

# **Strategic Planning Board**

## **Agenda**

---

<b>Date:</b>	<b>Wednesday, 16th February, 2011</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Sandbach Cricket Club, Hind Heath Road</b>

---

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/Pre-Determination**

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

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

To approve the minutes as a correct record.

**4. Public Speaking**

---

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

**Contact:** Sarah Baxter  
**Tel:** 01270 686462  
**E-Mail:** [Sarah.Baxter@cheshireeast.gov.uk](mailto:Sarah.Baxter@cheshireeast.gov.uk)

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

A 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. **10/4660C-Redevelopment of the former Foden Truck Factory for residential (248 units), B1c Light Industrial, (3,620sq.m) and A1 retail (360sq.m), Former Foden Factory Site, Moss Lane, Sandbach for Hurstwood Landbank and Bellway Homes (Pages 7 - 38)**

To consider the above application.

6. **10/4626C-Variation of Condition 2 of Planning Permission 09/2058C - Amendment to approved drawings, Land off Hind Heath Road, Sandbach for Cheshire East Council (Pages 39 - 48)**

To consider the above application.

7. **09/2083C-Outline application for comprehensive redevelopment comprising of up to 375 residential units (Class 3); 12,000 sqm of office floorspace (Class B1); 3810 sqm of general industrial (Class B2), warehousing (Class B8), car dealerships and petrol stations (Sui Generis) and fast food restaurant (Class A5) uses; 2600 sqm of commercial leisure uses incorporating hotel (Class C1), restaurant/pub uses (Class A3/A4) and health club (Class D2); retention and change of use of Yew Tree Farm Complex (Pages 49 - 90)**

To consider the above application.

8. **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 (Pages 91 - 104)**

To consider the above application.

9. **10/4610N-Siting of 20 Timber Clad Twin Unit Caravans for Holiday Accommodation & Erection of Administration Building, Wrenbury Fishery, Hollyhurst, Marbury, Cheshire for Mr Spencer, Marcus Brook Ltd (Pages 105 - 136)**

To consider the above application.

10. **Update report on application 09/4331N Application site: New Start Park, Wettenthal Road, Reaseheath, Nantwich, Cheshire, CW5 6EL (Pages 137 - 140)**

To consider the above update report.

11. **Appeal Summaries** (Pages 141 - 142)

To note the Appeal Summaries.

This page is intentionally left blank

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 26th 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, P Edwards, D Hough, W Livesley,  
J Macrae, G M Walton and J Wray

### **OFFICERS IN ATTENDANCE**

Ms S Dillon (Senior Solicitor), Mr D Evans (Principal Planning Officer), Mr A Fisher (Head of Planning and Housing), Mr R House (Local Development Framework Manager), Mr S Irvine (Planning and Development Manager), Mrs R Kidd (Spatial Planning Manager), Ms S Orrell (Principal Planning Officer) and Miss B Wilders (Principal Planning Officer)

### **94 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brown, Mrs M Hollins, C Thorley and S Wilkinson.

### **95 DECLARATIONS OF INTEREST/PRE-DETERMINATION**

Councillor W J Macrae declared that he did not want to pre-determine the items in relation to the Interim Planning Policy on Release of Housing Land and the Interim Planning Statement on Affordable Housing, therefore in accordance with the Code of Conduct he would be leaving the room prior to their consideration and would not be returning.

### **96 MINUTES OF THE PREVIOUS MEETING**

RESOLVED

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

### **97 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

(During consideration of the following item Councillor Mrs R Bailey arrived to the meeting and in accordance with the Code of Conduct she did not take part in the debate or vote on the application).

**98 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**

Consideration was given to the above application.

(Town Councillor Bagnall, representing Middlewich Town Council, Mr Foden, an objector and Mr Barton, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed residential development within the open countryside would be contrary to the provisions of Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be "suitable" as it is located on the periphery of Middlewich, rather than Crewe. It would undermine the spatial vision for the area and wider policy objectives as it would be contrary to the general thrust of the Core Strategy Issues and Options which directs the majority of new development towards Crewe, as well as the Council's Draft Interim Planning Policy on the Release of Housing Land and Policies RDF1 and MCR3 of the North West of England Plan Regional Spatial Strategy to 2021, which articulate the same spatial vision. This would be contrary to advice in PPS3 and PPS1, which states these emerging policies are material considerations. For these reasons the Housing Land Supply arguments advanced by the applicants are considered to be insufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.
2. The Local Planning Authority considers that the proposed development is unacceptable due to the unsuitable location of and due to the lack of public open space that would be made available on the site. The proposed layout would include an area of 1264sq.m and the development would require a public open space with an area of 2540sq.m. The proposed development would therefore be contrary to Policies GR1 (General Requirements – New Development), GR3 (Design), GR22 (Open Space Provision) of the adopted Congleton Borough Local Plan First Review and the Councils SPD on Public

Open Space Provision for New Residential Development and the Council's Interim Policy on Public Open Space 2008.

3. The proposed development does not include a minimum of 25% of the total housing units on sites as unsubsidized low-cost market housing. The application site is a Greenfield site and the applicant's case that there is sufficient low-cost market housing in the area is not accepted. The proposed development is therefore contrary to Policy H13 (Affordable and Low-cost Housing) of the adopted Congleton Borough Local Plan First Review and the Councils SPD on Affordable Housing and Mixed Communities.

99 **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**

Consideration was given to the above application.

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

RESOLVED

That the application be refused for the following reasons:-

1. The proposed development would be contrary to Local Plan policies BE1 and GC8 by virtue of the fact that it would be out of keeping with its surroundings and would not reflect local building styles and materials.
2. The position of the proposed development relative to the dwellings approved under planning application reference 10/0346M would result in an unacceptable level of residential amenity for the occupiers of those dwellings. The proposed development is thereby contrary to Local Plan policies DC3 and DC38.

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

100 **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**

This application was withdrawn prior to the meeting.

101 **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**

Consideration was given to the above application.

(Mr Hackney, an objector and Mrs Phillips, 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 comprising of 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) to be spent on King George's fields
- Monitoring costs

And subject to 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

102        **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**

This application was withdrawn by Officers prior to the meeting.

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

103        **INTERIM PLANNING POLICY ON RELEASE OF HOUSING LAND**

Consideration was given to the above report.

RESOLVED

That Strategic Planning Board recommends:

- 1. Approval of 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. Adoption of the Interim Planning Policy on the Release of Housing Land as set out in Appendix 2 and the update report and agrees that it be used in the determination of planning applications.

104        **INTERIM PLANNING STATEMENT ON AFFORDABLE HOUSING**

Consideration was given to the above report.

RESOLVED

That the Strategic Planning Board recommended adoption of the Interim Planning Statement on Affordable Housing as set out in Appendix 2 and the update report and agrees that it be used in the determination of planning applications subject to an amendment to recommendation 10 of appendix one of the main report to state 'local community'.

105        **APPEAL SUMMARIES**

Consideration was given to the Appeal Summaries.

RESOLVED

That the Appeal Summaries be noted.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor H Davenport (Chairman)

<b>Planning Reference No:</b>	10/4660C
<b>Application Address:</b>	Former Foden Factory Site, Moss Lane, Sandbach
<b>Proposal:</b>	Redevelopment of the FORMER Foden Truck Factory for residential (248 units), B1c Light Industrial, (3,620sq.m) and A1 retail (360sq.m)
<b>Applicant:</b>	Hurstwood Landbank and Bellway Homes
<b>Application Type:</b>	Full Planning
<b>Grid Reference:</b>	373509.11 361282.23
<b>Ward:</b>	Sandbach
<b>Consultation Expiry Date:</b>	7 <sup>th</sup> January 2011
<b>Date for determination:</b>	1 <sup>st</sup> March 2011

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and completion of a S106 Agreement**

### **MAIN ISSUES**

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

### **REFERRAL**

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

## **1. SITE DESCRIPTION**

The application relates to 9ha of land, situated to the west side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary. The site is bound by Moss Lane to the north, west and south. To the north-west of the site is an existing office building which is within the ownership of the applicant. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road, these properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within relatively large plots. To the south of the site is the former test track. This site is within the ownership of the applicant but does not form part of this application.

