

Strategic Planning Board

Agenda

Date:	Wednesday, 26th January, 2011
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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

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.

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 - 8)

To approve the minutes as a correct record.

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

4. **Public Speaking**

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 total 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. **10/4065C - Land South West of The Green, Middlewich: Outline Application for 68 Residential Dwellings over 2.25 Hectares. Access from The Green with some Matters Reserved for Muller Property Group**

To consider the above planning application.

The report relating to this application can be found in a supplementary pack to this agenda.

6. **10/3506M - Woodside Poultry Farm, Stocks Lane, Over Peover, Knutsford, WA16 8TN: Conversion of Barn into Offices (Use Class B1) Together with Associated Parking for Dean Johnson Farms Limited (Pages 9 - 22)**

To consider the above planning application.

7. **10/3232M - Land North of Chelford Lane, Ollerton, Close to the Junction with Hall Lane: Golf Course Range with Building and Nine Hole Golf Course for Mr B Coutts (Pages 23 - 38)**

To consider the above planning application.

8. **10/0832M - R H Stevens, Gunco Lane, Macclesfield, SK11 7JL: Demolition of Existing Buildings on Site and Erection of Residential Development comprising 124 Dwellings, Level Changes, New Access, Off Site Footpath and Highway Improvement, Circulation and Parking Area for P E Jones (Contractors)Limited (Pages 39 - 56)**

To consider a report on the above planning application on the correction of an anomaly in the Minutes of the Meeting of the Strategic Planning Board on 23 June 2010

9. **09/2806W - Mere Farm Quarry, Chelford Road, Nether Alderley, Macclesfield, Cheshire, SK10 4SZ: Interim Extension to Sand Workings at Mere Farm Quarry for Hanson Quarry Products Europe Ltd (Pages 57 - 68)**

To consider the above application.

10. **Interim Planning Policy on Release of Housing Land** (Pages 69 - 92)

To consider the report of the Strategic Director – Places on the responses received to the consultation on the draft Interim Planning Policy on the Release of Housing Land.

11. **Interim Planning Statement on Affordable Housing** (Pages 93 - 130)

To consider the report of the Strategic Director – Places on the responses received to the consultation on the Interim Planning Statement on Affordable Housing.

12. **Appeal Summaries** (Pages 131 - 132)

To note the Appeal Summaries.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 5th January, 2011 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

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

Councillors A Arnold, Rachel Bailey, D Brown, P Edwards, M Hollins,
D Hough, W Livesley, J Macrae, C G Thorley, G M Walton, S Wilkinson and
J Wray

OFFICERS PRESENT

Mrs P Cunio (Principal Planning Officer), Ms S Dillon (Senior Solicitor), Mr A
Fisher (Head of Planning and Housing), Mr B Haywood (Principal Planning
Officer), Mr S Irvine (Planning and Development Manager), Mrs R Kidd
(Spatial Planning Manager), Mr S Molloy (Project Manager), Miss E Mellor
(Design Officer) and Miss B Wilders (Principal Planning Officer)

81 APOLOGIES FOR ABSENCE

Apologies for absence for the morning session were received from
Councillors D Brown and G Walton.

82 DECLARATIONS OF INTEREST

Councillors J Hammond, S Wilkinson and C Thorley declared that they
had received correspondence in relation to a number of the applications
on the agenda.

Councillor S Wilkinson declared a personal and prejudicial interest in
application 10/0346M-Erection of 15 No. Affordable Houses, Woodside
Poultry Farm, Stocks Lane, Over Peover, Knutsford for Dean Johnson
Farms Ltd/ Dane Housing by virtue of the fact that his wife's cousin lived
opposite the application site and his daughter was the Parish Clerk to
Peover Superior Parish Council and in accordance with the Code of
Conduct he left the meeting prior to consideration of the application.

Councillor S Wilkinson declared a personal and prejudicial interest in
application 09/2806W-Extension to sand workings, Mere Farm Quarry,
Chelford Road, Nether Alderley for Hanson Quarry Products Europe Ltd,
Hanson House, 14 Castle Hill, Maidenhead, Berkshire, SL6 4JJ by virtue
of the fact that one of the objectors was his Brother-in-Law and in
accordance with the Code of Conduct he left the meeting prior to
consideration of the application.

83 MINUTES OF THE PREVIOUS MEETING

RESOLVED

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

84 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

85 **10/0346M-ERECTION OF 15 NO. AFFORDABLE HOUSES, WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD FOR DEAN JOHNSON FARMS LTD/ DANE HOUSING**

Consideration was given to the above application.

(Parish Councillor B Wienholdt, representing Peover Superior Parish Council, Mr Nicholls, an objector, Mrs Pearson, a supporter and Caroline Payne, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the completion of a S106 Agreement securing the Heads of Terms as set out in the report and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted (mixture of brick and render)
4. A10EX - Rainwater goods
5. A12EX - Fenestration to be set behind reveals
6. A20EX - Submission of details of windows/doors including materials and finish
7. A01GR - Removal of permitted development rights
8. A07GR - No windows to be inserted
9. A22GR - Protection from noise during construction (hours of construction)
10. A12HA - Closure of access
11. A07HA - No gates - new access
12. A01HP - Provision of car parking
13. A30HA - Protection of highway from mud and debris

- 14.A01LS - Landscaping - submission of details
- 15.A04LS - Landscaping (implementation)
- 16.A12LS - Landscaping to include details of boundary treatment
- 17.A04MC - Electromagnetic protection (Jodrell Bank)
- 18.A08MC - Lighting details to be approved
- 19.A17MC - Decontamination of land (Phase II Report required)
- 20.A19MC - Refuse storage facilities to be approved
- 21.A06NC - Protection for breeding birds
- 22.A01TR - Tree retention
- 23.A02TR - Tree protection
- 24.A05TR - Arboricultural method statement
- 25.A02NC - Implementation of ecological report
- 26. Construction of new junction prior to construction of any other part of the development
- 27. Construction of highways (manual for streets layout)
- 28. Provision of Bat Loft
- 29. Provision of Barn Owl Nesting Boxes
- 30. Provision of facilities for breeding birds
- 31. Prior to the occupation of the dwellings, in the absence of a scheme for redevelopment having been implemented, Building A shall be demolished

(Prior to consideration of the following application, Councillor Mrs R Bailey arrived to the meeting).

(During consideration of the following application Councillor D Brown arrived to the meeting, but did not take part in the debate nor did he vote on the application).

86 10/3955N-RESERVED MATTERS APPLICATION FOR ERECTION OF REPLACEMENT FOODSTORE (A1 RETAIL) WITH ANCILLARY CAFÉ, ASSOCIATED PARKING, HIGHWAY WORK AND LANDSCAPING, TESCO, VERNON WAY, CREWE FOR TESCO STORES LTD

Consideration of the above application.

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

RESOLVED

That the application be deferred for further discussions to take place in respect of the design, the public transport link, access to Mill Street via the arches, mitigating the impact upon the Heritage Centre and congestion issues.

(This was against the Officers recommendation of approval).

(The meeting adjourned for lunch at 12.50pm and reconvened at 1.30pm).

(Prior to consideration of the following application, Councillor G M Walton arrived to the meeting).

87 10/2984W-APPLICATION FOR THE REMOVAL OF CONDITIONS ATTACHED TO PREVIOUS CONSENTS PROHIBITING THE EXPORT OF COMPOST FROM THE SITE. PLANNING CONDITION 11 OF 7/P04/0124 AND CONDITION 7 ON PERMISSIONS 7/2006/CCC/11, 7/2007/CCC/7 AND 7/2009/CCC/1, WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE FOR MR RUSHTON

Consideration was given to the above application.

(Councillor D Brickhill, the Ward Councillor, Parish Councillor L Wilson, representing Doddington Parish Council and Mr Thornley, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the Board agreed to contest the appeal on the grounds that;

1. The application should not be determined under Section 73 of the Town and Country Planning Act 1990 as the development applied for is fundamentally different from that approved, and should be considered through a full application.
2. The site is not identified as a preferred site in the Cheshire Replacement Waste Local Plan and no assessment has been undertaken to demonstrate that the proposed development is in accordance with Policy 7 of that Plan.
3. The export of compost from the site would lead to an unacceptable increase in the quantity of waste being handled at the site, resulting in;
 - Larger vehicles adversely impacting on the safety and amenity of pedestrians, children attending school, cyclists, horse riders and other road users,
 - Increased activity on site impacting on the residential amenity of residents in terms of noise, dust, litter, odour and bio-aerosol emissions.

(Prior to consideration of the following application, Councillor C Thorley left the meeting and did not return).

- 88 **09/2806W-EXTENSION TO SAND WORKINGS, MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY FOR HANSON QUARRY PRODUCTS EUROPE LTD, HANSON HOUSE, 14 CASTLE HILL, MAIDENHEAD, BERKSHIRE, SL6 4JJ**

Consideration was given to the above application.

(Councillor Miss Andrew, the Ward Councillor, Alison Freeman, agent for the objectors and Andrew Bower, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

(1) That the application be deferred for a further report containing more detailed information regarding proposed mitigation and restoration measures and public access to the area after the quarry ceases working.

(2) The Board requested that further consideration needed to be given to the establishment and operation of a Liaison Committee on this site.

(This decision was against the Officers recommendation of approval).

- 89 **10/2551W-GREAT CRESTED NEWT RECEPTOR SITE, TO INCLUDE THE CREATION OF THREE PONDS, CREATION OF FOUR HIBERNACULARS, WET GRASSLAND AND AREAS OF SCRUB, LAND OFF POCHIN WAY, MIDDLEWICH FOR COVANTA ENERGY LTD**

Consideration was given to the above application.

RESOLVED

Had the application been before the Strategic Planning Board for determination it would have been refused on the following grounds:-

1. The proposed development is considered premature and would unnecessarily affect protected species.

Reason(s) for Decision:-

The development forms an integral part of the Covanta Energy from Waste proposal, and is unnecessary in isolation. The Energy from Waste proposal is an EIA development and the subject of a current appeal. There is no requirement to disturb protected species unless the above appeal is upheld. The application is currently contrary to policies 12 Impact of Development Proposals and 17 Natural Environment of the Cheshire Replacement Waste

Local Plan and policies NR2 Statutory Sites and NR3 Habitats of the Congleton Borough Local Plan which seek to protect habitats and species.

90 UPDATE REPORT FOR APPLICATION 09/0738W-ADDITIONAL INFORMATION: ERECTION OF ENERGY FROM WASTE FACILITY WITH ASSOCIATED BUILDINGS, CAR PARK AND HARDSTANDING AREAS, LAND OFF POCHIN WAY, MIDDLEWICH FOR COVANTA ENERGY LTD

Consideration was given to the above report.

RESOLVED

1. That the report updating Members be noted,
2. In furtherance of the Council's case at Inquiry, and as required by the Planning Inspectorate in the event that permission is granted on appeal, the Head of Planning & Housing is authorized to propose, contest or settle the terms of any appropriate conditions and planning obligations and, if he considers it appropriate, to enter into an Agreement under S106 Town & Country Planning Act 1990;
3. That the Inspector be notified that the Council considers the grid connection and CHP link should be formally submitted in detail for inclusion within a comprehensive planning application and supporting environmental statement.
4. In addition to reasons for refusal given in April 2010, the Strategic Planning Board objects to the application on the following grounds:-
 - a. That the proposal fails to demonstrate that sustainable transport has been adequately considered. It is therefore contrary to policies 1, 12 and 27 of the Cheshire Replacement Waste Local Plan, Policies DP1, DP 4, DP5, DP7, EM 12 and EM 13 of the Regional Spatial Strategy and policy GR 1 of the Congleton Borough Local Plan.
 - b. The importation of significant quantities of waste by road from outside the County of Cheshire is considered unsustainable and undermines the principle of treating and disposing of wastes close to source. The importation of waste now proposed is therefore contrary to policies 1, 12 and 27 of the Cheshire Replacement Waste Local Plan, Policies DP1, DP 4, DP5, DP7, EM 12 and EM 13 of the Regional Spatial Strategy and policy GR 1 of the Congleton Borough Local Plan.
5. That approval be given to raise objection to the introduced assessments, which have not be included within the application details, as follows:

i. The indicative routes for the grid connection and steam pipeline would negatively and unacceptably impact on Public Rights of Way, Middlewich footpath N^{os} 19 and 20. These impacts have not been adequately assessed nor mitigation measures proposed. The assessments are considered contrary to policy 20 of the Cheshire Replacement Waste Local Plan, and GR16 of the Congleton Borough Local Plan.

ii. The indicative route and infrastructure required to provide a grid connection taken cumulatively with the submitted proposal details for a waste facility would have an unacceptable impact in terms of landscape and visual amenity. The assessments are considered contrary to policies 2,12,14, and 36 of the Cheshire Replacement Waste Local Plan, Policy DP 7 and EM 1 of the Regional Spatial Strategy and policies GR 1,2,5 and 6 of the Congleton Borough Local Plan.

iii. That adequate ecological surveys and mitigation have not been provided to assess the impact on protected species. The assessments are considered contrary to policies 1, 12 and 17 of the Cheshire Replacement Waste Local Plan, EM1 of the Regional Spatial Strategy.

(Prior to consideration of the following item, Councillors Mrs R Bailey, D Brown, B Livesley and W J Macrae left the meeting and did not return).

91 CHESHIRE EAST LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT 2009/10

Consideration was given to the above report.

In respect of paragraph 1.8 of the report it was suggested that the word 'pipeline' in the last sentence be revisited as concerns were raised that this implied there were proposals to re-develop Crewe town centre in the near future and Members considered this was not the case as the developers allocated to work on redeveloping the town centre had gone- into administration.

Concerns were also raised that the data relating to waste was two years out of date. It was requested that the data submitted to the Portfolio Holder be as up to date as possible.

Officers reported that a number of staff had been trained on the Building for Design Assessments. Members welcomed this and suggested this information be included within the report.

In respect of paragraph 1.4 of the report, it was requested that the figures also refer to the number of houses that would need to be built per annum

in order to meet the 5 year supply requirement rather than just focusing on the total figure of houses that would need to be built over the same period.

RESOLVED

That the Strategic Planning Board recommends that the Portfolio Holder approves the Annual Monitoring Report 2009/2010 subject to the inclusion of up-to-date amended waste figures.

92 LOCAL DEVELOPMENT SCHEME

Consideration was given to the above report.

RESOLVED

That the Strategic Planning Board recommends that the Portfolio Holder approves the Local Development Scheme 2010-2014.

93 APPEAL SUMMARIES

Consideration was given to the Appeal Summaries.

RESOLVED

That the Appeal Summaries be noted.

The meeting commenced at 11.00 am and concluded at 4.40 pm

Councillor H Davenport (Chairman)

Application No: 10/3506M
Location: WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD, WA16 8TN
Proposal: CONVERSION OF BARN A INTO OFFICES (USE CLASS B1) TOGETHER WITH ASSOCIATED PARKING
For DEAN JOHNSON FARMS LIMITED
Registered 01-Sep-2010
Policy Item No
Grid Reference 378113 373964

Date Report Prepared: 13 January 2011

SUMMARY RECOMMENDATION

Approve subject to conditions and the prior completion of a S106 legal agreement

MAIN ISSUES

- Whether the proposal represents inappropriate development in the Green Belt and if so, whether there are any very special circumstances that would outweigh any harm resulting from the proposal
- Whether the design and appearance of the proposed building is acceptable
- Whether the proposal would result in any adverse impact on nearby residents
- Whether access and parking arrangements are suitable
- Whether the impact on ecology is acceptable
- Whether the impact on trees and landscaping is acceptable

REASON FOR REPORT

This application has been referred to the Strategic Planning Board at the discretion of the Head of Planning and Housing.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an existing former poultry shed constructed from a mixture of block walls and cladding. The existing building has a floor area of 849m² and has external dimensions of 36.2m long x 11.5m wide. It has an eaves height of 4.6m and a ridge height of 6.4m (with a smaller section where the eaves height is 5.8m). The building is set back from Grotto Lane by approximately 13m. There is an existing area of tarmac to the front of the building with grassed areas to the side and rear. The site forms part of a larger site which contains other buildings that were associated with the poultry farm. The site contains a number of existing trees along the south western

and south eastern boundary, with open fields located to the south and open fields and a residential garden area located to the north east.

DETAILS OF PROPOSAL

Planning permission is sought for the conversion of an existing building into offices (Use Class B1) together with associated parking. The building to be converted was previously used in association with a poultry farm that operated from the site. The remainder of buildings on site are proposed to be demolished in connection with another proposal for the erection of 15 affordable dwellings which was granted planning permission subject to the prior completion of a S106 legal agreement at the last meeting of the Board (10/0346M).

RELEVANT HISTORY

02/2275P

Outline Planning

DEMOLITION OF EXISTING BUILDINGS; ERECTION OF 7 DWELLINGS (OUTLINE PERMISSION)

refused 20021120

04/2630P

Full Planning

PART DEMOLITION AND CHANGE OF USE OF EXISTING BUILDINGS TO OFFICES (B1). CREATION OF 56 CAR PARK SPACES (RESUBMISSION 03/2630P).

refused 20041215 APP/C0630/A/05/1178009 Allowed 20060728

10/0346M

Full Planning

Erection of 15 affordable dwellings

Approved subject to the prior completion of a S106 legal agreement (decision yet to be issued)

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

RDF4 Green Belts

W1 Strengthening the Regional Economy

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

EM2 Remediating Contaminated Land

MCR3 Southern Part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation

BE1 Design Guidance

GC8 Reuse of Buildings

T2 Integrated Transport Policy

T3 Integrated Transport Policy

T4 Integrated Transport Policy

T5 Integrated Transport Policy

DC2 Extensions and Alterations

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

Other Material Considerations

PPG2: Green Belts

PPS4: Planning for a Prosperous Economy

CONSULTATIONS (External to Planning)

Highways: no objections subject to an amendment to the car park access.

Environmental Health: no objections subject to conditions regarding contaminated land, hours of HGV deliveries, time restriction on hours of use, car park barrier and control over any fans or air conditioning equipment.

Building Control: no objections as whilst it is considered that the proposals involve major or complete reconstruction of many areas of the building, the proposed alterations of the present scheme have a similarity to those shown on the proposal that was allowed on appeal. Building Control made similar comments about the amount of reconstruction at the time of the appeal but the Planning Inspector considered that the appeal proposal did not involve major or complete reconstruction.

Jodrell Bank: would like to see the incorporation of materials within the proposal to help to reduce the level of electromagnetic interference.

VIEWS OF THE PARISH / TOWN COUNCIL

Peover Superior Parish Council: believe proposal to be contrary to Policy H13 as to develop offices on the same site as affordable houses would adversely affect the amenities of the occupiers of these houses. Presume that the housing scheme will attract families and the increased volume of vehicles,

which an office block would create onto the site, coupled with children playing would in the opinion of the Council affect residents safety. Development of offices goes against the views expressed in the Parish Plan and additional infrastructure will be needed. The Council has had discussions with the applicant regarding the possibility of a combined community/office development within the barn. The Council would be keen to pursue this idea and develop a design which segregated commercial traffic and parking from residential and community use.

OTHER REPRESENTATIONS

To date, 10 representations from 8 different addresses have been received objecting to the proposal. The main points of concern raised are summarised below:

- Proposal would constitute new build offices in the Green Belt and would be inappropriate development
- No need for offices on the site, the fact that there has been planning permission in place for nearly 5 years without development proves this
- Proposed houses have been sited close to properties on Stocks Lane to protect the openness of the Green Belt on the plot where the offices are proposed. The consider this development on that very site would be a perverse deviation from that policy and decision
- New plans constitute major reconstruction which Macclesfield Borough Council previously refused
- Siting offices in a village residential area is inappropriate and the traffic will constitute a danger to children and young families sharing the access road
- No special need to justify this development
- Believe that an application for more low cost houses will follow this application
- Unlimited working hours at the office would cause disruption to the residents living on and adjacent to the site
- Project is designed to maximise the profitability of the site while delivering no discernible value to the village
- Affordable housing approval required the demolition of the barn that is the subject of this application
- Query how the approval of the affordable housing scheme affects the previous office approval
- Previous office permission specified no rebuilding in excess of 35% and stated that no windows would overlook residential properties, this has been totally ignored in this application
- Increasing road traffic on Grotto Lane and Stocks Lane is a major local concern. This will be further exacerbated by the housing scheme and this proposal
- Noted that the Strategic Highways and Transportation Manager considers that the number of parking spaces exceeds maximum standards
- Immediate surrounding roads to the proposed development do not have any pavements and very little verge areas. Any persons walking from this

site to the local playing field exercise areas would have to walk on the road which conveys heavy traffic and is a bus route

- Noted that proposals for a considerable number of affordable houses and commercial premises are being progressed at the neighbouring village of Chelford
- Consider that the site should be returned to agricultural use

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design and Access Statement, a Bat Survey and a Great Crested Newt Report, a Structural Inspection Report, an Environmental Report, an arboricultural report and a Phase 1 & Phase 2 Contaminated Land Site Inspection Report have been submitted in support of the application.

The Planning, Design and Access Statement concludes that:

- The proposed development makes efficient use of an existing former poultry farm replacing it with an office use, the principle of which has already been established
- Adequate levels of car parking can be provided in a safe and secure location
- The conversion has been designed to respect the character of the existing/original building and improve its appearance in the Green Belt
- The proposed redevelopment of the site and new uses would enhance the amenity of neighbouring properties when compared with the lawful use of the site and the extant planning permission
- The development has also been designed to facilitate easy access for vehicles and pedestrians both to the site and within the building
- The proposal is considered to be an acceptable form of development in the Green Belt and would comply with the objectives of PPG2 and GC8 and would not harm the character of the Green Belt or the amenity of neighbouring properties

OFFICER APPRAISAL

Principle of Development

The principle of the re-use of existing buildings in the Green Belt can be acceptable provided that the requirements of paragraphs 3.7 – 3.10 of PPG2 are met together with the requirements of Local Plan policy GC8.

Policy

The policies relevant to the consideration of the application are listed at the policies section of the report.

Green Belt

As stated, the site lies in the Green Belt where the re-use of existing buildings can be acceptable provided that the requirements of PPG2 and Local Plan

Policy GC8 are met. Policy GC8 replicates the guidance contained within paragraph 3.8 of PPG2 and states that the reuse and adaptation of existing buildings in the countryside for commercial, industrial, institutional, recreational uses or as holiday accommodation will not be permitted unless;

- There is no materially greater impact than the present use on the openness of the countryside
- The building is of a permanent and substantial construction capable of being converted without major or complete reconstruction
- The form, bulk and general design of the building is in keeping with its surroundings
- The proposal respects local building styles and materials. The extension of reused buildings and the associated uses of surrounding land must not reduce the openness of the countryside. Within the Green Belt such proposals must not conflict with the purposes of including land in it

Each of these will be addressed in turn.

At the present time the building and the wider site is vacant, though was formerly used as a poultry farm. Additionally, consent exists for the entire site to be redeveloped for offices, including the part of the site covered by the scheme for affordable housing. This consent remains extant and capable of being implemented until 28 July 2011. Having regard to the previous use of the site as a poultry farm and to the extant consent, it is not considered that the proposed office use would have a materially greater impact on the openness of the countryside. Whilst the proposal would involve the provision of a parking area for 32 vehicles and the provision of an access track, the access track would be shared with the associated affordable housing scheme and would be located on the existing built up part of the site. The parking area would be located on part of the site that is currently undeveloped. However, it is closely related to the development on the site, is located to the rear of the building and is well screened to the side and rear by existing vegetation. Additionally, the approved office scheme involved the formation of parking areas to the side and rear of the buildings, partially on undeveloped land. When compared to that scheme, it is not considered that the current parking proposals would have any greater impact on the openness of the Green Belt.

