. RECOMMENDATION

REFUSE for the following reasons:-

- 1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be “suitable” as it is located on the periphery of Sandbach, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options, as well as the Council’s Interim Planning Policy on the Release of Housing Land, which direct the majority of new development towards Crewe. This would be contrary to advice in PPS.3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.**
- 2. Release of this site would prejudice the development of the significant number of brownfield sites within Sandbach with extant planning permission, which would provide significant regeneration benefits, and would be sufficient to address housing requirements within the Sandbach area. The proposals are therefore contrary to Policy advice within PPS.3 which gives priority to the development of previously developed land, and the provisions of Policy H2 of the adopted Congleton Borough Local Plan First Review.**
- 3. The proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. For the reasons stated above, in this case there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review.**

This page is intentionally left blank

Application No: 10/1323M

Location: LAND NORTH OF BOLLINGTON LANE AND WEST OF, CONGLETON ROAD, NETHER ALDERLEY, MACCLESFIELD

Proposal: RENEWAL OF PLANNING PERMISSION 03/3214P - (RELOCATION OF EXISTING GARDEN CENTRE AND LANDSCAPE CONTRACTORS BUSINESS - OUTLINE PLANNING PERMISSION)

For I & W URQUHART

Registered 06-Apr-2010

Policy Item Yes

Grid Reference 384248 374531

SUMMARY RECOMMENDATION - Refuse extension of time on grounds of change in circumstances, insufficient information and mitigation in respect protected species and the lack of a satisfactory S106 Agreement.

MAIN ISSUES

Whether there has been a significant change in circumstances or policy since the original grant of permission for 03/3214P.

Are there very special circumstances to justify the development?

Whether there is sufficient information submitted to enable an extension of time to the original outline permission 03/3214P to be granted.

BACKGROUND

Members will recall that this application was deferred at the Strategic Planning Board on 23 June until October to allow the completion of an Ecological Assessment. This additional information in the form of a Newt Presence Survey was received in October 2010.

This Committee report will therefore be updated in the light of that further information received since the last report in June. It will also address the issue of whether the relocation of the Matthews Garden centre to Somerford Booths is a significant material consideration which may now impact on the original permission.

Additionally, the further representations and further Parish Councils in the adjoining Parishes to Nether Alderley will be reported

SCOPE OF THIS APPLICATION

Extensions to the time limits for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced

in order to make it easier for developers to keep planning permissions alive for longer periods during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will by definition have been judged acceptable in principle at an earlier date. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances may have significantly changed, either in development plan policy terms or in terms of national policy or other material considerations.

The original planning permission (ref 03/3214P) granted outline planning permission for the relocation of an existing garden centre and landscape contractors business subject to the satisfactory completion of a S106 Agreement. The outline permission was granted on 9 March 2005.

Condition 3 attached to that outline permission required the development to commence before whichever is the later of the following dates:

- (a) within five years of the date of the permission or
- (b) within two years of approval of the last of the reserved matters to be approved.

The last reserved matter application submitted in respect of this site was 08/0486P. That last reserved matter was approved on 18 April 2008.

Accordingly, the current application (received on 6 April 2010) was received whilst the original application was an extant permission. Whilst the guidance advises Applicants not to leave their applications to the last minute, it remains clear that this application was submitted in time and therefore falls to be determined as a valid application.

The original report for the approved outline scheme is attached to this report as Appendix 1. The Decision notice, attached as Appendix 2, contains 23 conditions and states at condition 23 -

***'The approved garden centre shall not be brought into use/commence operations until the existing operations at Alderley park Nurseries (Matthews Garden Centre) have permanently ceased.
Reason The proposal is for relocation of this business only'***

The reason for approving the application is stated on the decision notice as being:

'The proposal does not comply with all relevant policies of the Development Plan. However, other material considerations have been taken into account, namely that the proposal is a relocation of an existing business sited opposite the proposed site and the application is considered to be acceptable'

CONSULTATIONS (External to Planning)

Environment Agency: The original application for this site (03/3214P) was submitted prior to Planning Policy Statement 25: Development and Flood Risk (PPS25) becoming a material consideration in December 2006. The Environment Agency has therefore not had sight of a Flood Risk Assessment.

The site lies within Flood Zone 1 therefore in line with PPS25 all development proposals over one hectare should be accompanied by a Flood Risk Assessment (FRA). Following the applicants submission of a FRA shortly before the 23 June meeting of the Board, the EA's original objection was withdrawn.

Cheshire East Nature Conservation Officer: As a European protected species is known to be present and therefore affected by the proposed development the Council must have regard to the tests prescribed by the Habitat Regulations when determining this application. An objection is raised on the grounds that the Council does not have sufficient information to assess the potential impact of the proposed development upon the favourable conservation status of a European protected species (Great Crested Newt). In addition, if the Council was minded to approve the application there is also insufficient information to determine what level of mitigation/compensation would be required in order to comply with PPS9.

The survey that has been received confirms only the presence of the Great Crested Newt. A further habitat survey would be required to be undertaken from next April at the earliest to gauge the population scale.

Considering PPS9, the Habitat Regulations and the recent judicial review case, it is not acceptable to leave the submission of the required further survey and impact assessment to a planning condition.

Strategic Manager Highways: As there have been no material changes in highway terms since the previous application was approved, the same improvements agreed to the junction of Bollington Lane/ Congleton Road should be attached to this application.

Nether Alderley Parish Council: Object to the renewal on the grounds that the existing garden centre has relocated elsewhere and had been granted permission as a very special circumstance in terms of green belt policy. As these circumstances are no longer evident there is no justification for this application

OTHER REPRESENTATIONS

The Edge Association: Object on the grounds that the existing garden centre has relocated to Somerford Booths and had been originally been granted permission as a very special circumstance in terms of green belt policy. As these circumstances no longer apply there is no justification for this application. Also consider the works to the Bollington Lane/A34 junction as part of the by-pass, currently underway, to mean that the original proposed junction to be incorrect

Thirteen individual letters/emails have been received from local people, one local amenity group and one local company which raise objections on the grounds that the very special circumstances that originally existed to granted the initial permission for SE Matthews to relocate from their original site in the grounds of Astra Zeneca over the road no longer exist given that SE Matthews have relocated to Somerford Booths. Other issues raised include the perception that the original permission is no longer valid and the relationship of this application to the Dobbies application (09/3109M) in which that Applicant's (Dobbies garden Centre) supporting information refers to the electricity pylon on this application site 'pose potential hazards during operation and construction. The Dobbies application is stand alone application which is yet to be determined and is submitted by a different Applicant which remains to be determined and increased traffic generation.

Since the deferral of the application in June, further objections have been received from Henbury and Marton Parish Councils which also very much raise the same concerns as above. Both Parishes consider that as neighbouring parishes to Nether Alderley, there areas will be adversely affected by virtue of the increased traffic in the wider area.

In addition, a further 30 letters of objection have been received since the deferral of the application. These raise the following concerns

- The changes to the Bollington lane /A34 junction will result in greater highway hazard.
- The proposal is car dependent and not sustainable
- The very special circumstances to be transferred from the Astra Zeneca Site which was put forward in support of the original application ceased to exist when Matthews relocated to Somerford Booths.

OFFICER APPRAISAL

Material Changes in Circumstances Since Previous Application 03/3213P was Approved

Legal advice has been taken which clarifies the position with regard to the determination of this application. The Board is entitled to review the decision to grant outline permission and can reach a different decision, although it should have good reason for doing so.

In considering whether there has been a material change since the previous decision was taken on application 03/3214P it is relevant to consider the information submitted by the Applicant in support of that original application; the most important being -

- (a) As at November 2003, SE Matthews had been trading on the original Astra Zeneca Site (opposite the application site) for 55 years
- (b) Astra Zeneca, had served a notice to quit on SE Matthews, stating that Astra Zeneca required possession of the site at the expiry of the lease at the end of September 2004
- (c) Astra Zeneca wanted to develop sports and recreational facilities for its employees and enhance open space. Planning permission was granted to Astra Zeneca on 25 September 2003.
- (d) As at November 2003, the Application Site was open grazing land, although it was adjacent to a gas compound and had electricity pylons traversing it.

The Applicant relied on three very special circumstances in order to justify the inappropriate development. These are:

- (a) The application was to replace an existing business in the Green Belt with a smaller business in the Green Belt;
- (b) As the application did not propose to relocate all the non-horticultural uses on the Previous Site, it would reduce inappropriate uses in the Green Belt;
- (c) As a result of the reduction in physical size of the business, increased screening on the Application Site and the use of the Previous Site as open recreational land, the application would increase the openness of the Green Belt.
- (d) The development would not result in any harm to the character of the Green Belt.

The Applicant, in response to the policy objection to the proposal further justified the 'very special circumstances' by letter dated 15 January 2004. The letter relied (inter alia) on the following:

- (a) The existing development (at Astra Zeneca) was a long established use in the Green Belt. It was imperative that the Applicants who make a considerable contribution to the local economy, can continue to trade in the locality'
- (b) 'It is also essential that the business is located within the immediate vicinity in order to maintain its existing client base. S E Matthews has considered a number of locations within the local area and there are no brownfield sites that are readily available. One of the primary uses at the

proposed site is for outdoor plant growing and horticulture and in order for the business to be effective, good quality land is essential.'

The Planning Committee of the former Macclesfield Borough Council resolved to grant permission on 2 February 2004 subject to a S106 Agreement. The report (attached as Appendix 1) concludes at paragraph 5 that there were very special circumstances may exist in this case to consider the application sympathetically. Outline permission was ultimately granted after the completion of the S106 Agreement on 9 March 2005

The Decision notice, attached as Appendix 2, contains 23 conditions and states at condition 23 -

'The approved garden centre shall not be brought into use/commence operations until the existing operations at Alderley park Nurseries (Matthews Garden Centre) have permanently ceased.

Reason -The proposal is for relocation of this business only'

The reason for approving the application is stated on the decision notice as being:

'The proposal does not comply with all relevant policies of the Development Plan. However, other material considerations have been taken into account, namely that the proposal is a relocation of an existing business sited opposite the proposed site and the application is considered to be acceptable'

A material change of circumstances since an earlier decision is capable of being a good reason for a change of mind in planning terms and reach a differing judgement to a previous decision.

A significant number of objections to this application have been received on the basis that the original rationale for the approval no longer exist now given the relocation of the Applicant to Somerford Booths in around 2006.

The Applicant still operates from Somerford Booths in what appears to be a landscape design and build business and does not appear to have a garden centre or plant growing use. There appears to be little advertisement of the activity other than the internet and the yard contains an implement store and portacabins. The new site is accessed via a shared private drive. No evidence is submitted by the Applicant to demonstrate why they did not implement the original permission in Nether Alderley, although it is a matter of public record that the Dobbies application (09/3109M yet to be determined) seeks to undertake via a Unilateral Undertaking not to implement the original Matthews permission (03/3214P) as a material consideration to that particular application.

Very special circumstances

The original consideration of the very special circumstances and the reason for the permission being granted relied upon the submission put forward by

the Applicant that the application would not harm the openness of the Green Belt and that this scheme comprised the relocation of a long established business operating in the Green Belt simply moving to another site in the Green Belt. This is no longer considered to be a valid material consideration, Somerford Booths is not located within the Congleton Green Belt at all and the Applicant vacated the Astra Zeneca site (which now comprises cricket pavilion and pitch – development which is deemed appropriate in green belt policy terms).

The Applicant also argued that there were very special circumstances for the relocation because the original application was “essential that the business is located within the immediate vicinity in order to maintain its existing client base”.

It is not clear that this reason remains, given that the business has moved away from the vicinity and appears still to be trading successfully. The Applicant further stated in relation to the previous application that the application site was required because it was needed for “outdoor plant growing and horticulture and in order for the business to be effective, good quality land is essential”, so no brownfield sites were suitable. However, the business appears to have operated for some years without any outdoor plant growing and horticulture at Somerford Booths.

Impact upon protected species since the scheme was originally granted permission

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

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

Circular 6/2005 (dated 16 August 2005) advises LPAs to give due weight to the presence of a European protected species on a development site to reflect. [EC] ...requirements ... and this may potentially justify a refusal of planning permission.”

In PPS9 (2005) the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning

decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Recent legal challenges and interpretation of the Habitat Regulations by the Courts are considered to result in a material change in circumstances in this case.

The site both supports and is close to a number of habitats where there is a likely presence of protected species. The proposal also involves the loss of a number of trees which could also potentially support protected species. The precautionary approach must be taken in terms of this issue. As no information is submitted it is not possible for the Council’s ecologist to reach a judgement and the recent changes in case law have clarified the matter to such an extent that this matter can not be dealt with by condition.

This is considered to be a significant change in circumstances since the proposal was originally considered, and a very important material consideration in the determination of this application.

Following deferral of the application, a presence/absence survey for the Great Crested Newt was undertaken.

The survey was undertaken by a suitably qualified expert and is accepted. The survey appears to have been undertaken to a high standard and in accordance with best practise.

The Great Crested Newt, *Triturus cristatus*, is protected under both the Wildlife and Countryside Act 1981 and also the Conservation of Habitats and Species Regulations 2010. In addition it is a local and UK Biodiversity Action Plan (BAP) priority species. As a consequence of its protected and BAP status the species is a material consideration for planning authorities under the terms of PPS9. It is therefore essential that the presence or otherwise of Great Crested Newts, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been

addressed in making the decision. Legal circular 06/2005 states that planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements, in reaching planning decisions, and this may potentially justify a refusal of planning permission.

PPS9 States:

“The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

The submitted survey has confirmed the presence of Great Crested Newts at the proposed development site.

The methodology implemented under the submitted survey is not designed to assess the size of the population of newts present or assess the importance of the site for the species, consequently, only the presence of Great Crested Newts is known. A further survey/assessment of all ponds within 500m of the proposed development, undertaken in accordance with the Natural England guidelines between March and June, is required before a full assessment of the status of great created newts at this site can be made. In the absence of this further assessment it is impossible to assess both the impacts of the proposed development or to determine what level or type of mitigation/compensation measures would be required to address any adverse impacts occurring, as required by PPS9. At this time no mitigation/compensation proposals have been received from the applicant.

In addition to being a material consideration regulation 9(5) the 2010 Habitats Regulations places an obligation upon planning authorities to give consideration to Great Crested Newts (and other European protected species) in the exercise of their functions. The recent ‘Whooley’ judicial review has clarified the position of planning authorities in respect of this legislation.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are:

- that the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- that there is no satisfactory alternative and
- that there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Committee will need to take a view in terms of the three tests, however, whilst this is a stand alone planning application, which needs to be considered on its own merits, the information submitted in support of application 09/3109m (the Dobbies Application) refers to the Matthew permission (03/3214p) being off-set as a land use swap.

With regard to the first test of the Habitat Regulations, this permission would be of nothing other than private benefit to the applicant. Given the length of time the Applicant has not been trading in Nether Alderley as a nursery/garden centre, any economic benefit to the area which the original permission sought to safeguard has long since gone, it is therefore considered that there are no overriding reasons of public interest that would outweigh the favoured conservation status of the protected species.

With regard to the second test, no evidence is submitted at all in support of this application.

Additionally and with regard to the third test, the Council does not have sufficient information to assess the potential impact of the proposed development upon the favourable conservation status of a European protected species (Great Crested Newt). In addition, if the Council was minded to approve the application there is insufficient information to determine what level of mitigation/compensation would be required in order to comply with PPS9. Considering PPS9, the Habitat Regulations and the recent judicial review case, it is not acceptable to leave the submission of the required further survey and impact assessment to a planning condition.