The site is relatively open and the former factory buildings which stood on the site have now been demolished. The site has 2 vehicular access points, one to the south and one to the north. There is sporadic tree planting to the boundaries of the site but this is of mixed quality.

## 2. DETAILS OF PROPOSAL

This is a full planning application for a mixed use development of the former Foden Truckl Factory site. The development would comprise residential development, B1c employment units (12 units providing 3,620sq.m of floor space), a retail unit (360sq.m) and associated public open space.

The residential element of the development would comprise 248 dwellings at a density of 33 dwellings per hectare. The proposed dwellings consist of;

### *Market Housing*

2 bed mews – 5 units  
3 bed mews – 5 units  
3 bed semi-detached/mews – 9 units  
3 bed semi-detached – 85 units  
3 bed detached – 28 units  
4 bed detached – 42 units

### *Affordable Housing*

2 bed mews – 7 units  
3 bed mews – 7 units  
3 bed semi-detached/mews – 13 units  
3 bed semi-detached – 47 units

Two vehicular access points will serve the site. The northern access will serve the existing office block and 124 dwellings whilst the southern access will serve 124 dwellings, the B1c employment units and the retail unit.

The Public Open space is situated centrally within the site and splits the development into 2 sections to ensure that vehicles can not use both the north and south access points. A landscaped footpath/cycleway is to be provided which will create a link from Foundry Lane (and the railway bridge beyond) to the Test Track site to the south.

## 2. RELEVANT PLANNING HISTORY

07/0913/OUT – Outline: Erection of 250 residential units, 80 bed care home (Use Class C2) with 62 care/retirement apartments/bungalows, B1 light industrial units and erection of A1/A3/A4/A5 building(s) with residential accommodation above – Approved 11<sup>th</sup> March 2009

## 3. PLANNING POLICIES

### **National Policy**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS 7 Sustainable Development in Rural Areas  
PPS 9 Biodiversity and Geological Conservation  
PPG 13 Transport  
PPS 23 Planning and Pollution Control  
PPS 25 Development and Flood risk.

## **Local Plan Policy**

GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR4 Landscaping  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites  
NR3 Habitats  
NR4 Non-statutory sites  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

## **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

## **4. OBSERVATIONS OF CONSULTEES**

### **Environmental Health**

In principal, the Environmental Health Department does not object to the application, subject to the following comments and recommended conditions;

The site benefits from an outline planning consent (07/0913/OUT) dating to 2007, which contains a number of conditions (9, 10, 11, 12, 23, 27 and 28) which are pertinent to the aforementioned issues, and as such would be required to be discharged prior to the development commencing. It is considered there is sufficient detail within the application and supporting documents to address these issues, subject to the following comments and recommendations:

### *Noise and Vibration*

An acoustic assessment was submitted with the application (Report Number 20860.01.v1 November 2010) which assessed the noise impact from the railway line and industrial units located to the East of the development on future sensitive receptors. In addition, there are concerns (as yet unaddressed) with respect to the proposed B1(c) Light Industrial and A1 Retail units in close proximity to proposed residential uses, and noise from the construction phase of the development.

A mitigation scheme is proposed to ensure that noise levels within sensitive dwellings and garden resulting from industrial and railway sources achieves the “reasonable” standard in accordance with BS8233:1999 “Sound Insulation and Noise Reduction for Buildings – Code of Practice”.

It is not considered, however, that the report adequately addresses concerns with respect to the proposed B1c and A1 retail uses on the site. Whilst it is accepted (as was submitted in further information) that a B1 use should not have unacceptable impact on nearby residential amenity, this does not address incidental noise associated with commercial activities (fixed plant and equipment, delivery vehicles, vehicle doors slamming, staff & customer arrivals and departures etc) which have potential to cause loss of amenity in nearby properties unless controlled.

In order to address these issues, and to ensure adequate mitigation is provided with respect to the impact of the railway and nearby existing industrial units a condition should be attached to any consent.

### *Air Quality*

There is concern that the development may adversely impact on local air quality in the immediate and surrounding area, by virtue of dust generated through the construction phase, or traffic emissions which increase as a result of the development. The applicant submitted an air quality impact assessment with the application (Doc 28953 November 2010). In addition, mitigation measures were recommended in the Transport Assessment submitted as part of the application.

The report submitted is accepted and as such conditions are recommended at the end of this report to ensure potential impacts are mitigated in accordance with PPS23.

### *Contaminated Land*

This section has would make the following comments with regard to contaminated land:

- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The site has a former use as a Vehicle Manufacturing Factory that may have resulted in contamination of the soils and groundwater.

The Environmental Health Department suggest the following conditions; acoustic mitigation, retention of boundary treatment to the eastern boundary of the site, operating hours of the B1c units and the A1 retail unit, acoustic attenuation to the B1c/A1 units, submission of a travel plan, submission of an environmental management plan, construction hours of

operation, no burning of waste on the site, detailed remedial strategy including a groundwater sampling regime and the submission of a completion report following the remedial works.

### **Strategic Highways Manager**

It was anticipated that there would be a satisfactory highway solution for this site given that the 2008 permission secured a solution at that time.

This current application has also arrived at a satisfactory solution – after some negotiation – and offers at least the same benefits and improvements of the previous permission, with the addition of the on-site retail facility which will support sustainable travel options.

The application proposal will be subject to a Section 278 Agreement under the Highways Act 1980, and the required offsite highway works will be identified for each agreement at the end of this consultation document.

The application proposal will also be subject to a Section 38 Agreement for the formal adoption of new highway infrastructure within the site.

The application proposal will require a Section 106 Agreement under the Planning Act 1991 to secure the Travel Plans and commuted sums where applicable.

Accordingly, the Strategic Highways Manager recommends that the following planning conditions and informatives are attached to any permission which may be granted for this development proposal:

There are significant highway implications for these proposed developments and the traffic generation which has been identified via the Transport Assessment will require some improvements to the existing local highway infrastructure. The overall proposals for off-site highway works and planning conditions which have been identified for the application are:

1. Prior to first occupation the developer will provide traffic signal and footway widening on Moss Lane over the railway bridge. This will form part of the offsite highway works.
2. Prior to first occupation the developer will upgrade the existing A533 London Road/Station Road/Marsh Green Road junction area to a traffic signal controlled junction, including controlled pedestrian crossing facilities. This will form part of the offsite highway works.
3. Prior to first development the developer will provide a commuted sum of £3,000.00 for the closure of Moss Lane to through vehicular traffic by Traffic Regulation Order. This will be secured via a S106 agreement attached to the application by the L.P.A.
4. Prior to first occupation and subject to successful conclusion of Traffic regulation Order, the developer will construct two turning heads on Moss Lane within the development contract. This work will form part of the offsite highway works.
5. Prior to first development the developer will provide a commuted sum of £15,000 for local traffic management orders related to proposed traffic signal junction at London Road and necessary traffic management orders at the Moss Lane/A533 junction. This will be secured via a S106 agreement attached to the application by the L.P.A.