The proposal is described as a conversion and a structural inspection report has been submitted with the application. This has been considered by the Council's Structural Engineer who considers that whilst the building may be of permanent and substantial construction, in his view, the proposal involves major or complete reconstruction of many areas of the building. He notes that the report concludes that the roof cladding and upper wall claddings are to be replaced, that the roof structure is to be strengthened/possibly replaced, the first floor is to have new decking and is to be strengthened, the ground floor is to be replaced at a lower level, the block wall between ground and first floor is to have a new inner block skin and new dividing walls at ground and first floor level are to be introduced to enhance the overall structural integrity of the building. Whilst the structural engineer is concerned about this level of work and whether it meets the test of policy GC8, he notes that similar concerns

were expressed in relation to the proposal that was allowed on appeal and that these concerns were not shared by the Planning Inspector who dealt with the appeal. As the previous consent remains extant, this permission and the considerations of the Planning Inspector who granted the permission are material planning considerations to be given significant weight when determining this application.

When comparing the amount of alteration proposed as part of the previously approved scheme with the current proposal, whilst the amount of alterations are broadly similar, the current proposal includes the introduction of larger openings at ground and first floor level in the end gables and the provision of slightly more openings in the south elevation and more openings in the north elevation. However, in the context of the requirements of policy GC8 and having regard to the comments of the Council's Structural Engineer and the previous Planning Inspector, it is not considered that objections can be raised on the basis of the amount of reconstruction proposed. However, if the Council is minded to approve the application, it is considered that conditions previously imposed relating to the submission of a method statement and retention of the block walls should be attached to any consent granted.

The form, bulk and general design of the proposed building is considered to be in keeping with its surroundings. Whilst the building is utilitarian in design and is a large, bulky structure it is nevertheless an agricultural building which would be expected in the countryside and the design of the proposed conversion would maintain its agricultural appearance. The external appearance of the building, including materials and openings would be the subject of suitably worded conditions should the Council be minded to approve the application and it is considered that the proposal would result in a significant improvement to the appearance of the building above the existing situation.

It is not proposed to extend the building as part of the proposal, and as discussed above, it is not considered that the provision of the parking area and access road would reduce the openness of the Green Belt. Similarly it is not considered that the proposal conflicts with any of the purposes of including land in the Green Belt.

For the above reasons, it is considered that the proposal complies with the requirements of Local Plan policy GC8 and with the requirements of PPG2.

Highways

Vehicular access to the site is to be taken from an amended access point off Grotto Lane which is to be shared with the affordable housing scheme. Parking is to be provided for 32 vehicles.

The Strategic Highways Manager has been consulted on the application and states that given the previous history of the site with the concept of offices being approved, there would be no highways issues raised regarding the principle of office development on the site. It is noted that whilst the 32 spaces

proposed slightly exceeds maximum standards, it is considered that this number of spaces is acceptable. There was some initial concern raised with regard to the access point to the car park as it was originally close to two of the houses proposed by the affordable housing scheme. However an amended plan has subsequently been received moving the access to the car park closer to the building and this is considered to overcome the initial concerns.

A number of highways related concerns were raised by third parties and the Parish Council. In particular concerns have been expressed regarding the impact of the proposal on the volume of traffic on local roads and regarding the safety of future residents of the houses as a result of traffic associated with the proposed office development. Whilst these concerns are noted, it is not considered that the scale of the proposed development is such that the increased volume of traffic on local roads would be significant enough to warrant refusal of the application, particularly given the extant consent for a larger office proposal. With regard to the impact on future residents of the affordable houses, again, this is not considered to be a significant issue given the scale of the proposed office, the relatively short length of the access road and given the fact that all of the houses would have rear gardens and private front garden areas for any children residing in the houses to play in.

Design

As previously stated within the report, the form, bulk and general design of the proposed building is considered to be in keeping with its surroundings. Whilst the building is utilitarian in design and is a large, bulky structure it is nevertheless an agricultural building which would be expected in the countryside and the design of the proposed conversion would maintain its agricultural appearance. Additionally it is not considered that the proposed conversion would be out of keeping with the character and appearance of the proposed affordable houses which have also been designed to have a simple, traditional, rural form.

Amenity

Local Plan policies DC3 and DC38 seek to ensure that new developments do not result in a significant adverse impact on the amenity of nearby residents. In this case, any impact on amenity needs to be considered in the context of any existing residents occupying properties along Stocks Lane and any future residents of the proposed affordable houses.

As originally submitted there was concern regarding the potential for the overlooking of and a loss of privacy to some of the proposed affordable houses. The elevations of the proposed office conversion have subsequently been amended to ensure that all first floor windows in the elevations facing the affordable houses would be obscurely glazed. Additionally a first floor balcony that was proposed on the end gable facing dwellings 14 & 15 has been removed. Officers are now satisfied that this will overcome any issues of overlooking and loss of privacy.

However, the impact of the bulk of the office building on the outlook from the affordable dwellings also needs to be considered. The proposed office would be located parallel but at a slight angle to proposed dwellings 1 to 5, at a distance of between 12.5m and 17m away. The front elevations of dwellings 14 and 15 would face towards and be located 26.5m to 27m away from the side gable of the proposed office. Local Plan policy DC38 provides guidelines on minimum distances between buildings and states that there should be a minimum distance of 21m front to front between buildings where a habitable room faces a non residential building and 14m where a habitable room faces a blank gable. Where there is a difference in levels between buildings, an additional 2m should be added to the distance.

In this case, now that amendments have been made to the scheme, it is considered that in order to meet the guidelines in Policy DC38 there would need to be a minimum distance of 16m between dwelling 1 (single storey) and the office building and a minimum of 14m between the other dwellings and the office. Whilst this distance is not met in respect of all of the dwellings, in this instance it is not considered that the proposal would result in an unacceptable sense of enclosure or be unacceptably overbearing to the proposed affordable dwellings as due to the relative orientation and position of the dwellings and office and the relatively low eaves and ridge height of the office building, a sufficient outlook for the dwellings would be provided.

It is considered that the relationship between the proposed office and other proposed dwellings and dwellings on Stocks Lane is acceptable.

Some concerns were expressed regarding the proposed hours of use of the office and the impact that this would have on nearby residents. Given the potential close proximity of residents within the affordable housing scheme, it is considered that the hours of use of the proposed office should be controlled by a suitably worded condition should the Council be minded to approve the application.

Ecology

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 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.

In this case protected species surveys have been undertaken and a number of protected species identified including Great Crested Newts, Bats and Barn Owls. Great Crested Newts are present in garden ponds adjacent to the application site. Mitigation measures have been put forward in the form of amphibian fencing and pitfall trapping in accordance with Natural England guidelines. This is a standard best practice approach and is considered acceptable by the Council’s Nature Conservation Officer. In addition, to compensate for the loss of terrestrial habitat a substantial hibernacula and native species hedgerow is proposed for the north/east boundary of the site and three new ponds are proposed for an area of plantation woodland located off-site but within 250m of the proposed development. The off site works would need to be secured by a S106 legal agreement. The Councils Nature Conservation Officer also notes that the applicants state that the remainder of the plantation could be enhanced through native species planting and advises that to provide an acceptable area of replacement terrestrial habitat to compensate for the loss of habitat to the development the plantation must be managed to increase its value for amphibians and general biodiversity. This matter could be controlled by condition.

In terms of bats, there was evidence of limited bat activity in the form of a feeding perch or temporary roost within one of the buildings on site. The loss of this roost, in the absence of mitigation, is likely to result in a minor impact upon a very small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The submitted report recommends the construction of a replacement bat loft above the building to mitigate for the loss of the roost and details the supervision and timing of the demolition to reduce the risk of killing or injuring any bats that may be present.

The proposed mitigation is considered acceptable in principle however concern has been expressed by the Nature Conservation Officer with regard to the size of the proposed bat loft which is considered to be smaller than that originally agreed in principle. The Nature Conservation Officer therefore initially recommended that a larger bat loft be provided. However it is now acknowledged that the bat loft proposed would be sufficient to mitigate for the loss of the feeding perch/temporary roost that was identified.

In this case it is considered that the tests of the EC Habitats Directive are met in that there is no suitable alternative to the proposal and it is of overriding public interest. The proposal involves the conversion of a disused poultry building as part of the redevelopment of a wider former poultry farm in a rural location. It would enable the site to be redeveloped to provide rural affordable housing and to provide an office in a converted building which would meet local and national housing objectives and would help to compensate for the current shortfall within the Borough. Additionally the scheme would improve the visual amenity of the area. Mitigation measures put forward by the applicants are generally considered acceptable and will serve to adequately mitigate any harm caused.

Landscaping and Trees

There are a number of existing trees on the site and an arboricultural report was submitted with the application. The Council's Forestry Officer raises no objections to the proposal subject to an appropriately worded condition noting that the development proposals can be implemented with the loss of only two trees both of which have been identified as presenting signs of terminal decline. The retained trees can be protected in accordance with current best practice.

Similarly the Council's Landscape Officer raises no objections to the proposal noting that the layout has an acceptable relationship to the site in terms of scale, design and impact on existing features. It is recommended that any approval includes conditions for landscaping, boundary treatments and consideration of any lighting requirements, as these are key features in the success of any detailed scheme.

Other Matters

The sites former use as a poultry farm and proximity to a landfill site means that the Council's Environmental Health department has suggested the

imposition of a suitably worded condition and note regarding contaminated land.

Some concerns have been raised as to whether there is a need for offices, particularly given that the previous approval for offices on the site hasn't been implemented. Whilst these concerns are noted, there is no requirement within Local Plan policy GC8 for the applicant to show that there is a need for the proposed commercial development. It is not therefore considered that objections could be raised in relation to the scheme on that basis.

Heads of Terms

Should the Council be minded to approve the application, a S106 legal agreement would be required to cover the following matters:

- provision of off site ecological works and habitat management plan

CONCLUSIONS AND REASON(S) FOR THE DECISION

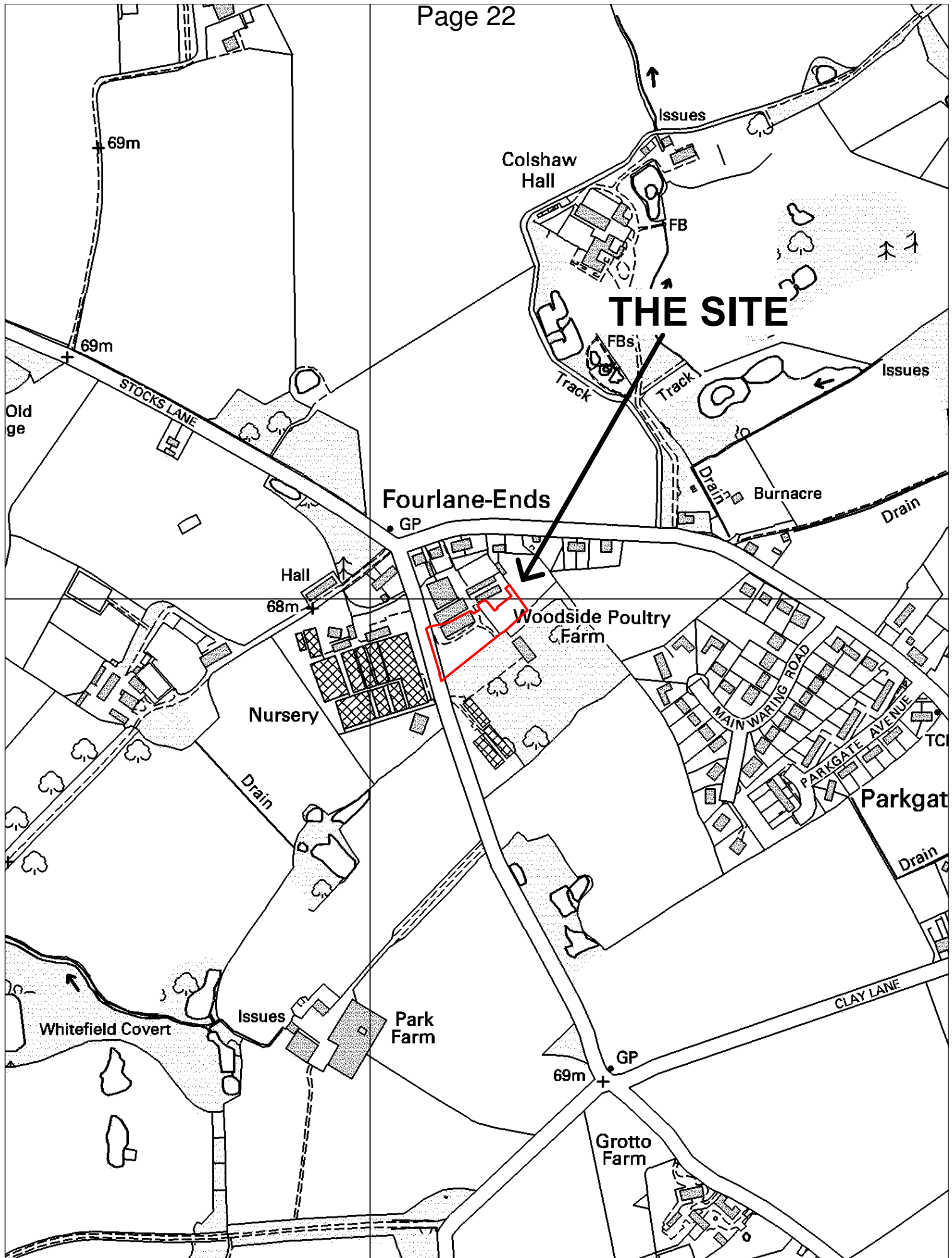
The proposal to convert the existing poultry shed on the site to offices is considered acceptable in principle. The proposal complies with the requirements of PPG2 and Local Plan policy GC8 in that the proposal would not result in a materially greater impact on the Green Belt; the building is of permanent and substantial construction capable of being reused without major or complete reconstruction; the form, bulk and general design of the building is in keeping with its surroundings; the proposal respects local building styles and the associated uses of surrounding land would not reduce the openness of the Green Belt or conflict with the purposes of the Green Belt. Access and parking provision is acceptable as is the impact on ecology and existing trees and landscaping. Now that amendments have been made to the scheme, the relationship between the proposed offices and the recently approved affordable housing scheme is considered acceptable and an acceptable level of residential amenity would be provided for future occupiers of the dwellings.

Application for **Full Planning**

RECOMMENDATION : Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01BC - Change of use - no consent for alteration or extension
4. A05BC - Details of means of support
5. A02EX - Submission of samples of building materials
6. A25GR - Obscure glazing requirement

7. A04MC - Electromagnetic protection (Jodrell Bank)
8. A01HP - Provision of car parking
9. A04HP - Provision of cycle parking
10. A05HP - Provision of shower, changing, locker and drying facilities
11. A07HA - No gates - new access
12. A12HA - Closure of access
13. A30HA - Protection of highway from mud and debris
14. A01LS - Landscaping - submission of details
15. A04LS - Landscaping (implementation)
16. A02NC - Implementation of ecological report
17. A06NC - Protection for breeding birds
18. A08MC - Lighting details to be approved
19. A14GR - Business hours (excluding Sundays)
20. A20GR - Hours of deliveries
21. A22GR - Protection from noise during construction (hours of construction)
22. A17MC - Decontamination of land (Phase II)
23. Provision of car park barrier
24. No external fans or air conditioning units to be provided without prior approval
25. Submission of method statement
26. Retention of block walls
27. Construction of new junction prior to construction of any other part of the development
28. Construction of highways (manual for streets layout)
29. Development to be carried out in accordance with submitted arboricultural report
30. Provision of Bat Loft
31. Provision of Barn Owl Nesting Boxes
32. Provision of facilities for breeding birds



10/3506M WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD, WA16 8TN
NGR- 378,110:373,970

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Scale 1:5000

Application No: 10/3232M
Location: LAND NORTH OF, CHELFORD ROAD, OLLERTON, CLOSE TO THE JUNCTION WITH HALL LANE
Proposal: GOLF DRIVING RANGE WITH BUILDING AND NINE HOLE GOLF COURSE
For MR B COUTTS
Registered 29-Sep-2010
Policy Item No
Grid Reference 378768 376514

Date Report Prepared: 13 January 2011

SUMMARY RECOMMENDATION	Refuse
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MAIN ISSUES

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

REASON FOR REPORT

As the application site is an 8 hectares site, it constitutes a large scale major application which, in accordance with the Council's constitution, is required to be dealt with by the Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a piece of agricultural land located to the north of Chelford Road, in the parish of Ollerton. The land forms part of the agricultural holding of Beeches Farm, with other land located adjacent to the application site and on the opposite side of Chelford Road. There is an existing field gate providing access onto Chelford Road at the eastern end of the site boundary with Chelford Road. There are a number of existing trees and hedges on the site and a number of ponds. A public footpath runs along the western edge of the application site, with another footpath located to the east of the site. The

site is generally relatively flat, with the topography of the site running downhill from south to north, though there are areas of undulation throughout.

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

The site lies in the Green Belt.

DETAILS OF PROPOSAL

Planning permission is being sought for a proposed driving range and academy course golf centre. The proposal is to provide a 20 bay, single storey driving range building, a 9 hole academy course and associated facilities including a new vehicular access off Chelford Road, the creation of a 60 space car park plus 2 disabled spaces, a putting green, tuition green and chipping green. The proposal also involves the importation of inert material onto the site to create the course definition. It is estimated that 80,000m³ of material will be used to create the course. The range and course would be unlit.

RELEVANT HISTORY

There is none specifically relating to the application site. However, there have been 2 applications for a similar proposal made by the applicant on the opposite side of Chelford Road. They are:

08/0332P

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

Refused and appeal allowed 27.05.09

07/1856P

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

Refused 24.10.07

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF4 Green Belts

W1 Strengthening the Regional Economy

L1 Health, Sport, Recreation, Cultural and Education Services Provision
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM5 Integrated Water Management
MCR3 Southern Part of the Manchester City Region

Local Plan Policy

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

Cheshire Replacement Waste Local Plan

Policy 12 Impact of Development Proposals
Policy 14 Landscape
Policy 15 Green Belt
Policy 17 Natural Environment
Policy 23 Noise
Policy 24 Air Pollution: Air Emissions Including Dust

Other Material Considerations

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS4: Planning for Sustainable Economic Growth
PPS9: Biodiversity and Geological Conservation
PPG17: Planning for Open Space, Sport and Recreation

CONSULTATIONS (External to Planning)

Highways: no objections subject to conditions regarding parking, visibility splays and the submission of a Travel Plan.

Environmental Health: no objections subject to conditions regarding management of imported materials, construction hours restriction, submission of lighting plan if lighting proposed in the future.

Environment Agency: no objection subject to a condition regarding Great Crested Newts.

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

VIEWS OF THE PARISH / TOWN COUNCIL

Ollerton with Marthall Parish Council: note that the latest application takes into account many of the comments previously made by the Parish Council and local residents. For example, the site does not now adjoin the Conservation Area and is not historical parkland and there is less likelihood of visiting vehicles blocking Hall Lane, School Lane and Moss Lane. The size and design of the new site is such that flying golf balls are less likely to cause problems to neighbouring properties (particularly the driving range where balls will be hit away from the A537 into open areas).

If the Council is minded to grant permission, they would like to see a condition that, if for any reason the enterprise fails, then the land is restored to its present agricultural condition.

OTHER REPRESENTATIONS

To date, 7 representations have been received objecting to the proposal. 6 are from individual residents/properties and 1 is on behalf of the Chelford Road Action Group, though it is not clear which residents are represented by the group. The main points raised in objections are listed below:

- Additional traffic on Chelford Road
- Lack of need – already a number of existing golf facilities nearby
- Concern regarding the need for future floodlighting which would cause significant light pollution to homes near to the site and would adversely affect the rural nature of the site
- Area is Green Belt and open aspect would be lost and replaced by an ugly building and a large car park detrimental to rural character
- Contrary to Parish Plan
- Significant earthworks detrimental to Green Belt and against policy
- Destruction of habitats
- Concerns regarding the viability of the scheme
- Concern regarding surface water drainage system
- Consider that detailed business plan should have been provided with the application
- Question reason for the re-location of the approved driving range and golf course
- Question how foul sewage is to be disposed of
- New site entrance will spoil the rural character of the area
- Would involve loss of prime agricultural land

- Amount of landfill required will create a huge environmental impact including large number of vehicles needed to transport the material creating more noise and air pollution as well as being visibly unacceptable
- Concern about future development of the site

APPLICANT'S SUPPORTING INFORMATION

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

- Planning statement
- Landscape Character and Visual Impact Assessment
- Design & Access Statement
- Flood Risk Assessment and Surface Water Assessment
- Ecological reports
- Geological report
- Transport statement
- Draft Travel Plan

The Planning Statement concludes that the landscape around the site is robust and that only a few properties immediately adjacent to the site are likely to experience any change in views. The overall visual impact from each of these properties is likely to be low and is mitigated by significant new planting. Overall it is considered that the new golf course would enhance the wildlife habitat of the area, whilst providing an outdoor recreation facility for local people, which would benefit the local economy and result in golfers not having to travel to other courses further afield.

OFFICER APPRAISAL

Principle of Development

PPG2 and Local Plan policy GC1 state that the construction of new buildings inside a Green Belt is inappropriate unless it is for a limited number of purposes including essential facilities for outdoor sport and outdoor recreation and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. PPG2 also states that development including engineering and other operations and the making of a material change in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Paragraph 1.5 of PPG2 sets out the five purposes of including land in Green Belts which are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Policy

All relevant policies are listed earlier in the report.

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

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

Green Belt

When considering the previous application on the opposite side of Chelford Road, it was acknowledged that golf driving ranges and pitch and putt courses need not be inappropriate development in the Green Belt. However, it was also acknowledged that driving ranges and pitch and putt courses are generally a more intensive use of land than other forms of outdoor sport and recreation, such as golf courses, as they tend to require more operational development than other sport/recreation uses.

When considering the previous appeal, the Planning Inspector concluded that the proposal would not be inappropriate development in the Green Belt, noting that the proposed pitch and putt course and driving range would cover the majority of the site and noting that significant earthworks would not be required. She considered that the substantive use of the site would maintain openness and help support the purposes of including land in the Green Belt by checking the unrestricted sprawl of built up areas. It was considered that the proposed access and car park would cause a small loss of openness but that they would occupy a relatively small part of the site and be necessary for the development. She considered that the proposed building would be essential for the proposed use, noting that it would be similar in size to other

driving range buildings in the Green Belt and would include no unnecessary facilities such as a café or a shop.

When compared to the appeal proposal, the current proposal is broadly similar in that it involves the provision of a 20 bay, single storey driving range building, a 9 hole pitch and putt course and a new vehicular access and parking area. However there are a number of differences between the appeal proposal and the current proposal and these are summarised below.

- The size of the building now proposed (646m²) has a larger footprint than the appeal proposal (576m²) and represents a 12% increase in footprint, though it is similar in height and materials.
- The number of car parking spaces has more than doubled from 30 to 62.
- The current proposal involves the importation of a significant amount of material (80,000m³) and in some places, a significant change in existing site levels (up to 7m) including the formation of mounds. The appeal proposal did not require any significant earthworks.

It is not considered that the facilities proposed are essential facilities for outdoor sport and recreation and as such it constitutes inappropriate development in the Green Belt. No evidence has been submitted to justify the increase in the scale of the proposal from that previously granted on appeal.

Additionally, it is considered that due to:

- The increased scale of the proposal
- The amount of earthworks required, and
- The more prominent location of the facility close to Chelford Road

The proposal would also have an adverse impact on the openness of the Green Belt.

The proposal is therefore considered to be contrary to PPG2 and Local Plan policy GC1. For permission to be granted it would need to be demonstrated that there are very special circumstances that exist that overcome the harm caused by inappropriateness and by the reduction in openness of the Green Belt.

Visual Impact

The proposed access, car park and range building would be located immediately to the north of Chelford Road, with the car park being located approximately 40m away from the road and the building approximately 80m away. The car park would measure 50m x 34m and cover an area of approximately 1700m². It would be formed from some sort of permeable material, the exact details of which have not been provided. The range building would be externally clad in timber, with a brick plinth, and a profile metal sheet roof. The proposed range would be located to the north of the range building and would be approximately 256m long. It is proposed to raise the levels along the length of the driving range boundaries to provide

definition and protective contouring to either side of the range area. A 9 hole pitch and putt course is proposed to the east of the range, approximately 80m from the rear gardens of the existing residential properties fronting Chelford Road. It is also proposed to raise levels across the pitch and putt course. A number of greens are also proposed towards the front of the site, closest to Chelford Road. The site boundary with Chelford Road is currently marked by a hedgerow.