Scale parameters

Circular 01/06 introduced changes to the Planning System which included changes to information submitted in support of outline planning applications. For the first time scale parameters (i.e. maximum and minimum heights/widths/lengths of building) were required to be submitted to define the scope of built form in any outline scheme.

Condition 1 attached to 03/3214P reserved all matters pertaining to design, external appearance, siting, means of access and landscaping for future consideration. In this respect, whilst no specific scale parameters are submitted here, there was sufficient supporting information within the original application which would allow conditions which would address this particular change in circumstances. On this basis, no issue is raised.

The impact of the proposal in the light of the lack of any Heads of Terms for a s106 agreement being submitted

Permission was originally granted for the application under consideration subject to a S106 Agreement that amongst other things required landscaping to be provided and maintained in perpetuity and specifically controlled the types of goods to be sold from the garden centre.

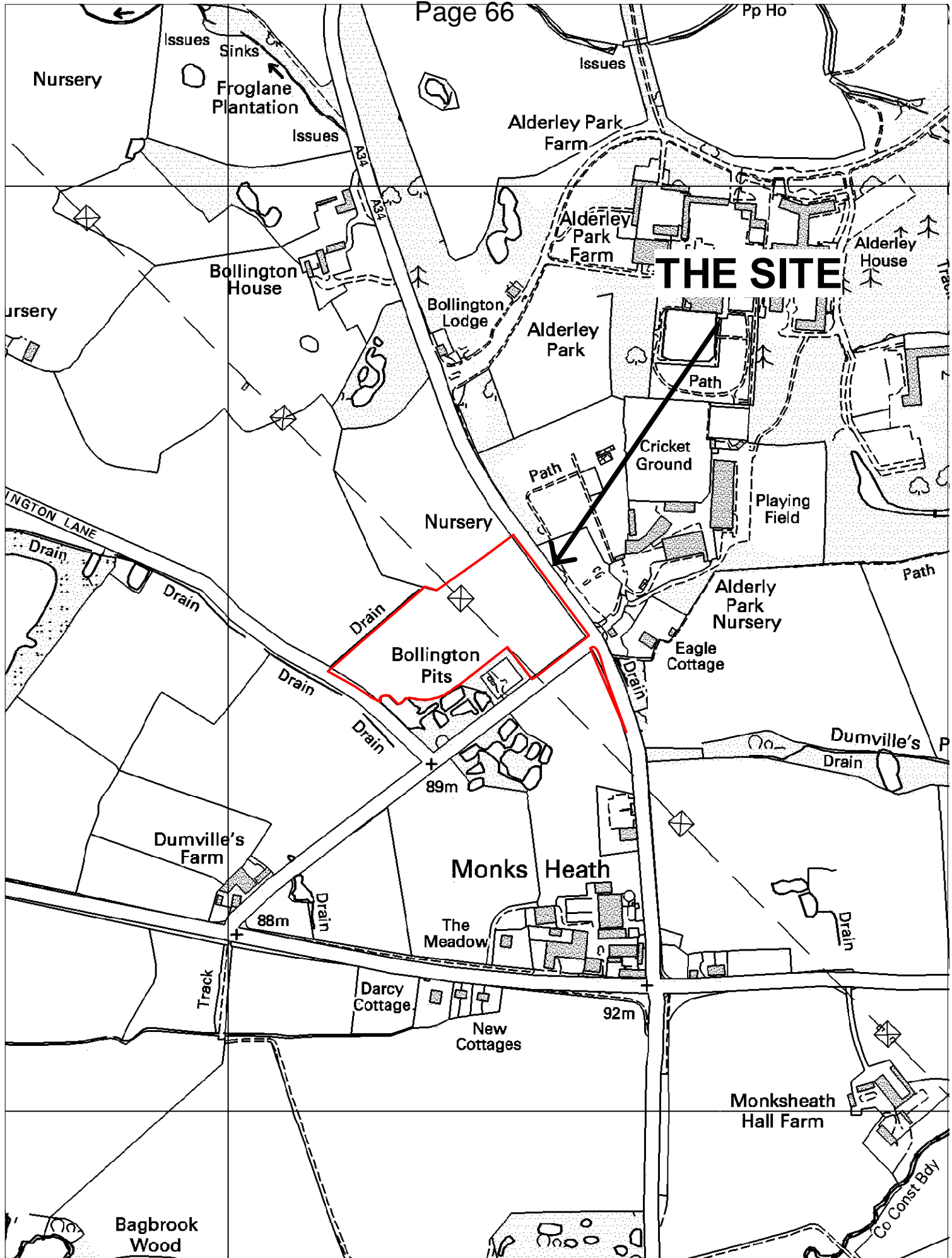
This is a stand alone application which requires a stand alone Legal Agreement. As no such undertaking has been submitted with this application, issues that were only previously considered to make the Matthews scheme acceptable on the basis of the relevant clauses in the Legal Agreement have not been adequately addressed in this renewal application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is recognised that there are situations where flexibility and responsiveness to the challenging circumstances faced by the development community can easily be accommodated by the Local Planning Authority. It is, however, considered that such support for time extensions to development schemes that have a planning permission can only be accommodated where there are no material changes in policy either at development plan level or at national government level.

In this case there are fundamental changes to the planning policy framework that require Habitat Surveys for both the Great Crested Newts and other European protected species such as Bats. Surveys have revealed the presence of Great Crested Newts but there is a lack of information for their mitigation that needs to be addressed.

It is also considered that there has been a change in the circumstances that made the application acceptable previously – namely the weight to be attached to the very special circumstances. These reasons together with the lack of any legal obligation or Heads of Terms for the s106 mean that the application to extend the time fails and on this basis it should be refused permission.



10/1323M - LAND NORTH OF BOLLINGTON LANE AND WEST OF CONGLETON ROAD NETHER ALDERLEY

N.G.R.; - 384.248 - 374.514

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009..

Scale 1:10000

Application for **Extension to Time Limit**

RECOMMENDATION : Refuse for the following reasons

1. Inappropriate development in Green Belt due to change in very special circumstances
2. Insufficient information to mitigate for harm to Protected Species
3. Impact of retail use and inability to secure future maintenance of landscaping due to lack of legal agreement

This page is intentionally left blank

OFFICER REPORT FOR APPLICATION 03/3214P

**RELOCATION OF EXISTING GARDEN CENTRE AND LANDSCAPE
CONTRACTORS BUSINESS (OUTLINE PLANNING PERMISSION)**

POLICIES

The site lies within the North Cheshire Green Belt and an Area of Special County Value for Landscape as provided in the Macclesfield Borough Local Plan 2011.

RELEVANT PREVIOUS APPLICATIONS

None on this site.

03/1776P - Change of use from garden centre to new leisure facilities (cricket pitch) - approved September 2003 on the site of the existing garden centre.

CONSULTATIONS

The Head of Service Health and Public Safety raises no objections.

Nether Alderley Parish Council raised no objections.

The views of the Highway Authority are awaited.

PUBLICITY

Neighbour notification, site notice and newspaper advertisement, with a closing date for representations of 12 January 2004.

REPRESENTATIONS

The Wilmslow Trust questioned whether the site is appropriate in the Green Belt.

APPLICANTS' SUBMISSION

The application is accompanied by a supporting planning statement and transport assessment. These are concerned with a description of the background to the application, the application site and surroundings, an assessment of the proposed development, an appraisal of the development against planning policy and guidance, and a conclusion. The main points of the supporting statement are as follows:

The company has been located at this site for 55 years. The company has leased the site from AstraZeneca for that period of time. The lease will expire in 2004 and the company are uncertain as to whether a renewal will be given. Planning permission has been granted for enhanced open space and recreational facilities on the site of the existing garden centre to AstraZeneca. That use is an appropriate use in the Green Belt. The company need to find an alternative site to continue his business and retain its existing client base. It is acknowledged that the site is located within the North Cheshire Green Belt where there is a presumption against inappropriate development. Any alternative sites within the immediate area would also be subject to Green

Belt policy. This statement has assessed the existing and proposed uses, and categorised these as either horticultural or non horticultural. The application proposes a substantial reduction in overall uses including non horticultural uses and the overall site area. The proposal results in an overall floor space reduction of nearly 60%. The existing prominent frontage to the A34 would become recreational open space enhancing the visual appearance of the area and the openness of the Green Belt. The relocated garden centre at the Bollington lane site would be reduced in scale and in a less prominent location. 32 full time and 14 part time jobs would be safeguarded. The Council would have a more stringent means of control over the development of the proposed garden centre. There is a requirement to improve the existing Bollington Lane and Congleton Road junction, but two to three trees along the hedgerow fronting the A34 may be lost. A full landscape strategy for replacement and enhancement will be submitted at the time of reserved matters.

KEY ISSUES

- 1 The application follows that granted in September 2003 for the redevelopment of the existing garden centre into an area for new leisure facilities (cricket pitch and open space) for AstraZeneca. The AstraZeneca site is of regional strategic significance in employment terms. The applicants are proposed to relocate the business on the opposite side of the A34. The application is in outline with matters of access and layout of buildings applied for. Subsequent details will be required for design and external appearance of the buildings and landscape. The application does not propose a total relocation for the uses but involves a substantial reduction, with existing retail franchises not being transferred. The proposal does not involve the relocation of residential accommodation which would remain on site. A comparison of existing and proposed floor space is available. Access to the site would be taken directly off Bollington Lane.
- 2 The key issues in considering this application are national policy, the Development Plan, access and highway issues and the impact of the development on the area.
- 3 National policy is set out in PPG2 on Green Belt in which it is indicated that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. There is a presumption against inappropriate development which should only be approved in very special circumstances. New buildings in the Green Belt are inappropriate unless they are required in the essential interests of agriculture, forestry or other rural enterprises. The applicants have sought to demonstrate that the proposal would involve a significant reduction in floor space and the removal of some existing development, whilst their existing site would be developed only for open uses.
- 4 Green Belt policy is also contained within the Cheshire Structure Plan and Macclesfield Local Plan Alterations 2011. The site also lies within

the Area of Special County Value for Landscape where the Council seeks to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance.

- 5 The existing site and the uses on it have expanded over time but have done so in a sporadic manner, the opportunity being given now to have control over the future development of the business. The proposals for the relocation of the garden centre do involve a reduction in floor space and built development, but also in a less prominent location. Taking the overall impact of the two sites, it is concluded that there would be no reduction in openness and that the impact of the proposed relocation could be minimised by appropriate conditions, particularly at the reserve matters stage and also in terms of landscape enhancement. The existing business would be on a smaller scale than the existing one, there would be a reduction inappropriate uses (particularly retailing ones) within the Green Belt and there is an opportunity to increase the openness of the Green Belt at this point. The proposal is also a relocation of an existing business. For these reasons it is concluded that very special circumstances may exist here so as to allow the Council the opportunity to consider the application sympathetically.
- 6 There would be a reduction in the overall sight size, including plant growing and retailing. The franchises would close, as some of them have already done. There has been an emphasis in recent years to the landscaping contracting aspect of the business. A further consideration is the retention of the business and the jobs provided by the company in the area. It is acknowledged that the use provides a combination of appropriate and inappropriate uses in the North Cheshire Green Belt, but having regard to the circumstances outlined above, it is concluded that a policy objection to the application would not be appropriate in this situation.
- 7 A transport assessment accompanies the application and gives detailed consideration to the garden centre's relocation. A key issue is the improvement of the Bollington Lane/Congleton Road (A34) junction with is currently substandard. Improvements to visibility splays in both north and south bound directions are necessary in order to meet highway requirements. It is understood that the County Council are looking already at this junction in terms of the potential impact of additional traffic at either end of the Alderley Edge Bypass. The applicants have proposed a junction solution in order to improve visibility splays which would include removal of an existing area of hedgerow and possibly up to three mature trees that lie within that hedgerow. It is acknowledged that their loss is likely to have some impact on the landscape character around the area. In that the loss of these trees may, in any event, be required for an improvement to highway visibility arising from the construction of the Alderley Edge Bypass, it is concluded that no objections be raised in principle to their loss, subject to adequate mitigation and compensatory planting.

- 8 In order to meet highway requirements 67 car parking spaces are proposed together with an overspill area of 15 spaces. The views of the Highway Authority on both the access arrangements, junction improvements and car parking proposals are awaited, although it is understood that they are unlikely to be recommending refusal of the application.
- 9 A number of other issues are needing to be addressed. The hours of opening of the business at present are 9.00am until 6.00pm Monday to Saturday and 10.00am until 6.00pm on Sunday. The applicants wish to retain these trading hours if possible and in the circumstances it is considered appropriate to incorporate them in a planning condition should Members be minded to support the application. It is also likely that HGV and service vehicle movements would remain the same, or would indeed slightly reduce given the loss of the franchises.
- 10 A further issue concerns the schedule of goods to be sold at the site which are predominately goods directly related to garden and outdoor products with some seasonal products. The list is based upon other sites within the North Cheshire Green Belt and elsewhere. The list of products proposed does involve a reduction in the list of types of goods sold at the site at present and could be the basis for an appropriate legal agreement. It is concluded that the list of goods was not excessive for this type of use.
- 11 This is an outline application with many matters reserved for subsequent approval. The development will, in any event, only proceed if the company has to relocate from their existing site. It is concluded that in these circumstances it would be appropriate to enter into a legal agreement to secure a sequence of development following their vacation of the existing site, to secure the highway improvement works, the landscape mitigation works and to provide for the list of approved goods for sale at the site.
- 12 Having regard to the nature of this application, it is concluded that as an outline application it can be recommended for approval, although it is to be noted that the views of the County Highways Authority are awaited.

SUBJECT TO

The views of the County Highways Authority and subject to the prior completion of a Section 106 Agreement along the lines indicated above, grant planning permission subject to the following conditions.

This page is intentionally left blank



**Notice of Grant of
planning permission**

Application No: 03/3214P

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**TURLEY ASSOCIATES
THE CHANCERY
58, SPRING GARDENS
MANCHESTER
M2 1EW**

**SUBJECT TO
LEGAL
AGREEMENT**

Particulars of Development

**RELOCATION OF EXISTING GARDEN CENTRE AND LANDSCAPE
CONTRACTORS BUSINESS (OUTLINE PLANNING PERMISSION)**

Location

**LAND NORTH OF BOLLINGTON LANE AND WEST OF CONGLETON ROAD (A34)
NETHER ALDERLEY
for I AND W URQUHART**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:-

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site [the reserved matters] shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason The application is for outline permission with these matters reserved for subsequent consideration.
2. Application for approval of reserved matters shall be made within three years of the date of this permission.
Reason To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
3. The development hereby approved shall commence before whichever is the later of the following dates: (a) within five years of the date of this permission (b) within two years of approval of the last of the reserved matters to be approved.
Reason To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
Reason The application is for outline permission with these matters reserved for subsequent consideration.



5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours*; means of enclosure*; car parking layouts*; other vehicle and pedestrian access and circulation areas*; hard surfacing materials*; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc)*; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc indicating lines manholes, supports etc)*; retained historic landscape features and proposals for restoration, where relevant.
Reason To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.
6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
Reason To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.
7. The hours of trading at the site shall be 0900 to 1800 Monday to Saturday and 1000 to 1800 on Sunday.
Reason The site lies within a rural area and within the North Cheshire Green Belt.
8. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority; any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason To ensure the continued well being of the trees in the interests of the amenity of the locality.
9. (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place. (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. (d) Protective fencing shall be retained intact for the full



duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Reason To ensure the continued well being of the trees, in the interests of the amenity of the locality.

10. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Levels Survey, which provides for the retention of trees on the site, has been submitted to and approved in writing by the Local Planning Authority. No alterations in site levels shall take place, except in complete accordance with the approved Survey. The Survey shall include existing and proposed spot levels at the base of and around the crown spreads of all trees specified for retention.

Reason To ensure the continued well being of the trees in the interests of the amenity of the locality.

11. The existing hedges which are shown as being retained on the approved plans, shall not be cut down, grubbed out or otherwise removed, or topped or lopped so that the height of the hedge falls below 1metre at any point, without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced with hedging plants of such size and species as may be agreed with the Local Planning Authority. Any hedges dying or becoming seriously diseased within five years of the completion of the development shall be replaced with hedging plants of such size and species as may be agreed with the Local Authority.

Reason To ensure the continued well being of hedges in the interests of the amenity of the location.

12. The approved development shall not be occupied until the approved access that is required for the development has been constructed in accordance with the approved plans (unless it requires amendment to take into account the proposed highway improvement scheme) and has been formed and graded to the specification of the Local Planning Authority / Highway Authority, which is available from the Highway Authority, and any required visibility splays have been provided, all to the complete satisfaction of the Local Planning Authority.

Reason In the interests of highway safety.

13. The approved access shall not be brought into use until visibility splays of 2.4 by 120.0m to the south-west and 2.4 by the site frontage to the north-east (measured down the centre line of the access road and the nearside channel line of the Bollington Lane, as indicated on the approved plans) have been provided at the point of access / vehicular crossing indicated on the approved plan. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.0 metres above the level of the adjacent carriageway at all times thereafter.

Reason In the interests of highway safety.

14. Any gate, bollard, chain or other means of obstruction across the approved access that will serve the approved development shall be positioned at least 25 metres from the back edge of the carriageway, as indicated on the approved



plans, and shall be constructed to open into the site only.

Reason In the interests of highway safety.

15. Prior to the construction of any part of the development, the junction of Bollington Lane with Congleton Road (A34) shall be upgraded / improved in accordance with a scheme of details, which have previously been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Highway Authority, and to the complete satisfaction of both Authorities. The improvements shall include the upgrading of the junction itself, together with the construction of 2m wide footways around the junction bellmouth and shall be designed to take into account the Highway Authority's proposals for the junction improvement. Visibility splays formed as part of the junction improvements shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.0 metre above the level of the adjacent carriageway at all times thereafter.

Reason In the interests of highway safety.

16. The turning facilities / areas, as indicated on the approved plans, shall be provided prior to the approved development being occupied and then be retained, kept clear and be available for use at all times thereafter so as to provide a facility to allow vehicles, including articulated HGVs, to enter and leave the site in a forward direction.

Reason In the interests of highway safety.

17. The approved development shall not be occupied until space has been laid out within the site for the parking of 112 cars (67 permanent spaces for customers, 9 permanent spaces for staff and 36 overflow spaces), in accordance with drawing 01C. Parking so provided, including the approved / agreed number of spaces for disabled persons, shall be retained at all times thereafter.

Reason To ensure parking is provided at all times.

18. A covered and secure cycle store/s shall be provided prior to occupation of the approved building / development and retained at all times thereafter to provide a suitable facility for the parking of at least 6 cycles. Before any development first commences, details of the proposed store shall be submitted to and approved by the Local Planning Authority.

Reason To encourage means of transport to the site by means other than the private car.

19. The approved building/s shall not be occupied until all areas of hardstanding, including car parks, driveways, footpaths, turning facilities and service areas/yards, as indicated on the approved plan/s, have been laid out, drained, surfaced and marked out with white lining, or similar (if applicable) in accordance with details, which have previously been submitted to and approved in writing by the Local Planning Authority. The areas shall then be retained at all times thereafter for their intended use.

Reason To ensure these facilities are available for proper use.

20. Pedestrian visibility splays shall be provided within the areas hatched red on the approved plan prior to approved building / development being occupied. The splays shall be kept clear of any object, vegetation or any other obstruction of a height exceeding 0.6m above the level of the adjacent footway / drive / parking area at all times thereafter.

Reason In the interests of pedestrian and highway safety.



21. The surface water drainage system of the site of the proposed works should be designed and constructed in complete accordance with the Environment Agency's Pollution Prevention Guidelines (PPG) 3 'Use and Design of Oil Separators in Surface Water Drainage Systems'. Before any approved development commences the applicant shall submit full details of any separator, or similar, that is required based on PPG3. No work shall take place on site until the submitted details have received the written approval of the Local Planning Authority. The development shall not be occupied / brought into use until the required separator has been installed ready for operation. The separator shall be retained at all times thereafter and shall be maintained in accordance with PPG3.
Reason In the interests of public health and safety.

22. Information on public transport, cycle routes, delivery services operated by the business etc., including up-to-date timetables, bus route maps, maps of cycle routes etc. shall be provided prior to occupation and shall be displayed in a prominent position in the building, such as at the main entrance, to encourage the use of non-car forms of transport. Prior to the occupation of the approved development, full details of this information, its form and where it will be located, shall be submitted to and approved by the Local Planning Authority. The information shall then be provided, as approved, at all times thereafter and kept up to date on at least a six-monthly basis.
Reason To encourage means of transport to the site by means other than the private car.

23. The approved garden centre shall not be brought into use / commence operations until the existing operations at Alderley Park Nurseries (Matthews Garden Centre) have permanently ceased.
Reason The proposal is for relocation of this business only.

The reason(s) for approving this application is/are:

1. The proposal does not comply with all relevant policies of the Development Plan. However, other material considerations have been taken into account, namely that the proposal is a relocation of an existing business sited opposite the proposed site and the application is considered to be acceptable.

INFORMATIVE The policies and proposals in the Development Plan relevant to this decision are: Cheshire Replacement Structure Plan - Cheshire 2011 - GEN3, GEN 2, R1 and Macclesfield Borough Local Plan 2011 - GC1, GC2, GC3

This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Dated: 09-Mar-2005

Address Town Hall
Macclesfield
Cheshire

JK

Signed.....
Chief Planning Officer

This page is intentionally left blank

Application No: 10/3139M

Location: LAND AT TYTHERINGTON BUSINESS PARK, MANCHESTER ROAD, TYTHERINGTON, MACCLESFIELD

Proposal: EXTENSION OF TIME TO 07/1041P ERECTION OF 9 THREE-STOREY BUILDINGS FOR CLASS B1 (BUSINESS) USE, 1 TWO/THREE-STOREY BUILDING FOR CLASS C1 (HOTEL) USE TOGETHER WITH ASSOCIATED HIGHWAYS, CAR PARKING AND LANDSCAPING INFRASTRUCTURE

For HADLEY DEVELOPMENT SOLUTIONS LTD

Registered 10-Aug-2010

Policy Item No

Grid Reference 391860 375985

Planning Reference No:	10/3139M
Application Address:	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield
Proposal:	Extension of time to 07/1041P – Erection of 9 three storey buildings for Class B1 (Business) Use, 1 two/three storey building for Class C1 (Hotel) use together with associated highways, car parking and landscaping infrastructure.
Applicant:	Hadley Development Solutions Ltd.
Application Type:	Extension of time
Grid Reference:	918 760
Ward:	Prestbury and Tytherington
Earliest Determination Date:	27 th October 2010
Expiry Date:	9 th November 2010
Date of Officer's Site Visit:	6 th October 2010
Date Report prepared:	15 th October 2010
Constraints:	Manchester Airport Safeguarding Woodford Safeguarding Development Brief Existing Employment Area Green Belt Proposed Open Space Tree Preservation Order

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- Whether there has been a significant change in circumstances or policy since the original grant of permission for 071041P.
- Whether there is sufficient information submitted to enable an extension of time to the original full permission 07/1041P to be granted.

REASON FOR REPORT

This application is to be determined by the Strategic Planning Board because of the size of the proposed buildings on the application site - nine three storey office buildings for B1 use (25 628 sqm) and a two/three storey building for hotel use (100 bed).

DESCRIPTION OF SITE AND CONTEXT

The site lies approximately 2km to the north of Macclesfield Town Centre. The site is bounded to the west by the A538 (London Road) and employment land to the east which forming part of the established Tytherington Business Park. To the south lies the residential area known as the "old" Tytherington Estate with properties on both Pool End Close and the A538 being adjacent to the application site. The land is uneven and rough in appearance, with a lot of weeds and scrub having become established. The buildings which were originally part of Pool End Farm have been removed and there are no buildings on the site at present.

SCOPE OF THIS APPLICATION

Extensions to the time limits for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will by definition have been judged acceptable in principle at an earlier date. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances may have significantly changed, either in development plan policy terms or in terms of national policy or other material considerations.

DETAILS OF PROPOSAL

This is an application for an extension in time to outline planning permission granted under reference 07/1041P. In assessing the application the Authority should consider whether there have any material changes in circumstance since the original permission was issued, which would justify a different decision on the application. The outline permission granted consent for nine three storey buildings for Class B1 (Business) use, one three storey building for Class C1 (Hotel) Use together with associated highways, car parking and landscaping infrastructure. The application was determined on 28th August 2007.

Accordingly, the current application (received on 6 April 2010) was received whilst the original application was an extant permission. Whilst the guidance advises Applicants not to leave their applications to the last minute, it remains clear that this application was submitted in time and therefore falls to be determined as a valid application.

The original committee report which was considered by the former Macclesfield Planning Committee for the approved scheme is attached to this report as Appendix 1, and an update report is attached as Appendix 2. The Decision Notice 07/1041P is attached as Appendix 3.

RELEVANT HISTORY

07/1041P – Erection of 9 three-storey buildings for Class B1 (Business) use, 1 two/three storey building for Class C1 (Hotel) use together with associated highways, car parking and landscaping infrastructure – Approved – 28.08.07

05/0753 – 4 x five storey office buildings and five storey hotel. Refused June 2005.

04/0506 - Outline application for development of B1 office accommodation. Refused May 2004.

02/1441 – Renewal of outline planning permission 99/0664 for B1 office development, B2 General Industrial Units and B8 warehousing – resolution to approve subject to prior completion of legal agreement – not proceeded with.

99/0664 – Outline application for B1 office development, B2 general industrial units and B8 warehousing. Approved July 1997.

97/2379 – New estate road for business park – Approved with conditions following completion of Legal Agreement – March 2000.

97/0237P - Site for B1, B2 and B8 development comprising offices, research and development facilities, light and general industry and warehousing – Application not determined – Appeal withdrawn 18.07.97

83319P - Site for B1, B2 and B8 development comprising offices, research and development facilities, light and general industry and warehousing – Application not determined – Appeal Allowed 18.07.97

POLICIES

Local Plan Policy

BE1, NE4, NE11, RT1, RT6, RT7, RT8, RT14, E1, E2, E3, E4 and Development Control Policies.

Other Material Considerations

National Planning Guidance in the form of: -
PPS1: Delivering Sustainable Development
PPS3: Housing

PPG15: Planning and the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG25: Development and Flood Risk

The newly published PPS4: Planning for Sustainable Economic Growth is also of relevance to this proposal. The development is for an office development with a hotel on land which is allocated for employment uses within the Macclesfield Local Plan. The site is considered to fall within a relatively sustainable location. As a scheme that provides employment opportunities the principles of achieving sustainable economic development are still relevant.

CONSULTATIONS (External to Planning)

The Highways Engineer raises no objections to this application.

The Community Fire Protection Officer has commented in relation to Access for the Fire Service - the access and facilities for the fire service should be in accordance with the guidance given in Approved Document B supporting the Building Regulations 2000. In relation to Water Supplies – the applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed. In relation to the Means of Escape – the applicant should be advised that the means of escape should be provided in accordance with the current Building Regulations. The applicant is also advised that they should consider the inclusion of an automatic water suppression subsystem to enhance any proposed design. The above comments should be forwarded to the applicant.

Manchester Airport raise no safeguarding objections to this application.

The Environment Agency have no objections to the proposed extension of time.

Bollington Town Council comment that they have had discussions with the Dumbah Residents Association. It is suggested that the matters raised in the Dumbah Associations letter, (which in addition to other things, raises concerns about parking and the height of buildings) should be properly considered when the application is determined.

OTHER REPRESENTATIONS

A total of 19 letters of objection have been received in relation to this application. The Dumbah Association objected to the original application (07/1041P) on the following grounds: -

The Business Park's Feasibility Study cites a population of 1400 persons for the entire Business Park. Lance's own population figures exceed that value just for its 30% of the Business Park. The Royal Institute of Chartered Surveyors Cutting Edge document suggests a population of up to 23% higher still. Lance's own figures predict a shortage of 394 car parking places. RICS models predict shortage up to 663 places. These hundreds of car users will

target neighbouring residential roads as overspill car parks. Only 16% of the Orbit's 25-buildings are 3-storey; 100% of Lance's 10-building are 3-storey. Orbit's hotel was in the Statutory Local Plan. Lance's is not and yet it's more than twice the size. Lance's hotel is sited precisely where the Business Park's Development Brief makes provision to alter the intercept of Tytherington Lane with Manchester Road i.e. residential properties close-by could have expected a significantly improved environment. Instead they'll be blighted by an immediately adjacent huge hotel.

Additional reasons are added in relation to this application: -
Incompatibility with The Planning Inspectorate's related decision to an earlier Orbit Application. This decision limits the site to 2-storey and 3-storey areas as shown on the Inspectors plan. MBC translated this as a condition NOT to place 3-storey buildings on the periphery of the site. The Inspector acknowledges the Development Brief as a material consideration in his deliberations and the Development Brief's para 6.4 states: adjacent to existing dwellings, no more than 2-storeys.

The siting of a hotel could have been avoided. The environmental consequences fall upon nearby residential dwellings. These residents were expecting a road realignment and landscaping, not a 3-storey hotel. The RCIS Cutting Edge document was ignored by Cheshire Highways. Councillors were misled as the previous applicants 'Lance' pointedly stated the Cutting Edge document was not commissioned by DoE when giving evidence to Main Planning Committee councillors and this rubbished the pedigree of the Cutting Edge argument.

The Dumbah Association questions whether Planning Committee Councillors were made aware of the Inspectors explicit reference to the height of buildings on the site. Lance's proposed hotel is on the periphery of the site.

The writer suggests that LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Since the original Planning Application (07/1041P) and the introduction of the Extension of Time scheme (Oct 2009) there has been: a change in Government, change in Council and a change in management at the Planning Department.

The other grounds for objection from residents are summarised as follows: -

- This submission did not comply with the outline planning consent and therefore should be rejected.
- The development is at far too high a density, particularly on the southern part of the site, and needs to be reduced by removing a minimum of three blocks from those lettered A-F.
- The designs proposed are completely out of character. The 3 storey hotel is of a very dated design and will not enhance the entrance to the park.
- There was no clear need for the proposed development in 2007 when permission was granted. Three years later, after one of the deepest

recessions since the war, there is even less need. So far as we understand, the existing Orbit development is far from fully let. The case for a substantial extension to an underused development is simply not made out.