6. Prior to first occupation the developer will provide street lighting along the northern section of Moss Lane from the junction with Mulberry Gardens west to the Foden Factory site access (details to be agreed with Cheshire Highway Authority during the detail design stage). This will form part of the offsite highway works.
7. Prior to first occupation the developer will move the existing 30 m.p.h. signs on the northern section of Moss Lane from their existing position to an agreed position to the west of the proposed site access junction (details to be agreed with Cheshire East Highway Authority during the detail design stage). This will form part of the offsite highway works.
8. The developer will provide improvement to the pedestrian links along Moss Lane to London Road. Improvements to consist of minor resurfacing of existing footway, where defects have been noted and replacement of street lighting bulbs/lanterns. Extent of works to be agreed with Cheshire East Council Highway Authority and submitted for approval. This will form part of the offsite highway works.
9. The developer will provide improvement of the pedestrian link/P.R.O.W., on both sides of the railway bridge to Station Road by surfacing and lighting. Details will be submitted to the L.P.A. for approval. This will form part of the offsite highway works.
10. A contribution of £24,000 to the improvement of/or addition to local quality partnership bus stops (2 No @ £12,000), to be negotiated in conjunction with the Travel Plan detail and secured via S.106 agreement.
11. A framework Travel Plan for any commercial use-classes in the development to be agreed with the Cheshire East Council Travel Plan co-ordinator and structured in accordance with the TPC's guidance. The Travel Plan will be secured via a S.106 agreement under the Planning Act 1991.
12. An Interim Residential travel plan in accordance with DfT guidance document. The RTP will be secured via a S.106 agreement under the Planning Act 1991.
13. Prior to first occupation the developer will improve the proposed junctions of the new development with the existing highway infrastructure. Details to be submitted for approval to the L.P.A. This will form part of the offsite highway works.
14. Prior to first occupation the developer will provide widening of the southern section of Moss Lane, with footways and street lighting from the railway bridge west to the Test Track site access. Details to be submitted to the L.P.A. for approval. This will form part of the offsite highway works.
15. Prior to the commencement of development the applicant will supply a suite of detailed design plans for all off-site highway works to the satisfaction of the L.P.A. for use within the S.278 Agreement.
16. Informative:- These applications will be subject to a S278 Legal Agreement under the Highways Act 1980 in relation to all related 'offsite highway works' which are identified. These agreements will be agreed with Cheshire East Council and signed by the developer prior to any development on the site.



17. Informative:- Any part of these developments required for formal adoption as public highway will be subject to the process of a Section 38 Legal Agreement under the Highways Act 1980. These agreements will be agreed with Cheshire East Council and signed by the developer prior to any development on the site.

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

### Education

The Education Department have requested the following contribution towards education facilities within Sandbach;

250 dwellings X pupil yield factor of 0.182 = 45.5 X school extension cost multiplier £11,079 X regional weighting 0.91 = £458,726

### Sustrans

Should this land use be approved by the Council's Planning Committee, we would like to make the following comments:

- A site of this size will be a significant generator of traffic so it is important that walking and cycling in particular are encouraged for local journeys to the station, to shops, to local schools etc.
- We suggest other pedestrian/cycle access points to the new site should be created in addition to the two highway entrances off Moss Lane. Included in this is the suggestion of a high quality walking/cycling route via Foundry Lane to the station entrance.
- For the residential units there should be conveniently located storage areas for buggies/bikes etc.
- For the retail and light industrial uses there ought to be cycle parking under cover at convenient locations for staff working at those sites.
- Travel planning is supported. This should be guided by targets and regular monitoring.
- For a site of this size can the development make a contribution to off-site traffic management measures/crossings to help pedestrians and cyclists on local journeys?

### Environment Agency

The proposed development will only be acceptable if the following planning conditions are attached to any planning permission:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
- The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

The Environment Agency has also requested a condition to be attached to any permission.

## **United Utilities**

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

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly to soakaway/watercourse as stated within the FRA and may require the consent of the Environment Agency.
- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

## **British Waterways**

No objection

## **Public Rights of Way**

The proposed development presents an opportunity to improve walking and cycling opportunities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Draft Cheshire East Rights of Way Improvement Plan 2011-2026 and Draft Cheshire East Local Transport Plan 2011-2026.

The Design and Access Statement submitted clearly assesses pedestrian and cyclist access to and from the site and states that "a new 'green' linear footpath/cycleway' is also proposed (paragraph 4.7). Clarification would be appreciated on the route of this proposed facility, as it appears to have multiple nodes and lengths in Figure 2 of the Design and Access Statement.

It is presumed that the 'green linear footpath/cycleway' is the 'pedestrian thoroughfare' referred to in the draft Section 106 document. The route should be dedicated as a public highway, either public right of way or cycle track, so that it is secured and available for public use in perpetuity. Closure of such a highway for maintenance purposes can only be done via an order of the highway authority. Such routes should be designed and constructed to best practice standards and signed appropriately, to and from the town centre and other facilities such as the canal.

Access to the canal and the wider countryside from the proposed development site should be secured, as indicated in Figure 2 of the Design and Access Statement, with the provision of a pedestrian/cyclist route from the proposed development site onto Moss Lane at the western side of the site.

Further, suggestions have been received under the Council's statutory Rights of Way Improvement Plan (ROWIP ref. T73 and T47) to improve the towpath of the Trent and Mersey canal close to the site. The towpath is acknowledged in the Design and Access Statement as a route of importance for walking and cycling for both leisure and transport reasons. Contribution should be sought from the developer towards this improvement.

Other suggestions under the Rights of Way Improvement Plan (ref. T49 and T48) relate to the provision of sections of pavement at the corner of Moss Lane at the southern edge of the proposed development site and on Watch Lane to the west. The suggestions were put forward to encourage pedestrian movement along these lanes. The poor pedestrian facilities along Moss Lane are acknowledged in section 2.2.2 of the Draft Residential Travel Plan; the

improvements to the footway could be extended in a westerly direction from those proposed in the area of the bridge over the railway. Again, contribution should be sought from the developer towards these improvements, one of which is immediately adjacent to the proposed development site boundary.

Pedestrian movement to and from the proposed development site will utilise the network of existing public footpaths. Surface improvements are required on public footpaths No. 30, 31 and 46 which run between the proposed development site and the employment and service centres of the locality. Notably, FP46 is referenced as a key pedestrian link between the site and the railway station in section 2.2.1 of the Draft Residential travel Plan, but is not currently in a condition amenable to encourage walking. Installation of lighting should be considered on this route. Contribution towards these improvements will facilitate the pedestrian movements referred to in the Design and Access Statement and Travel Plans.

### **Amenity Greenspace**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on Planning Layout, Drawing No BHWL/103/01 Rev L, dated 20 October 2010) there would be a deficit in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The aforementioned proposed plans do not indicate a play facility. However within the Design and Access Statement dated November 2010, Figure 2 indicates a possible 3 areas or locations (this is not clear) for equipped play space. There is a centrally located area, one to the southeast and one to the northwest, but there is no indication as to the type of facility that is intended for any of these locations.

As stated in previous consultation, Greenspaces would prefer for both the Factory Site and Test Track Site to be considered together and for one larger play area to be provided from a future maintenance perspective. Greenspaces still strongly recommend that the Fodens Factory site, Fodens Test Track site and the Canal Fields site be considered collectively, regarding public open space and equipped play areas. One larger equipped play area that serves the full age range and is combined with informal play space would better serve the requirements of a developing community in this area. Contributions towards the funding of one larger NEAP standard facility could be sought from the Fodens Test Track site and the Canal Fields site in order to accommodate the requirements of the new neighbourhood. The size of area should be taken into consideration not only to provide a play facility to meet the demands of the Factory Site but should incorporate a vision for enhancement contributions from both the Test Track and Canal Fields.