A Landscape Character and Visual Impact Assessment has been submitted in support of the application and one of the Council's Landscape Officers has been consulted on the application.

The submitted landscape assessment concludes that the overall visual impact of the proposal is likely to be low. The Council's Landscape Officer does not agree with this conclusion and notes that the submitted assessment is at variance with the relevant guidelines, 'Guidelines for Landscape and Visual Assessment' (2nd Edition) in that it does not provide a thorough landscape and visual assessment of the effects of the proposal and makes a number of subjective comments that compromise the objectivity of the assessment as a whole.

The Council's Landscape Officer notes that the importation of 80,000m³ of inert material will be used to create a series of mounds across the site. In some areas, this will raise the level by more than 8m and a number of the mounds, especially a number in close proximity to Chelford Road, will be more than 4m in height. It is considered that, while there may need for a subtle remodelling of the existing landform, these mounds will fundamentally change the character of the site to one that is incongruous with its surroundings. It is also considered that the new landscaping will be out of scale with the surrounding area, in addition, the layout of the academy course and driving range appear to indicate that the mounding is not actually necessary to facilitate the proposal. Whilst the views of the Council's Forestry Officer are still awaited, there is also concern that the proposed changes in topography brought about by the importation of so much inert material may well have a detrimental impact of existing hedgerows and trees. Any response received from the Forestry Officer will be provided in an update to Members.

Additionally given the increased scale and prominence of the proposed range building, parking area and access and given the relative openness of the site, it is considered that these facilities will be visually prominent and would have an adverse impact on the character and appearance of the area. Whilst the previous Inspector noted that Chelford Road is already dominated by traffic and active land uses, the application site is located at the end of the ribbon and in a location that is much more open and prominent than other sites in the immediate locality.

The proposal is considered to be contrary to Local Plan policy NE2 as it is not considered that it conserves or enhances landscape character, nor does it respect local landscape character. The proposal is similarly considered to be

contrary to RSS policies DP7 and EM1 and Local Plan policies BE1, RT18, DC1 and DC33.

Highways

As previously stated, a Transport Statement has been submitted in support of the application. The Strategic Highways Manager has been consulted on the application and raises no objections, subject to appropriate conditions. He considers that the site would generate in excess of 30 trips in and out in the traditional peak hours when the background flows on Chelford Road are at their highest. However, the proposed new junction has been assessed in terms of capacity and it is considered that it will operate within capacity with no undue queues formed on the A537. Consequently, there is no requirement for a right turn facility to be provided. It is considered that the access has been designed to provide the required visibility splays in each direction and adequate width to allow two way traffic.

It is also noted that the site can be accessed by public transport and other modes of transport but in sustainability terms is not well located. To encourage the use of non-car modes of transport, a Travel Plan should be provided by the operator. When considering the appeal proposal, it was acknowledged by the Council and by the Inspector that, given the nature of the facility, most users would arrive by car. However, the Inspector concluded that the proposal would be relatively small scale and would be unlikely to attract customers from far afield. As such, it would not generate levels of unsustainable travel to warrant a refusal of permission.

With regard to parking provision, the Strategic Highways Manager advises that there are no maximum parking standards for this type of development so an assessment needs to be made as to whether what is being proposed is reasonable given the proposed use. He considers that the 62 spaces proposed is slightly excessive but that the 30 spaces previously proposed would not be enough. Given that the proposed development offers a similar level of facilities i.e. 20 bay driving range and 9 hole pitch and putt course, to that previously proposed, it is considered that further justification would be required from the applicant to justify the increase in spaces now proposed.

A public footpath is located to the west of the application site. The Public Rights of Way Unit initially lodged a holding objection in relation to the application as there was concern regarding the impact of the proposal on this public footpath. However, this was subsequently lifted following the submission of additional information on behalf of the applicant which demonstrated that there would be no conflict between the public footpath and the use of the proposed greens closest to it.

Design

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

Amenity

As stated, there are a number of residential properties located adjacent to the site. Local Plan policies DC3 and DC33 address the impact of proposals on residential amenity and state that there should be no significant adverse impact upon existing residential amenity. Local Plan policy DC13 specifically relates to noise generating developments. Concerns regarding impact on amenity have been raised in representation in terms of the impact of any future floodlighting and increased noise and air pollution resulting from the vehicle movements that would be required in connection with the importation of material.

3 residential properties are located to the south/east of the application site and front onto Chelford Road. The proposed site access would be located approximately 80m away from the nearest residential property, approximately 50m away from the garden boundary of this property. The nearest part of the proposed development to these properties would be a proposed putting green which at the nearest point would be approximately 25m away from the nearest garden boundary. The proposed pitch and putt course would be located approximately 80m away from the rear garden boundaries of these properties, over 100m away from the properties themselves. Given the scale of the development proposed, the likely amount of traffic that would be generated by the proposal, existing traffic levels on Chelford Road, the distances involved and given the existing screening along the garden boundaries, it is not considered that the proposal would result in a significant adverse impact on the amenity of the occupiers of these properties.

The only other residential property located close to the site is the dwelling at Oakwood Nurseries which is located approximately 30m to the east of the application site. The proposed 9 hole pitch and putt course is the nearest part of the proposed development to this property with proposed Hole 8 of the course closest to the boundary. However, given the distances involved, the short length of this hole and extensive boundary screening, it is not considered that the amenity of the occupiers of the dwelling at Oakwood Nurseries would be significantly affected.

Trees

The site contains a number of existing trees. The Council's forestry officer has been consulted on the application though to date no formal comments have been received. Any comments received regarding trees will either be included in an update report or reported directly to the Board.

Ecology

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 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.

In this case, ecological reports have been submitted with the application and the Council’s Nature Conservation Officer has been consulted. The reports have identified a small metapopulation of great crested newts breeding at a number of ponds within and adjacent to the proposed development. Only very limited evidence of badger activity was recorded during the submitted survey. However, as the survey is now well in excess of a year old, it is recommended that the badger survey is updated prior to the determination of the application. If any significant evidence of badgers is recorded, mitigation proposals will also be required for any adverse impact resulting from the proposed development.

There is currently an objection to the proposal on ecological grounds as it is considered that additional information is required regarding badgers, any potential loss of hedgerows and details of any lighting. The Nature Conservation Officer is satisfied that the mitigation measures put forward regarding great crested newts are suitable to address any adverse impacts associated with the proposed development. These measures would need to be secured by means of a condition.

In terms of whether the tests prescribed by the Habitat Regulations can be met, these only apply to Great Crested Newts in this instance. The Council's Nature Conservation Officer considers that, in the absence of mitigation, the proposed development would pose a significant risk of killing or injuring any newts on the site when the works were undertaken but that the change of land use from agricultural to a golf facility is likely to have a relatively low adverse impact upon newts. To mitigate the risk of killing/injuring newts, the submitted survey report recommends the trapping and exclusion of newts from the site in accordance with best practise. To mitigate/compensate for the adverse impacts of the change of use, the creation of two additional ponds and the enhancement of a number of existing ponds is proposed together with hedgerow gapping up and the provision of a rough grassland 'buffer zone' around the boundary of the site. The proposed mitigation is considered adequate to address the adverse impacts of the proposed development.

With regard as to whether the proposed development is of overriding public interest, this is less certain. Whilst the proposed scheme would offer some wider benefits in terms of providing an outdoor sport and recreation facility, it would also bring with it dis-benefits as outlined within the report. Additionally, in this case it is considered that there is a satisfactory alternative as consent exists for a similar facility on the opposite side of Chelford Road and the implementation of that consent would not affect European protected species as no evidence of protected species were recorded.

In conclusion, it is not considered that the tests prescribed by the Habitat Regulations are met and further information is required regarding badger activity on the site together with information on hedgerows and lighting. Whilst the applicants have confirmed that there would be no lighting of the range, it is less clear as to what other lighting is proposed i.e. lighting of the car park and building. The applicant considers that further surveys and information regarding hedgerows and ponds could be dealt with by condition. It is not considered that these matters could be dealt with by condition and in the absence of the requested information being submitted, there is insufficient information regarding protected species and nature conservation interests to enable a full and proper assessment to be made regarding the impact of the proposal. The proposal is also therefore recommended for refusal on ecological grounds.

Importation of Material

As noted, the proposal also involves the importation of a large amount of inert material in order to implement the proposal. Whilst it is not considered that

this is a waste operation that would require planning permission in its own right, it is nevertheless considered that the importation of material forms a significant part of the proposal. It is estimated that it would take between 18 and 24 months to complete the re-modelling of the course. It is stated that heavy vehicles associated with construction activities would only be permitted to access the site between 0730 – 1630 Monday to Friday and that it is likely that an average of 4 – 5 vehicles will access the site per hour i.e. 10 two-way trips per hour. A wheel washing facility would be located on site.

A number of policies contained within the Replacement Waste Local Plan are of relevance to this aspect of the proposal. Whilst the additional activities and vehicle movements associated with this aspect of the proposal need to be considered, given:

- The site location off a busy road
- The scale of movements proposed, and
- That no objections have been raised to this aspect of the proposal by either Environmental Health, Highways or the Nature Conservation Officer

It is not considered that objections could be raised relating to those issues. However, as discussed within the report, there is concern regarding the impact that the importation of material and the resultant landform would have on the openness of the Green Belt and on the visual amenity of the area. The proposal would therefore be contrary to Waste Local Plan policies 14 (Landscape) & 15 (Green Belt).

Other Matters

A number of other matters have been raised by third parties in relation to the proposal, some of them were also previously considered by the Inspector when dealing with the appeal. Each is considered below.

Firstly, concern has been raised regarding the viability of the proposal and the need for it given that other golf facilities exist nearby. It is not considered that there is any requirement for the applicant to demonstrate that the proposal is either needed or viable as this isn't required by the relevant policies. When considering the appeal proposal the Inspector noted that viability was a matter for the commercial judgement of the applicant and that she had seen nothing to suggest that the scheme could not succeed on the basis proposed. Third parties have also stated that detailed business plan should have been provided. Again, whilst this may have been preferable, it is not essential.

There is concern that the proposal would result in a loss of prime agricultural land. However, the land affected by the proposal is Grade 3 agricultural land i.e. of lower quality and permitted by Local Plan policy DC33.

Concern has also been raised with regard to drainage including a query regarding foul drainage. A Flood Risk Assessment and Surface Water Assessment was submitted with the application and concludes that the risk of flooding from the development site is low and that there is no change to the

drainage characteristics of the site as a result of the proposed development. It is proposed that excess surface water will drain into the ground through the proposed drainage system. The surface water drainage strategy for the development is to use an infiltration pond. The Environment Agency was consulted on the application and raised no objections to the proposal on issues of drainage or flooding. It is not therefore considered that any objection to the proposal could be raised in relation to these issues. With regard to foul sewage, this matter could be controlled by a suitably worded condition if planning permission were to be granted.

With regard to compliance or otherwise with the Parish Plan, whilst this a material consideration and whilst it states that there is concern regarding the proliferation of businesses and markets affecting the A537 the plan also indicates that the matters of prime concern to residents are the appearance of, and noise and light pollution and traffic associated with commercial uses. This was not found to be an issue with the appeal proposal but there is considered to be an issue in terms of visual impact of the current proposal as outlined earlier in the report. The recommendation to refuse the proposal would not therefore be contrary to the Parish Plan.

Any future development on the site including floodlighting would need to be considered on its own merits as and when it was proposed. Concern regarding possible future development would not be a sustainable reason for refusal.

The fact that planning permission has been granted for a similar proposal on the applicant's land on the other side of Chelford Road is a material consideration when determining this application. However, for the reasons outlined in the report, it is considered that unlike the appeal proposal, the current proposal is considered to be inappropriate development in the Green Belt which would impact on openness, it would result in an adverse impact on the character and appearance of the area and insufficient information has been submitted to demonstrate that there would be no adverse impact on nature conservation interests including protected species.

Were the Council minded to approve the application, as there is an extant consent for a similar proposal in close proximity of the site and as the cumulative impact of both proposals would be unacceptable, a legal agreement would be required to ensure that only one of the proposals could be implemented. Whilst the applicant has indicated a willingness to enter into such an agreement, none has been submitted to the Council at this stage.

Very Special Circumstances

As it is considered that the proposal involves inappropriate development in the Green Belt, it is for the applicant to demonstrate that very special circumstances exist that would outweigh the harm caused by inappropriateness and any other harm identified. In this case no very special circumstances have been put forward in support of the proposal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

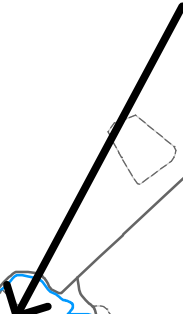
It is considered that the proposed development constitutes inappropriate development in the Green Belt in that it is not considered that it relates to essential facilities for outdoor sport and outdoor recreation and it would have an adverse impact on openness. Additionally the proposal would have an adverse impact on the visual amenity of the area as a result of the visual impact of the proposed range building, car park and access and as a result of the significant changes to the landform proposed. Insufficient information has been submitted to enable a full and proper assessment to be made in relation to the impact of the proposal on interests of nature conservation and the proposal fails to meet the tests of the habitat regulations. The proposal also involves the importation of a significant amount of material and is considered contrary to a number of policies in the Cheshire Replacement Waste Local Plan. The applicant has not put forward any very special circumstances to outweigh the harm identified. The application is therefore recommended for refusal.

Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R04MS - Insufficient information (nature conservation/protected species issues)
2. R05LP - Harmful to appearance of the countryside
3. R12LP - Contrary to Green Belt / Open Countryside policies
4. Adverse impact on protected species & failure to meet the tests prescribed in the Habitat Regulations

THE SITE



10/3232M LAND NORTH OF, CHELFORD ROAD, OLLERTON, CLOSE TO THE JUNCTION WITH HALL LANE

Application No: 10/0832M
Location: R H STEVENS, GUNCO LANE, MACCLESFIELD, SK11 7JL
Proposal: DEMOLITION OF EXISTING BUILDINGS ON SITE AND ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 124 DWELLINGS, LEVELS CHANGES, NEW ACCESS, OFF SITE FOOTPATH AND HIGHWAY IMPROVEMENT, CIRCULATION AND PARKING AREAS
For P.E. JONES (CONTRACTORS) LIMITED
Registered 05-Mar-2010
Policy Item Yes
Grid Reference 392244 372589

REASON FOR REPORT

This Report is presented to correct an anomaly in the Minutes of the Meeting of the Strategic Planning Board on 23 June 2010 where the Board resolved to grant Planning permission subject to planning conditions and subject to the satisfactory S106 Agreement, however the published Minutes do not reflect this adequately to enable the Council's Solicitor to draft the Heads of Terms.

RECOMMENDATION

The Minutes of the Planning Committee on 23 June 2010 be amended to the following -

'Consideration was given to the above application.

(Mrs K Phillips, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to a S106 Legal Agreement comprising the following heads of terms -

- Provision of a minimum of 25% genuinely Affordable Housing in the form of social rented housing (15 units) and intermediate housing (16 units).
- Provision of financial contributions in lieu of on site play and sporting provision (£372,000)
- Monitoring costs

and the following conditions:-

1. A01GR - Removal of permitted development rights
2. A01HP - Provision of car parking
3. A01LS - Landscaping - submission of details

4. A01TR - Tree retention
5. A02EX - Submission of samples of building materials
6. A02FP - Commencement of development
7. A02TR - Tree protection
8. A03AP - Development in accord with revised plans (unnumbered)
9. A04LS
10. A04TR - Tree pruning / felling specification
11. A06NC - Protection for breeding birds
12. A07HP - Drainage and surfacing of hardstanding areas
13. A12HA - Closure of access
14. A12LS - Landscaping to include details of boundary treatment
15. A23GR - Pile Driving
16. A23MC - Details of ground levels to be submitted
17. A30HA - Protection of highway from mud and debris
18. A32HA - Submission of construction method statement
19. SUDS to be submitted
20. works to trees to be in accordance with Arborists report
21. Bike store tbs for flyover apartments
22. Devt to comply with Waste Audit (submitted)
23. parking areas palette of differing surfacing materials TBS
24. development to comply with air quality assessment
25. Phase II Contamination
26. parking areas provided
27. bat roosts
28. hours of work
29. new junction details to be submitted
30. highways to comply with design guide
31. renewable energy
32. nesting birds survey tbs

In addition Members requested that s106 monies should be secured for improvements in the locality – namely King George's Field.'

***Appendix 1- Report Considered by Strategic Planning Board
on 23 June 2010***

SUMMARY RECOMMENDATION

Approve with conditions and subject to satisfactory completion of a Legal Agreement under S106 of the Act

MAIN ISSUES

Whether the proposed loss of employment land is acceptable and whether the use for residential purposes is appropriate

Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided

Whether the layout and design is appropriate

Whether any permission granted should be accompanied by a Section 106 Agreement, and what these Heads of Terms would comprise

REASON FOR REPORT

This is an application for a major housing development which due to the scale of the development needs to be determined by Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The site comprises 2.5 hectares which is in use as a haulage yard by RM Stevens. To the east lies the Canal, which is elevated above the site, and beyond which is open countryside which is mainly used as a golf course. To the west lies the Gunco Lane frontage which is predominantly a mixed employment area with a variety of employment type uses. To the south and west of the site lies residential properties.

The site itself is laid out as mostly hardstanding, utilised as HGV parking with sizeable warehouse buildings. The wider area is mixed in character, with residential land uses and industrial uses predominating.

DETAILS OF PROPOSAL

The scheme proposes a housing development of the site comprising of 124 two storey residential units on an existing brownfield site. The housing is generally laid out in small terraces of four, two storey dwellings, all within enclosed rear gardens, set back off the street frontage behind a small front area of landscaping and two allocated parking spaces per unit.

The general layout is arranged off one access point via Gunco Lane. The development is in the form of a series of cul de sacs with an elongated linear

terrace of dwellings adjoining the canal to the rear of the site. A tall leylandii screen of trees/hedge adjoins the boundary with dwellings in Beech Grove and Byrons Lane.

The scheme also includes alterations to the Gunco Lane/ Byrons Lane junction and footpath widening to Gunco Lane within the red edge of this application.

RELEVANT HISTORY

00/1717P - Residential Development For 94 Dwellings, Associated Roads, Sewers, Fences And Boundary Walls On Site Of Former Haulage/ Storage Yard - refused 2.01.2000

01/2582P - Residential Development (Outline Application) - Refused 7.01.2002

63872P - Residential Development - Refused 5.11.1990

09/2568M Demolition Of Existing Buildings On Site & Provision Of Commercial & Residential Development Comprising 114 Dwellings, 465 Sqm B1 Office Space, Levels Changes, New Access , Footpath Improvements, Circulation & Parking Areas. Withdrawn 2.10.2009

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

DP4 (Make the Best Use of Existing Resources & Infrastructure)

DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)

DP7 (Promote Environmental Quality)

DP9 (Reduce Emissions and Adapt to Climate Change)

RT2 (Managing Travel Demand)

EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)

EM2 (Remediating Contaminated Land)

EM5 (Integrated Water Management)

EM18 (Decentralised Energy Supply)

MCR3 (Southern Part of the Manchester City Region)

L2 – Understand Housing Markets

L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

Local Plan Policy

NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
BE1 (Design Guidance)
GC1 (New Buildings)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H8 (Provision of Affordable housing)
H9 (Delivery of Affordable housing)
H13 (Protecting Residential Areas)
T2 (Transport)
E1 (Employment land Policies)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC36 (Road layouts and Circulation)
DC37 (landscaping)
DC38 (Space, Light and Privacy)
DC40 (Open Space standards)
DC63 (Contaminated Land including Landfill Gas)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing , PPS4: Planning For Sustainable Economic Growth and PPS9: Biodiversity and Geological Conservation, PPG13 Transport, PPG17 Open Space, Sport and Recreation and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSIDERATIONS (External to Planning)

Environment Agency – No objection subject to condition.

Environmental Health (Contaminated Land) - No objection

Environmental Health (Noise and Amenity) – No objection subject to standard conditions regarding hours of work and dust mitigation during construction.

Highways- No objection subject to conditions. Off site works will need to be included in a S278 Agreement

Children and Young Persons Services - No reply in respect of this application, however, in the previous application it was confirmed that in both

the Primary and Secondary sector there are sufficient surplus places for the 'in-catchment area' to meet the potential 'child yield' generated by the potential building scheme, both currently and anticipated by our pupil place forecasts up to 2014. The site is within the catchment of Puss Bank School and Tytherington High Schools.

Forestry Officer - Raises no objection subject to conditions

Housing Strategy and Needs Manager - Fully supports the application, subject to the provision of 25% Affordable Housing (31 units – 15 of which are to be social rented units and 16 of an intermediate tenure)

Landscape Officer - The Landscape Officer raises no objections subject to conditions.

Leisure Services - No objection in principle to the application, consider that contributions are required for Public Open Space and Recreation/Sporting provision in lieu of provision on site

Nature Conservation Officer No objection is raised by the Nature Conservation Officer subject to conditions.

British Waterways - Have no objection subject to a condition to safeguard the canal bank during construction. Have requested a financial contribution of circa £12,750 to upgrade the canal towpath and future maintenance of the works.

OTHER REPRESENTATIONS

6 letters of objections has been received to date. These raise objection on grounds of need for additional dwellings, impact on traffic and parking congestion on Gunco Lane, loss of trees, impact on protected species, impact upon the Canal Conservation Area and issues of land contamination. An adjoining commercial occupier considers that the levels of security he currently enjoys (security fencing and barbed wire) should be maintained. One person considers the site could be better utilised as old persons accommodation.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment
- Landscape Assessment
- Flood Risk Assessment
- Transport Statement
- Waste Audit

- Marketing report
- PPG3 housing statement
- Public Participation Consultation Statement August 2009
- Public Participation Consultation Statement Update Dated January 2010
- Planning & Sustainability Statement February 2010

All of these documents are available in full on the planning file, and on the Council's website.

It is the applicant's essential case that this scheme will deliver a high quality housing scheme that will meet an identified housing need in the Borough. The Applicant, in their marketing and Employment Land Assessment of the site consider the site is largely a poor quality, contaminated site which is incapable of economic repair and upgrading for other occupation. It is further considered that the costs of bringing the site forward for good quality/modern office or warehouse development is significant and not feasible given rental returns achievable. Access to the site for employment purposes is poor and would be considered inadequate by modern employment occupiers and others such as car showrooms which would be detrimental to the marketability and ultimate values that the current use of the site could achieve.

The site has been marketed since 2007 and there is no demand for the site, either in part or whole

The Applicant is willing to comply with the affordable housing requirements of the Council including entering into a Legal Agreement to deliver these policy requirements

OFFICER APPRAISAL

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

Principal of Development

The principle issues surrounding the determination of this application are the acceptability of the loss of the existing employment site to a residential land use, the impact of the proposed development on residential amenity, the character and appearance of the surrounding area, the existing trees, any

impact on protected species or the adjacent canal conservation area, and any highway issues regarding access and parking.

Loss of employment use of the site

Government guidance in Planning Policy Statement 3: Housing (PPS3) promotes the effective and efficient use of previously developed land. In paragraph 44, it indicates that local planning authorities should consider whether sites allocated for industrial use could be re-allocated for housing.

However, Planning Policy Statement 4: Planning For Sustainable Economic Growth (PPS4) is also clear that LPAs should use evidence to plan positively to ensure that sufficient land is available for business, readily capable of development and well-served by infrastructure. A choice and variety of employment sites, to meet different needs, will facilitate competition and stimulate economic activity.

Similarly, RSS Policy W3 requires LPAs to ensure a supply of employment land; that the most appropriate range of sites is safeguarded for employment use; the sites can meet the full range of needs; and at least 30% are available at any one time.

This site is specifically allocated for employment purposes under policy E4. This policy states that general industry (class B2), warehousing (class B8) and office uses will normally be permitted. In addition, Local Plan Policy E1 states that both new and existing employment areas will normally be retained for such employment purposes.

It is therefore incumbent upon the Applicant to demonstrate that the re-use or redevelopment of the site for employment purposes is not achievable.

Accordingly, supporting information incorporating a marketing report and assessment of the site for employment use have been submitted with this application.