- There is no need for a hotel. Macclesfield has enough low- to mid-range hotels already.
- The development will result in traffic congestion and car parking on local roads. Highway safety will be affected by the volume of traffic.
- The council should talk to the developers to require the land and give them city centre options instead. Then the land could be easily and cheaply joined into the local pathway system. The wetlands could be made into a nature reserve. This would be used by many bicycle groups, bird watchers, local mothers with children, biology study areas for local schools, dog walkers, the list is endless.
- One objector has included a précis of a speech given to the main planning committee on the 28th August 2007 by the Secretary of the Dumbah Association, which relates to a feasibility Study of the business park and the Royal Institute of Chartered Surveyors Cutting Edge document.
- The proposed plans will affect the character of the area as most properties on Tytherington Lane date back to the Eighteenth Century.
- There is a drain from the septic tank of one of the objectors which goes across the land to the stream. What is going to happen to this?
- The development will have a detrimental impact on wildlife.
- One resident has requested that the ground levels be lowered so that the buildings can blend in with the rest of the landscape and immediate properties.

APPLICANT'S SUPPORTING INFORMATION

A supporting letter and an Ecological Report have been submitted to accompany the extension of time application. The updated Ecology Report confirms that the findings and recommendations originally submitted are still valid. There are no new or improved habitats on the site. The letter states that the previous applicant / developer went into administration in mid July 2010 and the company's assets were subsequently then assessed by the bank. It was considered important to extend the time limit for implementation of the development simply to retain the consent and the principle of development on the site. The timing of the administration resulted in submission of the current application close to the expiry of the 2007 consent.

One policy issue relates to the introduction of PPS 4 'Planning for Sustainable Economic Growth' in place of PPS 6 'Planning for Town Centres' which was relevant at the time of the previous consent. This change in national guidance is not considered to have introduced any significant material changes in policy that would prevent the approval of the extension of time application. Both PPS6 and PPS4 consider hotels to be a town centre use and as such the guidance set out in the two documents regarding the principle of such developments remains essentially unchanged. If anything the guidance set out in PPS6 was more onerous in terms of the need to demonstrate need for such development, its impact, the appropriateness of its scale, its accessibility

and overall impact. PPS4 is more supportive of hotel development with the use considered to fall within the definition of economic development as they provide employment opportunities (paragraph 4 PPS4). Furthermore Policy EC10 of PPS4 actively encourages Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Policies EC15 and EC16 regarding sequential and impact assessments respectively are essentially the same as those set out in PPS6.

As such whilst the national guidance relating to economic development may have changed in terms of number / title (that is PPS4 replacing PPS6) the guidance and advice set out essentially remains the same albeit PPS4 is now more positive in encouraging economic development. In terms of any material change in circumstances since the previous consent it is considered there have been no such changes in terms of site conditions or planning policy.

OFFICER APPRAISAL

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

There are not considered to be fundamental changes in policy or other important material considerations since the original application was determined in 2007. The applicant's assessment of policy in relation to PPS4 is accepted in relation to this proposal.

IMPACT UPON PROTECTED SPECIES AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION

Ecological surveys and assessment reports were provided in respect of the 2007 application. These were considered to be out of date and as a result further surveys were requested which included an Extended Phase 1 Habitat Survey, mitigation proposals, Great Crested newt Surveys and Breeding/wintering Bird Assessment. Following this request updated ecological assessments have been submitted. Comments have yet to be received from the Councils Nature Conservation Officer and this matter will be reported to the Strategic Board in an update report prior to the meeting.

OTHER CONSIDERATIONS

The comments from the Dumbah Association and residents are noted. These comments were addressed in the committee report under the 2007 application and therefore, it is evident that the comments made by the Dumbah Association and residents were given proper consideration in 2007, where the sites planning history and context was clearly presented to the Committee Members.

It is not considered that it would be appropriate to re-open the debate about the principles of the proposal as material circumstances do not appear to have significantly changed.

One further letter has been received from a resident of Manchester Road concerning a drain from their septic tank. This issue was raised during the 2007 consideration of the scheme and such matters are considered be a private matter to be resolved between the applicants and affected resident should planning permission be granted.

It should be noted that condition 17 of 07/1041P requires details of existing and proposed ground levels to be submitted before any development on site commences.

The comments from consultees are noted. No objections have been raised from the Strategic Highways Engineer, Environment Agency, or Manchester Airport. The comments from the Community Fire Protection Officer can be addressed by an informative.

HEADS OF TERMS FOR A S106 AGREEMENT

Permission was originally granted for the application under consideration subject to a S106 Agreement which will provide the following: -

a) Requirement to link up the proposed spine road with the spine road that runs through the adjacent business park site Springwood Way as soon as can be achieved and for it to be available for use.

b) Requirement for the developer (and any successors) to produce a single Travel Plan for the site, and associated initiatives, in accordance with local and national standards, guidance and best practice and to require its operation at all times while the development is occupied, including the requirement for all occupiers to be required to take part in its operation and the requirement to link with other travel plans that operate in the area. Such Travel Plan will include procedures for monitoring, review and remedial action.

c) The requirement for developer (and any successors) to develop and operate a package of public / passenger transport measure from first occupation to meet the development's public/ passenger transport, requirements and allow the site's Travel Plan aims, objectives to be met, which will be based on a package of measures that have previously been approved by the Highway Authority.

d) The requirement for a car parking management regime to be developed for the site, which include the provision of Traffic Regulation Orders on the spine road and other roads within the vicinity of the site if required to allow the aims and objectives of the Travel Plan to be met.

e) The roundabout of the A523 / Tytherington Lane to be upgraded in accordance with a scheme of details prior to the occupation of any part of the development and with a funding regime to enable this to occur.

f) The footpath / cycleway link between Manchester Road and the Middlewood Way and the associated recreation area to be handed over to the

Borough Council following an appropriate implementation period; the timescales for the implementation of these works and commuted sums for ongoing maintenance.

g) A landscape management plan to be submitted for approval, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, for a period of 15 years.

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.

In this instance, requirements (a)-(f) relate to traffic and highway safety, sustainability and requirement (g) relates to landscaping. Given the scale of the scheme and its associated impact it is considered that the measures prescribed are necessary to deliver the scheme in a safe and sustainable way, which relate to relevant planning policies. It is considered, in respect of points a-c, that the requirements stipulated are necessary, directly related to the development and are fair and reasonable in relation to the scale and kind of development proposed.

CONCLUSIONS

Subject to the comments from the Nature Conservation Officer with regard to the ecological appraisals, there are no objections to an extension of time for the implementation of this permission for a further three years. The site is for business use on a business park which complies with the allocation in the Macclesfield Borough Local Plan, the Development Brief and previous permissions for the site. The site is sustainably located in relation to public transport, walking and cycling. There have been no material changes in circumstances since the 2007 permission was granted which would warrant a refusal of this application for an extension in time for the implementation of the permission. A recommendation of approval subject to conditions is therefore made.

SUBJECT TO

The comments from the Nature Conservation Officer in relation to the ecological reports.

Reproduced from the Ordnance Survey map with the permission of HMSO.
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045.



Application for **Extension to Time Limit**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A02MC - Air conditioning equipment
4. A03MC - Cooking odour extraction equipment
5. A12MC - No lighting
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A04TR - Tree pruning / felling specification
9. A14TR - Protection of existing hedges
- 10.A01LS - Landscaping - submission of details
- 11.A04RM - Details of ground levels to be submitted
- 12.A14HA - Construction of highways
- 13.A15HA - Construction of highways - submission of details
- 14.A30HA - Protection of highway from mud and debris
- 15.A32HA - Submission of details re: construction
- 16.A05HP - Provision of shower, changing, locker and drying facilities
- 17.A07HP - Drainage and surfacing of hardstanding areas
- 18.A09HP - Pedestrian visibility within car parks etc
- 19.A22GR - Protection from noise during construction (limit on hours of construction works)
- 20.A30HA_1 - Protection of highway from mud and debris
- 21.submission of biodiversity enhancements
- 22.Badger Survey
- 23.detailed survey re: bird nesting
- 24.earthworks and landscaping works
- 25.survey of culvert
- 26.Implementation of surface water regulation system
- 27.Climate change in flood level
- 28.Surface water drainage
- 29.signal controlled junction.
- 30.roundabout on A523

- 31. Turning Head
- 32. Visibility Splays
- 33. Obstructions
- 34. Lighting of footpath and cycleway
- 35. Bus stops
- 36. Turning facilities
- 37. Parking facilities
- 38. short stay and long stay parking for cycles, motorcycles, mopeds and scooters
- 39. Pedestrian crossing facilities at the junction of Marlborough Drive and Brockleshurst way
- 40. Footways and Cycleways thresholds
- 41. Signage details
- 42. Details of surface water storage scheme
- 43. Revised plan showing outstanding Highway and Transport issues.
- 44. Protection of Pool End Road and Pool End Close
- 45. Spine Road
- 46. non standard
- 47. Town and Country Planning Act 1990

Application No: 07/1041P

Location: LAND AT TYTHERINGTON BUSINESS PARK MANCHESTER ROAD TYTHERINGTON MACCLESFIELD

Proposal: ERECTION OF 9 THREE-STOREY BUILDINGS FOR CLASS B1 (BUSINESS) USE, 1 TWO/THREE-STOREY BUILDING FOR CLASS C1 (HOTEL) USE TOGETHER WITH ASSOCIATED HIGHWAYS, CAR PARKING AND LANDSCAPING INFRASTRUCTURE

For MR PHILIP WATKINS-SMITH, THE LANCE GROUP

Registered 30-May-2007

Policy Item Yes

Grid Reference 391861 375985

DATE REPORT PREPARED

25 July 2007 (Report updated 15 August 2007)

POLICIES

The site lies within an existing employment area and area of proposed open space on the Macclesfield Borough Local Plan. The Tytherington Business Park Development Brief also applies.

RELEVANT PREVIOUS APPLICATIONS

05/0753 – 4 x five storey office buildings and five storey hotel. Refused June 2005.

04/0506 - Outline application for development of B1 office accommodation. Refused May 2004.

02/1441 – Renewal of outline planning permission 99/0664 for B1 office development, B2 General Industrial Units and B8 warehousing – resolution to approve subject to prior completion of legal agreement – not proceeded with.

99/0664 – Outline application for B1 office development, B2 general industrial units and B8 warehousing. Approved July 1997.

97/2379 – New estate road for business park – Approved with conditions following completion of Legal Agreement – March 2000.

CONSULTATIONS

The Environment Agency had no objections and recommend conditions. Bollington Town Council recommend approval of the application. The views of the Highway Authority have been received on certain matters of concern to them, but they are still considering other issues.

Cheshire Fire Service raised no objections.

PUBLICITY

Neighbour notification, Site Notice and newspaper advertisement with a closing date for comments of 4 July 2007.

REPRESENTATIONS

Tytherington Residents Association object to the application as being in breach of the Development Brief for the site. The Dumbah Association object to the application due to the three storey element of offices. The Club Company (owners of the Tytherington Club) object on the grounds of the hotel use fails to comply with the Local Plan, there is no need for the hotel development and the density and three storey element are over development.

More than 30 individual letters of objection have been received from local residents. The main points raised are as follows –

- The scheme is an over development of the site which is out of keeping with the Tytherington area.
- A residential hotel is out of keeping and not provided for in any of the approved planning documents.
- The impact of three storey development is contrary to the brief and previous planning applications on the site.
- Objection is raised particularly to the three storey element adjoining residential properties.
- Some detailed concerns are raised about the cycle way and footpath.
- Traffic congestion will develop from the development.
- Cars will need to park outside the area due to the size and scale of development and likely number of staff working there.
- Environmental and ecological concerns over matters such as drainage, trees, landscaping and ecology.

APPLICANTS SUBMISSION

The application is accompanied by a Planning, Design and Access Statement, Transport Statement and Draft Travel Plan, Landscape Master Plan and Strategy and other supporting documents and information. These documents have been and continue to be available for inspection.

KEY ISSUES

The application concerns the Pool End (phase 3), part of the Tytherington Business Park and is submitted on behalf of the owners who acquired the site around three years ago. The application is effectively a response to the reasons for refusal of planning permission 05/0753 in June 2005.

The application seeks full planning permission and comprises the following:

Nine three storey office buildings for B1 business use (25628 sqm), and a two/three storey building for hotel use.(100 bed)

Supporting car parking including underground parking, access road, cycle way/footpath and landscaping and open space.

The relevant issues in considering this application are –

The provisions of the Development Plan, compliance with the Development Brief for the site, the planning history of the site, the proposed uses, the relationship to adjacent sites, issues of layout and site planning including density, height, scale and massing of proposed buildings, impact on existing site features and landscaping, traffic impact, other transport considerations and the proposed cycle way/footpath.

RELEVANT PLANNING POLICIES

The site lies within an existing employment area on the Macclesfield Borough Local Plan and policies E3 and E4 of the Local Plan apply. Policy E3 permits B1 office uses with the reason for the policy indicating that Tytherington Business Park is earmarked for high quality development. A Development Brief was also produced for the site and this permits B1 uses. B1 development on this site is therefore acceptable.

The proposal also incorporates a 100 bed hotel. Whilst a hotel on this site would be normally contrary to policy E1 of the Local Plan, which seeks to protect existing employment areas for employment purposes, and contrary to the Development Brief, the applicants are seeking to make this a business hotel with limited provision for leisure or family use. A hotel use has already been accepted at the northern end of the Business Park, allowed on appeal. It is therefore considered to be an acceptable and compatible use on a business park.

STRATEGIC IMPACT OF THE DEVELOPMENT

The current application seeks permission for 25,628 sq m of office floor space. The previous application refused in 2005 sought permission for almost double this amount of office floor space. The scale of that application was considered to be contrary to the North West Regional Spatial Strategy and County Structure Plan due to the size and scale of the development.

This application makes provision for a range of office users offering a variety of different types of accommodation and is considered to be compatible with the objectives of meeting local employment requirements within the overall context of planning policies of restraint. It is concluded there will be no strategic impact from this development.

SITE HISTORY

The Development Brief was approved in 1989 following extensive public consultation. The other parts of the business park have been generally developed in accordance with the principles of the Brief which have been tested at Inquiry by planning inspectors. Development is generally of two and three storeys of office development, although there are some other forms of development which have been considered compatible. The Brief also sets out constraints in terms of visual impact in a design, landscaping and open space section. In particular, the Brief requires that development on the periphery of the site adjoining residential areas should be no more than 2 storeys in height. At the appeal at the adjacent site, the Planning Inspector imposed a height restriction of 11 metres on the higher parts of the site. The Brief also seeks to ensure that buildings are designed in harmony with each other and with the landscape and that the business park is dominated by the landscape within and around it.

The planning history of the site is also a relevant consideration. To date as can be seen from the list of previous applications, outline planning permission was granted in 1999 for a mixed B1, B2 and B8 development. That permission has lapsed as reserved matters were not submitted or approved and a subsequent application to renew the 1999 permission was not proceeded with. An amended outline application of 37300 sqm of office floor space was refused in 2004 and finally the application in 2005 for 48200 sqm was refused. At present there is no planning permission for the site, nor has any detailed scheme ever been approved for the Pool End part of the business park. The Inspector's decision for Phase 2 of the business park, along with the Brief, formed the basis for planning conditions at the Outline stage. In this context, any decision the Council makes in respect of this application will be important in the planning history of the site. Most of the remaining parts of the business park have been granted planning permission to a local developer although not all sites have yet been built on.