Therefore, Greenspaces would welcome the proposal to include a NEAP (Neighbourhood Equipped Area for Play) standard play facility on site as part of the development plans, however we would request that the final layout and choice of play equipment be agreed with CEC, and obtained from The Councils approved supplier and the construction should be to the Council's specification. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works.

In addition to the above comments Greenspaces would prefer for the NEAP facility to be more centrally located within the Factory Site development and would require clarification as to the final location in order to ensure that the security and safety of the play area users has

been taken into consideration in line with Section 5 of the Councils Supplementary Planning Guidance Note. The large area of POS indicated to the centre of the plan would be the preferred location for any new facility and Greenspaces would be prepared to take transfer of the NEAP Standard facility and associated informal play space if appropriately located and designed.

Given that an opportunity has been identified for increasing the quantity of Children and Young Persons Provision on site, based on the Council's Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance:            £231,039 (25 years)

### Amenity Greenspace

Following an assessment of the provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on Landscape Master Plan, Drawing No LDS168-04, dated November 2010) it has been identified that whilst there is deficiency in the existing provision, the on-site provision proposed to mitigate this will be in excess of the quantity required to meet the needs of this scale of development. The Amenity Greenspace required from the development is 7,740 square meters and the proposed provision on site is 11,200 square meters thus making an over provision of 3,460 square meters. However it appears to be made up of a landscaped linear 'green' footpath/cycleway running north to south, a large central area split by pathways, and small pockets of open space, again split by pathways located throughout the site. While these pockets and buffers are aesthetically pleasing, Greenspaces would question the quality and value in connection to useful informal kick-a-bout/play space. It is acknowledged and appreciated that the 'green' footpath/cycleway provides good links and connectivity throughout the site and is in line with PPG13 and GR3, but again for the aforementioned reasons Greenspaces would question the usefulness.

To this regard, Greenspaces request further consideration is given to Amenity Greenspace by eliminating obstacles to create informal kick-a-bout areas. The removal of items such as tree and shrub planting and formal paths will help in this regard. This will make the central area and the area to the southwest of the site abutting Moss Lane more usable. Any redesigning to incorporate more substantial areas for informal play would be welcomed and would request this was taken into consideration when developing the Test Track adjacent.

Clarification of ownership for the rear boundary of proposed residential properties that back on to Moss Lane, Mulberry Gardens, Foundry Lane and any other private businesses/properties abutting the development would be required. There are large stretches of established mixed native hedge species along these perimeters, including a dense belt of trees along the western edge of the railway line that would have formed the original boundary hedge around the Fodens site. The Ecological Assessment identifies the importance of retaining these boundaries with regards to wildlife corridors, habitat retention and breeding birds. However, if these hedges are to become the main rear boundaries to individual units, future responsibilities relating to the retention, care and maintenance requirements of such hedges should be stipulated to future owners of the properties. In particular, attention should be drawn to the responsibility for the external faces of any such hedge. All obligations relating to the obstruction of the public highway and other footpaths need to be made clear and therefore careful consideration to 'line of sight' planting should be made.

In addition to the above, it is recommended that any screen planting proposed between the development, the railway line and adjacent to all foot path links that run throughout the development site are designed with their eventual maturity in mind, given the maintenance implications and problems that may arise. It is with this in mind, I suggest all landscaped areas are transferred to a management company, however The Council will 'consider' adopting any substantial kick-a-bout/informal play space. This will be subject to further discussions on size, layout and approval of landscaping in writing by The Council.

Given that an opportunity has been identified for increasing the quantity of Amenity Greenspace on site, based on the Council's Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer cannot be calculated due to the uncertainty of area at this stage but as a guide the cost for maintenance should be calculated at a rate of £118.25 per 10 square meters per annum for 25 years.

### **Cheshire Brine Board**

It should be noted that part of the site area lies within the currently defined consultation area. The Board are only consulted by the Local Authority with regard to proposed development within the consultation area, and precautions in respect of development outside the consultation area are presumably a matter for the developer. Should the Board be consulted with regard to development proposals within the consultation area, then the response to the Local Authority would depend on the details of the proposed development and any detailed engineering appraisals submitted therewith. At this stage, and on the basis of information currently held by the Board, it is likely that precautions would be recommended. The recommendations made by the Board would normally include the following, but obviously, the applicant would have to have due regard to prevailing ground conditions including naturally occurring movements:

#### **Foundations**

- New construction – Incorporation of reinforced foundations and floor slabs (e.g. raft foundations, reinforced strip foundations etc).
- Extensions – Designed consistent with existing foundations. Where existing foundations comprise a reinforced raft then the reinforced raft for the extension should be tied into the existing foundation.

#### **Services**

- Use of flexible materials in service runs
- Maximise gradients of drains
- Provision of movement joints where services penetrate floor slabs and walls

#### **Superstructure**

- Incorporation of flexibility (e.g. flexible couplings within portal frames in commercial buildings).
- Maximise use of movement joints.

### **Natural England**

Natural England provides the following comments;

- This proposal lies close to Sandbach Flashes SSSI but it is Natural England's opinion that the proposed development will not materially or significantly affect it.

- Natural England note from the Flood Risk Assessment the intention of the developer to drain surface water from the site by using a scheme of infiltration techniques and local attenuation to ensure that discharge of surface water will not utilise either Adopted public sewers or adjacent watercourses (paragraph 6.2.6 of the Flood Risk Assessment refers). Natural England therefore consider that potential impact on the adjacent SSSI to be low and conclude that this development as it is proposed, will not materially or significantly affect the SSSI. Natural England would recommend that an enforceable condition covering the drainage strategy is included in any approval. Should the proposed drainage strategy change between application and determination, Natural England must be re-consulted prior to any determination.
- Natural England note that a “sporadically used single hole outlier badger sett” (page 1 of the ecology report undertaken by NGL Ecology Ltd refers) was found on the site and the ecology report recommended that a Natural England badger licence would be required prior to the start of any work to close the sett. Natural England concurs with this recommendation and notes that as part of any licence application, appropriate mitigation will be required to cover areas such as loss of setts and timings of works to avoid periods when badgers are breeding.
- Provision of artificial nest sites at selected points within the development should be made to provide alternative nesting sites and to compensate for the loss of nesting sites. Further guidance as to the type and location of the artificial nests should be sought from any suitably qualified ecologist.
- Natural England notes that two trees will be removed as part of the development and therefore advises that the method statement for felling trees contained on page 8 of the ecology report undertaken by NGL Ecology Ltd is followed. This can be included as an enforceable planning condition in any planning approval.
- Natural England recommends that the Council considers Green Infrastructure, Sustainable Design, Geodiversity, Landscape Issues and Biodiversity when determining this planning application.

## **5. VIEWS OF SANDBACH TOWN COUNCIL**

Sandbach Town Council welcomes the development of this Brownfield site however it has concerns in relation to traffic and other key issues as a result of the proposed development and suggests the following:-

- Greatly concerned by the additional infrastructure burden of this development. There will be a great increase in the number of cars on local roads due to the site being located some distance from any schools, shops, medical services or bus stops.
- An independent health and safety review is undertaken at the junction of London Road and Moss Lane. Members of Sandbach Town Council feel that, due to existing safety issues at this junction with extremely limited visibility, further studies ought to be carried out before further increasing traffic levels. Developers should examine the possibility of widening the bridge to the South of the development, thus allowing for 100 percent of two-way traffic to use the route as access.
- Members were unclear of CEC's justification for requesting a 60/40 traffic access split and request clarification of the reasoning. It is felt that, because of the existing visibility problems at London Road/Moss Lane, the southern entrance ought to be nearer to 100 percent.
- Moss Lane is deemed unsuitable for HGV with clear notices in place but this ought to be highlighted clearly in planning conditions. Construction traffic should not be permitted access via Moss Lane.
- Due to existing businesses relying on parking areas along Moss Lane, it is suggested that the developers consider purchase of the existing house currently advertised for

sale on the corner of Moss Lane/London Road with a view to demolishing and providing for specific use of the businesses. Members believe that any attempt to prohibit these businesses parking cars on the roadside through possible introduction of parking restrictions would not remove the cars but simply situate them further along the road, whereas a designated car park would solve the current issue.