A significant issue relating to the application site relates to the viability of development for employment uses, given the major constraints including access and potential remediation and the likely values that could be achieved from any redevelopment for employment uses.

The Employment Land & Market Overview Feasibility Analysis demonstrates that there is a lack of demand for employment uses on this site.

In terms of employment land supply, recent monitoring suggests there is a 25 year supply given recent take up rates for employment development in the Macclesfield area. However, this includes a significant proportion of land (around 42ha) which is constrained and is not currently available at the South Macclesfield Development Area and Parkgate Industrial Estate, Knutsford. Excluding these sites would leave 11 years supply, with a mixture of sites including higher quality sites such as Tytherington Business Park and more traditional industrial estates such as Hurdsfield.

In terms of existing supply of office and industrial space within Macclesfield, at the time of this application being submitted, overall there are 24, 000 sqm of existing office space and 48,000 sqm of industrial space immediately available within Macclesfield. The supporting information indicates that there is circa a 4 year supply of office and industrial space available in terms of current take up rates, if no more space were to come to the market - which is unlikely to happen.

The marketing information states that the site has been marketed since 2007 and there has been no demand for the units, either in whole or in part. Companies looking for sites locally have steered away from the application site due to its poor accessibility, the costs of bringing the site forward for high quality modern employment uses.

Given these circumstances, there is no objection in land use planning terms to the loss of the existing employment use of the site.

The Residential Use of the Site

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach.

PPS3: Housing

The Council produced new guidance in respect of housing developments titled "PPS3 Housing and Saved Policies Advice Note". The Advice Note is based on a list of five criteria outlined in PPS3 which Planning Authorities should have regard to when determining planning applications for new housing. In summary, the Advice Note states that planning applications for new housing should meet the following criteria:

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*).
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*).

3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*).
4. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*).

A PPS3 Housing Self-Assessment Checklist was submitted with the planning application to address the criteria outlined in the Advice Note. The site is considered to be in a suitable and sustainable location and the site is considered to be sufficiently utilised (the proposed site density is 49 dwellings per hectare). Whilst the site itself is on the outer edge of an employment zone, the wider area is predominantly residential, and is within walking distance of public transport links, Macclesfield town centre and to services. The scheme would provide high quality housing of an appropriate mix and tenure type.

Additionally, the proposed development would provide 15 houses for social rent (14 x 2 bed and 1 no 3 bed) and 16 houses for intermediate shared equity. The Affordable Housing Officer supports the application. This scheme will meet a much needed demand for rented accommodation in this area.

For these reasons it is considered that the proposal broadly complies with the five listed criteria and thus complies with PPS3

The proposals comprise an efficient use of previously developed land in a sustainable location. The site is located within easy access of the town centre.

Additionally, the site is identified within the Strategic Housing Land Availability Assessment SHLAA as a housing site with potential for 114 dwellings, likely to come forward in the next 5 years.

Accordingly, the principle of development of this site for residential purposes is acceptable.

Density of development & mix of house types

The indicative layout indicates that the site is to be developed at a density of 49 dwellings per hectare. The areas indicated for development are brownfield land, having previously been developed or the site of the existing factory and complex.

Overall, a good mix of house types is proposed comprising:

2 x 1 bed fly-over apartments
75 x 2 bed houses in terraces
47 x 3 bed houses in terraces

The mix and density of housing proposed is considered to be in line with the requirements of Government policy to maximise density and is considered to be in keeping with the residential density in the wider residential area around the site.

Design and layout

The design comprises blocks of 2 storey dwellings in a mix of five different house types. The heights of the buildings range from 7.5m to circa 7.9m and the individual blocks within the street scene generally contain contrasting house styles with variety in the use of brick, render and soldier courses, all to stimulate elevational contrast in the street scene. Interfaces between the proposed dwellings and adjoining residential properties are acceptable.

Two allocated car parking spaces have been allocated to each 2 and 3 bedroomed dwelling. These are located generally in front of each dwelling. One parking court is provided and the houses which front onto Gunco Lane (Plots 24-42) have off street parking provided to the rear of the site. Two car parking spaces are available for adjoining residents if they wish to lease them from the Applicant.

Overall, in site planning terms, the indicated scheme is considered to be appropriate.

Highways

A transport Assessment has been submitted in support of the application. This statement considers the accessibility of the site and provides a technical assessment of the traffic generation associated with the proposed development as opposed to the vehicle movements associated with the current use of the site as a haulage yard.

The report also details the improvements proposed to junctions at Gunco Lane/Heapy Street. The assessment concludes the Gunco Lane/ Byrons Lane junction is expected to operate within capacity.

The Strategic Manager Highways has considered the Transport Assessment and raises no objections subject to conditions. It is considered that the proposal will not have any adverse impact upon the highway network. Whilst the views of neighbours are noted, they are not considered sustainable as reasons to refuse this application.

Members should note that the layout comprises 2 car parking spaces per dwelling (200%). This level of parking provision exceeds the maximum parking standard as expressed in PPG13 which requires one parking space per 2 and 3 bedroomed dwelling. It is considered that the provision of car

parking will make this development, which is in a highly sustainable location close to the town centre, overly reliant on the car. It is recognised, however, that neighbours are concerned about the impact of the proposal upon the highway network and parking congestion experienced on Gunco Lane. Whilst the parking is excessive, conditions concerning the use of different materials to the parking hardstandings will assist in breaking up the area and can be imposed. On balance, whilst the parking is excessive it can be accepted given the concerns expressed by neighbours in this case.

Forestry

The development proposals can be implemented with the removal of mainly low value trees and shrubs, the loss of which will have limited impact within the immediate environment/wider amenity, and can be off set by a specimen landscape scheme.

The proposals have been amended since the previous application, mainly to address requests from adjoining residents in Beech Grove and Byrons Lane to retain the Leylandii between their properties and the site. This has been accommodated by the Applicant. A 25 metre length of this hedge is proposed for retention to the eastern boundary in order to maintain a physical separation between the area of proposed ecological mitigation and neighboring residential properties.

Landscaping

The soft landscape proposals are generally acceptable to the Landscape Officer subject to the addition of a shrub bed along the base of the proposed retaining wall to soften the structure. If the application is approved the Landscape Officer recommends that landscape and boundary conditions are imposed. No objection is therefore raised from a landscape perspective.

Nature conservation

Consideration has been given to the EC Habitats Directive 1992 which 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,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

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

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

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

PPS9 (2005) advises LPAs to 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. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... 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.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “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 detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, consideration is given to the findings of the protected species survey undertaken on behalf of the applicant. This report has established that there are no species of note on the site that are protected by the Habitat Directive. However, there are species present afforded protection under the 1981 Wildlife and Countryside Act.

A licence from Natural England is required to affect this habitat. This is a separate legislative framework, however, English Nature are unlikely to issue any licence in the absence of a valid planning permission.

The Nature Conservation Officer is satisfied with the mitigation proposed by the Applicants ecologist and has suggested conditions in respect of controlling development during the breeding bird season and these are felt appropriate and are therefore recommended.

Flood Risk

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. The Environment Agency raises no objections to the proposals. On this basis, the flood risk is low.

Renewable Energy and Waste

It is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted and subsequently implemented as part of this scheme.

It is also a requirement of Policy 10 of the Cheshire Waste Plan 2007 to minimise waste during development and subsequent occupation. A waste audit has been submitted which is considered to meet the development Plan requirements. A condition is recommended to ensure the requirements of the Audit are delivered.

S106 Legal Agreement

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, there are requirements for commuted sum payments in lieu of on site provision of amenity and recreational space. In respect of these matters it is considered that the requirements stipulated are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development proposed.

Likewise the commuted sum payment is necessary to ensure this development complies with the adopted planning policy in lieu of recreation, sport and amenity open space provision also complies with point (a) to (c) above and both proposed elements of the S106 Agreement also relate directly to surrounding area of the site and are appropriate in scale and kind.

It is not considered that the CIL Regulations refer to the affordable housing elements of the S106 Heads of Terms as detailed below

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site has been identified in the Macclesfield Strategic Housing Land Availability Assessment as a potential housing site, likely to come forward in the next 5 years, and would assist in meeting the requirement for the additional housing requirement of 400 dwellings per annum. Whilst, other material considerations such as recent Ministerial advice to Local Planning Authorities to treat new housing proposals on their merits rather than

focussing on RSS targets for new housing development are noted, this scheme is considered to meet a housing need in the Borough that is known.

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby.

The proposal would bring environmental improvements and the Strategic Highways Manager is satisfied that the proposals to upgrade Gunco Lane in the form of pavement and junction widening are appropriate.

Whilst the original intent of the developer was to undertake direct works to Kings Fields in lieu of amenity/recreation commuted sum payments, it has now been agreed to provide commuted sum payments in line with the adopted S106 SPD. The request for a financial contribution from British Waterways is noted, however, it is not considered that this request meets the CIL tests and is unreasonable.

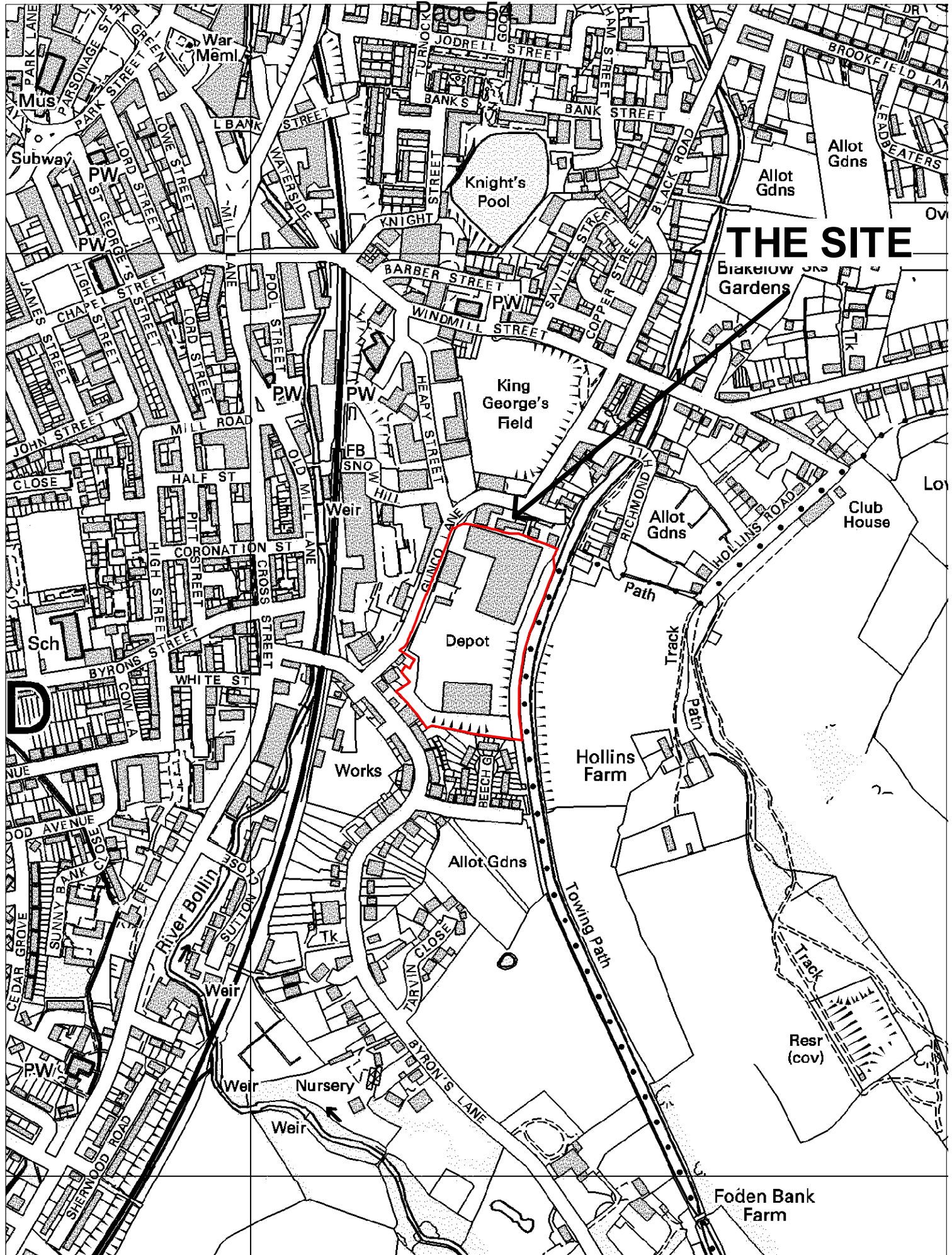
The proposal is considered to be an appropriate use of the site in planning terms and conditions can be imposed that will safeguard the amenity of the locality. On this basis planning permission should be granted in accordance with the Development Plan. There are no other material considerations which would justify not granting planning permission in this case.

SUBJECT TO

The following conditions and the satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

- Provision of a minimum of 25% genuinely Affordable Housing in the form of social rented housing (15 units) and intermediate housing (16 units).
- Provision of financial contributions in lieu of on site play and sporting provision (£372,000)
- Monitoring costs



10/0832M - R H STEVENS GUNCO LANE MACCLESFIELD

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Application No: 09/2806W
Location: MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SZ
Proposal: INTERIM EXTENSION TO SAND WORKINGS AT MERE FARM QUARRY
For HANSON QUARRY PRODUCTS EUROPE LTD
Registered 01-Sep-2009
Policy Item No
Grid Reference 382310 375011

Planning Reference No: 09/2806W
Application Address: Mere Farm Quarry, Chelford Road, Nether Alderley.
Proposal: Extension to sand workings
Applicant: Hanson Quarry Products Europe Ltd, Hanson House, 14 Castle Hill, Maidenhead, Berkshire, SL6 4JJ
Application Type: Major mineral application
Grid Reference: 382310 375011
Ward: Bucklow Alderley
Earliest Determination Date:
Expiry Dated: 13 Dec 2009
Date of Officer's Site Visit:
Date Report Prepared:
Constraints: Manchester Airport Safeguarding, Wind Turbine consultation area, Green Belt

SUMMARY RECOMMENDATION:

Approve subject to conditions and amended Section 106 legal agreement

MAIN ISSUES:

Validity of application
 Need for sand extraction
 Impact on hydrology
 Loss of agricultural land
 Protected species
 Ecological enhancement and restoration

1. REASON FOR REFERRAL

The application is a major mineral development and therefore needs to be brought before the Board for determination.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located approximately a kilometre east of Chelford, to the north of the A537 and east of the A535, and 8km west of Macclesfield. Access to the

quarry is by a dedicated tarmac road with deceleration and acceleration lanes directly off the A537. This access road connects with the processing plant, stockpile area and site offices and car park.

The proposed site is a 6 ha extension to the north west of the existing quarry. This land is currently improved pastureland surrounded by hedges and fencing with occasional mature trees. The land has been classified as grade 2 and 3a agricultural land which is considered best and most versatile.

Immediately to the south of the extension lies the active excavation of the existing quarry with previously quarried areas to the south east now consisting of a large lake. The processing plant, settling lagoons, stockpiles and offices lie approximately a kilometre east of the proposed extension. Beyond a 60 metre wide strip of agricultural land to the west of the site lies the A535.

The closest properties on the A535 are approximately 350m to the south west, whilst Roadside Farm lies 300m to the north with the land falling to Pedley Brook a further 450m north. To the north east of the site and north of the quarry are a number of isolated properties all gaining access off Bollington Lane, with most set within existing woodland. The nearest of these properties to the site is Sandlewood Farm which lies approximately 250m to the east. Public footpath Chelford No 2 has been diverted to the north of the existing excavation and currently runs through the proposed site in an east west direction.

Existing screen mounding and tree planting ensures that the majority of active workings or site infrastructure is not visible from either the west (A535) or the south (A537) and existing woodland to the north and east also aid to screen activity.

The quarry has generally been worked from east to west exploiting a sand body that has varied in thickness between 10 and 25m and consists of two deposits separated by a clay band varying from 2 to 4 metres thick. Soils and clay overburden tends to vary in depth between 0.4 to 1.5m. Historic extraction rates for the sand vary between 250,000 and 280,000 tonnes a year, although this rate has dropped in recent years due to the downturn in the economy. The maximum production is equivalent to 42 HGV's a day.

From 1988, the local watertable has been reduced by continued pumping to enable sand to be removed down to 60m AOD although recent depths are between 63 and 65m AOD, equal to a working depth of less than 20m. Ground levels outside the quarry vary from 90m AOD to the east of the quarry to 78m to the west.

Sand is excavated by wheeled front loaders and taken by conveyor to a pump house where oversized material (stone) is sieved out and the sand is mixed with water and then pumped by pipeline to the processing plant. Sand is then settled out and the surplus water further settled in lagoons and a large lake, ready for reuse or discharge via pipeline crossing third party land to Pedley Brook.

3. DETAILS OF PROPOSAL

A 6 ha extension to the quarry is proposed in a northern direction. Of the 6 ha, 3.5 ha would be excavated and the remaining 2.5 ha used for screening and soil storage. An additional 500,000 tonnes of sand would be extracted from the area.

There is now less than a year of permitted reserves remaining and the applicant considers the proposed reserves, which are the last available, should provide an additional three years of production, taking working up to the permitted completion date for the quarry of 2014. Six on-site jobs, together with servicing and HGV driving jobs, would be safeguarded for the duration of the additional excavation works.

Soils would be stripped from the excavation area and stored in mounds up to 3m high for topsoil and 5m high for subsoil along the north, east and west boundaries of the site or partially used directly to restore other parts of the quarry. Overburden would be relocated to the existing working area to create an island within what would become one of a number of restored lakes.

Existing hours of quarry working are 0730 to 1800 Monday to Friday and 0730 to 1230 on Saturdays, with no working on Sundays or Bank Holidays. The proposed extension would retain these hours.

Restoration of the site is proposed and would result in an additional 3.5 ha of lake, 0.2 ha of marginal habitat and 2.3 ha of woodland. An amendment to the existing proposed restoration of the quarry immediately adjoining the proposed extension would also be required. It is proposed to separate a lake to the south west of the existing quarry, from that now proposed, with a land bridge along which the diverted public footpath No 2 would be relocated (its original route). To the north would be the new lake containing an island and significant marginal habitat. Land to the west, north and east of the new lake would be planted to woodland.

4. RELEVANT HISTORY

Mere Farm Quarry is a large established sand quarry that has operated since the 1970's under several planning permissions, the latest of which is 5/06/02940 granted in June 2008 and permits extraction until April 2014 followed by a comprehensive restoration scheme. The sand extracted, has been used for concrete and building purposes.

5. POLICIES

Regional Spatial Strategy

DP1: Spatial Principles

DP4: Make the best use of existing resources and infrastructure

DP7: Promote Environmental Quality

EM7: Mineral Extraction

Local Plan Policy

Cheshire Replacement Minerals Local Plan

Policy 1: Sustainability

Policy 2: Need

Policy 9: Planning Applications

Policy 15: Landscape

Policy 17: Visual Amenity

Policy 20: Archaeology

Policy 23: Nature Conservation

Policy 25: Ground Water/ Surface Water/ Flood Protection

Policy 26/27: Noise

Policy 28: Dust

Policy 29: Agricultural Land

Policy 31: Cumulative Impact

Policy 33: Public Right of Way

Policy 34: Highways

Policy 37: Hours of Operation

Policy 41: Restoration

Policy 42: Aftercare

Policy 47: Sand and Gravel Area of Search

Macclesfield Borough Local Plan

NE 2: Protection of Local Landscapes

NE 3: Landscape Conservation

NE 11: Nature Conservation

GC 2: Green Belt

RT 8: Access to Countryside

DC 19: Water Resources

Other Material Considerations

Mineral Planning Statement 1

6. CONSULTATIONS

Manchester Airport has raised concerns regarding the possible increased risk of bird strikes and would wish to see a number of conditions added to any permission.

Natural England has not objected to the application but does recommend a condition to protect breeding birds and draws the Council's attention to the regulations governing protected species.

The Environment Agency have been significantly involved with issues relating to surface and groundwater on and around the site, partially in response to complaints and objections received. They originally objected to the proposed development but have, based on further information and negotiation, withdrawn that objection. See later comments on ecology.

The Archaeological Officer has no objection to the proposal subject to conditions relating to a watching brief including advanced notification of commencement and access by the archaeologist to the site.

The Environmental Health Officer raises no objection to the proposal.

The Public Rights of Way Officer raises no objection to the proposal and notes the affect on Public Footpath No 2 Chelford. The standard advisory note covering work on public rights of way is recommended for inclusion within any decision notice.

The Highway Engineer notes that the existing access is to be used and the proposal would not generate more traffic than existing. Therefore, as the existing development has not caused any significant highway issues, he has raised no objection.

The **Council's Ecologist** has no objection to the proposed development subject to conditions to ensure;

- no development within 30m of badger setts
- that a further badger survey is undertaken immediately prior to commencement
- that a standard condition is applied to protect breeding birds
- barn owl boxes are provided
- a detailed landscaping plan is provided
- a management plan is submitted and agreed.

Overall it is considered the restoration of the quarry is likely to secure significant gains for nature conservation.

The Council Landscape Officer notes that there would be a loss of hedgerow and mature trees and that this would have a moderate impact in terms of landscape impact. Proposed screening, using soils, would effectively screen the site except for users of footpath No 2 during operations. No objections are raised.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

Nether Alderley Parish Council has no objection to the proposed development, but considers it should receive benefits from a Section 106 legal agreement.

8. OTHER REPRESENTATIONS:

Objections have been received from 9 local residents, some of which relate to ongoing neighbour and third party disputes, one of which has now been resolved leading to the withdrawal of an objection. The issues raised were;

- The application is invalid as no ownership (blue line) information has been provided.

- The application boundary doesn't cover the whole development as the full quarry and any discharge routes should be included and owners notified accordingly
- The application should be accompanied by an Environmental Impact Assessment.
- The quarry has caused ponds and brooks to dry out and affect wildlife including great crested newts.
- Great crested newts have been inadequately surveyed.
- The quarry has caused flooding.
- There is no need for the sand, the quarry is big enough already and further green belt and farmland would be lost
- Noise.
- Promised benefits in terms of restoration are not being delivered.
- The site isn't being adequately maintained

9. APPLICANT'S SUPPORTING INFORMATION:

The application was accompanied by;

- supporting statement,
- revised restoration plan,
- Assessment of Environmental Impact of Noise, prepared by Vibrock Ltd and dated 29/05/2009,
- Ecology Report dated 06/03/2009,
- Agricultural Land Classification and Soil Resource Survey, dated 05/01/2008,
- Landscape and Visual Assessment, dated June 2009,
- Water Issues Assessment, prepared by Entec 20/07/2009, to which were later added;
- Water Features Survey, prepared by Entec dated 14/04/2010
- Flood Risk Assessment prepared by Entec dated 14/04/2010.
- Letter from applicant dated 12 May 2010 enclosing a note on translocation (of GCN's) from ponds within existing permitted area.

10. OFFICER APPRAISAL

Principle of Development

The application is valid as the appropriate forms and plans have been submitted.

It is not necessary to include within the application the remaining currently consented quarry and plant, nor long existing off-site water discharge arrangements as raised by an objector.

Prior to the submission of the application the proposed development was subjected to screening under the Town and Country (Environmental Impact Assessment)(England and Wales) Regulation 1999, and the then Cheshire County Council provided an opinion that an Environmental Statement was not required. This opinion was challenged by a local resident and the views of the Government Office for the North West were sought. The Government Office concurred with the Council that no Environmental Statement was necessary to accompany the application and the application was therefore valid.

Mere Farm Quarry has produced building and construction sand for use in the local economy since the 1970's. The use of the quarry for sand production has therefore been established.

The current planning permission (5/06/2940) requires the completion of extraction and final restoration of the site by 28 April 2014. Reserves of sand in the currently consented area are now becoming exhausted and the operator is now seeking consent to work an additional 3.5 ha area that would provide 500,000 tonnes of sand over a three year period. The additional extraction would be undertaken within the existing time limits for completion and are proposed to be worked in accordance with existing conditions attached to the quarry's operation.