SITE PLANNING FACTORS

The relationship to the adjoining parts of the business park and the adjacent residential areas needs to be considered. There are two practical matters which require a link through the adjacent part of the business park. The completion of the spine road through to Phases 1 and 2 of the business park is required in terms of traffic management and highway safety in the area and also to promote public transport alternatives. The road layout submitted does provide for that link to be made but the views of the Highway Authority are awaited. The provision of the landscape buffer at the southern end of the site and the incorporation of the footpath/cycleway within it is also required to comply with the Local Plan proposals map, the Development Brief and to link through to the area already started. These matters are already included in a legal agreement on the site which the applicants are required to provide as subsequent owners of the site. A further relationship with the business park in terms of drainage and the Environment Agency has raised no objections in this regard.

The site also lies close to residential properties, except to the east where it adjoins the business park. It is evident that local residents and groups representing them are very concerned about the relationship between the two.

In principle there is no reason why another developer should comply with the same design principles which have been adopted for the remainder of the business park which has to date been built by Orbit Developments. Any scheme has to comply with prevailing planning policies as set out in the Development Plan, the Development Brief and other planning criteria. That the design and layout is different from the Orbit part of the site is in itself insufficient reason to reject the application.

A number of local concerns have been raised about issues of site layout, site planning and density. In terms of the footprint and development density the proposed footprint is substantially below the maximum set out in the original outline planning permission for the site. The scheme is a substantial reduction in density from the two most recent planning applications. The erection of a larger number of smaller buildings than previous schemes provides the opportunity for a landscape setting to be achieved between the buildings. On this occasion, it is considered that the layout and position of office and hotel building in relation to adjacent properties is an acceptable one by reason of a combination of the distances, opportunities for landscaping and design of the buildings.

DESIGN

The design is a modern one and therefore includes use of modern materials including curtain walling, reconstituted stone, buff brickwork, and white render. The office buildings are numbered A-G and are sited to the rear of the site with the hotel building along the frontage to Manchester Road. The office buildings are predominantly 3 storeys in height at between 10.25 and 13.5 metres with taller buildings away from residential properties. The original outline permission required that any buildings should not exceed 14 metres. The buildings are of modern design with flat roofs and in terms of impact on the character and appearance of the area given the distances to the nearest residential properties, it is considered to be similar to a more traditional two storey building with pitched roof.

The hotel proposal is part 2 storey and part 3 storey. The northern end of the hotel is 32.5 meters from 17 Tytherington Lane. This part of the hotel is below the height limit set in the Development Brief for development adjacent to existing dwellings.

The Conservation and Design Officer raises no objections to the design subject to conditions.

LANDSCAPING AND TREE IMPLICATIONS

Trees identified for removal as part of this application have already been accepted as part of a previously approved application. The mature retained

trees around the periphery of the site are located an acceptable distance from the development blocks and are in accordance with the latest British Standard for trees in relation to construction. The forestry officer raises no objections the application subject to a number of conditions.

The application is accompanied by Landscape Master Plan and Landscape Strategy. The landscape design approach is different to earlier phases of the business park as this scheme promotes a more open parkland character to the site. This approach is considered in principle acceptable. The southern recreation area should be an average of 40 metres and a minimum of 20 metres in width. The proposed recreation area complies with this requirement; it is 55 metres at the widest point and has a greater overall area than previous development proposals for the site. Earth mounds and woodland screen belts are proposed adjacent to the residential boundaries and the cycle way is located well away from these properties. There are 2 proposed links into the business park to enable people to cycle to and from work and to access the Middlewood Way and the wider countryside. Leisure services will require an access for maintenance services off Pool End Road. The cycleway should be constructed for use by maintenance vehicles and be lit in accordance with Leisure Services specification.

The peripheral screen belt and stream channel should be a minimum of 10 metres in width. The channel is generally wider than 10 metres although it is slightly too narrow in the north east corner of the site. Several car parking spaces could be omitted from this area to allow a wider channel. A pond is proposed to the rear of the hotel. This would be an attractive feature and be beneficial for wildlife. Further details about the channel and pond would be required through conditions.

Following concerns expressed by residents at a public meeting arranged by ward members about the loss of two internal hedgerows, the applicants commissioned their nature conservation consultants to prepare a report into the hedgerows. That report has been received and indicates that the hedgerows are species-poor in terms of botanical diversity and do not meet the 1997 Hedgerow Regulations for protection. Borough Council Officers have confirmed this conclusion, but have sought confirmation from other sources used for such matters to confirm whether there is any historical support for their protection. An update on further information received will be given at the Committee meeting.

A soft landscaping requirement of 25% of each individual plot was specified in the outline application. The layout is not divided into plots but rather has an open parkland design and around 65% of the gross site area is soft landscaping. This has been achieved by locating about 2/3s of the car parking underground. The spine road corridor should be an attractive tree lined avenue and the building line should be an average of 20 metres from the road. The average building line is only around 11 metres. However, the frontage is well landscaped, there is very little car parking to the front of the buildings compared with other phases of the business park and the proposed design would create an attractive tree lined frontage. Any increase in the

average building line would push the buildings back towards residential properties which would not be acceptable and the scheme would be incapable of being developed for business purposes. The landscape officer has no objections to the application but has requested additional information and recommends planning conditions and matters to be included in a Section 106 Agreement.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

The application is accompanied by a number of reports concerning ecological issues. Much of the site consists of semi improved grassland which is a local biodiversity action plan priority habitat. Whilst a lack of appropriate management has reduced the diversity of this grassland, appropriate mitigation will be required for the loss which could be achieved through the landscaping scheme. Two small ponds would be lost to the development and in line with the Council's recently adopted Conservation Strategy mitigation would be required on a two for one basis. There are a number of trees located around the periphery of the site which are suitable for bats and detailed mitigation proposals will be required. The site is also of interest to a number of other wildlife matters. No objections are raised by the Nature Conservation Officer subject to detailed measures and planning conditions.

HIGHWAY AND TRANSPORT IMPLICATIONS

The application is accompanied by a Transport Assessment and Draft Travel Plan. The initial appraisal by County Council Highway officers has sought to clarify the methodology used and assumptions made in assessing traffic flows and information. One critical issue is whether and at what stage the spine road is linked through to phases 1 and 2 of the business park the road for which is mostly constructed albeit in the ownership of the developer of those earlier phases. County officers have requested additional information to assist their assessment of points of concern particularly in respect of junction arrangements. It is the Highways' Authority view that the applicant will be able to demonstrate that subject to certain works (notably improvements to the Silk Road / Tytherington Lane roundabout) and the construction of a suitable site access junction, the development will be acceptable in terms of traffic impact.

With regard to the site layout, initial examination of the scheme by County Highways concludes that some amendments are required and the applicant's Transport Consultants have been advised of the changes required. Further consideration of detailed amended plans will be required to ensure that the layout is a safe one in terms of highway safety.

The Travel Plan submitted with the application was not considered to be in line with current best practice guidance and revisions have been requested to address issues of concern. In terms of accessibility and sustainability a series of improvements have been agreed with the developer to improve pedestrian, cycle and public transport access to the site; these will need to be included in a section 106 agreement. With respect to car parking, the applicants propose

895 spaces (30 disabled, 794 for offices and 104 for the hotel, of which 568 would be in an undercroft parking area.) This provision exceeds the adopted maximum parking standards by 63 spaces. The County Council suggest a small reduction in car parking and an increase in disabled parking to comply with national advice. However, having regard to concerns from residents and in order to reduce the likelihood of the need for cars to park on either the spine road or in the adjoining residential areas, it is recommended that the proposed parking provision (which amounts to one space per 32 square metres compared to a standard of one per 30 square metres) be accepted on this occasion.

ENVIRONMENTAL FACTORS

The Environment Agency has no objections in principle to the proposed development but comments that there are flooding problems at the downstream end of the site where the water source enters a culvert. These problems are believed to be caused by a failure of the culvert. The Agency recommend a number of planning conditions. The Highway Authority also recommend a condition requiring further details of surface water storage to be agreed.

OTHER MATERIAL PLANNING CONSIDERATIONS

A number of residents and consultees have expressed concern about the design and layout of the cycle way to the south of the area in terms of security, maintenance and residential amenity. Some of these issues are matters which could be dealt with by a combination of planning conditions and a legal agreement to ensure that the land is vested in the Borough Council's Leisure Services as has been the intention of previous agreements.

HEAD OF TERMS

Travel Plan

Pedestrian/ cycle and public transport infrastructure improvements

Commuted sum and maintenance arrangements for recreational area incorporating footpath/cycleway timescales to be agreed for implementation of recreational area and handover to MBC following an appropriate establishment period

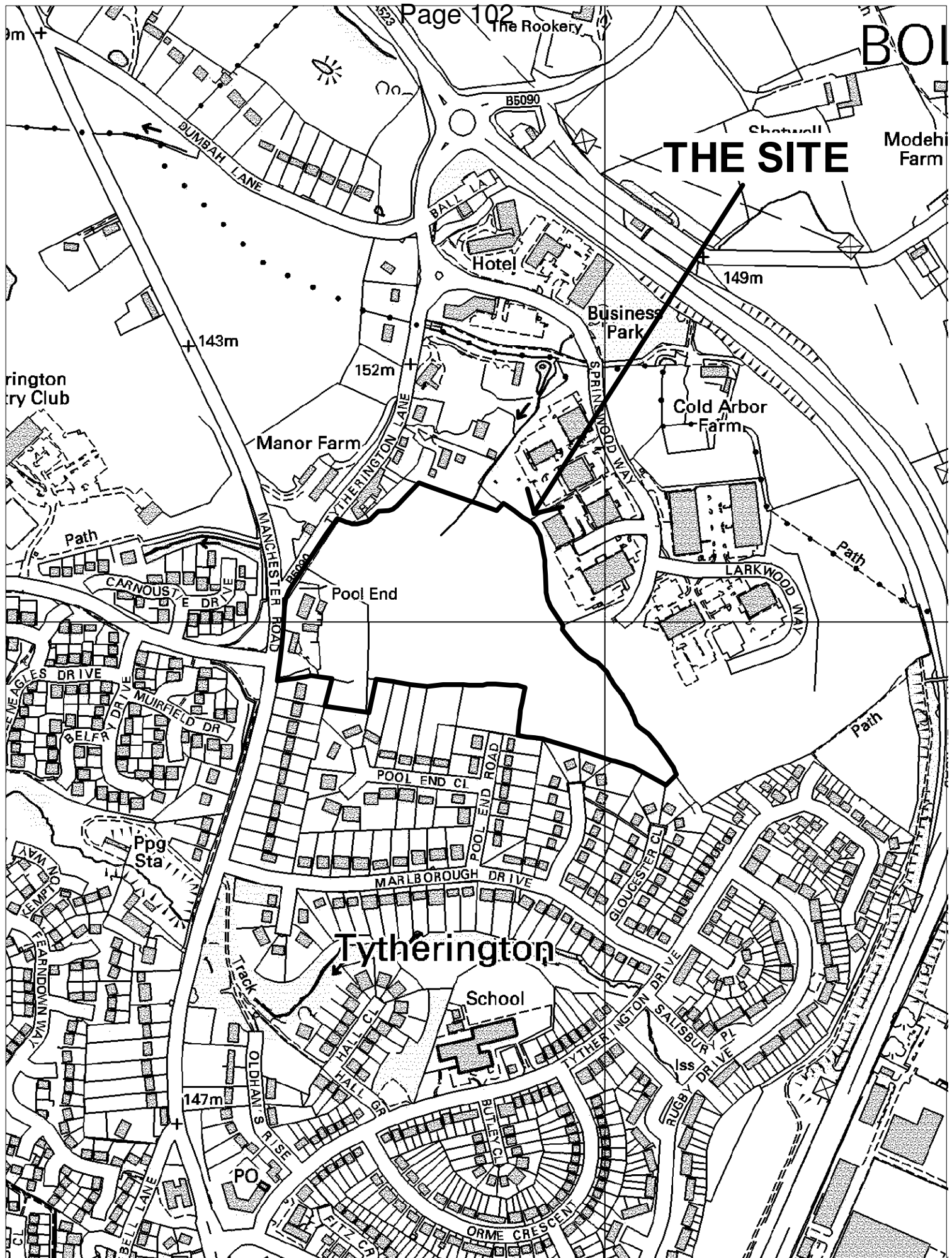
Completion of Spine Road and Middlewood Way footpath/cycleway at an early stage to improve accessibility and car park management within the site

CONCLUSION

This application is for a major development for business use of phase 3 of the Tytherington Business Park. An appraisal of the application by officers concludes that it complies with the requirements of the Local Plan, the Development Brief and previous Outline planning permissions for the site. A recommendation of approval is made.

SUBJECT TO

The receipt of further views of the County Highway Authority and the completion of a section 106 agreement.



07/1041P LAND AT TYTHERINGTON BUSINESS PARK MANCHESTER ROAD TYTHERINGTON MACCLESFIELD
N.G.R. 391,820:376,030

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Macclesfield Borough Council, licence no. 100018585 2007..

Scale 1:5000

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A02MC - Air conditioning equipment
4. A03MC - Cooking odour extraction equipment
5. A12MC - No lighting
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A04TR - Tree pruning / felling specification
9. A14TR - Protection of existing hedges
- 10.A01LS - Landscaping - submission of details
- 11.A02LS - Submission of landscaping scheme
- 12.A04LS - Landscaping (implementation)
- 13.A16LS - Submission of landscape management plan
- 14.Biodiversity enhancements including
- 15.Additional ponds
- 16.Breeding birds to be protected
- 17.Site levels to be submitted and approved
- 18.Phasing and timescales for all earthworks and landscape works to be agreed
- 19.Conditions recommended by the Environment Agency
- 20.Conditions recommended by the Highways Authority
- 21.Section 106 Agreement to include Highways' requirements, commuted sum and maintenance for recreation area in accordance with previous planning agreement

This page is intentionally left blank

PLANNING COMMITTEE 28 AUGUST 2007

UPDATE TO AGENDA

APPLICATION NO: 07/1041P
LOCATION: Tytherington Business Park
UPDATE PREPARED: 24 AUGUST 2007

APPLICANTS SUBMISSION

The applicants have provided additional information in respect of highway and transport matters including a revised car parking layout and additional material in respect of the transport assessment and travel plan; these are now at the point where a combination of planning conditions and the planning agreement can satisfy outstanding matters.

CONSULTATIONS

County Highways have confirmed that the additional information supplied is now sufficient to overcome their concerns and the detailed revised plans together with proposed planning conditions and the planning agreement overcome their concerns.

REPRESENTATIONS

One further letter has been received from a resident of Manchester Road concerning a drain from their septic tank – this is a private matter to be resolved with the applicants should planning permission be granted

KEY ISSUES

Most members of the Committee undertook the planned site inspection on Tuesday 21 August. The site was viewed from Manchester Road, Tytherington Lane, one of the gardens of the houses on Tytherington Lane, from Springwood Way on the Business Park and from within the site itself.

Regarding the status of the internal hedges, the Council's Forestry Officer has again inspected the hedge referred to by local residents. He has confirmed that due to the existing and proposed use of the site as vacant land pending business development, the Hedgerow Regulations do not apply to this site; that is irrespective of whether the hedge has any historic significance.

The main report provides a full update on work undertaken by the applicants and officers since the last meeting when the application was deferred to await the comments of the County Highway Authority and to undertake the site visit. There are no objections to the application arising from the assessment of the application by officers and consultees, subject to appropriate minor revisions and planning conditions and the planning agreement. There remain the objections from local residents which members need to consider having had the benefit of the site inspection.