## 6. OTHER REPRESENTATIONS

30 letters of objection have been received which raise the following points:

### Principle of development

- Too much housing in Elworth/Ettiley Heath
- The development will change the character of the village of Elworth

### Ecology

- Loss of habitat to protected species
- Impact upon protected species
- Stress added to wildlife
- Impact upon breeding birds
- Impact upon Elworth Flashes

### Infrastructure

- Overcrowding of schools
- Impact upon local doctors surgeries/dentists
- Impact upon waste disposal systems
- Impact upon local police
- Impact upon public transport

### Highways

- The area of proposal and surrounding area already struggles to cope at peak times with current traffic levels.
- Highway safety
- Pedestrian safety
- Cyclist/horse rider safety
- Traffic congestion
- The split for vehicle movements should be altered so that a greater proportion of traffic uses the southern access
- More traffic calming along Moss Lane is required
- Speed limits should be reduced

### Other matters

- Lack of consultation
- Increased flood risk
- Land contamination
- Hours of construction
- Damage to existing properties from construction works
- Noise and dust from construction works
- Questions raised over the size of the public open space
- Increased litter
- Increased noise and disturbance caused by increased occupancy/vehicles
- Detrimental impact upon the nearby open countryside
- Three-storey townhouses would dominate the sky line

- Loss of vegetation/screening to properties on Foundry Lane/ Clifton Road
- Retirement bungalows are required
- Increased vandalism
- Increased anti-social behaviour

A representation has been received from a group called Working for Cycling. This representation makes a number of suggestions to improve the cycle link which is proposed on the site.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

### **Design and Access Statement (Produced by Roger Tym & Partners)**

This Design and Access Statement includes the following conclusion;

- The site is previously developed and sustainably located within the defined urban area of Sandbach. The scheme is entirely appropriate and acceptable in terms of: the proposed use; the amount of development; scale; appearance; landscaping; and access arrangements. Indeed, the detailed application scheme is the result of a long and careful planning process, which has involved the local authority and other relevant stakeholders throughout. The full application is therefore the culmination of the extensive work that has taken place to date, and the final scheme reflects the recommendations, comments and suggestions that have been put forward by the local authority and other parties, resulting in a high quality design solution for the site
- The final detailed application scheme creates a development with its own identity and character, which successfully responds to its surroundings and constraints. Public and private spaces within the site are clearly distinguished, while continuity and enclosure are maintained throughout. The public realm has been designed to a high standard, and the internal road/footpath layout has been carefully thought-out to provide a permeable and legible development, that prioritises pedestrian and cycle movement. Opportunities to connect the site to the wider area, and in particular to the local public transport network, have been maximised to encourage the use of sustainable modes of transport.
- The proposed development is adaptable, and the mix of house types will meet the future needs of residents and enable people to stay in the area when their personal circumstances change. This is an important element to the delivery of sustainable, inclusive and mixed communities. Importantly, the development offers diversity and choice, and incorporates a mix of uses to serve both the residents of the development and the existing community.

### **Planning Statement (Produced by Roger Tym & Partners)**

This report makes the following conclusions;

- Section 38 (6) of the Planning and Compulsory Purchase act 2004 requires that applications be determined in accordance with the statutory development plan, unless material considerations indicate otherwise. The development plan comprises the North West RSS and the saved policies of the Congleton Local Plan and the Cheshire Structure Plan.
- The proposed development accords with the strategic objectives and relevant policies of the development plan.
- The proposed scheme is also consistent with the emerging Interim Planning Policies on Affordable Housing and the Release of Land, relevant supplementary Planning Guidance as well as other relevant national guidance including PPS1, PPS3, PPS4 and PPG13 all of which are material considerations.



- The application is therefore 'in accordance with the development plan', as well as with relevant material considerations and so the application should be supported.

**Arboricultural Appraisal (Produced by Shields Arboricultural Consultants and dated August 2010)**

- One group of trees which are considered to be Category A/B trees (high quality and value/ Moderate quality and value)
- Two groups of trees which are considered to be Category B trees (Moderate quality and value)
- Four trees are considered to be Category C trees (low quality and value)
- One group of trees and an individual tree are identified for Removal

**Noise Assessment (Produced by Hepworth Acoustics and dated April 2010)**

This report gives the following summary and conclusions;;

- The potential impact of railway noise and commercial noise has been assessed for the residential element of a proposed mixed use development on the former Foden Trucks Factory site, Sandbach.
- The results of the railway noise measurements demonstrate that the site is exposed to relatively modest levels of noise. Nevertheless, we have recommended upgraded glazing and acoustic ventilation for some of the upper floor bedrooms in properties near to the railway line.
- Noise from the commercial units beyond the railway line was found to be low during the day and night. There are no requirements for noise mitigation measures in relation to the commercial units.

**Affordable Housing Statement (Produced by Roger Tym & Partners and dated November 2010)**

- In compliance with the requirements of SPD6 – and the emerging IPS – it has been agreed with the Council that of the 248 proposed dwelling units, 30 per cent will be affordable. This is the same proportion of affordable housing provision that was secured on the extant outline consent.
- This equates to a total of 74 affordable units across the site, to be split 50:50 between social rented and intermediate tenure. Although we acknowledge that the draft IPS suggests a tenure split of 35 per cent intermediate and 65 per cent social rented, pre-application discussions with the Council have confirmed that the proposed tenure split remains acceptable, since this was deemed to be appropriate at outline stage and the applicant is meeting the full 30 per cent affordable requirement.
- A range of house types will be provided as affordable, as follows:

**Social Rented (37 units)**

- \_ 12 x 'Rufford' (three-bed semi detached)
- \_ 2 x 'Canterbury' (three-bed semi detached)
- \_ 7 x 'Powell' (three-bed semi detached)
- \_ 8 x 'Chatsworth' (three bed semi-detached/mews)
- \_ 4 x 'Kingston' (three bed mews)
- \_ 4 x 'Studley' (two bed mews)

**Shared Ownership (37 units)**

- \_ 9 x 'Rufford' (three-bed semi detached)
- \_ 16 x 'Canterbury' (three-bed semi detached)
- \_ 1 x 'Powell' (three-bed semi detached)
- \_ 5 x 'Chatsworth' (three bed semi-detached/mews)
- \_ 3 x 'Kingston' (three bed mews)
- \_ 3 x 'Studley' (two bed mews)

- The affordable units are distributed in clusters throughout the development. In addition, a further 25 per cent of the units will be low cost market housing.
- Accordingly, the proposed provision of affordable housing at the Fodens Factory site has been agreed in advance with the Council, and is consistent with requirements set out in SPD6 and the emerging IPS.

### **Open Space Assessment**

- The Interim Policy Note provides a step-by-step methodology for calculating the level of public open space required. This calculation is to be made by the Council, and at the time of submission no guidance has been received.
- In light of this, for the purpose of the detailed application we have used as a starting point the level of public open space approved for the extant outline consent. The signed Section 106 Agreement for the outline consent makes provision for no less than 11,200sq.m of public open space, and accordingly the detailed consent will also offer this level of provision. This will comprise a mix of informal public open space, informal play space and an equipped open area.
- The level of public open space to be provided is therefore the same as was previously agreed with the Council, despite the fact that the detailed scheme now includes fewer units within a slightly reduced site area. Therefore, it is anticipated that this level of provision should either meet or exceed the required standards.
- A large central area of public open space will act as a focal point to the development, and will serve the two 'halves' of the site. This is directly overlooked by plots 97-99, 133-140, 156-163, 181-190, and 241-242, to ensure a high level of natural surveillance. Substantial public open space is provided as part of the landscaped linear footpath/cycleway which runs north to south through the site, linking with the eastern part of the central open space area. Other smaller pockets of public open space are located throughout the site, providing attractive and useable green spaces which break up the urban area and enhance the street scene. All areas of open space will be controlled and maintained via a management company, or can be adopted by the Council.