Whilst the demand for sand is linked to economic activity and therefore has declined in recent years, there is still a need. Mineral Planning Statement 1 emphasises the need to ensure there is an adequate and steady supply of minerals, such as sand, utilised by society and the economy. To meet need, the Statement provides guidance on the provision and maintenance of landbanks, which for sand is set at 7 years supply. The North West Aggregates Working Party established the Cheshire sand reserves at 31st December 2008 as 16.4 million tonnes, which was equivalent to 8.3 years historic supply. There is therefore considered to be a need for further reserves to be released.

The proposed extension is located within an Area of Search as identified within the Cheshire Replacement Minerals Local Plan and therefore subject to policy 47 of the Plan which states;

Any additional reserves required to maintain the landbank for sand and gravel will only be permitted from within the Area of Search as defined on the Proposals Map, unless exception circumstances prevail.

The extension site therefore has policy support.

Green Belt and Agriculture

The quarry is within the Green Belt.

Planning Policy Guidance 2 : Green Belts identifies that minerals can only be worked where they are found, that their extraction is a temporary activity and that mineral extraction need not be inappropriate development or conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained and that the site is well restored. It is considered that the proposed extension is not contrary to Green Belt policy.

The proposed development will entail the permanent loss of some grade 2 and 3a agricultural land, this being considered the best and most versatile. However, this loss is balanced by the prudent use of a mineral resource and the restoration of the site to provide biodiversity and the creation of a number of valuable habitats, primarily open water, reedbeds, and tree planting.

Ecology

The site is within the consultation zone for Manchester Airport where development likely to result in increased bird strikes on aircraft can be of concern. The Airport Authority have made a number of recommendations to be applied as conditions that would reduce any hazard, including constructing the proposed island so that it remains sparsely vegetated, reduce shallow margins and plant reeds or emergent vegetation, require marginal fencing should Canada Geese become established, prohibit feeding and produce a bird management plan. All are recommended as conditions and could be incorporated within a revised restoration and management plan.

The Council's Ecologist has also recommended conditions including a detailed landscape plan that can pick up on the issues above, together with a management plan.

In order to access sand below the watertable, the quarry workings have been pumped dry since 1988, this has artificially reduced the watertable within the area of pumping and surrounding areas. The pumping is only necessary within the area of extraction, so pumping has ceased in those areas worked out, and the watertable has returned to approximately original levels.

Surface water flows have also been affected over the life of the quarry, were originally surface water would have flowed out of the quarry site, it now flows internally into the ponds and lakes created. There has therefore been a small impact on watercourses since quarrying commenced.

An existing Section 106 legal agreement attached to the quarry development requires monitoring boreholes to be regularly checked and flows within Bag Brook to the south of the quarry to be augmented if necessary. Further augmentation of local ponds is carried out by the operator voluntarily on landowner's requests.

The Environment Agency has noted some discrepancy between existing water discharge consents and actual discharges and is in discussion with the operator to vary or regularise these consents. These are not planning matters.

Surface water on the proposed extension site flows eastwards to a small intermittent watercourse that runs along the east boundary of the extension site. This watercourse then runs in a northerly direction to feed Pedley Brook. The loss of surface water flow from the majority of this 6ha site is not considered to be significant. There will be no impact on surface waterflows within Bollington Pits which is over a kilometre to the east.

Objections have been received claiming existing ponds are affected by the pumping exercise and down-draw of the watertable and this will be made worse by a further extension to the quarry. As the underlying geology in this area is sand, ponds can only exist if they are on a perched watertable which in this area is provided by fluvial and glacial clays. Providing the watertable isn't in continuity with these clay drift deposits (which doesn't appear to be the case), movements in the watertable caused by pumping are not likely to impact on ponds. Water loss from ponds occurs through evaporation and transpiration and or leakage through an imperfect seal. Water levels within ponds may also be affected by reduced surface flow into them. Historic reduction in surface flows are likely to be related to past excavation. It is considered that the temporary further pumping to the extension site is unlikely to have any additional impact on local ponds.

The objection relating to flooding was investigated and found to be caused by woodland clearance unrelated to quarry activity.

The proposed development is not reasonably likely to result in an adverse impact upon great crested newts. Whilst earlier phases of the quarry development have encountered the species and mitigation ponds and habitats have been created, it is not considered they are present within the area now applied for.

A number of badger setts have been recorded around the site and it is recommended that no disturbance takes place within 30 metres of them. There will also be a slight loss of foraging area and although tree planting is proposed as part of the restoration it is considered an element of fruiting trees should be planted as mitigation. These matters can be controlled by condition and incorporated within detailed landscape and management plans.

Local residents have complained that promised restoration and amenity facilities have yet to materialise. However, it should be noted that whilst the restoration will provide such facilities, the site is still an active quarry and subject to health and safety constraints. As such, public access can

not at this time be provided within the quarry working areas. The proposed extension would not extend the workings or restoration of the site beyond the consented completion date of 2014.

The Parish Council consider that planning gain should be delivered through a Section 106 legal agreement but have not indicated what is necessary or why. Operators of large facilities such as quarries do at times voluntarily offer planning gain and this is often incorporated into a legal agreement. However, Local Authorities can only impose such agreements in cases where the development would be unacceptable without the agreement. That is not the case here.

The restoration scheme does provide significant habitat gain; it is principally for nature conservation, amenity and agricultural use. Aftercare and maintenance of the restored site can be controlled by condition requiring a 5 year scheme, in view of the nature conservation uses proposed it is recommended this be extended by Section 106 to a total of 15 years, that is an additional 10 years beyond that required by condition.

An existing Section 106 legal agreement requires the monitoring of hydrology in accordance with an approved scheme and augmentation of flows in Bag Brook. These agreements will need to be reviewed within an updated agreement by way of a deed of variation should permission be granted.

Residents have also raised issues over site maintenance and noise. These are issues that have and will continue to be investigated by the monitoring and enforcement officer. The Environmental Health Officer has no objection to the proposed extension subject to existing conditions including those dealing with noise being applied.

An initial objection regarding a disputed water discharge pipe that has operated since 1988 and handling the flow of surplus water from the site to Pedley Brook has now been resolved between the quarry operator and landowner and the objection removed.

11. CONCLUSIONS

The proposed extension to Mere Farm Quarry would enable an additional half million tonnes of sand to be extracted over the remaining three years of the quarry's existing consent. The extension area lies to the north west of the existing quarry and would involve the progressive excavation of 3.5 ha of agricultural land within a 6 ha field; the remaining land being utilised for soil storage. The extension is proposed to be worked in accordance with the existing conditions applied to the quarry. The existing restoration plan for the quarry, which includes a number of lakes and ponds, tree planting, areas for nature conservation and agriculture, would need to be amended. This will result in additional areas of lake, woodland and habitat creation.

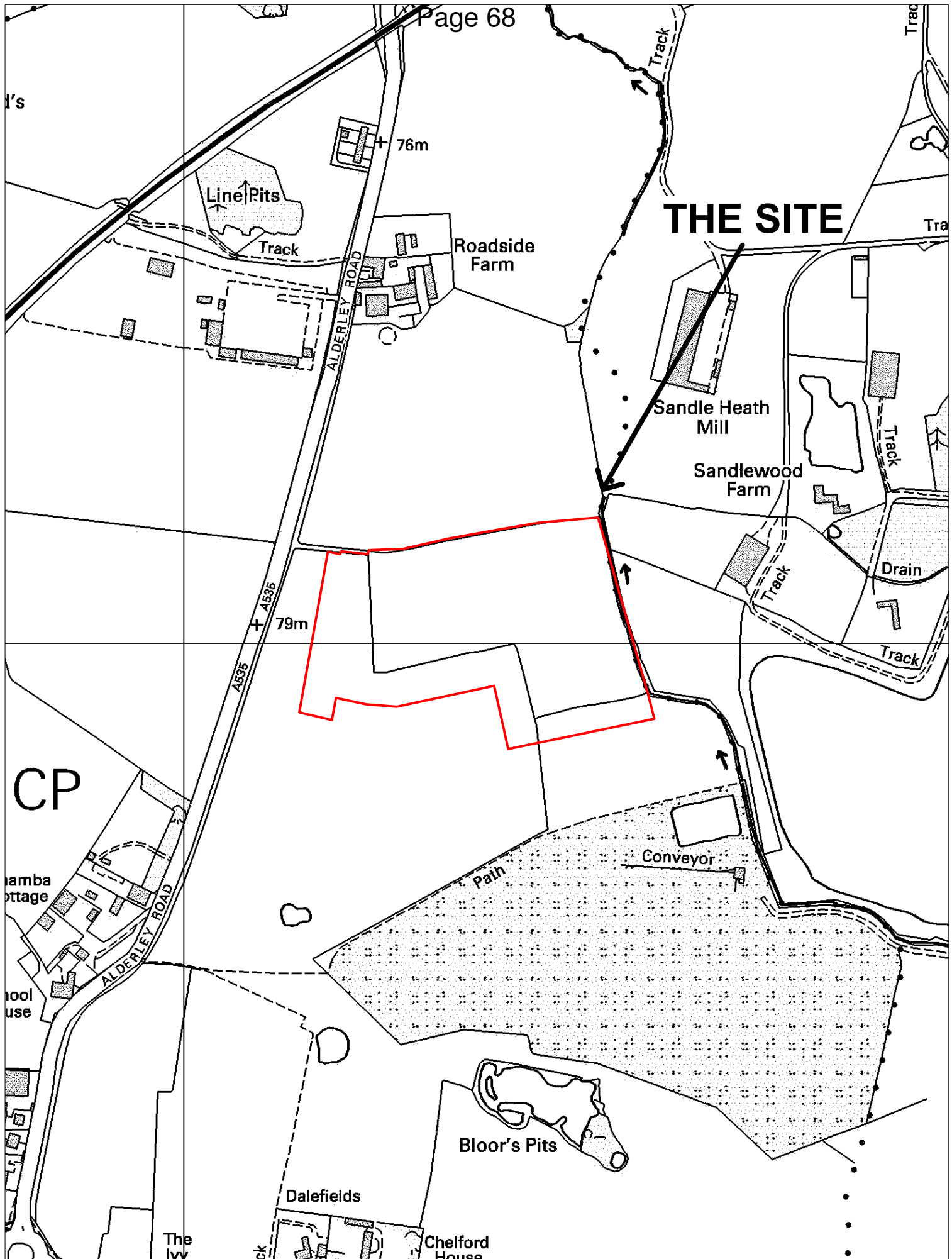
Whilst there would be a small loss of quality agricultural land this is compensated for by the release of sand reserves and restoration that will provide significant biodiversity. It is not considered the extension would adversely impact on protected species.

Development of the quarry over past decades has entailed the local watertable being affected by continuous pumping and also led to localised reductions in surface flow. Whilst the watertable will rebound once quarrying is completed in 2014, historic impacts on surface flows will remain. It is not considered that the extension will significantly impact on either surface or groundwater flows.

12. RECOMMENDATIONS

APPROVE subject to entering into a deed of variation to update the existing Section 106 agreement and enter into further agreement to secure an additional 10 year aftercare scheme beyond the five years required by condition and subject to the following conditions:-

- 1. The replication where relevant of the existing 68 conditions attached to the current permission for the quarry that deal with;**
Duration of working
Hours of working
Traffic
Method of working
Plant and machinery
Noise
Dust
Drainage
Pollution control
Archaeology
Site maintenance
Soil stripping and storage
Restoration
Aftercare
Plus additional conditions;
- 2. No working within 30 metres of badger setts**
- 3. Additional badger survey in advance of working**
- 4. Protection of breeding birds**
- 5. Provision of barn owl boxes**
- 6. Submission of detailed landscaping plan**
- 7. Submission of a habitat and management plan**



09/2806W MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SZ
 NGR- 382,310:375,030

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of Meeting: 26 January 2011
Report of: Strategic Director - Places
Subject/Title: Interim Planning Policy on Release of Housing Land

1.0 Report Summary

- 1.1 At its meeting on 18 October 2010, Cabinet considered the requirement to maintain a five year supply of housing land and approved the draft Interim Planning Policy on the Release of Housing Land to manage the release of additional land as an interim measure pending the adoption of the Local Development Framework Core Strategy. This report considers the responses that have been received to the consultation that took place on the draft policy and proposes revisions to the draft Interim Planning Policy in the light of the comments made.

2.0 Recommendation

- 2.1 That Strategic Planning Board recommends that Cabinet recommends that Council:
1. approves the housing requirement figure of 1150 net additional dwellings to be delivered annually, to be used pending the adoption of the Local Development Framework Core Strategy;
 2. adopts the Interim Planning Policy on the Release of Housing Land as set out in Appendix 2 and agrees that it be used in the determination of planning applications.

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.

3.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including – Carbon Reduction

- 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 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 supply of housing land.
- 8.2 The Town and Country Planning Act 1990 requires that, in dealing with a planning application, the authority shall have regard to the provisions of the development plan and to any other material consideration. Although there may be arguments over the status of the Interim Planning Policy it will be promoted as a material consideration in determining planning applications for new housing development. 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 Widespread consultation has been carried out on the draft policy with town and parish councils, stakeholders, the local community and the Housing Market Partnership in accordance with the Statement of Community Involvement. Although it has not been through the full process of an LDF document, the consultation process and its adoption following amendments due to that process will give weight to the policy and it will be a matter for both Members and, on appeal, the Planning Inspectorate or the Secretary of State to judge that balance in considering individual applications.

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.
- 10.2 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 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.
- 10.3 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.
- 10.4 The overall level of housing that the Council has to deliver over that fifteen year period has been set out in the Regional Spatial Strategy. As Members will be aware, the Government has written to Local Authorities setting out its intention to revoke Regional Spatial Strategies on 6th July this year. However following the judgement on the judicial review for CALA Homes in November 2010, Regional Spatial Strategies will remain as part of the development plan until formally revoked through the Localism Bill. Once Regional Spatial Strategies have been revoked when the Localism Bill is enacted, references in the Interim Planning Policy Statement to the RSS will no longer apply. As a consequence of this, the

annual housing supply figure for Cheshire East as set out in RSS will continue to be relevant. This figure will be reviewed a part of the preparation of the Local Development Framework. 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.

- 10.5 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.
- 10.6 Stakeholder consultation on the Issues and Strategic Options for the Core Strategy took place during November and December 2010. One of the key options consulted on was the proposed level of housing growth for the Borough. These options took into account the findings from the Council's Strategic Housing Market Area Assessment and the projections for population and employment growth.
- 10.7 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.
- 10.8 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. The Regional Spatial Strategy housing requirement figure for Cheshire East is an average of 1150 net new dwellings per annum and this reflects the average level of house building in the Borough that was being delivered in the ten years up to April 2010.
- 10.10 **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

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

- 10.11 The Local Development Framework Annual Monitoring 2010 report calculated the Council's five year supply of housing land at 1 April 2010 as 4.58 years. This figure was calculated following a full review of potential sites carried out in parallel with the preparation of a Strategic Housing Land Availability Assessment for the whole of Cheshire East.
- 10.12 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".
- 10.13 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.

Report of Consultation on Interim Policy to Manage the Release of Housing Land

- 10.14 Given the current housing supply position and the timescale for the adoption of the Council's Core Strategy and Site Allocations documents, Cabinet agreed at its meeting on 18 October 2010 to consult on a draft Interim Planning Policy on the Release of Housing Land and to use the draft interim policy in the determination of planning applications for sites which do not form part of its identified supply of deliverable housing sites pending the adoption of the Local Development Framework Core Strategy.
- 10.15 Consultation on the draft Interim Planning Policy was carried out between 8 November and 17 December 2010. Notification of the consultation was sent to all town and parish councils, statutory consultees, organisations, businesses and individuals registered on the LDF database. A press release was issued and publicity given on the Council's website. The document was available for inspection at the Council offices and libraries and on the Council's website.
- 10.16 Comments were received from 70 respondents, many setting out detailed consideration of the wording of the policy. In total over 277 separate comments were made. 61 respondents supported the policy in principle as a means of ensuring that the Council maintains a 5 year supply of housing land and is able to properly plan for the sustainable development of its settlements through the LDF. Appendix 1 sets out a summary of the points

raised and recommendations for revisions to the Interim Planning Policy to address issues of concern.

- 10.17 A full report of consultation setting out full details of the comments received can be viewed on www.cheshireeast.gov.uk/ldf
- 10.18 The revised Interim Planning Policy is set out in Appendix 2.
- 10.19 The adopted Interim Planning Policy will be used in the determination of planning applications and appeals. The Policy will remain in place until additional development sites are allocated through the LDF Core Strategy. The need for and effectiveness of the Policy will be kept under review as part of the Local Development Framework Annual Monitoring Report.

11.0 Access to Information

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

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Interim Planning Policy on Release of Housing Land Responses to comments received during consultation

Abbreviations

LDF – Local Development Framework

SHLAA – Strategic Housing Land Availability Assessment

SHMA – Strategic Housing Market Assessment

The revised wording of the Interim Policy and its explanatory text is shown in ***bold italics***. Text in **bold** is unchanged from the draft.

Comment	Response and recommendation
<p>Contrary to PPS3 guidance; a number of paragraphs are cited in representations in particular 32-35 relating to the assessment of the appropriate level of housing; 36 – 39 providing homes in suitable locations; 60-61, managing flexible and responsive supplies; 62-67 Implementation strategy; 68-74 determining planning applications.</p> <p>Contrary to PPS12 in particular para 6.4 that states that local planning authorities should not produce planning guidance other than SPD where the guidance is intended to be used in decision making or the coordination of development. This could be construed as wishing to circumvent the provisions for consultation and sustainability appraisal which SPDs have.</p>	<p>The underlying concept behind the guidance in PPS3 is that Local Authorities should plan, monitor and manage the supply of housing. Local Development Framework should provide sufficient homes in suitable locations, of a mix of types and tenures to meet the needs of the local area. A five years supply of deliverable sites should be maintained.</p> <p>The delivery of housing development should be monitored to ensure that there is an adequate supply. Appropriate measures should be taken to manage the supply. If there is not an adequate supply, planning applications for housing are to be viewed favourably.</p> <p>The Council has commenced the preparation of its Local Development Framework which will develop a strategy for the planned location of new housing development until 2030 in accordance with PPS3 para 38. Through its monitoring of the supply of deliverable sites as advised in para 60 of PPS3, it is evident that there will not be a 5 years supply of deliverable sites in the period up until the Core Strategy is adopted. The Council has therefore developed the Interim Policy on the Release of Housing Land as a strategy to manage the supply in the meantime, in accordance with advice in para 52, 57 and 64 of PPS3. Should the Council fail to take any action to manage the supply of deliverable sites to maintain a 5 years supply, it would apply the advice in para 71 to view planning applications for residential development favourably..</p> <p>The Council is satisfied that the Interim Policy accords with the advice set out in PPS3 and reflects the “plan, monitor, manage” approach that is advocated.</p> <p>Recommendation 1: No change</p>
<p>Contrary to PPS12 in particular para 6.4 which states that local planning authorities should not produce planning guidance other than SPD</p>	<p>The Interim Policy on the Release of Housing Land is to be adopted as Council policy not planning guidance. It has been subject to consultation, sustainability appraisal and Habitats Regulation Assessment.</p>

<p>where the guidance is intended to be used in decision making or the coordination of development. This could be construed as wishing to circumvent the provisions for consultation and sustainability appraisal which SPDs have.</p>	<p>Recommendation 2: No change</p>
<p>The purpose and status of the Interim Policy should be made clearer</p>	<p>Paragraph 2.21 of the Background to the Interim Policy explains the weight to be given to the Interim Policy. It is proposed that the status of the Policy should be set out more clearly in the introduction.</p> <p>Recommendation 3:</p> <p>Revise para 1.4 of the Introduction to the Interim Policy to read:</p> <p><i>“The Interim Policy has been prepared in accordance with guidance in PPS3 to ‘plan, monitor and manage’ the supply of housing to ensure that there is a five years supply of deliverable sites. The Interim Policy has been the subject of consultation, sustainability appraisal and Habitats Regulations Assessment. It was adopted by Cheshire East Council on [date] to manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the Local Development Framework Core Strategy. The policy has been developed in a manner so that it would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework. The Interim Policy is adopted Council Policy and will be used in the consideration of planning applications following its adoption as a ‘material consideration’.”</i></p> <p>Recommendation 4: Delete paragraphs 1.7 to 1.9 and 2.20 to 2.21 of the contextual material to the Interim Policy referring to the consultation on the draft policy.</p>
<p>Should include reference to RSS Policies L4, DP5, DP6.</p> <p>The RSS housing provision figures for the three constituent authorities should be retained.</p>	<p>Since the approval of the draft Interim Policy, there has been a judicial review by Cala Homes, as a result of which RSS continues to be part of the development plan until the legislation is passed that revokes it. With the enactment of the Localism Bill, references to RSS policies within the Interim Policy will no longer be applicable.</p> <p>It would therefore be appropriate to include a reference to the RSS Policy L4 that sets out the Regional Housing Provision as the context for the housing requirement. The Council has been advised by the Government Office that it should plan on the basis of the combined figures of the three constituent authorities.</p> <p>Policies DP5 and DP6 relate to the accessibility of development and linking areas of economic opportunity to</p>

	<p>areas of greatest need. It is considered that they are not significant enough to warrant reference in the context to the policy.</p> <p>Recommendation 5: Revise paragraph 2.7 sentences 2 and 3 to read:</p> <p><i>“The Government has indicated that it intends to revoke Regional Spatial Strategies, however, following a successful legal challenge, they continue to be part of the development plan until the legislation has been passed. Policy L4 of the North West of England Plan, Regional Strategy to 2010 requires local authorities to monitor and manage the availability of land to achieve the housing provision set out in Table 7.1 of the policy. The total for the Cheshire East constituent authorities is 1150 net additional dwellings per annum. This figure reflects the level of house building in the Borough that was delivered in the ten years up to April 2010.”</i></p> <p>Recommendation 6: Delete paragraphs 2.8 – 2.11</p> <p>Recommendation 7: Revise paragraph 2.12 to read:</p> <p><i>“The Regional Spatial Strategy housing provision figure of 1150 net additional houses per annum will continue to be the housing requirement for Cheshire East until it is reviewed through the Local Development Framework.”</i></p>
Argues that a higher annual housing target should be set based on evidence in the SHMA	<p>The review of the housing requirement using evidence from projections and the SHMA will be carried out as part of the preparation of the LDF Core Strategy. The RSS housing requirement will continue to be used until then.</p> <p>Recommendation 8: No change</p>
<p>Queries the calculations of housing land supply;</p> <p>Need to ensure that assessment of sites is robust and that sites are deliverable</p>	<p>The assessment of sites has been carried out in consultation with the Housing Market Partnership and has been carried out in a robust manner in accordance with a methodology agreed with the Partnership. The calculations have been published. It is acknowledged that the current housing market and difficulties in securing finance may be affecting developers’ ability to commence the development of sites, however, the sites are available for development and should be included in the supply figures.</p> <p>Recommendation 9: No change</p>
Queries whether the policy will deliver sufficient land	<p>It is estimated that the policy could enable the release of sites capable of accommodating approximately 1700 dwellings taking the supply to about 6 years. The effectiveness of the policy will be kept under review as part of the LDF Annual Monitoring Report.</p> <p>Recommendation 10: No change</p>
Important that the sites released do	Paragraph 2.16 of the context to the Interim Policy explains