RECOMMENDATION

The recommendation is one of approval subject to the planning conditions and agreement set out in the main Committee report

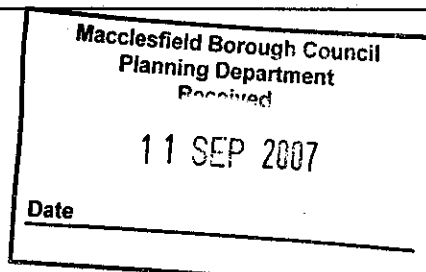
Decision Notice

**Notice of Grant of
planning permission**

Application No: 07/1041P

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**Emery Planning Partnership
4 SOUTH PARK COURT
HOBSON STREET
MACCLESFIELD
CHESHIRE
SK11 8BS**



Particulars of Development

ERECTION OF 9 THREE-STOREY BUILDINGS FOR CLASS B1 (BUSINESS) USE, 1 TWO/THREE-STOREY BUILDING FOR CLASS C1 (HOTEL) USE TOGETHER WITH ASSOCIATED HIGHWAYS, CAR PARKING AND LANDSCAPING INFRASTRUCTURE

Location

**LAND AT TYTHERINGTON BUSINESS PARK MANCHESTER ROAD
TYTHERINGTON MACCLESFIELD**
for MR PHILIP WATKINS SMITH, THE LANCE GROUP

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:-

1. The development hereby approved shall commence within three years of the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building / structure is acceptable.

3. Prior to the commencement of development, details of the specification and design of any air conditioning equipment shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity and to ensure the appearance of the equipment is acceptable.

4. Before the use hereby permitted is first implemented, details of the specification and design of equipment to extract and disperse cooking odours shall be submitted to and approved by the Local Planning Authority. The approved



Decision Notice

scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority.

Reason: In the interests of amenity and to ensure the appearance of the equipment is acceptable.

5. No lighting of the development hereby approved is permitted without the prior consent of the Local Planning Authority.
Reason: To ensure that lighting does not adversely affect visual amenity or highway safety having regard to adjoining land uses.
6. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
7.
 - a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
 - (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
8. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning works shall be



Decision Notice

carried out in full accordance with the approved specification and the requirements of British Standard 3998(1989) Recommendations for Tree Works.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the area.

9. No development shall commence on site until a landscape masterplan for the entire site has been submitted and approved in writing by the Local Planning Authority. The masterplan shall be generally in accordance with plan 07/107/01 version 8 submitted with the planning application.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Countryside Planning Act 1990

10. No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990.

10 (A) The approved landscape scheme shall be implemented in accordance with a programme to be agreed with the Local Planning Authority and in accordance with the following:

- i) All hard and soft landscaping works shall be completed in full accordance with the approved scheme within the first planting season following the completion of each building or phase of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
- ii) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936 Specification for Nursery Stock. All pre-planting, site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
- iii) All new tree plantings shall be positioned in accordance with the requirements of table 3 of British Standard 5837 2005 A Guide for Trees in Relation to Construction.
- iv) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Countryside Planning Act 1990

11. Prior to commencement of development, details of the following additional biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority:



Decision Notice

Four new ponds designed to maximise their nature conservation value and be situated within and linked together by other semi-natural habitats such as hedgerows and grassland.

A programme of nest boxes erected on trees and buildings to include boxes for Birds of prey and swifts.

A programme of bat box erection on suitable buildings and trees.

Amphibian hibernacula (log piles or rubble piles covered with earth).

Incorporation of native tree and shrub species and fruit trees in the landscaping scheme as an additional food source for wildlife and birds.

Incorporation of an appropriate grassland mix on those areas shown as amenity grassland on the landscape master plan.

Wildlife corridors around the perimeter of the site.

Reason: To protect and enhance nature conservation interests.

12. Prior to the commencement of development, a further badger survey shall be undertaken in a manner to be agreed in writing with the Local Planning Authority. Any further mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the species concerned.

12(A) Prior to the commencement of development, a bat survey shall be undertaken by a suitable qualified and experienced person of any tree to be removed. Any further mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the species concerned.

13. Prior to the commencement of works between 1st March and 31 August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any hedgerow, tree or shrub to be removed, a 4m-exclusion zone shall be left around the nest until breeding is complete. The completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Reason: To comply with the Wildlife and Countryside Act 1981 as amended

14. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted before any development on the site first commences. Details which receive the written approval of the Local Planning Authority shall be implemented in full.

Reason: To ensure that any change in ground level is acceptable given the nature of the site and adjoining uses.

15. The details of phasing and timescales for all earthworks and all landscape works including opportunities for advance planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction.



Decision Notice

Reason: In the interests of residential amenity and visual character of the area.

16. The applicant shall carry out a CCTV survey of the entire length of the culvert and send out a copy of the report and details of any necessary remedial works to the Local Authority and the Environment Agency's prior written consent in accordance with the provisions of the Land Drainage Act 1991.

Reason: To reduce the risk of flooding. on the site

17. No development approved by this permission shall be commenced until a Scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding.

18. The 1 in 100 years return period plus climate change flood level has been Calculated to 144.4m above Ordnance Datum. Finished floor levels should be 600mm above the flood level to provide an allowance against errors in calculating the flood level and additional measure of defence against wind or vehicle generated waves. The minimum finished floor level of the buildings shall be 145.00m AOD.

Reason: To reduce the danger to intended occupants of the building from potential flooding.

19. Prior to being discharged into any watercourse, surface water sewer or Soak away system, all surface water drainage from the development shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor

Reason: To prevent pollution of the nearby watercourse.

20. Prior to the construction of any part of the development, a signal-controlled junction shall be constructed at the junction of the approved spine road and Manchester Road in accordance with a scheme of details, which have previously been submitted to and approved in writing by the Local Planning Authority, including the provision of pedestrian and cycle crossing facilities, the relocation and upgrading (to the County Councils 'Quality Partnership' standard) of the existing bus stops on Manchester Road that will be effected by the junction, the provision of cycle lanes and advanced stop lines and all associated signage and lighting.

Reason: In the interests of Highway Safety.

21. Prior to the occupation of any part of the development, the existing roundabout at the junction of the A523 Silk Road and Tytherington Lane shall be upgraded in accordance with a scheme of details, which have previously been submitted to and approved in writing by the Local Planning Authority.



Decision Notice

Reason: In the interests of Highway Safety

22. All highways, footways and cycleways within the approved development, as indicated on the approved plans, shall be designed and constructed in complete accordance with the current edition of Cheshire County Council Design Aid for roads / highways and shall be constructed to the satisfaction of the Local Planning Authority / Highway Authority. No dwelling / building shall be occupied until that part of the highway / footway / cycleway network which provides access to it has been constructed in this way and up to base-course level. The wearing course shall then be completed to a timescale which has previously been agreed in writing by the Local Planning Authority, in conjunction with the Highways Authority.

Reason: In the interests of highway safety and to ensure that adequate access is provided for the approved development.

23. Prior to the commencement of the development hereby approved, the following drawings and details shall be submitted to and approved in writing by the Local Planning Authority :
- (i) detailed plans to a scale of not less than 1:500 showing the proposed highway layout, including dimensions of carriageway, footway, footpath, cycleway, bridleway, verge widths and visibility splays, the proposed buildings and site layout, the proposed floor levels, access roads and the drainage and sewerage system;
 - (ii) longitudinal sections along the centre line and channel lines of each proposed road showing the existing ground level and proposed ground level, and full details of surface water drainage proposals;
 - (iii) a typical highway cross-section showing a specification for the types of construction proposed for carriageways and footways / footpaths / cycleways/ bridleways;
 - (iv) detail of all proposed street lighting, signage and markings.
- No road works shall commence on site prior to the written approval of these details by the Local Planning Authority. The development shall thereafter be carried out in full compliance with the approved drawings and details and the development shall not be occupied until the road layout has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to ensure that adequate access is provided for the approved development.

24. In the event that the proposed spine road is constructed (albeit on a temporary basis) without being linked to the spine road that runs through the adjacent site to the east of the site, a turning head shall be provided at the end of the spine road prior to it being brought into use in accordance with a scheme of details, which have previously been submitted to and approved in writing by the Local Planning Authority. This shall be retained until such time that the spine roads are linked together, at which point the turning head shall be removed in accordance with a scheme of details, which have previously been submitted to and approved in writing by the Local Planning Authority within three months of the date that the spine roads have been linked together.

Reason: In the interests of Highways Safety.



Decision Notice

25. Each access on the spine road shall not be brought into use until visibility splays have been provided at either side of the access in accordance with a scheme of details, which has previously been submitted to and approved in writing by the Local Planning Authority. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.0 metre above the level of the adjacent carriageway at all times thereafter.
Reason: In the interests of Highway Safety.
26. No gates or other means of obstruction shall be erected across the spine road or across any vehicular access within the approved development.
Reason: In the interests of Highway Safety.
27. No part of the approved development shall be occupied until a 3m wide lit footway / cycleway has been provided along the full length of the spine road, a second 3m wide lit footway / cycleway has been provided through the landscaped area to the south from the spine road to the site's east boundary and links to the footway/ cycleway within the landscaped area have been provided from plots A&B and E&F along the lines indicated on the approved plans and in accordance with a scheme of details that has previously been submitted to and approved in writing by the Local Planning Authority. Details shall include details on surfacing, drainage, gradient, links shall be made available for use prior to the approved development being occupied and shall be retained and maintained so that they are available for use at all times thereafter.
Reason: In the interests of Highway Safety.
28. The approved development shall not be occupied until two bus stops have been provided on the spine road (one for each direction) in accordance with a scheme of details, which has previously been submitted to and approved in writing by the Local Planning Authority. The bus stop shall be the County Council's 'Quality Partnership' standard, including the provision of raised kerbs, carriageway markings, flag pole, crossing point and bus shelter and shall be made available for use prior to the approved development being occupied and shall be retained and maintained so that they are available for use at all times thereafter.
Reason: In the interests of Highway Safety.
29. Turning facilities shall be provided within each plot so as to enable service vehicles to enter and leave each plot in a forward prior to each plot being occupied in accordance with a scheme of details, which has previously been submitted to and approved in writing by the Local Planning Authority. The facilities shall then be retained, kept clear and remain available for use at all times thereafter.
Reason: In the interests of Highway Safety.
30. Before any of the operations involving the construction of the development hereby approved are commenced, which involve the movement of materials in bulk to or from the site, facilities shall be provided as may be agreed with the Local Planning Authority, in conjunction with the Highway Authority, to prevent the deposition of extraneous matter (mud, debris, etc) on the public highway and shall thereafter be retained and used whenever the said operations are carried



Decision Notice

out.

Reason: In the interests of highway safety.

31. No work shall take place on site until a method statement has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Highway Authority, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park. The development shall then be constructed / works shall take place in complete accordance with the method statement.

Reason: In the interests of highway safety to minimise disruption to vehicular traffic and pedestrian routes.

32. Parking (including designated spaces for disabled persons (6%) and car sharers) shall be provided within each plot in accordance with the adopted parking standards and a scheme of details that has previously been submitted to and approved by the Local Planning Authority prior to each plot being occupied. The spaces shall be retained at all times thereafter, unless otherwise approved in writing by the Local Planning Authority and in conjunction with the operation of a Travel Plan.

Reason: To comply with current policy in respect of car, motorcycle and cycle parking arrangements.

33. Short-stay and long-stay cycle parking and parking for motorcycles, mopeds or scooters shall be provided within each plot in accordance with a scheme of details, which has previously been submitted to and approved by the Local Planning Authority prior to each plot being occupied. Long stay parking cycle parking shall be provided for a minimum of 10% of staff, parking for motorcycles, mopeds or scooters shall also be provided for a minimum of 10% of staff and a minimum of 6 short-stay cycle stands shall be provided for each building. The parking shall be retained at all times thereafter, unless otherwise approved in writing by the Local Planning Authority and in conjunction with the operation of a Travel Plan.

Reason: To comply with current policy in respect of car, motorcycle and cycle parking arrangements.

34. Shower, changing, locker and drying facilities shall be provided prior to the occupation of the approved building / development and retained at all times thereafter to provide facilities to allow staff / visitors to shower, change and store and dry their clothing, in order to encourage cycling and walking to the premises. Before any development first commences details of the proposed facilities, including the number of showers and lockers, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of alternative forms of transport to the site, other than the private car, having regard to PPG13 - Transport.

35. The approved building(s) shall not be occupied until all areas of hardstanding, including car parks, driveways, footways, turning facilities and service areas / yards, as indicated on the approved plan(s), have been laid out, drained, surfaced and marked out with white lining, or similar (if applicable) in accordance with details which have previously been submitted to and approved in writing by the



Decision Notice

Local Planning Authority. The areas shall then be retained at all times thereafter for their intended use.

Reason: In the interests of highway safety.

36. Pedestrian visibility splays shall be provided within the site in accordance with plans approved in writing by the Local Planning Authority prior to the commencement of development. The approved splays shall be provided prior to the approved development being occupied or brought into use. The splays shall be kept clear of any object, vegetation or any other obstruction of a height exceeding 0.6m above the level of the adjacent footway / drive / parking area at all times thereafter.

Reason: In the interests of highway safety.

37. The approved development shall not be occupied until all the pedestrian crossing points at access / junctions on Manchester Road (between the site and its junction with Brocklehurst Way) and on Marlborough Drive (between its junction with Manchester Road and the first bus stops along the road) that do not have dropped kerbs and / or tactile paving have been upgraded through the provision of dropped kerbs and tactile paving in accordance with a scheme of details which has previously been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority.

Reason: Having regard to levels on the site and for the avoidance of doubt.

38. The approved spine road, footways and cycle ways and basement threshold levels shall all be constructed so that they are at a level that is at or greater than 144.40m AOD. Prior to the commencement of any development, details of existing and proposed levels throughout the site shall be submitted to the Local Planning Authority for written approval and then the development shall be constructed in accordance with the approved details.

Reason: In the interest of highway safety and residential amenity

39. Prior to the commencement of the development hereby approved, details of a scheme to sign the development for pedestrians, cycles and vehicles (including in the short term in the event that the link road or the footways/ cycle link to the Middlewood Way is not available for use) shall be submitted to the Local Planning Authority for written approval. The approved scheme shall then be implemented prior to the approved development being occupied.

Reason: In the interests of amenity to future occupiers of the site and adjacent residential property.

40. Prior to the commencement of the development hereby approved, details of a scheme to provide surface water storage shall be submitted to the Local Planning Authority for written approval. The approved scheme shall then be implemented prior to the approved development being occupied and shall be retained in this way at all times thereafter.

Reason: A number of detailed revisions are required to accommodate interests of highway safety before any development commences.