### **Ecology Report (Produced by NLG Ecology Ltd and dated November 2010)**

- The proposed development will result in the loss of relatively small areas of semi improved neutral grassland, tall vegetation of low ecological value. Areas of regenerating scattered scrub, a small area of dense scrub and two species poor hedgerows (target notes 9, 12) will also be lost to the development. Clearance of these habitats will be subject to time constraints.
- The loss of scrub habitat to the development is considered to be insignificant in the long term as gardens and public open spaces created within the development will more than compensate for this.
- The hedgerow with mature trees on the northern site boundary is a UK BAP Priority Habitat. Consideration should be given to retaining this hedgerow within the proposed development as it is located along an existing boundary. The loss of the hedgerows to the development will, however, be more than compensated for by the planting of hedgerows within gardens in the new development.
- The band of woodland and standard trees that occur along the site boundaries are due to be retained by the development.
- The potential for impacts from the proposed development upon the nearby Sandbach Flashes SSSI is considered to be negligible. The site is separated from the SSSI by the Trent and Mersey Canal and farmland, which will act as a buffer to any potential detrimental impacts. The development of a residential housing estate should not lead to an increase in disturbance to the SSSI and its associated species assemblage,

given the previous industrial use of the site and the proximity of other industrial estates nearby.

- Opportunities exist to enhance the value of the new development for wildlife. These include planting native species rich hedgerows as boundary features and planting native tree species within public open spaces.
- Disturbance to the outlier badger sett within the grass embankment would not be avoidable under the current development plans. Therefore, closure of the sett under licence is recommended to avoid any compromise of the legal protection afforded to badgers. Sett closures are only permitted under licence between July and November inclusive, to avoid the badger breeding season. A Natural England badger licence will need to be applied for prior to the start of any work on site by a suitably experienced professional ecologist.
- The badger exclusion fence already in place should be repaired before the start of works to prevent badgers from entering the site. This should be monitored and repaired as necessary on a daily basis throughout the construction phase to ensure that it remains functional.
- The band of woodland is to be retained as part of the development and therefore there are no plans to remove the trees on the edge of the woodland that have low roosting habitat value for bats.
- The mature oak with low roosting habitat value (target note 13) may be lost to the development. Felling of the tree should be carried out according to the method statement indicated within the ecology report
- The loss of bat foraging habitat to the development will be minimal. Gardens and public open spaces created as part of the development will increase foraging opportunities for bats in the long term.
- Clearance or pruning of any potential nesting bird habitat should be undertaken outside the nesting bird season, which runs from March to August inclusive. Nesting bird habitat includes woodland, dense and scattered scrub, standard trees and hedgerows. Any de-vegetation work carried out during the breeding bird season will be subject to a bird nest survey by a suitably qualified ecologist. No work will be permitted within 5m of any active nests identified and the vegetation may only be removed once the ecologist has determined that the nest is no longer in use. Evidence of bird nesting was found during the survey so this could lead to long delays.
- The overall loss of bird nesting habitat to the development will be minimal. In the long term, the garden habitats and public open spaces created within the development will more than compensate for the bird nesting and foraging opportunities lost.
- No other protected species issues were identified during the survey. No ponds were located within the survey area and a desk study of Ordnance Survey maps at a scale of 1:25,000 revealed no ponds within 250m of the site. The site is also largely surrounded by barriers to great crested newt migration with the canal to the west and south, the railway and industrial estates to the east and a residential area to the north. Great crested newts do not therefore pose a constraint to the proposed development.

### **Landscape Schedule (Produced by LDS Ltd and dated November 2010)**

A landscaping schedule for the proposed residential development at the site has been provided. This document is available to view on the planning file.

### **Flood Risk Assessment (Produced by Campbell Reith Hill LLP and dated November 2010)**

This report makes the following conclusions and recommendations;

- The site is located immediately adjacent to the Trent & Mersey Canal and east of the Watch Lane Flash Nature Reserve and SSSI. The Local Planning Authority (Congleton

Borough Council) have requested that the risk of flooding be formally assessed through a Flood Risk Assessment

- The EA have no modelled flood data available for the site.
- The site is unlikely to be affected by fluvial flooding from nearby Rivers. Flooding of the site is more likely to occur as a result of the proposed drainage systems surcharging, resulting in over-land flood flows.
- A preliminary drainage design has been prepared in support of this Flood Risk Assessment which has proved that surface water run-off from the proposed development can be managed so as to ensure flows from the site following redevelopment will not exceed current levels. Redevelopment of the site will not therefore increase the flood risk to any other property.
- A proposed drainage system can be provided which will wholly contain a storm event that has a 1% (1 in 100) chance of occurring each year. Surface water run-off from the site will be restricted and attenuated on-site prior to being discharged to the adjacent Trent and Mersey Canal at equivalent Greenfield run-off rates.
- Data supplied by the Environment Agency indicates the site to within Flood Zone 1.

#### **Transport Statement (Produced by Campbell Reith Hill LLP and dated November 2010)**

This report makes the following conclusions;

- The development site has been shown to be accessible by public transport. There are a range of facilities within walking distance of the site and a significant area including Sandbach town centre. Wheelock and Middlewich can easily be reached by cycle.
- The capacity analyses of the local road junctions have shown that all junctions assessed can operate below capacity in both 2011 and 2021 with the addition of the proposed development traffic.
- The Transport Assessment also highlights the commitment of the applicants to implement sustainable travel initiatives through the production of a Travel Plan for the development.
- It is therefore concluded that there are no transportation reasons why the proposed development at the former Foden factory site should not be granted planning permission.

#### **Air Quality Assessment (Produced by ENTEC and dated November 2010)**

This statement concludes that;

- This assessment has concluded that with appropriate mitigation measures incorporated into a CEMP (Construction Environmental Management Plan), dust affects will be minimized to an acceptable level. Potential construction phase effects are therefore considered not to be significant
- The effect of road traffic emissions on modeled existing receptor locations within the local area, both existing and those proposed as part of the development is considered to be not significant

### **8. OFFICER APPRAISAL**

#### **Main Issues**

The main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of planning policy, housing land supply, loss of employment, affordable housing, amenity, ecology, design landscape, layout drainage and flooding, infrastructure, highway safety and traffic generation.

## **Planning Policy and Housing Land Supply**

The application site is shown as being within the Settlement Zone Line for Sandbach and therefore Policy PS4 is relevant. Policy PS4, states that within the settlement zone line, *'there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the plan'*. It goes on to say that *'any development within settlement zone lines on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance'*.

Policy H4 provides detailed criteria that the Council will be required to consider before housing development within the settlement zone lines can be granted planning permission. This includes considerations such as the availability of previously developed land and buildings and the capacity of existing infrastructure, the accessibility of the site to jobs, shops and services by modes other than the car and the capacity of existing infrastructure. Generally the proposal is considered to be in line with this policy. Policy H4 also requires that the proposed development complies specifically with policies GR2 and GR3 and also that it accords with other Local Plan policies.

The NW Regional Spatial Strategy (2008) proposes a dwelling requirement of 20,700 dwellings for Cheshire East for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council have decided to continue to use the housing requirement of 1,150 net additional dwellings per annum pending the adoption of the Core Strategy.