<p>not prejudice the preparation of the LDF</p>	<p>how the development of Crewe is fundamental to the strategy for the LDF.</p> <p>Recommendation 11: No change</p>
<p>Seeks release of land in Macclesfield and all Key Service Centres;</p> <p>Argues that housing should be delivered where there is most demand in the north of the Borough in towns other than Crewe;</p> <p>A number of Greenfield sites on the edges of towns have been proposed</p>	<p>The purpose of introducing the policy is to secure the managed release of sufficient land for housing development in the short term pending the development of a strategy to guide the development and growth of the Principal Towns and Key Service Centres through the LDF.</p> <p>It is recognised that there are a number of areas within towns of the Borough that may have potential for to support the regeneration of the town. These sites will be considered and determined using policies contained within the existing Local Plans.</p> <p>The LDF will give full consideration to the need for housing development in all parts of the Borough and the suitability and sustainability of potential sites.</p> <p>Whilst the Interim Policy properly gives full endorsement to developments around Crewe, it does not explicitly prohibit development elsewhere. These can be still be considered according to the specific merits of each proposal.</p> <p>Recommendation 12: No change</p>
<p>Development should be permitted in other towns where it would contribute to delivery of significant infrastructure to the benefit of the community eg at Middlewich</p>	<p>An Infrastructure Plan is being prepared to support the delivery of the LDF and the introduction of the Community Infrastructure Levy. Full consideration will be given through the preparation of the LDF to the amount and location of development required in other towns to support the delivery on local infrastructure.</p> <p>It is recognised that there are a number of areas within towns of the Borough that may have potential for to support the regeneration of the town. These sites will be considered and determined using policies contained within the existing Local Plans.</p> <p>Recommendation 13: No change</p>
<p>The Interim Policy should not be based on the Crewe Vision;</p> <p>The policy could create an oversupply of housing in Crewe;</p> <p>Policy would lead to sites coming forward in an uncoordinated manner.</p>	<p>Crewe is a Principal Town and the Council has agreed that it should be the focus for significant future growth to develop its role as a sub-regional centre. The Crewe Vision has been drawn up to provide an overarching strategy to guide the development of plans and strategies (including the LDF) to deliver this ambition.</p> <p>It will be for developers to demonstrate as part of their planning applications that any sites released under this policy can be delivered within 5 years.</p> <p>The Policy will enable the local authority to manage the release of a limited number of sites around the edge of Crewe as well as redevelopment sites in other towns.</p>

	<p>Without the policy, the Council would be faced with considerable pressure from developers to release sites on the edge of towns and villages throughout the Borough in an uncoordinated manner.</p> <p>Recommendation 14: No change</p>
<p>Urban extensions to Crewe need to be masterplanned. The release of smaller sites should not jeopardise the comprehensive planning of larger urban extensions.</p>	<p>A number of potential urban extensions to Crewe have been proposed by developers as long term growth areas. Options for the future directions of growth of Crewe up to 2030 will be considered as part of the LDF.</p> <p>The release of sites under the Interim Policy will have to consider how the site could form part of a possible urban extension in the area.</p> <p>Recommendation 15: No change</p>
<p>The release of Greenfield sites on the edge of Crewe is not supported ahead of the development of available brownfield sites.</p> <p>Green Belt sites should not be released</p>	<p>The SHLAA has identified and assessed the potential of brownfield sites within settlements for housing development. Those that are deliverable in the next 5 years have been included in the 5 year land supply figures. The results demonstrate that taking these brownfield sites into account the supply of housing land is less than 5 years and there is therefore a need to identify further greenfield sites to maintain an adequate supply.</p> <p>The Interim Policy does not propose the release of any sites in the Green Belt.</p> <p>Recommendation 16: No change</p>
<p>Should define “in and around Crewe”</p>	<p>The policy clearly states that sites will be permitted “adjacent to the settlement boundary of Crewe, subject to 4 provisos.” Para 3.2 confirms this and that the village of Shavington is excluded.</p> <p>Recommendation 17: No change</p>
<p>The Interim Policy should refer to the Greater Crewe area as envisaged in the Crewe Vision, including Shavington</p>	<p>A number of potential sites around Shavington have been included in the SHLAA. Shavington has not been included in the Interim Policy to enable consideration to be given to the future role of this settlement and the assessment of the suitability of potential sites through the LDF.</p> <p>Recommendation 18: No change</p>
<p>Sites in the Green Gap should not be excluded</p>	<p>The Interim Policy reflects saved policies in the Crewe and Nantwich Local Plan which includes a policy to safeguard the Green Gap between Crewe and Nantwich. It is considered that sufficient housing sites can be made available outside the Green Gap to meet the short term need for additional housing land.</p> <p>Recommendation 19: No change</p>
<p>Should exclude land reserved for</p>	<p>It is understood the Leighton Hospital is reviewing its future</p>

<p>“operational need of hospital”</p>	<p>development needs. Until their plans are known, it would be appropriate to continue to safeguard this area of land.</p> <p>Recommendation 20: Add an additional bullet point to section 1 of the Interim Policy to read:</p> <ul style="list-style-type: none"> • “is not within an area safeguarded for the future operational need of Leighton Hospital “
<p>Should explain how infrastructure requirements will be delivered and how contributions will be assessed and secured towards “strategic highway network”</p>	<p>Developers will be required to mitigate for the potential impacts of their proposals through contributions secured under S106 agreements in accordance with Circular 5/2005. The contributions will be subject to negotiation with the developer. They will be required to submit a Traffic Impact Assessment as part their planning applications.</p> <p>Recommendation 21: No change</p>
<p>Concerned that the release of sites on the edge of Crewe will lead to congestion and will impact on access to the hospital and other community infrastructure</p>	<p>Developers will be required to mitigate for the potential impacts of their proposals through contributions secured under S106 agreements. They will be required to submit a Traffic Impact Assessment as part their planning applications.</p> <p>Recommendation 22: No change</p>
<p>Mixed use developments should not require housing developer to build out employment floor space.</p>	<p>Where housing development is allowed under this policy to enable sites to come forward for development for mixed uses, including employment uses, a legal agreement will be sought to ensure that the housing development makes a contribution to the delivery of other uses on the site. The requirement on each proposal will vary and will be subject to negotiation with developers.</p> <p>Recommendation 23: No change</p>
<p>Allocated employment areas at Basford East and West should be included so that housing development can help to deliver these sites</p>	<p>These significant areas of land extending to 150ha are flagship sites of sub-regional importance are allocated for employment development. Any proposals for housing development on these sites need to be considered through existing policies or the LDF as part of the overall strategy for Crewe and should demonstrate how they will support the wider delivery of employment development on these strategic sites. The focus of the Interim policy is to look at areas not currently identified for development and it is criteria based rather than being site specific. As such it would not be appropriate to include detailed proposals for individual sites.</p> <p>Recommendation 24: No change</p>
<p>Should indicate which town centres the policy refers to</p>	<p>Town centres are defined in the policies in the three Local Plans.</p> <p>Recommendation 25: No change</p>
<p>Should include an explanation of the</p>	<p>Paras 3.5 – 3.6 of the justification to the policy explain that</p>

<p>term “regeneration area”, does this differ to the general term “brownfield land”</p> <p>It is unlikely that additional dwellings will be realised through this source.</p>	<p>“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.” Local Plan policies usually safeguard these areas for town centre and employment uses. The Interim Policy will enable consideration to be given to securing the redevelopment of these sites by including an element of housing as part of a mixed use development.</p> <p>“Brownfield land” refers to any site that have been previously developed. Where there are no policy safeguards on the future use of these sites, they may be brought forward for housing development under the current of the Local Plans’ policies.</p> <p>Recommendation 26: No change</p>
<p>Developers should be required to demonstrate as part of their planning application that the development is deliverable in 5 years;</p> <p>The size of sites released under the Interim Policy should be limited eg to 100 houses</p>	<p>When considering development proposals brought forward under the Interim Policy, the Council will wish to ensure that the site is capable of being developed within 5 years. This will depend on the developers’ ability to build and market the houses on the site. It is considered that it would be unduly restrictive to set a maximum size for sites to be released.</p> <p>Recommendation 27: Add the following after the first sentence in para 3.3</p> <p><i>“Developers will be required to demonstrate as part of their planning application that the development is deliverable within 5 years. Conditions may be attached to planning permissions to grant consent for a limited period and require that sites to be started within a prescribed period.”</i></p>
<p>Site should be “substantially” completed in 5 years.</p>	<p>It is acknowledged that it is difficult to be precise about the rate of development of a site and this will depend on housing market conditions. However, the introduction of the word “substantially” introduces a degree of uncertainty into the policy that will be difficult to define.</p> <p>Recommendation 28: No change</p>
<p>The affordable housing requirement should be reduced from 35% to 30% in line with the Interim Planning Statement on Affordable Housing.</p> <p>Some respondents propose a reduction to 25%</p>	<p>Greenfield sites outside settlement boundaries that are to be released for housing development under the Interim Planning Policy will be released as exceptions to the adopted Local Plan policy. In normal circumstances, these sites would be released until they were allocated in the LDF, in 2013 - 2014.</p> <p>In view of the exceptional circumstances around the release of these sites, and the consequential saving in the developers’ time and expenses in seeking the allocation of these sites, the Council is seeking to ensure that sites released under the Interim Policy deliver a high level of affordable housing that is needed under the current market conditions.</p>

	<p>The Economic Viability testing of potential development sites demonstrated that under normal market conditions greenfield sites should be able to deliver 35% affordable housing.</p> <p>Recommendation 29: No change</p>
The affordable housing requirement should be expressed as a target and not a minimum	<p>There are circumstances where a single target may have advantages over a minimum figure. However the Interim Policy is designed to release land ahead of the normal development plan process and has a particular emphasis on promoting affordability. In these circumstances it is appropriate to be explicitly promotional in encouraging additional affordable homes. As such references to a minimum should remain.</p> <p>Recommendation 30: No Change</p>
The viability caveat should relate to greenfield sites as well as brownfield	<p>This caveat recognises that brownfield sites are often subject to exceptional development costs which may affect the viability of proposals.</p> <p>The Interim Planning Statement on Affordable Housing sets out the procedures for assessing the viability of schemes.</p> <p>Recommendation 31: No change</p>
Should not require Code for Sustainable Homes Level 4	<p>Government targets will require all new housing to achieve a Code rating of level 3 by 2010 and level 4 by 2013. The Planning and Energy Act 2008 and the Planning for Climate Change supplement to Planning Policy Statement 1 provide the powers and guidance to local planning authorities in England to impose reasonable requirements for development in their area to comply with energy efficiency standards that exceed the energy requirements of the Buildings Regulations.</p> <p>The Council wishes to ensure that housing built on any sites released as exceptions under this policy is well designed and energy efficient. Most of the houses built under the Interim Policy will be constructed from 2013 onwards and should therefore be designed to comply with the Level 4 requirements. Developers are fully aware of the requirements under the Code for Sustainable Homes and have had time to prepare for its introduction and to include any costs arising from it in their valuations of sites to be developed in the next five years.</p> <p>Recommendation 32: No change</p>
Should not require Building for Life Silver standard	<p>Policy BE2 of the Crewe and Nantwich Local Plan sets out design principles that should be taken into account with the aim of ensuring that new development is well designed.</p> <p>“Building For Life” is an accepted national standard for assessing the quality of design of new residential development. Achieving the Silver standard or higher is the</p>

	<p>measure of a well designed development.</p> <p>Recommendation 33: No change</p>
<p>It could be construed that the requirements set out in the second and third set of bullet points in the Interim Policy could be applied to all housing development permitted whilst the Interim Policy is in operation and not just the exceptional sites released under the first part of the policy.</p>	<p>The Interim Policy would not be used in the consideration of sites that could be approved under the saved Local Plan policies. However, for the sake of clarity, the following revisions are proposed.</p> <p>Recommendation 34: revise the Interim Policy to read:</p> <p>Housing development on greenfield sites <i>permitted under this policy</i> will be required to deliver:</p> <p>Recommendation 35: revise the Interim Policy to read:</p> <p>Subject to the assessment of the economic viability of the scheme, housing development on mixed use redevelopment sites <i>permitted under this policy</i> will be expected to deliver:</p>
<p>Should explain how policy will be monitored and how it will be reviewed</p>	<p>Agreed</p> <p>Recommendation 36: Add the following at the end of para 2.13</p> <p><i>“The effectiveness of the policy will be kept under review as part of the LDF Annual Monitoring Report.”</i></p>
<p>The sustainability appraisal only compares the impact of implementing the policy against doing nothing. It should consider other options</p>	<p>Although the guidance states that “the consideration of reasonable alternatives is a legal requirement under the SEA Directive”, guidance also states that “only reasonable, realistic and relevant options need to be put forward”.</p> <p>The only reasonable and realistic option developed was that in the Interim Policy, as this would allow the 5 year supply to be met without compromising the future development of the LDF. It is considered that the sustainability appraisal was carried out in an appropriate manner.</p> <p>Recommendation 37: No change</p>
<p>Habitats Regulation Assessment (HRA)</p>	<p>The HRA Screening Report identified that a full HRA was required. Subject to consultation, the HRA has identified the need for mitigation measures to be included in the policy to require that the developer ensures that the location and design of new development will not negatively impact upon a designated or candidate European Site.</p> <p>Recommendation 38: Delete final sentence of para 1.6 and replace with</p> <p><i>“The HRA has identified the need for mitigation measures to be included in the policy to require that the developer ensures that the location and design of new</i></p>

	<p><i>development will not negatively impact upon a designated or candidate European Site.”</i></p> <p>Recommendation 39: Amend section in the Interim Policy relating to Greenfield sites to read:</p> <p><i>“Housing development and its infrastructure on greenfield sites will be required to demonstrate that they will not impact on the designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or Conservation (Natural Habitats) Regulations 2007 and to deliver:”</i></p>
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1 Introduction

1 Introduction

1.1 This document sets out the Council's policy approach to maintaining a five years 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 2013.

1.4 *The Interim Policy has been prepared in accordance with guidance in PPS3 to 'plan, monitor and manage' the supply of housing to ensure that there is a five years supply of deliverable sites. The Interim Policy has been the subject of consultation, Sustainability Appraisal and Habitats Regulations Assessment. It was adopted by Cheshire East Council on [date] manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the **Local Development Framework** Core Strategy, in a manner that would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework. **As adopted Council Policy, the Interim Policy will be used in the consideration of planning applications with immediate effect following its adoption as a 'material consideration'.***

Sustainability Appraisal and Habitats Regulations

1.5 The Council has prepared a Sustainability Appraisal (SA) to test and refine the policies and proposals in this document. Sustainability Appraisal is a systematic process, which is carried out during the production of planning documents to ensure that policies and proposals contribute towards relevant environmental, social and economic objectives.

1.6 In addition amendments made to the UK Conservation (Habitats and etc) Regulations 2006 require a Habitats Regulations Assessment (HRA) under Article 6(3) and (4) of the Habitat Directive 92/43/EEC for all land use plans likely to have a significant effect on a European site. European sites consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Sites (OMS). **The HRA has identified the need for mitigation measures to be included in the policy to require the developer ensures that the location and design of new development will not negatively impact upon a designated or candidate European Site.**

2 Background

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 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.

2 Background

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. ***The Government has indicated that it intends to revoke Regional Spatial Strategies, however, following a successful legal challenge, they continue to be part of the development plan until the legislation has been passed. Policy L4 of the North West of England Plan, Regional Strategy to 2010 requires local authorities to monitor and manage the availability of land to achieve the housing provision set out in Table 7.1 of the policy. The total for the Cheshire East constituent authorities is 1150 net additional dwellings per annum. This figure reflects the level of house building in the Borough that was delivered in the ten years up to April 2010.***

2.8 ***The Regional Spatial Strategy housing provision figure of 1150 net additional houses per annum will continue to be the housing requirement for Cheshire East until it is reviewed through the Local Development Framework.***

Managing the Five Year Housing Land Supply

2.9 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. ***The effectiveness of the Interim Housing Policy will be kept under review as part of the Local Development Framework Annual Monitoring Report.***

2.10 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".

2.11 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

2.12 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

2 Background

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.

2.13 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

2.14 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% of the housing being affordable 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.

2.15 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.

3 Interim Planning Policy on the Release of Housing Land

3 Interim Planning Policy on the Release of Housing Land

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;
 - ***is not within an area safeguarded for the operational needs of Leighton Hospital;*** 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 ***and its infrastructure*** on greenfield sites ***permitted under this policy*** will be required ***to demonstrate that they will not impact on the designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or Conservation (Natural Habitats) Regulations 2007 and 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 ***permitted under this policy*** 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.

3 Interim Planning Policy on the Release of Housing Land

Justification

3.1 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.

3.2 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.

3.3 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. ***Developers will be required to demonstrate as part of their planning application that the development is deliverable within 5 years. Conditions may be attached to planning permissions to grant consent for a limited period and require that sites to be started within a prescribed period.*** For sites that will require a longer period for development, permission will only be granted for the first phase of the site.

3.4 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.

3.5 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.

3.6 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.

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of Meeting: 26th January 2011
Report of: Strategic Director - Places
Subject/Title: Interim Planning Statement on Affordable Housing

1.0 Report Summary

- 1.1 The Cabinet approved the draft Interim Planning Statement on Affordable Housing on 20th September 2010. This report considers the responses that have been received to the consultation that took place and proposes revisions to the draft Statement in the light of comments made.

2.0 Recommendation

- 2.1 That Strategic Planning Board recommend that Cabinet recommend Council to adopt the Interim Planning Statement on Affordable Housing as set out in Appendix 2 and agrees that it be used in the determination of planning applications.

3.0 Reasons for Recommendations

- 3.1 To ensure that the Council has up to date planning guidance on affordable housing pending the adoption of a new Council wide policy in the Local Development Framework.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All members

6.0 Policy Implications including – Carbon Reduction – Health

- 6.1 The Interim Planning Statement on Affordable Housing provides guidance on the delivery of policies on affordable housing. New housing is required to achieve high levels of energy efficiency and provide healthy living conditions.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 There are no operational financial implications of this statement as any change in officer time in negotiating schemes and S106 agreements will be managed within existing budgets.

- 7.2 Paragraph 2.13 of the Interim Planning Statement on Affordable Housing recognises that the requirements will result in a cost to the developer. This in turn will impact on the value of any land that the Council sells for housing.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Town and Country Planning Act requires that in dealing with a planning application the authority shall have regard to the provisions of the development plan and all other material considerations. It will be argued that as this policy has gone through the consultation procedure, and following adoption, it should be given substantial weight by members and inspectors in deciding individual applications and appeals.

9.0 Risk Management

- 9.1 The 2010 Strategic Housing Market Assessment has demonstrated the continuing high level of demand for affordable housing throughout the Borough that warrants an increase in the target for the amount of affordable housing to be provided on development sites. Without the introduction of the Interim Housing Policy on Affordable Housing, a lower level of affordable housing would be provided.

10.0 Background and Options

- 10.1 The Council has inherited three different planning policies for affordable housing in the Local Plans of the predecessor district authorities. The Crewe and Nantwich and Congleton Borough Local Plans both seek a minimum target of 30% affordable housing on allocated and windfall sites. The Macclesfield Borough Local Plan requires a minimum of 25%. Differences exist in the threshold at which the affordable housing requirement is applied. The Macclesfield Local Plan does not contain a rural exceptions policy whereas the other two Local Plans do, albeit with slightly different wording
- 10.2 The three current Local Plans recognise that there may be instances when the level of affordable housing provided on individual sites might be influenced by economic viability issues. However, over the past 12 to 18 months, there has been an increasing number of occasions when developers have sought to provide a significantly lower level of affordable housing on sites due to viability issues which have been brought into sharper focus due to the down turn in the UK housing market. There is a lack of a clear framework for evaluating viability issues for individual planning applications.
- 10.3 An Interim Planning Statement on Affordable Housing was produced therefore to address these issues. The Planning Statement is intended to provide updated guidance on affordable housing provision, with particular reference to the determination of planning applications where there is an affordable housing requirement and to ensure consistency of approach in negotiating the provision of affordable housing. The Interim Planning Statement on Affordable Housing also addresses the increasing number of issues surrounding development economics and the viability of providing affordable housing.

- 10.4 Members will recall that at the Cabinet meeting on 20th September 2010 it was agreed that, subject to the endorsement of the document by the Strategic Planning Board, a draft Interim Planning Statement on Affordable Housing was approved for consultation purposes, and agreed 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.
- 10.5 The document was subsequently endorsed by the Strategic Planning Board at its meeting on 6th October 2010 and was subject to public consultation between 8th November and 17th December 2010. Notification of the consultation was sent to all town and parish councils, statutory consultees, organisations, businesses and individuals registered on the LDF database. A press release was issued and publicity given on the Council's website. The document was made available for inspection at the Council offices and libraries and on the Council's website.
- 10.6 During the consultation period 233 representations were received from 39 respondents. A full report of consultation setting out full details of the comments received can be viewed on www.cheshireeast.gov.uk/ldf
- 10.7 Appendix 1 contains a summary of the consultation responses and the Council's comments to them with recommendations for revisions to the Interim Planning Statement, where appropriate. It is also proposed to amend the document to refer to the Regional Spatial Strategy for the North West which has now been reinstated as part of the Development Plan and other minor typographical errors. Once Regional Spatial Strategies have been revoked as part of the Localism Bill, references contained in the Interim Planning Policy Statement on the Release of Housing Land will no longer apply and will be removed.
- 10.8 A copy of the Interim Planning Statement on Affordable Housing incorporating these amendments is contained in Appendix 2.
- 10.9 The revised Interim Planning Statement on Affordable Housing will be used in the determination of planning applications and appeals. The Policy will remain in force until such time as new affordable housing policies are in place through the Local Development Framework Core Strategy and Site Allocations and Policies Documents. The effectiveness of the Policy will be kept under review as part of the Local Development Framework Annual Monitoring Report.