Decision Notice

41. Prior to the commencement of the development hereby approved, a revised plan which addresses all outstanding highway / transport issues shall be submitted to the Local Planning Authority for written approval, The approved scheme shall then be implemented prior to the approved development being occupied.
Reason: For the avoidance of doubt and to ensure highway safety.
42. No use of Pool End Road shall be made for any form of access to the development including none for maintenance of the adjoining footpath/ cycleway and recreational area.
Reason: To protect the residential amenities of properties on Pool End Road and Pool End Close.
43. Prior to the construction of any part of the development the proposed spine road shall be constructed up to base course level to join the existing Springwood Way so as to enable construction traffic to enter and leave the site from either direction.
Reason: To provide the opportunity for construction traffic to be spread onto different parts of the local highway network.
44. The hours of construction of the development shall be restricted to 0730 to 1800 hours on Monday to Friday, 0730 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
Reason: To protect the amenities of nearby residents and the occupiers of nearby property.
45. Before any of the operations involving the construction of the development hereby approved are commenced, which involve the movement of materials in bulk to or from the site, facilities shall be provided as may be agreed with the Local Planning Authority, in conjunction with the Highway Authority, to prevent the deposition of extraneous matter (mud, debris, etc) on the public highway and shall thereafter be retained and used whenever the said operations are carried out.
Reason: In the interests of highway safety.
46. Should any residential property adjacent to the development notify in writing to the Local Planning Authority of a reduction in television reception levels, the developer shall undertake such study as may be agreed with the Local Planning Authority to identify the reasons for such reduction and shall bring forward proposals to restore the levels of reception to the pre-development conditions. The agreed proposals shall be implemented in accordance with a timescale agreed in writing with the Local Planning Authority.
Reason: The development of the adjacent part of the Business Park led to some reduction in television reception to adjoining residential properties.
47. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to s.106 of the said Act relating to the land has been made and lodged with the local Planning Authority and the Local Planning Authority has



Decision Notice

notified the persons submitting the same in writing that it is to the local planning authority's approval.. The said planning obligation will provide for the following.

- a) Requirement to link up the proposed spine road with the spine road that runs through the adjacent business park site Springwood Way as soon as can be achieved and for it to be available for use.
 - b) Requirement for the developer (and any successors) to produce a single Travel Plan for the site, and associated initiatives, in accordance with local and national standards, guidance and best practice and to require its operation at all times while the development is occupied, including the requirement for all occupiers to be required to take part in its operation and the requirement to link with other travel plans that operate in the area. Such Travel Plan will include procedures for monitoring, review and remedial action.
 - c) The requirement for developer (and any successors) to develop and operate a package of public / passenger transport measure from first occupation to meet the development's public/ passenger transport, requirements and allow the site's Travel Plan aims, objectives to be met, which will be based on a package of measures that have previously been approved by the Highway Authority.
 - d) The requirement for a car parking management regime to be developed for the site, which include the provision of Traffic Regulation Orders on the spine road and other roads within the vicinity of the site if required to allow the aims and objectives of the Travel Plan to be met.
 - e) The roundabout of the A523 / Tytherington Lane to be upgraded in accordance with a scheme of details prior to the occupation of any part of the development and with a funding regime to enable this to occur.
 - f) The footpath / cycleway link between Manchester Road and the Middlewood Way and the associated recreation area to be handed over to the Borough Council following an appropriate implementation period; the timescales for the implementation of these works and committed sums for ongoing maintenance.
- Reason: To mitigate the impact of this major development on the local area including the adjacent properties.

- g) A landscape management plan to be submitted for approval, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, for a period of 15 years.

Reason: To ensure the appropriate long-term management of the site.

The reason(s) for approving this application is/are:

1. The points raised in objections have been considered. However, the proposal complies with the relevant policies of the Development Plan and is considered to be acceptable.
2. The proposal follows an earlier planning application that was refused. This new application adequately addresses the shortcomings to the previous proposal and is considered to be acceptable.
3. The proposal has an acceptable relationship with adjacent buildings and the wider streetscene.
4. The proposal has an acceptable impact upon the amenities of neighbouring properties.



Decision Notice

INFORMATIVE The policies and proposals in the Development Plan relevant to this decision are: Cheshire 2016: Structure Plan Alteration - GEN3, IND1, T1, T3 and Macclesfield Borough Local Plan - BE1, NE4, NE11, RT1, RT6, RT7, RT8, RT14, E1, E2, E3, E4,

Development Control Policies AD02, AD09, AD14, AD15.

INFORMATIVE The Council has granted planning permission for the development incorporating a 2/3-storey hotel. Once an operator for the hotel use has been agreed with the developer, the Council hopes that a two storey only form of hotel development could be achieved along the site frontage to Manchester Road / Tytherington lane.

The Council has granted planning permission of the development incorporating a 2/3 storey hotel. Once an operator for the hotel use has been agreed with the developer, the Council hopes that a two storey only form of hotel development could be achieved along the site frontage to Manchester Road / Tytherington Lane.

INFORMATIVE: Requested by the Highway Authority.

The applicant will need to enter into a Section 38 Agreement, under the Highways Act 1980, regarding the construction and future adoption of the proposed roads. The applicant / developer should contact Cheshire County Council Engineering Service's Macclesfield Area Highways Office with respect to this matter.

INFORMATIVE : The applicant will need to enter into a Section 278 Agreement, under the Highways Act 1980, regarding the construction of the proposed junction / footway. The applicant / developer should contact Cheshire County Council Engineering Service's Macclesfield Area Highways Office with respect to this matter.

INFORMATIVE The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on, or damage the highway, from uncleaned or badly loaded vehicles. The Highway Authority (Cheshire County Council) may seek to recover any expense incurred in clearing, cleaning or repairing highway surfaces and may prosecute persistent offenders (Highways Act 1980, Sections 131, 148 and 149). The surface water drainage system of the site of the proposed works should be designed and constructed in complete accordance with the Environment Agency's Pollution Prevention Guidelines (PPG) 3 'Use and Design of Oil Separators in Surface Water Drainage Systems'.

Under the terms of the Water Resources Act 1991, the prior agreement of the Environment Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.

INFORMATIVE : Requested by the Environment Agency.

The Proposed development is in a location served by public sewers. We understand that the development could be connected to a public sewer and requests you to discuss this option with the Council's Building control Officer and/ or North West Water Ltd.

No building material or rubbish must find its way into the watercourse. Only clean surface water from roofs and paved areas should be discharged to any surface water soak away.

We should be notified prior to the felling of any trees - any necessary tree works should take place outside of the bird-nesting season. Under the Countryside and Rights of Way



Decision Notice

Act 1981, it is an offence to damage/destroy nesting birds.

Watercourse realignment details should be submitted for land drainage consent prior to commencement of works. It is our policy to seek opportunities for the removal of culverts where possible.

Appropriate native species of flora should be used in the planting scheme.

Though not recognised in the text, PPS9 / wildlife and nature conservation interests should be included in this development.

Any opportunities for the enhancement of biodiversity identified in the ecological reports should be included in the development plans. Where possible.

Should there be no alternative but to fell any native mature trees or hedgerows which are considered of high ecological value, mitigation may be sought via the incorporation of green roofs into the development.

Watercourse realignment details should be submitted for land drainage consent prior to commencement of works. It is our policy to seek opportunities for the removal of culverts where possible.

Appropriate native species of flora should be used in the planting scheme.

Though not recognised in the text, PPS9 / wildlife and nature conservation interests should be included in this development.

Any opportunities for the enhancement of biodiversity identified in the ecological reports should be included in the development plans. Where possible.

Should there be no alternative but to fell any native mature trees or hedgerows which are considered of high ecological value, mitigation may be sought via the incorporation of green roofs into the development.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.



Decision Notice

This permission is granted in strict accordance with the approved plans. It should be noted however that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

(b) Variation to the approved plans will require the submission of a new planning application.

Dated: 28-Aug-2007

Address Town Hall
Macclesfield
Cheshire

JK

Signed.....
Chief Planning Officer



CHESHIRE EAST COUNCIL

REPORT TO: STRATEGIC PLANNING BOARD

Date of Meeting: 27 October 2010
Report of: Strategic Director - Places
Subject/Title: Future Housing Provision Cheshire East
Portfolio Holder: Cllrs David Brown/Jamie Macrae

1.0 Report Summary

1.1 This report:

- considers the requirement for the Council to maintain a five year supply of deliverable housing land and the position at 1 April 2010 in Cheshire East;
- considers the appropriate figure for the housing requirement for Cheshire East following the revocation of the Regional Spatial Strategy, in the interim pending the adoption of the Local Development Framework;
- proposes the introduction of an Interim Planning Policy to manage the release of land for housing development pending the allocation of land within the Local Development Framework and that consultation should be carried out on the draft policy.

2.0 Decision Requested

2.1 That Strategic Planning Board endorses the Cabinet recommendation to:

1. approve the housing requirement figure for a minimum of 1150 net additional dwellings to be delivered annually, to be used pending the adoption of the Local Development Framework Core Strategy;
2. note the Council's five year land supply at 1 April 2010;
3. approve the Interim Planning Policy on the Release of Housing Land for consultation purposes and agree that it be used in the determination of planning applications pending its adoption.

3.0 Reasons for Recommendations

- 3.1 To ensure that the Council has appropriate planning policies in place to guide the release of additional housing land to ensure the availability of five years supply of deliverable housing land in a manner that will not prejudice the preparation of the Local Development Framework.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including - Climate change

6.1 The proposed interim policy will seek to focus new development in the principal town of Crewe where there are a good range of jobs, shops and services and a high standard of accessibility by means of travel other than the car. The policy also encourages the redevelopment of previously developed land within settlements for mixed uses including housing. New housing will be required to be energy efficient.

- Health

6.2 New housing developments will be required to include affordable housing which will be available for people in housing need, providing them with improved healthier living conditions. Sites will also be required to provide open space.

7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)

7.1 Consultation on the policy will be carried out within the current year's Spatial Planning Section's budget. The implementation of the policy will not require any additional staffing or financial resources.

7.2 The policy will require developers to contribute to strategic and local highway improvements, affordable housing, open space and community infrastructure required to serve the development through legal agreements.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Planning Policy 3 Housing sets out a requirement for local planning authorities to maintain a five year supply of deliverable housing land. The inability of the Council to demonstrate a five year supply of housing land carries a high risk that land owners/developers will submit speculative planning applications for their development on sites outside settlement boundaries. Such applications would have to be determined through the planning process in the usual way. In the case of refusal of planning permission, appeals may be upheld on the grounds that there is not a 5 years housing land supply.

8.2 The Interim Planning Policy would be a material consideration in determining planning applications for new housing development. Whilst it would carry only limited weight until adopted following consultation, it will provide a clear policy position for the local planning authority and planning inspectors considering appeals on applications for housing development outside Local Plan settlement boundaries.

8.3 Consultation would be carried out with the Strategic Planning Board and the Environment Scrutiny Committee. Widespread consultation would be carried out with town and parish councils, stakeholders, the local community and the Housing Market Partnership in accordance with the Statement of Community Involvement.

9.0 Risk Management

- 9.1 As the Council is unable to demonstrate that it has a five year land supply of deliverable housing sites, there is high risk of planning appeals for housing development being upheld on greenfield sites outside settlement boundaries which may prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

10.0 Background and Options

- 10.1 The Government's planning policies for housing are set out in Planning Policy Statement 3 'Housing (PPS3)', the latest edition of which was published in June 2010. The PPS has to be taken into account in the preparation of the Council's Local Development Framework and in the determination of planning applications which involve new housing development.
- 10.3 Paragraph 10 of PPS3 sets out the housing policy objectives that provide the context for planning for housing through development plans and planning decisions. It states that the specific outcomes that the planning system should deliver are:
- High quality housing that is well designed and built to a high standard.
 - A mix of housing both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
 - A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
 - Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
 - A flexible and responsive supply of land – managed in a way that makes efficient and effective use of land, including the re-use of previously – developed land, where appropriate.
- 10.4 Clearly one of the Government's priorities is for the planning system to deliver an adequate supply of suitable land available for housing development. In terms of the longer term delivery of housing, through its Local Development Framework Core Strategy and Site Allocations documents, the Council has to identify broad locations and specific sites that will enable the continuous delivery of sufficient housing for at least a fifteen year period.
- 10.5 Previously the overall level of housing that the Council would have to deliver over that fifteen year period would have been as set out in the Regional Spatial Strategy. However, as Members will be aware, the Government revoked regional Spatial Strategies on 6th July this year leaving individual Planning Authorities responsible for establishing the appropriate level of local housing provision for their area. In doing so, the Government has said that local planning authorities 'should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3'¹

¹ Letter from DCLG to all Chief Planning Officers dated 6/7/10

- 10.6 The Council is at a relatively early stage in the production of its Core Strategy which will identify the level of new housing development that should take place in the Borough up to 2030. In accordance with Government advice, the level of new housing development upon which the Council decides must be based on robust evidence and be defensible at public examination.
- 10.7 Stakeholder consultation is planned for the Issues and Strategic Options for the Core Strategy during October and November 2010. One of the key strategic options will be to consider the appropriate level of housing growth for the Borough and it is proposed that the consultation document should include a range of options for housing growth. These options would take into account the findings from the Council's Strategic Housing Market Area Assessment and the projections for population and employment growth.
- 10.8 In the shorter term, PPS3 requires the Council to ensure that a continuous five years supply of deliverable housing sites is maintained. To be considered deliverable, sites should:
- be available now
 - offer a suitable location for development which would contribute to the creation of sustainable, mixed communities
 - have a reasonable prospect of delivering houses within five years.

Generally to be considered deliverable within five years, sites should have the benefit of planning permission or should be allocated in a Local Plan or should be specific, unallocated brownfield sites within settlement boundaries that have the potential to make a significant contribution to housing land supply in the five year period.

The Annual Housing Requirement

- 10.9 The accepted methodology for determining the total five year supply requirement has been based on figures from the Regional Spatial Strategy. As the Regional Spatial Strategy has been revoked, it will now be for each individual Authority to decide its own housing requirement. The Regional Spatial Strategy housing requirement figure for Cheshire East of a minimum of 1150 net new dwellings per annum reflects the level of house building in the Borough that was being delivered in the ten years up to April 2010.
- 10.10 In considering the appropriate figure to set in the short- term, Members will be mindful of the current downturn in the housing market. Net housing completions during 2009-10 was 634, which was less than the previous year. Completions since April 2010 continue to be low and are likely to be around 700 for the year. However, there is considerable interest in housing development in Cheshire East and numbers should rise in the future as the housing market improves. The Council's ambitious plans for growth should give further encouragement to development.
- 10.11 A separate report to Cabinet on the Local Development Framework Core Strategy considers options for the future housing requirement to be set in the Local Development Framework. These have been developed in the context of delivering the Council's ambitions for growth and look at the implications of increasing the

requirement from 1150 to 1350 or 1600 dwellings per annum. The LDF will include a Borough wide development strategy with site allocations, policies and an infrastructure to secure the delivery of the housing and necessary infrastructure.