The Cheshire East SHLAA November 2010, identifies that at 31<sup>st</sup> March 2010 the Borough had 4.48 years supply of identifiable, 'deliverable' sites. In order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land has been made available for consultation purposes. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas to support the provision of employment, town centres and community uses.

In this instance the site has been granted outline planning permission under application 07/0913/OUT and is included within the Cheshire East SHLAA. It is therefore considered that the principal of development on this site is acceptable

## **Loss of Employment Land**

Policy E10 states that 'proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes'. It should be noted that during the consideration of the current outline permission on this site that evidence was provided of marketing undertaken on the site and the viability of development on this site. In this instance it is accepted that there has been a reduction in the employment space that would be provided on the outline from 5,480sq.m to 3,620sq.m. However this is not considered to be an issue that would warrant the refusal of this planning application given that Policy E10 allows the redevelopment of an existing employment site where there would be substantial planning benefit. In this case it is considered that there is such a benefit to meet the 4 tests within Policy E10.

Policy E3 provides the criteria that the Council will be required to consider before employment development within the settlement zone lines can be granted planning permission. This includes consideration as to whether the proposal is appropriate to the local character in terms of its use, intensity, scale and appearance. Policy E3 also requires that the proposed development complies specifically with policy GR1 and also that it accords with other Local Plan policies.

In order to ensure that the employment units on the site are delivered the outline permission includes a condition which states that B1 employment units shall be constructed and made available for occupation prior to the occupation of 100 of the dwellings. In this instance the applicant has requested that the condition be altered so that prior to 100 of the dwellings being constructed the retail unit shall be constructed and the proposed B1 units shall be laid out with the access and necessary infrastructure provided on the site. This would allow the applicant to build the employment units when an occupier for each unit is found and would avoid the situation of the employments buildings sitting empty and the applicant paying tax on the empty buildings.

### **Retail Development**

The proposal would include the provision of one retail unit which would be single storey and would have a floor area of 360sq.m. Policy S2 states that new shopping development within the settlement zone line of a town should be of an appropriate scale intended to serve the needs of a locally resident community. The proposed 360sq.m retail unit is not considered to be a 'significant' shopping proposal and therefore may be considered appropriate in terms of the location of the development. Furthermore the proposal would increase the sustainability of the site.

### **Affordable Housing**

The proposed development would provide 30% affordable housing in the form of 2 and 3 bedroom properties. This equates to a total of 74 affordable units across the site, to be split 50:50 between social rented and intermediate tenure. The affordable housing mix would be as follows;

#### *Social Rented (37 units)*

- 12 x 'Rufford' (three-bed semi detached)
- 2 x 'Canterbury' (three-bed semi detached)
- 7 x 'Powell' (three-bed semi detached)
- 8 x 'Chatsworth' (three bed semi-detached/mews)
- 4 x 'Kingston' (three bed mews)
- 4 x 'Studley' (two bed mews)

#### *Shared Ownership (37 units)*

- 9 x 'Rufford' (three-bed semi detached)
- 16 x 'Canterbury' (three-bed semi detached)
- 1 x 'Powell' (three-bed semi detached)
- 5 x 'Chatsworth' (three bed semi-detached/mews)
- 3 x 'Kingston' (three bed mews)
- 3 x 'Studley' (two bed mews)

The affordable units are distributed in clusters throughout the development. In addition, a further 25 per cent of the units will be low cost market housing.

The affordable housing requirement is therefore compliant with SPD6 '*Affordable Housing and Mixed Communities*' and the Draft Interim Planning Statement on Affordable Housing.

## **Amenity**

The majority of the residential properties are to the north-east of the site and front onto Mulberry Gardens and Foundry Lane. The proposed dwellings would mainly back onto these properties although some would have their side elevations facing towards the existing dwellings. The separation distances to these properties is considered to be adequate and it is not considered that the proposed development would have a detrimental impact upon the residential amenities of the adjacent dwellings which front onto Mulberry Gardens and Foundry Lane.

In terms of the properties which front onto Moss Lane the separation distances are acceptable whilst a landscaped buffer which is located outside the application site would also be retained to help screen the development.

It should also be noted that there would be some improvement to residential amenity through the loss of the existing employment site.

Concerns have been raised in relation of noise pollution, air pollution and light pollution caused by the development. The Environmental Health Department has been consulted and raised no objection to the development on these grounds. As a result, it is not considered that these issues would warrant the refusal of this application.

In terms of land contamination the development is considered to be acceptable and

## **Ecology**

### Sandbach Flashes Site of Special Scientific Interest (SSSI)

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds specifically Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In terms of the impact upon the SSSI, Natural England have been consulted and have advised that the proposed development would not materially or significantly affect the SSSI. The proposed development is therefore considered to be acceptable in terms of its impact upon the SSSI.

### Badgers

The proposed development will result in the loss of two sporadically used outlier setts and also the potential disturbance of other badgers setts located outside the application boundary on the adjacent railway embankment.

The submitted method statement provides details of the controlled closure of the two setts to be lost to the development and recommendations for the supervision and implementation of any works within 30m of the off-site setts. The proposed method statement is considered be acceptable and the proposed mitigation will be secured through the use of a condition.

### Bats

One of the buildings which stood on the site included a small bat roost and the applicant gained a Natural England Licence prior to the demolition of the buildings which stood on the site. As the licence has already been granted it is not considered necessary the development against the tests contained within the EC Habitats Directive 1992. The development must proceed in accordance with the Natural England Licence which has been dealt with separately to this planning application.

### Breeding Birds

The use of conditions in relation to the timing of the works and details of mitigation measures could be used to ensure that the development would not have a detrimental impact upon breeding birds.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The hedgerow to the boundaries of the site would be retained and any necessary improvements would be secured under a landscaping condition.

### **Trees**

The application site includes a number of trees to the boundaries of the site; these trees are of varying quality and age and are not protected by a Tree Preservation Order. The submitted information in relation to the trees on the site does not fully assess the impact of the development nor does it accurately plot all of the surrounding trees.

It is considered that there are possible pinch points at plots 1, 3-12, 14, 17-30, 45-49, 71-81, 95-96, 124, 127 and the employment units plots G, H, I, J & K. Additional information has been requested in relation to the trees on the site and an update will be provided as part of the late report.

### **Drainage and Flooding**

As part of this application United Utilities have raised no objection to the proposed development.

In terms of flooding a Flood Risk Assessment has been provided by the applicants and this has been forwarded to the Environment Agency. The Environment Agency have assessed the FRA and raised no objection to the development subject to the imposition of planning



conditions. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

### Design

The surrounding development comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick with some properties incorporate render. The predominant roof forms are gables although some are hipped and most are finished in red tiles. Clifton Road and Mulberry Gardens to the north-east are suburban in character whilst Moss Lane is rural in character.

As part of the negotiations on this application the design and layout of the proposed development has been altered. The main points which have been negotiated are as follows;

- The scheme is bland, it really fails to create an identity of its own, the housing types and materials palette resemble many other new housing schemes
- The layout generally works, the cycle links and increased active frontages all work fine, in terms of legibility there needs to be a bigger focus on the housing surrounding the central open space
- Three storey townhouses could be positioned to surround the open space, three storeys here will also help to create a sense of enclosure around the space and add focal points of interest when viewed from other parts of the site.
- Parking appears to dominate some areas within the site
- The layout of the site does not comply with Manual for Streets and the access roads appear to dominate the site

The proposed layout has been altered although all of the requested amendments have not been achieved such as the provision of three-storey townhouses (which the applicant argues are not economically viable).

The amended layout has altered the position of dwellings to the southern access point to give the development a more prominent entrance, whilst some of the parking bays have also been broken up to reduce the dominance of the car.