11.0 Access to Information

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

Name: Richard House
Designation: Local Development Framework Manager
Tel No: 01270 686612
Email: richard.house@cheshireeast.gov.uk

Interim Planning Statement on Affordable Housing
Responses to comments received during consultation

COMMENT	RESPONSE AND RECOMMENDATION
<p>A number of respondents have argued that the Council is endeavouring to introduce targets for affordable and low cost housing through the IPS whereas they should be included in the Local Development Framework. Paragraph 6.1 of PPS12 states that SPDs should not be prepared to avoid the need for examination. The requirement for low cost market housing is a new policy to Crewe and Nantwich and Macclesfield and Macclesfield Local Plan requires 25% affordable housing.</p>	<p>Whilst the establishment of an affordable housing policy for Cheshire East will be undertaken as part of the Local Development Framework, the Core Strategy is unlikely to be adopted until the end of 2013. It is important, in the light of new evidence of affordable housing need across the Borough which has emerged in the Strategic Housing Market Assessment, that interim policy is put in place as soon as possible to provide a consistent approach to achieving affordable housing through the planning process.</p> <p>Recommendation 1: No Change</p>
<p>The targets for affordable housing have not been fully tested for their impact on viability and practicality of housing development as required by PPS 3 and PPS 12.</p>	<p>As part of the work carried out on the Strategic Housing Market Assessment, a robust assessment of the viability of affordable housing targets was undertaken. The assessment indicated that a 35% target was a viable policy option. The viability assessment was agreed by the Housing Market Partnership. The interim policy statement seeks a 30% target only which is considered should generally have no impact upon the viability of development schemes.</p> <p>Recommendation 2: No Change</p>
<p>The expression of the target of 30% affordable housing as a target implies that the Council may seek a higher proportion of affordable housing on a particular scheme and that the burden of demonstrating why this is not possible will be placed on developers. The Council should therefore state that the affordable housing requirement will be 30% subject to viability and other considerations.</p>	<p>The targets for affordable housing in the three existing adopted local plans are expressed differently; Congleton as a minimum, Crewe and Nantwich as a maximum and Macclesfield unqualified. In order to achieve consistency and certainty for developers it would preferable that the target in the IPS should be unqualified. i.e. the target for affordable housing will be 30% and will not be expressed as a minimum or a maximum figure to be achieved.</p> <p>Recommendation 3: Delete “ a minimum of” from Paras 3.1, 3.3, 3.7 and 3.13</p>
<p>The contribution to affordable housing on all sites of three or more dwellings or 0.2 acres in size in settlements of less than 3,000 population is unviable.</p>	<p>The need for affordable housing in our smaller rural communities is significant and all opportunities to provide affordable housing should be utilised. The interim</p>

	<p>policy statement provides for flexibility in individual cases where it can be satisfactorily demonstrated that viability is an issue.</p> <p>Recommendation 4: No Change</p>
<p>The Council cannot specify the size, type, tenure and price of market housing. This would be contrary to PPS3. The requirement for 25% low cost market housing is therefore unacceptable.</p>	<p>The Strategic Housing Market assessment provides evidence that not only is there a substantial need for affordable homes but that there is a need for smaller market housing to meet the needs of first time buyers across the Borough . it is reasonable therefore for the interim policy to endeavour to secure this across the Borough and not solely in the former Congleton Borough where such a policy has been successfully operated for a number of years.</p> <p>Recommendation 5: No Change</p>
<p>There is no basis in policy or viability to require the Code for Sustainable Homes standards to be applied to affordable homes if there is no grant available. The Government has cancelled the proposed requirement for the Homes and Communities Agency for affordable dwellings to be built to Level 4 of these standards.</p>	<p>In the light of the Government's decision to cancel the proposed move to Level 4 of the Code for Sustainable Homes in respect of the Homes and Communities Agency funding regime, it would be unduly onerous for the Council to require this standard. It is recommended therefore that Level 3 should be minimum requirement although we would encourage Level 4 wherever possible.</p> <p>Recommendation 6: Revise Para 4.9 to read “affordable homes.....should achieve at least Level 3 of the Code for Sustainable Homes (2007) and will be expected to achieve at least Level 4 by 2013.”</p>
<p>The requirement for the affordable units in a development to be provided not later than the sale or let of 50% of the open market housing is unreasonable because the sale of market houses helps to finance the cost of the affordable units and because this would preclude the ‘pepper potting’ of the affordable units throughout the development which the Council requires.</p>	<p>It is accepted that the requirement for all affordable units to be provided prior to 50% of the open market housing being completed can act against ‘pepper potting’ of affordable homes throughout a scheme. It is would be appropriate therefore for the document to be amended to require all affordable units to be provided prior to 80 % of open market housing in schemes with a high degree of ‘pepper potting’.</p> <p>Recommendation 7: Revise paras 4.10 and 5.3 to refer to all affordable units to be provided prior to 80 % of open market housing in schemes with a high degree of ‘pepper potting’</p> <p>Add the following at the end of paras 4.10</p>

	<p><i>“However, in schemes that provide for the phased delivery and a high degree of ‘pepper potting’ of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable housing units may be increased to 80%”</i></p> <p>Revise para 5.3 to read</p> <p><i>“the Council will expect that the provision of affordable housing element will be phased in accordance with Para 4.10 of this Statement”.</i></p> <p>Delete “available and ready for occupation before 50% of the market housing is sold”.</p>
<p>The requirement for affordable housing to remain so in perpetuity is unacceptable to lenders at present and represents a significant obstacle to delivery of affordable housing.</p>	<p>The requirement for affordable housing to remain so in perpetuity is enshrined in the adopted local plan policies for the three predecessor authorities and should remain the baseline position. The document should however refer to occasions where the discount in Discounted Housing for sale may be purchased and the subsidy to be recycled. This should only be allowed at the discretion of the Council.</p> <p>Recommendation 8: Add the following at the end of para 2.6 to refer to the possibility of the discount to be purchased and the subsidy to be recycled but only in exceptional circumstances and at the discretion of the Council.</p> <p>“At the discretion of the Council and in exceptional circumstances there may be occasions when it would be appropriate to allow for the discount”</p>
<p>The Homes and Communities Agency has no mechanism for entering into partnership with non Registered Social Landlords.</p>	<p>Agreed</p> <p>Recommendation 9: Amend Paras 2.3 and 2.13 to delete reference to bodies other than RSL’s entering into partnerships with the Homes and Communities Agency.</p>
<p>The document should refer to key worker eligibility for affordable housing</p>	<p>Agreed</p> <p>Recommendation 10: Add the following to the end of para 2.9.</p> <p><i>“In addition an applicant may be eligible if</i></p>

	<i>he/she is a key worker and contributes to the community.”</i>
Rural exception schemes should accord with the Council's strategic priorities	<p>Agreed</p> <p>Recommendation 11: Add the following as the penultimate sentence in para 3.10:</p> <p>“In addition the provision needs to meet the strategic priorities of the Council in relation to the development of affordable housing in rural areas. These will be contained in the Housing Strategy for Cheshire East which is due to be published in spring 2011”.</p>
All rural exception sites should be in sustainable locations.	<p>Agreed</p> <p>Recommendation 12: Amend para 4.1 to state that all rural exception schemes “must” be located on sites which are sustainable.</p>

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Cheshire East

Interim Planning Statement on Affordable Housing



February 2011

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1 Introduction

1 Introduction

1.1 The document relates to the provision of all forms of affordable housing by developers on housing sites within the Borough. As such it sets out the Council's definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

1.2 This Interim Planning Statement (IPS) has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Area Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy.

1.3 The production of the IPS has been necessary because of changes to Government guidance since the Local Plans were adopted and sets out how that guidance will be applied pending the production of the Cheshire East Local Development Framework Core Strategy. It also reflects up to date housing need information for the Borough contained in the 2010 Strategic Housing Market Assessment. The IPS also addresses the increasing number of issues surrounding development economics and the viability of providing affordable housing.

Creating Balanced and Mixed Communities

1.4 A community's need for an appropriate balance and mix of housing including the provision of affordable housing is recognised at national level as a material consideration in determining planning applications for housing development. Government policy is to create sustainable communities that offer a wide range of housing and are socially inclusive.

1.5 Although the Borough has a stock of good quality housing with relatively low vacancy rates, in many areas there is an imbalance in the type and tenure of available housing. There is a need to ensure that future housing development in Cheshire East helps to support economic growth by providing for a range of income groups. This includes housing for economically active households seeking open market dwellings; households requiring affordable housing (both social rented and increased diversity of options through intermediate tenure). Such an approach will help to maintain long-term community sustainability and enhance the quality of life for local residents

1.6 The 2010 SHMA demonstrates strongest aspirations for traditional houses (three bedrooms in particular) from groups most likely to be economically active. It identifies a need to stimulate the housing market at all levels to ensure an adequate supply to accommodate a range of household types and income levels. Evidence suggests that across Cheshire East there is considerable market imbalance, with demand exceeding supply. Preferences are predominantly for houses (76.9%), followed by bungalows (15.4%) and flats (7.8%). Aspirations are therefore traditional and a key challenge is to reconcile this with development opportunities and site density requirements.

1 Introduction

1.7 In addition the SHMA identifies that, based on CLG modelling, there is a net shortfall of 1,243 affordable homes each year across the District for the five year period 2009/10 to 2013/14. On this basis there is both a clearly identified need for more affordable housing, but there will not be sufficient supply side opportunities through which this can be addressed. It is therefore important that the Council establish an affordable housing target within its LDF policies that secures a proper balance between the provision of affordable and market housing, reflecting the needs in Cheshire East.

1.8 In order to address these deficiencies and needs, the Council will expect that all sites for new housing developments contribute to the creation of balanced and mixed communities. Mixed and balanced communities are those which provide a mix of tenures, dwelling types and sizes appropriate to the needs of the local community. This is recognised at national, regional and local level as being important to achieving social diversity and avoids creating concentrations of deprivation. The extent to which a site can contribute towards achieving this mix will be dependent on the size of the site and other factors such as site characteristics, site suitability and economics of provision - on larger sites there will clearly be greater scope to provide a range of different house types and tenures.

1.9 Whilst it is expected that general market housing will continue to make a significant contribution to meeting future housing needs, the Council gives priority to addressing other forms of housing to ensure that the Borough's housing needs are properly met. The IPS seeks to address principally those other forms of housing - affordable housing, low-cost market housing, special needs housing etc. – which are required to create properly balanced and mixed communities.

The Borough's Need for Affordable Housing

1.10 The 2010 SHMAA shows that In terms of relative affordability, Cheshire East is ranked the 8th least affordable District in the North West. The SHMAA found a high level of need for affordable housing in the Borough with an estimated annual requirement of 1243 additional affordable homes per year.

1.11 The main need for affordable housing provision is for social rented accommodation but the SHMAA identifies that 35% of households in need would consider intermediate tenures

1.12 Analysis suggests that around 54.2% of annual affordable requirement is likely to be satisfied through existing supply and an element of newbuild (which varies by the former districts: in the former Crewe and Nantwich 60.3% of requirement is likely to be satisfied, Congleton 58.2% and Macclesfield 46.9%).

1.13 Analysis of affordable housing requirements suggests that a range of affordable dwellings are required, in particular two and three bedroom general needs properties to address the needs of families. It is important that particular care is taken to ensure that properties are built to reflect the demand from families and in the interests of long-term community sustainability.

1 Introduction

Background, National and Regional Policy

1.14 Planning Policy Statement 3 Housing (issued in 2006 and amended in 2010) states the national policy context for affordable housing.

1.15 Paragraph 29 of PPS3 states what should be included in Local Development Documents with regard to targets and specific details for the amount, type, size etc of affordable housing and these documents must be based on robust, shared evidence base, through a Strategic Housing Market Assessment (SHMA).

1.16 Paragraph 30 goes on state the advice for affordable housing in rural communities, mentioning local authorities adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, LPA's should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. These small sites should only be used for affordable housing in perpetuity and the policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

1.17 *At the regional level, the North West Regional Plan (policy L5) requires local authorities, using the results of up to date Strategic Housing Market Assessments and local studies, to address the need for more affordable housing and identify the methods by which they will aim to introduce an element of affordable housing into residential and mixed use development schemes, ensuring long term provision and availability in perpetuity, which may include the need to set conditions relating to occupancy.* Local policy is provided by the adopted Local Plans of the three former District Authorities as expanded on below. It should be noted that all three Local Plans and the Congleton Supplementary Planning Document 6 predated the publication of PPS3 in 2006.

Crewe and Nantwich Borough Local Plan

1.18 Policy RES 7 of the Crewe and Nantwich Replacement Local Plan (2005) sets a target of a maximum of 30% affordable housing on allocated housing sites and on windfall sites. In relation to windfall sites, the threshold for application of the policy is sites of 25 units or more or greater than 1.0 hectares in size. However in settlements of less than 3,000 population or less a lower threshold of 5 units is applied and exceptionally, where there is a proven need, the threshold is sites of more than 1 unit.

1.19 The Policy states that, in determining whether a site is suitable for an element of affordable housing, the local planning authority will take into account:

- Whether the existing affordable housing stock meets the identified need
- The proximity of the site to local facilities and public transport
- The targets in the plan derived from the 2005 Housing Needs Survey
- The suitability of the site for housing and
- Economics of provision

1 Introduction

1.20 This policy was modified by the former Crewe and Nantwich Borough Council in November 2005 to increase the affordable housing target to 35% and to lower the threshold to sites of 15 units or more or greater than 0.5 hectares in size. This reflected the findings and recommendations of the 2005 Housing Needs Survey for the former Borough of Crewe and Nantwich. The policy is therefore a material consideration, when dealing with planning applications. The modified policy could not, however, be saved by the Secretary of State under the Direction issued in February 2008.

Congleton Borough Local Plan and SPD 6

1.21 Policy H13 of the Congleton Borough Local Plan First Review (2005) states that the Council will negotiate the provision of an appropriate element of affordable housing on allocated sites and on unidentified housing sites of 1 hectare or more or comprising 25 or more dwelling units. The scale and nature of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities and other planning objectives.

1.22 Policy H13 is supported by the Supplementary Planning Document No.6 'Affordable Housing and Mixed Communities', which was adopted by Congleton Borough Council on 27th April 2006. On all sites which have been allocated for new housing in the Local Plan, the SPD states that the Borough Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated site is a minimum of 30%, in accordance with the recommendation of the 2004 Housing Need Survey.

1.23 The SPD also states that the Planning Authority will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.5 hectare or 15 dwellings or more. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%.

1.24 On allocated sites and windfall sites which are subject to an affordable housing requirement, there is also a requirement for 25% of dwellings to be 'low cost market housing'.

Macclesfield Borough Local Plan

1.25 Policy H8 and its supporting Reason set out and explain the position with regard to affordable housing requirements. Generally the policy provides that in developments of 25 or more dwellings, or on residential sites of 1 hectare or more, irrespective of the number of dwellings, the Council will negotiate for the provision of 25% of the dwellings as affordable housing.

1.26 Policy H8 also states that in settlements in rural areas with a population of 3,000 or fewer, the council will negotiate for a proportion of affordable housing to be provided on every housing proposal, where justified by reference to an assessment of housing needs and the available supply of land for housing.

1 Introduction

1.27 The policy states that in determining the level of affordable housing on specific sites, site suitability, economics of provision, the need to achieve a successful housing development and site size will be taken into account.

2 Delivering Affordable Housing

2 Delivering Affordable Housing

Definition of Affordable Housing

2.1 The government has defined affordable housing in Planning Policy Statement PPS3 'Housing' in November 2006 (revised 2010) as follows:

"It should meet the needs of households who are unable to access or afford market housing. It should be available at a cost low enough for them to afford, determined with regard to local incomes and local house prices. Its supply should include provision for the home to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

It can be:

- social rented (owned and managed by councils or registered social landlords); or
- intermediate housing (available at prices and rents above those of social rent, but below market levels)."

Acceptable Forms of Affordable Housing

2.2 As indicated above affordable housing may take the form of social rented or intermediate housing. Intermediate housing includes shared ownership schemes, discounted housing for sale and intermediate rent. Details of each of the main types are given below, although the Council will consider any other means of achieving affordable housing appropriate to the development:

Social Rented Housing

2.3 This refers to the provision of rented accommodation which is provided at levels no higher than the Homes and Communities Agency (HCA) target rents. The Council will normally require all social rented housing to be developed and managed by RSLs (Registered Social Landlords) as these organisations have as their prime objective the provision of social housing and are regulated by the HCA. Where an RSL is involved there are normally no reasons for the Council to impose legal restrictions on allocation, future occupation etc, other than those required to restrict eligibility on rural schemes (see Section 5). ~~Consideration will, however, also be given to other suitable providers of social rented housing undertaken in partnership with the HCA, but in such cases legal restrictions on eligibility and rental levels will be necessary (see Section 5).~~ The local authority will require, in the first instance, 75% nomination rights to all social rented properties and 50% on subsequent lettings. In order to ensure a balanced community is achieved, a local lettings policy may also be applied as stipulated within the Cheshire Homechoice service.

New Build Homebuy (Shared Ownership)

2.4 New Build Homebuy is a way of helping households to buy a share in their own home even though they cannot afford the full market value. The household purchases a share usually between 25 – 75% and pays rent on the remaining proportion to the managing Registered Social Landlord (RSL). Additional shares can be purchased which will enable a

2 Delivering Affordable Housing

resident to increase their equity share in the property. In 2009 the Government introduced new legislation whereby most of the rural parts of Cheshire East Council became 'Designated Protected Areas' whereby new affordable shared ownership dwellings in these areas would be subject to requirement that owners are either not able to acquire more than 80% equity in a property or if they acquire 100% equity, it has to be sold back to the RSL to retain as affordable housing in perpetuity.. The Council normally expect all schemes to be developed and managed by a RSL although consideration will be given to other suitable providers. In such cases legal restrictions on eligibility and rental levels will be necessary (see Section 5).

Discounted Housing For Sale

2.5 This refers to the provision of subsidised low-cost market accommodation through a re-sale covenant scheme. The principle is that the accommodation is available at a fixed discount below the open market value to households in need. The level of discount will be that which is required to achieve the maximum selling price determined by the Council for those in need locally who cannot afford to buy on the open market.

2.6 The individual circumstances of each case and the area will be taken into consideration and will need to be negotiated with the Council prior to the determination of the relevant planning application. Evidence has shown that in order to achieve an affordable price, the level of discount will normally be required to be a minimum of 30% and up to 50% of the market price. The discount applies on initial and all subsequent re-sales thus ensuring that the accommodation is retained as affordable. Further information on the operation of re-sale covenant schemes is available on request. Discounted housing for sale will normally be provided by a private developer, in which case it should be subject to a satisfactory arrangement to ensure that the benefit of below market price housing is available in perpetuity to future occupants. ***At the discretion of the Council and in exceptional circumstances there may be occasions when it would be appropriate to allow for the discount.***

2.7 The Council will consider other forms of discounting housing for sale that meets its affordable housing objectives.

Intermediate Rent

2.8 This is housing that is a step between social rented and renting at full market value. Intermediate rents are lower than full market rents but higher than social rents.

Eligibility Requirements

2.9 The underlying criteria for eligibility to affordable housing is that households must be in unsuitable housing and unable to afford to rent or buy on the open market. This is the Council's definition of housing need for affordable housing. ***In addition an applicant may be eligible if he / she is a key worker and contributes to the community.***

2.10 If an RSL is to manage the affordable housing, either for rent or sale, then the Council is satisfied that this will be sufficient to control both eligibility and future occupancy.

2.11 If affordable housing is developed by other housing providers the Council will require arrangements in place to ensure that any accommodation is available to those in housing need, as defined by the Council. Priority will also be required to be given to persons with a

2 Delivering Affordable Housing

direct connection to the location of the scheme – location being defined as the catchment area for the property as agreed with the Council. In this respect direct connection would be defined as currently living in the location, having a first line relative currently living in the location (having been there over 5 years), or currently in employment in the location.

2.12 In the case of rural exceptions site schemes further occupancy criteria, generally as set out below, will need to be followed, in addition to the main housing need requirement. The details of such criteria will be the subject of discussion with the relevant Parish Council (See Section 7)

Criteria for Rural Exception Sites

- Occupancy will generally be restricted to a person resident or working in the relevant locality, or who has other strong links with the relevant locality.
- The locality to which the occupancy criteria are to be applied will need to be agreed with the Council prior to determination of the relevant planning application. Generally this is taken as the Parish or adjoining Parishes.
- To ensure an adequate supply of occupiers in the future, the Council will expect there to be a "cascade" approach to the locality issue appropriate to the type of tenure. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the geographical area immediately surrounding the application site, widening in agreed geographical stages.

House Prices and Rent Levels

2.13 Social Rented and Intermediate Rented Accommodation - where an RSL is involved rental levels will be set at an affordable level by the RSL itself. For social rented accommodation provided by other providers ~~this must be in partnership with the Homes and Communities Agency and~~ the rental levels will also need to be clarified with the Council to ensure they are set at an affordable level. For intermediate rental schemes, rents are typically at no more than 80% of market levels. In all cases a Section 106 Agreement will be required to ensure that rental levels remain affordable

2.14 New Build Homebuy (Shared Ownership) - where an RSL is involved the rental element will be set at an affordable level by the RSL itself but will need to be clarified with the Council. For shared ownership provided by other providers this must be in partnership with the Homes and Communities Agency and the rental element will also need to be clarified with the Council to ensure they are set at an affordable level. In such cases a Section 106 Agreement will be required. As indicated in Para 2.4 above, in most of the rural areas of the Borough, the Government has applied restrictions on the amount of equity that an owner is able to acquire. The house price of each property will be based on the open market value prevailing at the time of marketing the property as agreed with the Council, less a discount off open market value.

2 Delivering Affordable Housing

2.15 Discounted Housing for Sale - the house price of each property will be based on the open market value prevailing at the time of marketing the property as agreed with the Council, less the appropriate discount to achieve the agreed maximum selling price based on evidence contained in the SHMA and as updated annually by the Council's Housing Section. A Section 106 Agreement will be required to ensure that the level of discount remains in force for all initial and subsequent re-sales.

Resourcing an Affordable Housing Scheme

2.16 The Council recognises that requiring developers to develop or to allow parts of their site to be used for non-market affordable housing will result in a cost to the developer. Developers should assume that no social housing grant is available to support the provision of affordable housing. Therefore, in order to offset these costs developers will be expected to take the requirement for affordable housing into account when negotiating land value with site owners.

2.17 Where an RSL is to be involved the developer will be required to subsidise the cost of providing the housing either through the provision of land or the building of the accommodation or through a financial contribution such as to enable the property to be sold or rented at an affordable level without the need for social housing grant. In such cases, the number of units and the developer's contribution will normally be expected to reflect the total cost of the required affordable housing minus the capital element that can be serviced through the rents.

2.18 Where funding is provided towards a scheme by the Homes and Communities Agency, there must be evidence that the grant is adding value over and above that which would be obtained without the funding.

Use of Financial and Other Contributions In-Lieu

2.19 As a rule, the Council would prefer to see affordable housing provided on-site. This is in line with Government guidance to encourage the development of sustainable and balanced communities. However, there may be physical or other circumstances where an on-site provision would not be practical or desirable. Such circumstances might include where:

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types
- management of the affordable dwellings on site would not be feasible
- it would be more appropriate to bring back existing vacant housing into use as affordable units
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area

2.20 In such exceptional cases and entirely at the Council's discretion, developers may, in lieu of such provision, provide off-site affordable housing, or offer financial or other contributions towards the provision of affordable housing on an alternative site.

2 Delivering Affordable Housing

2.21 Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need.

How to Achieve Affordable Housing

2.22 The policy requirement to provide affordable housing places an onus on the developer and/or landowner of a site to consider its provision prior to the sale or acquisition of a site.

2.23 To be accepted by the Council as affordable housing it must accord with the Council's definition of affordable housing as set out in this IPS, be of a suitable type and size, be on a suitable site and be subject to adequate arrangements to ensure its provision and continued occupancy by appropriate households. The IPS sets out precisely what those requirements are and all developers are expected to adhere to them.

2.24 Where a site meets the criteria for affordable housing as set out in the IPS, the Council will produce a Housing Needs Statement (HNS) for the site based upon current information. The HNS will set out the affordable housing needs of the area and the Council's requirements for the site in terms of the most appropriate mix of affordable house types and advise on the most appropriate means of securing their provision. Developers are therefore advised to approach the Council and seek early involvement of an RSL prior to submission of a planning application to enable negotiations to be entered into at an early stage.

2.25 Achieving affordable housing will require liaison between the developer and the relevant Sections of the Council. Depending on the nature of the housing it may also be appropriate to involve any third party responsible for managing the scheme and the Homes and Communities Agency in discussions. The agreed provision will then be secured through the use of planning obligations attached to the approved scheme.

2.26 In respect of rural exceptions schemes, the Council will require that a local housing needs survey is carried out before submitting a planning application in order to determine the extent of any need.

3 Site Specific Requirements for Affordable Housing

3 Site Specific Requirements for Affordable Housing

Allocated Sites

3.1 On all sites which have been allocated for new housing in any of the Congleton, Crewe and Nantwich and Macclesfield Local Plans, the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a **minimum of 30%**, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing. In addition, the Council will require the provision of an element of the market housing to be unsubsidised low-cost market housing (see para. 3.13).

Windfall Sites - Settlements of 3,000 Population or More

3.2 Planning Policy Statement 3 'Housing' states that the minimum site-size threshold above which affordable housing is to be sought should be 15 dwellings or more. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

3.3 The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate. In addition, the Council will require the provision of an element of the market housing to be unsubsidised low-cost market housing (see para. 3.13). Where a scheme is for 100% affordable housing, an RSL should be involved in managing a proportion of the units in order to achieve a mix of tenures.

3.4 On sites below the size threshold the provision of affordable housing will not be a material consideration in determining the application, but developers are invited to consider making provision for an element of such housing as part of the overall scheme. In particular, the Council may seek the provision of an element of unsubsidised low-cost market housing in some areas to overcome deficiencies in this sector of the market.

3.5 In applying the size threshold, site areas will normally be measured to the natural, physical perimeters of the site. It will not be acceptable for developers to divide a site into smaller components in order to take the site below the threshold.

Windfall Sites - Settlements of Less Than 3,000 Population

3.6 Planning Policy Statement 3 'Housing' states that local authorities may wish to set lower minimum thresholds in rural areas where viable and practical this approach is supported by the 2010 Strategic Housing Market Assessment, subject to substantiating evidence.

3 Site Specific Requirements for Affordable Housing

3.7 Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate. In addition, the Council may seek the provision of an element unsubsidised low-cost market housing (see para. 3.13).

3.8 On small sites the Council may agree that a payment in lieu of on-site provision is more appropriate to enable the affordable housing needs of the area to be met through provision elsewhere in the area or by other means, such as rehabilitation of empty properties. On sites below the size threshold the provision of affordable housing will not be a material consideration in determining the application, but developers are invited to consider making provision for an element of such housing as part of the overall scheme. In particular, the Council may seek the provision of an element of unsubsidised low-cost market housing in some areas to overcome deficiencies in this sector of the market.

3.9 In applying the size threshold, site areas will normally be measured to the natural, physical perimeters of the site. It will not be acceptable for applicants to divide a site into smaller components in order to take the site below the threshold.