- 10.12 If the housing requirement were increased immediately this would require the release of a number of additional housing sites ahead of the adoption of the Core Strategy. There is a risk that the Council would not be able to secure the full infrastructure levy from these sites that would be expected once new LDF policies are in place.
- 10.13 **It is recommended therefore that until the future housing requirement has been agreed through the Local Development Framework Core Strategy, the housing requirement for Cheshire East should be set at a minimum of 1150 net additional dwellings per annum.**

Five Year Housing Land Supply

- 10.14 The Local Development Framework Annual Monitoring 2009 report calculated the Council's five year supply of housing land at 1 April 2009 as 5.14 years, based on the RSS figure. Since then a full review of potential sites has been carried out in parallel with the preparation of a Strategic Housing Land Availability Assessment for the whole of Cheshire East. The latest assessment indicates a supply of 4.58 years at 1 April 2010.
- 10.15 The failure to be able to demonstrate a five year supply of available housing land has implications for the Council. PPS3 states that "where local planning authorities cannot demonstrate an up to date five year supply of deliverable sites they should consider favourably planning applications for housing, having regard to the policies in this PPS".
- 10.16 The inability of the Council to demonstrate a five year supply of housing land carries a high risk that land owners/developers will submit speculative planning applications for their development outside settlement boundaries. Such applications would have to be determined through the planning process in the usual way. In the case of refusal of planning permission, appeals may be upheld on the grounds that there is not a 5 years housing land supply. Nevertheless whilst there is less than a 5 year supply of deliverable housing sites, there is a high degree of risk that planning permission may be granted on appeal for housing on greenfield sites outside settlement boundaries in conflict with the policies of the three Local Plans. Such decisions would also prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

Interim Policy to Manage the Release of Housing Land

- 10.17 **Given the current housing supply position and the timescale for the adoption of the Council's Core Strategy and Site Allocations documents, it is recommended that it would be advisable for the Council to put in place an Interim Planning Policy which will be used in the determination of planning applications for sites which do not form**

part of its identified supply of deliverable housing sites. A draft Interim Policy Statement is attached as Appendix 1 to this report.

- 10.18 The Interim Planning Policy would be considered as a material consideration in determining planning applications and appeals. In order for the Interim Planning Policy to carry adequate weight, it will be necessary for it to be subject to public consultation prior to final adoption.

11.0 Overview of Year One and Term One Issues

- 11.1 The statutory development plan for Cheshire East consists of the saved policies from the Local Plans of the three former authorities. Work is progressing with the preparation of the Cheshire East Local Development Framework which will determine the new development strategy for the Borough and allocate housing land to meet the needs of the Borough for the next 15 – 20 years. This Interim Planning Policy sets out the Council's policy to control the release of land for housing development to ensure that there is sufficient land available in the short term until the Local Development Framework is adopted.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name:	Rosemary Kidd
Designation:	Spatial Planning Manager
Tel No:	01270 685921
Email:	rosemary.kidd@cheshireeast.gov.uk

APPENDIX 1

Cheshire East Council

**Draft Interim Planning Policy on the
Release of Housing Land**

Draft October 2010



CONTENTS

1. Introduction
2. Background
3. Draft Interim Policy the Release of Housing Land

1. INTRODUCTION

- 1.1 This document sets out the Council's policy approach to maintaining a five year supply of deliverable housing land to be used as an interim measure pending the adoption of the Local Development Framework Core Strategy.
- 1.2 Planning Policy Statement 3 'Housing' requires local planning authorities to monitor and manage the release of housing land to ensure that there is a five years supply of deliverable sites. This includes sites with planning permission, sites allocated for residential development in the Local Plan and identified redevelopment sites within settlement boundaries.
- 1.3 Until the Local Development Framework is adopted, the development plan policies for Cheshire East relevant to the consideration of proposals for residential development are the saved policies of the Crewe and Nantwich, Congleton and Macclesfield Local Plans. The revised timetable for the adoption of the Core Strategy indicates a date for adoption of late 2012.
- 1.4 The purpose of this Interim Planning Statement is to set out a policy to manage the release of additional land for residential development through the consideration of planning applications, to maintain a five year supply, as an interim measure pending the adoption of the Core Strategy, in a manner that would not prejudice the consideration of alternative options for the development strategy for the Local Development Framework.

2. BACKGROUND

- 2.1 Planning Policy Statement 3 (PPS3) was published in 2006 (and amended in 2010) and sets out the national planning policy framework for delivering the Government's housing objectives.
- 2.2 Paragraph 10 of PPS3 sets out the housing policy objectives that provide the context for planning for housing through development plans and planning decisions. It states that the specific outcomes that the planning system should deliver are:
 - High quality housing that is well-designed and built to a high standard.
 - A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
 - A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
 - Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.
- 2.3 Paragraph 60 explains the steps local authorities are required to take to maintain a flexible, responsive supply of land. The supply of deliverable sites should be monitored on an annual basis through the Annual Monitoring Report. If a five year deliverable supply is not likely to be available, consideration should then be given to the arrangements necessary to maintain an adequate supply of deliverable sites.
- 2.4 In circumstances where the Local Planning Authority does not manage the supply of housing land and cannot demonstrate an up-to-date five years supply of deliverable sites, paragraph 71 requires that they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69.
- 2.5 If the local authority cannot demonstrate that it has a deliverable five years supply, this means that the Local Planning Authority should give favourable consideration to planning applications for housing development on sites outside of settlement boundaries. Providing that developers can demonstrate that they meet the requirements of paragraph 69 of PPS3 (which relate to the quality of development, mix of housing in the scheme, environmental sustainability and meeting housing need without undermining the spatial vision for the area), it is will be difficult for a Local Planning Authority to refuse such applications.
- 2.6 This leaves the Local Planning Authority having to deal with planning applications without reference to a planned approach to the development of the communities of the Borough. PPS3 states that the authority cannot argue that the release of any particular site is premature and should be considered through the Local Development Framework process. Examples from other local authorities demonstrate that in considering appeals in these circumstances, inspectors have frequently allowed developments, because of the lack of a five year housing land supply. There have been cases of such development being allowed in Green Belt locations.

The Annual Housing Requirement

- 2.7 The accepted methodology for determining the total five year supply requirement has been based on figures from the Regional Spatial Strategy. As the Regional Spatial Strategy has been revoked, it will now be for each individual Authority to decide its own housing requirement. The Regional Spatial Strategy housing requirement figure for Cheshire East of a minimum of 1150 net new dwellings per annum reflects the level of house building in the Borough that was being delivered in the ten years up to April 2010.

- 2.8 In considering the appropriate figure to set in the short- term, Members will be mindful of the current downturn in the housing market. Net housing completions during 2009-10 was 634, which was less than the previous year. Completions since April 2010 continue to be low and are likely to be around 700 for the year. However, there is considerable interest in housing development in Cheshire East and numbers should rise in the future as the housing market improves. The Council's ambitious plans for growth should give further encouragement to development.
- 2.9 A separate report to Cabinet on the Local Development Framework Core Strategy considers options for the future housing requirement to be set in the Local Development Framework. These have been developed in the context of delivering the Council's ambitions for growth and look at the implications of increasing the requirement from 1150 to 1350 or 1600 dwellings per annum. The LDF will include a Borough wide development strategy with site allocations, policies and an infrastructure to secure the delivery of the housing and necessary infrastructure.
- 2.10 If the housing requirement were increased immediately this would require the release of a number of additional housing sites ahead of the adoption of the Core Strategy. There is a risk that the Council would not be able to secure the full infrastructure levy from these sites that would be expected once new LDF policies are in place .
- 2.11 **It is therefore proposed to continue to use the Regional Spatial Strategy figure of a minimum of 1150 net additional houses per annum until it is reviewed formally through the Local Development Framework.**

Managing the Five Year Housing Land Supply

- 2.12 The Local Development Framework Annual Monitoring 2009 report calculated the Council's five year supply of housing land at 1 April 2009 as 5.14 years, based on the RSS figure. Since then a full review of potential sites has been carried out in parallel with the preparation of a Strategic Housing Land Availability Assessment for the whole of Cheshire East. The latest assessment indicates a supply of 4.58 years at 1 April 2010.
- 2.13 The failure to be able to demonstrate a five year supply of available housing land has implications for the Council. PPS3 states that "where local planning authorities cannot demonstrate an up to date five year supply of deliverable sites they should consider favourably planning applications for housing, having regard to the policies in this PPS".
- 2.14 The inability of the Council to demonstrate a five year supply of housing land carries a high risk that land owners/developers will submit speculative planning applications for their development outside settlement boundaries. Such applications would have to be determined through the planning process in the usual way. In the

case of refusal of planning permission, appeals may be upheld on the grounds that there is not a 5 years housing land supply. Nevertheless whilst there is less than a 5 year supply of deliverable housing sites, there is a high degree of risk that planning permission may be granted on appeal for housing on greenfield sites outside settlement boundaries in conflict with the policies of the three Local Plans. Such decisions would also prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

Interim Policy to Manage the Release of Housing Land

- 2.15 The Interim Planning Policy on the Release of Housing Land has been drawn up in the context of the work that has been undertaken on developing the Crewe Vision to promote the growth and prosperity of Crewe as a town of sub-regional importance. The development of Crewe will be fundamental to the development strategy for the Borough. Development in Crewe will support sustainability objectives as Crewe has a good range of jobs, shops and services and a high standard of accessibility by means of travel other than the car.
- 2.16 The development proposals envisaged for Crewe will require significant investment in the strategic highway network around Crewe, in particular the Crewe Green Link Road and the Barthomley Link Road, to improve accessibility to Junction 16 of the M6. In addition, improvements to the local highway network in Crewe and public transport and cycling provision will be required to facilitate new housing development on the outskirts of Crewe. The Council is currently considering options for securing funding of the necessary strategic and local transport improvements. Once the funding arrangements have been approved by the Council, any new housing developments that impact on the highway network in and around Crewe will be required to make contributions towards both strategic and local transport improvements
- 2.17 The Interim Planning Policy will facilitate the release of a limited number of housing sites on the edge of Crewe outside the green gap. Developers of these sites will have to demonstrate that the site can be delivered within five years of the grant of permission and as there are little or no redevelopment costs associated with these greenfield sites, they will be required to deliver high quality, well designed developments with a minimum of 35% affordable housing in accordance with the Interim Planning Statement on Affordable Housing as well as contributions to improve the strategic and local transport networks in accordance with the forthcoming Transport Contributions Levy. In addition, open space and/ or community benefits will be required to meet the needs of future residents in accordance with the saved Local Plan policies.

- 2.18 The Interim Planning Policy will also enable housing to be brought forward as part of mixed use redevelopment schemes within settlements to support the development of the site for employment, town centres and or other uses, in accordance with the relevant Local Plan policies. Subject to economic viability assessment, a minimum of 30% of the housing should be affordable in accordance with the Interim Planning Statement on Affordable Housing.
- 2.19 Consultation on the draft interim policy will be carried out for six weeks during November – December 2010 with town and parish councils, the Housing Market Partnership, stakeholders and the local community.
- 2.20 It is proposed that the policy should be used in the consideration of planning applications with immediate effect and will be considered as a material consideration, although it is recognised that it will not carry significant weight until it is adopted by the Council following consultation.

Draft Interim Planning Policy on the Release of Housing Land

When it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, residential development will be permitted in the following locations:

1. Adjacent to the settlement boundary of Crewe provided that the site:
 - is well related to the built framework of the settlement;
 - is not within the Green Gap;
 - is not within an allocated employment area; and
 - is capable of being fully developed within five years of the granting of outline planning permission.
2. As part of mixed developments in town centres and regeneration areas to support the provision of employment, town centre and community uses.

Housing developments on greenfield sites will be required to deliver:

- a minimum of 35% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- Open Space and / or community facilities in accordance with the relevant saved Local Plan policy;
- Improvements to the strategic and local highway network, public transport, and pedestrian and cycle routes; and
- A high quality designed development to Code for Sustainable Homes Level 4 or higher and Building for Life Silver standard or higher.

Subject to the assessment of the economic viability of the scheme, housing development on mixed use redevelopment sites will be expected to deliver:

- a minimum of 30% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- Employment, town centre and / or community uses within the site; and
- A high quality design to Code for Sustainable Homes Level 3 or higher and Building for Life Silver standard.

Justification

1. PPS3 states that the Council is required to demonstrate that there is a five year supply of deliverable housing land. Pending the adoption of the Cheshire East Local Development Framework Core Strategy it is likely that there will be insufficient deliverable housing land within the settlement boundaries identified in the three Local Plans of the former

local authorities. The Interim Planning Policy on the Release of Housing Land has been introduced as an interim measure to facilitate the release of additional sites on the edge of Crewe and to encourage the redevelopment of sites within town centres and elsewhere for mixed uses including housing development.

2. Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the Crewe Vision. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Development Framework.
3. Sites that are approved under this interim policy should be capable of being built out within five years of the grant of outline planning permission under average market conditions. For sites that will require a longer period for development, permission will only be granted for the first phase of the site.
4. The development of any greenfield sites adjacent to the settlement boundaries will be considered as exceptional development and will be required to be of a high design standard and deliver 35% of the development as affordable housing in accordance with the Interim Affordable Housing Policy. They will also be required to contribute towards the improvements to the strategic and local transport networks and public transport in and around Crewe.
5. It is recognised that there are a number of areas within town centres and older employment areas throughout the towns of the Borough that may have the potential for regeneration. This policy aims to encourage mixed use schemes to come forward which include housing development to support the redevelopment of the site for a range of employment and other uses.
6. Many older areas are designated as conservation areas and include listed buildings. Any scheme should seek to retain and convert existing buildings in these areas. Particular care will be needed with the design of new developments to ensure that they are appropriate to the character of the area.

This page is intentionally left blank

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
09/3622C	LAND TO THE REAR OF 54-56, CREWE ROAD, ALSAGER, CHESHIRE	Proposed Extensions to Form 3 No New Flats	Delegated	n/a	Refused	Allowed 06/09/2010
10/0845N	GALLANTRY BANK COTTAGE, BULKELEY HALL LANE, BICKERTON, SY14 8AY	Erection of a Two Storey Extension	Delegated	n/a	Refused	Allowed 10/09/2010
09/1663C	LAND ADJACENT POOLWOOD COTTAGES, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON, CHESHIRE	THE CONSTRUCTION OF 10 NEW AFFORDABLE HOUSES AND NEW ACCESS ROAD	Southern Committee	N/A	None determination	Dismissed 14/09/2010 Cost Appeal Allowed 14/09/2010
10/1202N	KOSINUK, AUDLEM ROAD, HANKELOW, CW3 0JE	Conversion to Dormer Bungalow & Replacement Garage	Delegated	n/a	Refused	Dismissed 22/09/2010
10/1144C	BROAD HEY LODGE, SCHOOL LANE, BRERETON, CW11 1RT	PROPOSED OAK FRAMED CONSERVATORY	Delegated	n/a	Refused	Allowed 24/09/2010
10/0459C	7, BLACKACRES CLOSE, SANDBACH, CW11 1YE	Proposed Loft Conversion With Dormer Windows	Delegated	n/a	Refused	Dismissed 06/10/2010
10/0329C	WHITE HOUSE, MOW LANE, ASTBURY, ST7 3PR	Two Storey Extension to Side of Property with Part of the Existing Roof Pitch	Delegated	n/a	Refused	Dismissed 06/10/2010
09/3893M	THE WHARF, BULLOCKS LANE, SUTTON, MACCLESFIELD	Single dwelling	Delegated	n/a	Refused	Dismissed 07/09/2010
09/3401M	FINGERPOST COTTAGE, HOLMES CHAPEL ROAD, TOFT	New means of access to Fingerpost Cottage and the closure of the existing access onto Toft Road	Delegated	n/a	Refused	Allowed 06/08/2010 Costs Appeal Dismissed 06/08/2010
09/4310M	8 POPLAR AVENUE, WILMSLOW	Reserved matters of appearance, landscaping, layout and scale	Delegated	n/a	Refused	Dismissed 05/08/2010

		for a 3-bed detached house				
09/3285M	70 MOOR LANE, WILMSLOW	Erection of detached dwellinghouse	Committee	N	Refused	Dismissed 06/10/2010
10/0401M	70 MOOR LANE, WILMSLOW	Erection of detached dwellinghouse	Committee	Y	Refused	Dismissed 06/10/2010