Rural Exception Sites

3.10 Planning Policy Statement 3 'Housing' advises Local Planning Authorities to consider releasing sites solely for affordable housing in rural areas where planning permission for housing development would not normally be allowed. The Congleton and Crewe and Nantwich Local Plans both contain policies for these 'rural exception sites'. Such sites must be close to existing or proposed services and facilities. Proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL. In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community. The Council's Rural Housing Enabler can give advice on the methodology for the survey which should normally be carried out either by, or in association with, the Parish Council. Unless the survey indicates a need for such provision, planning permission will not be granted. ***In addition the provision needs to meet the strategic priorities of the Council in relation to the development of affordable housing in rural areas. These will be contained in the Housing Strategy for Cheshire East which is due to be published in Spring 2011.*** Section 7 of this statement gives further information on how Parish Councils can assist in the delivery of affordable homes to meet the needs of their communities.

3 Site Specific Requirements for Affordable Housing

3.11 As the release of such sites will be an exception to normal planning policy, the location, scale, layout, density, access and design of any proposed scheme will be critical in determining whether it is acceptable. The 'Rural Exceptions' policy does not apply to proposals for individual homes in the rural areas not forming part of an overall affordable housing scheme, and consequently such proposals must accord with normal planning policies for the area.

Retirement Housing Schemes

3.12 Recently some innovative models of private sector housing for older people have been developed, including retirement and extra care villages. These schemes are characterised by the availability of varying degrees of care, 24 hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution from these schemes in accordance with paragraph 3.2 above.

Low Cost market Housing Provided Without Subsidy

3.13 Low-cost market housing provided without subsidy cannot be regarded as affordable housing. However, it does have an important role to play in meeting the needs of households with income levels just adequate to access the open market. Because of the nature of the housing stock in the Borough there is a shortage of housing at the lower end of the market range. The Council will therefore normally require any new housing development of 10 dwellings or more to provide an element of its market housing units as unsubsidised low-cost market housing. Generally, and in addition to the requirement for affordable housing, the Council will look for a **minimum of 25%** of the total housing units on such sites to be unsubsidised low-cost market housing, although the nature of the site, economic considerations, the level of affordable housing provision, its location and nearby provision will be taken into consideration in determining the exact level of provision.

3.14 To be acceptable, unsubsidised low-cost market housing must be designed in an appropriate manner to be able to be more affordable than most general market housing in the area by virtue of its size, accommodation and amenities. The level of house prices for low-cost market housing for sale will be set by the developer but should be competitively priced to attract those who cannot afford existing housing in the locality. Usually this implies housing priced in the lower quartile of house prices for the area averaged over the most recent 12 months. The Council will also normally require all such housing to meet the dwelling type and size preferences set out for affordable housing property in para. 4.5.

3.15 Such forms of housing are usually provided by a private developer and are not subject to any eligibility or tenure controls by the Council, although there may be controls on the type of property and a requirement to ensure that the property is made available at an initial sale price in the lower quartile of house prices for the area.

4 Development Considerations for Affordable Housing

4 Development Considerations for Affordable Housing

Location

4.1 All affordable housing accommodation ~~should~~**must** be located on sites which are sustainable and contribute to the creation of mixed urban and rural communities. Wherever feasible and practicable, priority should be given to the use of previously developed (brownfield) sites in sustainable locations and to the reuse and conversion of existing buildings, particularly buildings which are of architectural or historic interest. All proposals will be required to accord with the policies of the adopted Local Plan in respect of their location.

Dwelling Types

4.2 The provision of affordable housing must be appropriate in size and type to meet the needs of specific households identified by the local authority as part of its strategic assessment of housing need. Wherever possible any affordable housing scheme should incorporate a range and mix of affordable house types although it is recognised that in smaller schemes the range and mix will be more limited.

4.3 The 2010 Strategic Housing Market Assessment indicates that in terms of affordable housing tenure, there is a requirement for both affordable homes for rent and intermediate housing options. a tenure target that matches the stated preferences of the target households of 35% intermediate and 65% social rented is considered appropriate to maximise the benefits of financially efficient intermediate housing options.

4.4 Where there is an identified need, affordable housing may also include other forms of dwelling types, such as communal flats, bungalows and sheltered accommodation, which are suitable for accommodating households with special needs e.g. elderly, physically disabled or those with learning disabilities.

4.5 In terms of property size and type, the requirements identified indicate a range of needs with some variation across the Borough. The appropriate mix of affordable housing should therefore be considered for each specific location. Overall, the 2010 Strategic Housing Market Assessment indicates that affordable needs are for the additional supply to be

- 14% for older persons comprising one or two bedroom units
- 50% one or two bedroom properties for general needs. Note that these figures combine the data for one bedroom (20%) and two bedroom (30%) as the long-term sustainability of small units should be carefully considered against the needs and demand.
- 23% three-bedroom and
- 13% four bedroom or larger.

4.6 With regard to the type of properties, in order to achieve mixed and tenure-blind developments, it is desirable that the affordable homes match the types being provided for the open market. The identified property preferences (house 42.3%, flat 38.7% and bungalow 19%), indicate that a range of types is appropriate.

4 Development Considerations for Affordable Housing

Design and Layout

4.7 The Borough Council recognises that dwellings are more likely to be affordable in comparative terms if the development in which they are comprised is at a relatively high density. On sites well served by public transport or close to the town centre, higher densities of development are particularly appropriate.

4.8 The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion and should not be segregated in discrete or peripheral areas. Affordable homes should therefore be 'pepper potted' within the development. The external design, comprising elevation, detail and materials, should be compatible with open market homes on the development in question thus achieving full visual integration.

4.9 Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level ~~43~~ of the Code for Sustainable Homes (2007) and will be expected to achieve at least level 4 by 2013. The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

Phasing

4.10 In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. ***The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided but in any event not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.***

5 Agreements for Securing Affordable Housing

5 Agreements for Securing Affordable Housing

General

5.1 The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this **Statement SPB** to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended).

5.2 The Agreement will cover the number, type and size of units; their availability; need and affordability; price control and agreed tenure. In some instances it will address issues of periodic viability reviews where a reduced or nil element of affordable housing has been agreed.

5.3 Where any element of affordable housing is to be comprised in a larger development which also includes market housing, the Council will expect that **provision of** the affordable housing element will be **phased in accordance with Paragraph 4.10 of this Statement**. ~~available and ready for occupation before 50% of the market housing is sold or let.~~ The Council will therefore require the Agreement to contain an obligation restricting the developer from allowing the sale or letting of an appropriate proportion of the market housing until the affordable housing element is built and ready for occupation.

5.4 In all cases where an RSL is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL and that it should only be used for the purposes of providing housing accommodation to meet the objectives of an RSL as set out in the Housing Act 1996.

Need and Affordability

5.5 The Council regards the involvement of an RSL in any element of affordable housing as a sufficient guarantee of need and affordability without any additional control. In all other cases of affordable housing, the Council will require the Agreement to contain an obligation to make the affordable housing available to those in housing need and at less than the market price or rent in perpetuity, so far as the law allows, in accordance with the guidance set out in this Policy Statement

Tenure

5.6 The Council will require the Agreement to contain obligations appropriate to each tenure. Thus, where a development contains an element of affordable housing that is to be available for rent, the Council will require the Agreement to contain an obligation that any such housing is to be managed by an RSL or other agreed landlord.

5.7 Where a development contains an element of affordable housing that is to be available for sale or shared ownership, then the Council will require the Agreement to contain adequate principles of a scheme that has already been approved in advance by the Council or alternatively the Agreement may reserve the Council's right to approve a specific scheme prior to implementation.

5 Agreements for Securing Affordable Housing

Dwelling Types and Sizes

5.8 If the relevant planning application is in outline only, then the Council will require that the Agreement must stipulate ***an acceptable range for*** the number, type, tenure and size of all affordable housing units.

5.9 If the relevant planning application is a detailed application, then the Council will require that the Agreement contains an obligation that the affordable dwellings are to be built in accordance with the details comprised in the approved application as regards number, type, design, tenure and size of each dwelling.

Price and Rent Control

5.10 Where a development contains an element of affordable housing that is to be available for sale, the Council will require that the Agreement sets out the formula to be applied to achieve the desired level of discount in perpetuity. Where a development contains an element of affordable housing that is to be available for intermediate rent, the Council will require that the Agreement sets out the provisions and safeguards to achieve an affordable rent in perpetuity.

Rural Exception Sites

5.11 In addition to the above requirements, the Council will require the Agreement to contain obligations which adequately reflect the occupancy criteria and the locality criteria referred to in para. 2.9.

Use of Financial or Other Contributions

5.12 Where developers offer financial or other contributions towards the provision of affordable housing on an alternative site in the locality, and it is agreed by the Council that this is an acceptable means of providing affordable housing, the Borough Council will expect the Agreement to contain obligations relating to the provision of such contribution.

6 Viability of Affordable Housing Provision

6 Viability of Affordable Housing Provision

6.1 National Planning Policy as set out in PPS3 'Housing' requires Local Planning Authorities to set economically viable targets for affordable housing. Consequently the targets set out in the Statement have been independently tested for economic viability through the Strategic Housing Market Assessment and are appropriate for use in current market conditions.

6.2 Nevertheless, as made clear in Section 3 of this Statement, the viability of individual schemes will be a material consideration in deciding planning applications. Since 2008 there has been significant downturn in the housing market and particularly on brownfield sites where costs of redevelopment are proportionally higher than greenfield sites. Developers have sought and continue to seek to negotiate a lower (or in some cases nil) provision of affordable housing on the basis that the Council's normal requirements would render redevelopment unviable. It is important therefore that a clear methodology for testing the viability of specific development proposals is established.

6.3 Accordingly the Council will require applicants, who are suggesting that exceptional financial circumstances exist to the extent that the Council's requirements for affordable housing cannot be achieved, shall provide a robust development appraisal and appropriate supporting evidence with their application when submitted.

6.4 Prior to submission the Council will expect that applicants' development appraisals shall have been independently verified by an external valuation expert. The costs of this independent verification shall be borne by the applicant. The external valuation expert to be used shall be previously agreed by the Council.

6.5 The minimum level of information that should be included in such a development appraisal is set out in Appendix 1 of this statement.

6.6 Where it is accepted by the Council that a development is not sufficiently viable to provide the requisite level of affordable housing, and where the development is in all other respects acceptable, it may consider requiring the applicant to enter into a legal agreement which effectively defers developer contributions during the period of development. More detail on this approach is contained in the Home and Communities Agency Good Practice Note on Investment and Planning Obligations (July 2009), however the broad principles are explained below.

6.7 In these circumstances subject to the developer agreeing to initially provide the proportion (if any) of the affordable housing that the development appraisal indicated was viable, a further payment in lieu of the remaining affordable housing would become payable if and when there was an increase in the achieved sale values of the dwellings compared to the values assumed in the development appraisal. The calculation of further payments would be at agreed periods during the life of the development. This mechanism would only apply once development had commenced.

7 Rural Exceptions

7 Rural Exceptions

7.1 Generally planning policies do not allow for new housing development in the open countryside outside of villages with settlement boundary lines. However in certain circumstances planning permission may be granted for small schemes of affordable housing where;

- The site adjoins the settlement boundary of a village or is within a village with no settlement boundary
- There is an identified need for affordable housing in that village or locality
- All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity
- The development is in accordance with other local plan policies

7.2 The Council considers that the development of affordable housing in rural areas is best achieved in partnership with Parish Councils and local communities. For that reason the Council has appointed a Rural Housing Enabler who will provide Parish Councils with independent advice, support and information in developing a local affordable housing scheme.

Identifying Local Housing Needs

7.3 The first stage will be a rigorous assessment of local housing needs by means of a survey of all households in the Parish. The Rural Housing Enabler will advise on the detailed wording of the survey form, however a model form is attached at Appendix 2 of this Statement.

7.4 The survey will provide evidence of the level of need based on the number of households living in unsuitable accommodation or living with relations. It will give an idea of the potential number and type of dwellings that may be required and any specialist requirements (i.e disabled adaptations).

7.5 The Rural Housing Enabler, in conjunction with the Parish Council, will then undertake an analysis of the survey results.

Site Assessment

7.6 Subject to a need being identified, the next stage will be to identify a suitable site. The Parish Council would be expected to play an important role in site identification having an in depth local knowledge, although it will be important to involve the Council's Planning Officers to ensure that sites are suitable in terms of landscape impact, access, flood risk, nature conservation etc.

7.7 Priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport. Clearly it is crucial that the landowner of any identified site is supportive of it being developed for affordable housing. Rural exception sites work because of the low values of the sites concerned. For this reason the inclusion of open market dwellings to subsidise the overall scheme is unacceptable and landowners should be made aware of this at the outset.

7 Rural Exceptions

Development Partners

7.8 Normally a Registered Social Landlord (RSL) will be identified to lead the development process and to provide long term management of the resultant scheme. The RSL will undertake detailed site investigations, negotiate with the landowner to acquire the site and apply for planning permission. In designing the scheme prior to submitting a planning application, the RSL will be expected to work closely with the Parish Council and Council Planning Officers to achieve a suitable design and layout. The exact number and type of dwellings will necessarily depend upon the nature of the site and the level of identified need, however these types of development should be small scale and integrate well into the existing village scene.

7.9 A local consultation event will normally be held to allow local people the opportunity to comment on the plans before a formal planning application is submitted.

Implementation

7.10 Once planning permission has been granted the site may be developed and the dwellings built will be let to local people. In most cases the dwellings will be sold to an RSL which will then allocate or sell the properties to local people in housing need. The planning permission will be subject to a legal agreement that ensures that the dwellings will remain affordable to meet local needs in perpetuity. The legal agreement will also restrict occupancy of the dwellings to people who either live in the area or have strong local connection. In those cases where shared ownership housing is provided, it is likely that there will be restrictions on 'staircasing' (i.e. the level of equity in a property that the owner is able to secure) as explained in Para 2.4 of this document.

7.11 In the rare event that a property cannot be let to a person who either lives locally or has strong local connections, the legal agreement will include a cascade mechanism to ensure that an affordable dwelling is not left empty. In these circumstances a property may be let to a person who lives in a neighbouring parish or failing that other people on the Council's Housing Register. (See Para 2.9 above)

Appendices

Appendix 1 Viability of Delivery of Affordable Housing

Appendix 1 Viability of Delivery of Affordable Housing

The Council will expect an 'open book' type of approach by the developer when considering evidence supplied about viability. The following gives an indication of the type of information that will be required from the developer in order for an assessment of viability to be carried out. All information supplied should be independently verified at the developer's cost by experts previously agreed by the Council.

REVENUES


- Gross Internal floor area of the properties
- The anticipated total sales value of the market housing.
- The anticipated value of the 30% affordable housing provision
- Affordable Housing Grant

COSTS

- Marketing and sales costs associated with the sales of the dwellings.
- Site acquisition costs including legal costs, stamp duty, fees etc.
- Build costs
- Preliminaries indicating what are included.
- Fees e.g. architect, quantity surveyor etc
- Planning and building control costs
- Site infrastructure to include site roadways, landscaping, boundary treatment etc
- Costs of finance including interest rate and term
- Other Section 106 costs such as external highways works, public open space, community benefits or infrastructure etc.
- Abnormal costs (i.e. not known at time of site acquisition)
- Developer's profit margin.
- Contingencies

Appendix 2 Model Housing Needs Survey Form

Appendix 2 Model Housing Needs Survey Form

 <div style="display: inline-block; text-align: center; margin-left: 20px;"> <h2 style="margin: 0;">Rural Housing Needs Survey</h2> </div> <div style="float: right; text-align: right;"> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> </div>																									
<p>Whether you consider yourself to have a housing need or not, the information that you provide is highly important, so please spend a few minutes filling in this form. The more information that we collect, the more accurate this survey will be. Please note all information provided will be treated in the strictest confidence.</p> <p>To be completed by the householder (If a joint household can one person please complete)</p> <p>Please cross one answer per question unless otherwise instructed, and keep the cross in the box. <input style="float: right;" type="checkbox"/></p>																									
<p>Q1. Which parish do you currently live in? (See accompanying letter for assistance and write in below)</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="border: 1px solid black; width: 60%; height: 25px; margin-bottom: 5px;"></div> <div style="text-align: right; font-size: small;">For office use only</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <p>If you are not sure, could you please provide us with your postcode</p> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div> </div> <div style="width: 35%; text-align: right;"> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> </div> </div>																									
<p>Q2. How many people live in your household? (Including yourself)</p> <p>Enter a number in the box (e.g. 02)</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>Adults (16 and over)</p> <div style="border: 1px solid black; width: 30px; height: 25px; margin-top: 5px;"></div> </div> <div style="width: 45%;"> <p>Children (under 16)</p> <div style="border: 1px solid black; width: 30px; height: 25px; margin-top: 5px;"></div> </div> </div>																									
<p>Q3. In which of these ways does your household occupy your current accommodation?</p> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 45%;">Tied accommodation</td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 45%;">Owner occupier</td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Private renting</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Other (please specify)</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Housing assoc. renting</td> <td style="text-align: center;"><input type="checkbox"/></td> <td colspan="2" style="border: 1px solid black; height: 25px; margin-top: 5px;"></td> </tr> </table>		Tied accommodation	<input type="checkbox"/>	Owner occupier	<input type="checkbox"/>	Private renting	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>	Housing assoc. renting	<input type="checkbox"/>														
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Housing assoc. renting	<input type="checkbox"/>																								
<p>Q4. Are you, the householder, currently needing alternative accommodation in your local area?</p> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;"> <div style="width: 30%;"> <p>Yes <input type="checkbox"/></p> </div> <div style="width: 30%;"> <p>No <input type="checkbox"/></p> </div> <div style="width: 35%; background-color: #f0f0f0; padding: 5px; border: 1px solid #ccc;"> <p>If no, go to question 6</p> </div> </div>																									
<p>Q5. Please indicate why you need alternative accommodation? (Please cross all that apply)</p> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 45%;">Need larger accommodation</td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 45%;">Need permanent accommodation <i>(If living in short term let)</i></td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Need smaller accommodation</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Need to be closer to a carer or dependent</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Need independent accommodation</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Other reason (please specify)</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Need Level or physically adapted accommodation</td> <td style="text-align: center;"><input type="checkbox"/></td> <td colspan="2" style="border: 1px solid black; height: 30px; margin-top: 5px;"></td> </tr> <tr> <td>Need to be closer to employment</td> <td style="text-align: center;"><input type="checkbox"/></td> <td colspan="2"></td> </tr> <tr> <td>Need cheaper home</td> <td style="text-align: center;"><input type="checkbox"/></td> <td colspan="2"></td> </tr> </table>		Need larger accommodation	<input type="checkbox"/>	Need permanent accommodation <i>(If living in short term let)</i>	<input type="checkbox"/>	Need smaller accommodation	<input type="checkbox"/>	Need to be closer to a carer or dependent	<input type="checkbox"/>	Need independent accommodation	<input type="checkbox"/>	Other reason (please specify)	<input type="checkbox"/>	Need Level or physically adapted accommodation	<input type="checkbox"/>			Need to be closer to employment	<input type="checkbox"/>			Need cheaper home	<input type="checkbox"/>		
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Appendix 2 Model Housing Needs Survey Form

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Q6. Do any other members of your household wish to form a new household inside Cheshire East within the next 5 years and need their own accommodation?

Yes ☐

No ☐ If no, go to question 20

Q7. How many members of your household wish to form a new household inside Cheshire East within the next 5 years and need their own accommodation?

One

☐

Two

☐

Three or more ☐

For the following questions up to question 19, please consider the one household member who requires the move earliest.

Q8. What would be the total annual income of the new household?

(We understand you may prefer not to answer this question but it would help us get the right mix of rented and subsidised ownership on any new sites if we know what people can afford to pay. Please note that this answer will remain confidential.)

Under £15,000 ☐

£25,000 - £30,000 ☐

£15,000 - £20,000 ☐

£30,000 - £35,000 ☐

£20,000 - £25,000 ☐

Over £35,000 ☐

Prefer not to say ☐

Q9. Who is looking for accommodation?

Daughter or son

☐

Other (please specify) ☐

Q10. When is the move required?

Within 1 year

☐

Between 2 & 3 years

☐

Between 1 & 2 years

☐

Between 3 & 5 years

☐

Q11. Taking into account the cost of housing in your area what type of tenure would they realistically be looking for? (Please cross all that apply)

Subsidised Ownership to an affordable level ☐

Private renting

☐

Social renting

☐

Buying on the open market

☐

If you have chosen only buying on the open market than go to question 20.

Q12. If the considered tenure of the new household is shared ownership, what mortgage would be affordable?

(Please take into account that with shared ownership there is also a rent to pay).

Under £60,000

☐

£100,000 - £150,000

☐

£60,000 - £85,000

☐

Over £150,000

☐

£85,000 - £100,000

☐

Not considering shared ownership ☐

Appendix 2 Model Housing Needs Survey Form

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Q13. Where is the new household required?Outside current parish but within Cheshire East ☐Within the Parish that is currently lived in ☐**Go to question 15****Q14. Please state which parishes within the survey area would be considered?** (See accompanying letter for assistance and write in below)

--

Q15. What type of accommodation is preferred? (Please cross all that apply)House ☐Supported housing ☐Flat ☐Any ☐Bungalow ☐**Q16. What is the minimum number of bedrooms required?**Enter a number in the box (e.g. 02)

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Q17. Please indicate how many adults there will be within each age range in the new household?

Please cross one box per line

	1	2	3	4 or more
16-19	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20-29	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30-44	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45-59	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60-74	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75+	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q18. Will the new household have specific housing needs (e.g. mobility, disability requirements)?Yes ☐No ☐**Q19. How many children under 16 will there be in the new household?**Enter a number in the box (e.g. 02)

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Q20. Has any member of your household moved out of either your parish or the Cheshire East area within the last 5 years, because they could not afford to buy/ rent a home in the area?Yes ☐No ☐ If no, go to question 23

Appendix 2 Model Housing Needs Survey Form

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Q21. If yes, would the member(s) of your household who have moved out wish to return if affordable housing were available?

Yes ☐

No ☐

Unsure ☐

If no or unsure, go to question 22

Q22. What type of tenure would they consider? Please cross all that apply

Subsidised Ownership to an affordable level ☐

Private renting ☐

Social renting ☐

Buying on the open market ☐

Other ☐

Q23. Would you be in favour of a small development of affordable housing being built in your parish to meet the needs of those having a local connection to the parish?

Yes ☐

No ☐

Unsure ☐

If you wish to, please give a reason for this view

Q24. Are you aware of any sites that might be suitable in your local area for affordable housing and if so please let us have the details?

This survey is printed in mainly Arial, font size 11. If you require a copy in larger print please contact:

Cheshire East Research and Intelligence unit by ringing: (01244) 977560

Or email: randi@cheshireeast.gov.uk

Thank you for taking the time to complete this survey.
Please return it in the pre-paid envelope provided.

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Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/1421M	1-3 Brook Sreet, Macclesfield	Application To Vary The Hours Of Opening Of An A5 Hot Food Takeaway To 08.00 To 02.00 On Mondays To Thursdays, 08.00 To 04.00 On Fridays And Saturdays And 08.00 To 00.00 On Sundays	Delegated	n/a	Refused	Dismissed 14/11/2010
10/0374M	WILLOW BARN, KNUTSFORD ROAD, MOBBERLEY, WA16 7BE	CHANGE OF USE FROM AGRICULTURAL TO RECREATIONAL USE	Delegated	n/a	Refused	Dismissed 01/12/2010
10/0913M	LOWMEADE , 25 HOUGH LANE, WILMSLOW	Replacement Dwelling	Delegated	n/a	Refused	Allowed 09/12/2010
10/2682M	KEEPERS COTTAGE, CHEADLE LANE, PLUMLEY, WA16 9SW	DETACHED TRIPLE GARAGE WITH OFFICE ABOVE	Delegated	n/a	Refused	Allowed 09/12/2010
10/2758M	KEEPERS COTTAGE, CHEADLE LANE, PLUMLEY, WA16 9SW	DETACHED TRIPLE GARAGE WITH OFFICE ABOVE	Delegated	n/a	Refused	Allowed 21/12/2010
10/2874N	EATON HOUSE, SHEPPENHALL LANE, ASTON, CW5 8DE	Single Storey Bespoke Timber Framed Canopy to Rear of Property	Delegated	n/a	Refused	Dismissed 22/12/2010

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