In terms of legibility, the applicant has indicated that three-storey townhouses are not economically viable and this is accepted. However the applicant has suggested that they would use a varying palette of materials which would help to increase legibility across the site and this is accepted.

Although the house types are two-storey they are of varying heights which will add some subtle interest to the appearance of the dwellings with a varying ridge line across the development. The proposed dwellings include features such as projecting gables, sill and lintel details, porches and bay windows, these details provide interest to the dwellings and they would not appear out of character with the surrounding residential development especially the properties fronting Clifton Road and Mulberry Gardens.

The proposed dwellings would provide surveillance of all public areas including the highways, public open space and the footpath/cycle link.

As part of the amendments secured some properties have been re-orientated so that a small number of properties face onto the Moss Lane landscape buffer and the Canal

Conservation Area beyond. Ideally a greater proportion of dwellings should face onto Moss Lane, however in this case this has not been achieved and any visibility from Moss Lane would be limited in any case given the existing landscape buffer. It is therefore considered that this layout is acceptable.

One of the main criticisms of the original layout was the internal highway layout which appeared over-engineered, dominated by roads and non-compliant with Manual for Streets. The layout of the site has undoubtedly improved following negotiations with the applicants' agent. The Strategic Highways Manager has yet to comment on the internal layout and an update will be provided in relation to this issue.

The proposed retail unit would be single-storey with a pitched roof, whilst the proposed employment units would be two-storeys in height with a pitched roof. Although these elements are utilitarian in appearance it is considered that they are of an acceptable design.

### **Open space**

The site plan shows that the public open space provision to serve the site would be centrally located and would be roughly rectangular in shape (this would provide 7448sq.m of Public Open Space). The development would also include two smaller areas of open space; one to the boundary with Foundry Lane (1998sq.m) and another to the boundary with Moss Lane (1783sq.m). A landscaped area surrounding the proposed footway link is also included but this area is excluded from the Public Open Space calculations. The development would therefore provide a total open space provision of 11,229sq.m.

A development of this site would require a total public open space provision of 7,740sq.m and the proposed development would therefore result in an over provision of Public Open Space which is considered to be acceptable. The location of the open space is considered to be acceptable as it is centrally located within the application site. At this stage it is not clear whether this open space would be adopted by the Local Authority or maintained by a management company and an update will be provided in relation to this issue as part of the late report.

In terms of children and young persons provision Greenspaces initially requested a larger Neighbourhood Equipped Area for Play (NEAP) which would serve both the Fodens Factory site and the Fodens Test Track site. However it is not considered to be reasonable to provide a NEAP for both sites and Greenspaces have requested the provision of smaller Local Equipped Area for Play (LEAP) with an area to be extended when the Fodens Test Track site comes forward. This is considered to be appropriate although a revised maintenance contribution for the proposed LEAP has not been updated and Greenspaces have provided a maintenance figure for a larger NEAP only. An update will be provided as part of the late report in relation to this issue.

### **Highway Safety and Traffic Generation**

Historically the site gained outline planning permission in 2008 for some 280 dwellings plus B2 and an extracare facility. All details were reserved except for highway access which was resolved satisfactorily in terms of local and significant highway improvements. Agreements for further improvements to local sustainable links were also made and included: footway repairs and upgrades and the provision of street lighting improvements.

This application initially offered a similar scheme to the original outline proposal with some changes to the residential aspects of the site (less flats and less dwellings overall), and more significantly offered a different junction solution for the B5079/A533 – Station Road/London Road junction.

This revised solution for the Station Road/London Road junction did not offer traffic signals with pedestrian facilities as per the original permission and instead proposed a simple improvement of the existing junction which required the intrusion of a projected give-way line into the carriageway of London Road to provide a visibility improvement.

The Highway Development Management Team determined that the proposal to treat this junction in this way was unsatisfactory and would not pass safety audit, or indeed manage the proposed traffic generation to the satisfaction of the Strategic Highways Manager.

To this end the claimed improvement was dismissed and negotiations opened to secure the satisfactory provision of a traffic signal junction design, similar to the one approved with the 2008 permission.

This involved survey work for both the Authority and the applicant's highway consultant and the receipt of a new Technical Addendum to the Transport Assessment which identified more specifically the requirements of the junction and resolved to offer the provision of the traffic signal junction that the S.H.M. required.

The remaining off-site highway aspects of the site aligned with those agreed for the 2008 permission and the resolved position for this application in terms of the highway access solution is now satisfactory.

It is worth mentioning that joint site visits have been made with the applicant's highway consultant to identify necessary upgrades and repairs to the existing footway links to and from the site between it and sustainable transport modes such as the railway station and the bus services on London Road and Station Road.

These improvements will be secured by schedule under a Section 278 Agreement (Highways Act 1980) and will be provided by the developer.

The benefits of these improvements align with the developer's duty to provide and promote sustainable modal choice of travel, and together with the through site link footways and cycleways and the changes to Moss Lane to the rear of the site will offer significant betterment to the general sustainable use of the Elworth area.

The internal layout for this site is to be an innovative Manual for Streets layout which will provide a pedestrian friendly hierarchy of internal adoptable highways ranging from major vehicular routes to pedestrian priority streets.

The whole site will provide an integrated and quality design and will, in the view of the Strategic Highways Manager set a standard for other similar sites locally in the future.

To this end a more holistic view is being taken by the Highway Authority towards the design process in order that subsequent development on adjacent sites can be led by example and linked by the integration of the design and sustainable links.

In addition, the H.D.M. team have also negotiated for the inclusion of the retail element on the site which is a significant addition, given that it will allow for many very local convenience shopping trips and should help reduce the need for single occupancy car journeys – another target towards sustainable transport choice.

Currently the Strategic Highways Manager has yet to comment on the revised internal layout drawing and update will be provided in relation to this issue.

### **Infrastructure**

Local residents have expressed concerns in respect of the impact of the development upon local infrastructure including schools, health and leisure facilities.

As part of the existing outline permission for this site a contribution of £40,000 was secured towards enhancing education provision (a contribution of £30,000 was also secured for the test track site to the south).

The Councils Education Department have been consulted as part of this application and the original consultation response requested a contribution of £458,726. This was calculated using the following formula;

*250 dwellings X pupil yield factor of 0.182 = 45.5 X school extension cost multiplier £11,079 X regional weighting 0.91 = £458,726*

The applicant has responded to this consultation response and stated that the number of dwellings included in the calculation is not correct (250 instead of 248). The applicant states that the calculations have been made using a former County Council calculation which used data from the 2001 Census which arrives at a net impact of 0.182 primary children per household, the applicant states that applying the same principles for Cheshire East and January 2010 pupil number produces a lower figure which is more valid and accurate. The applicant has stated that according to Council Tax records there is 163,280 occupied dwellings in Cheshire East with 24,914 primary school pupils living in and being educated in Cheshire East (source DfE LEA Tables Jan 2010) and this would give a child yield of 0.153 per dwelling. Finally when taking into account the DfE cost multipliers the applicant is stating that the contribution should be £328,069.

This information has been forwarded onto the Councils Education Department who has stated that the assessment based on Census data has been used for many years and is used by numerous local authorities across the country. The Councils Education Department have also suggested adding additional costs of £68,258 for professional fees and £22,752 for furniture and IT equipment.

The Education Department have not provided any argument in response to the figures used by the applicant and have only stated that this is the traditional way that these commuted payments are calculated. This may well be the case but the data used by the Educational Department is 10 years old and the assessment made by the applicant can not be disputed. It is therefore considered that the commuted payment of £328,069 is an appropriate contribution. It should also be noted that this figure is much larger than the contribution secured as part of the outline consent.

## **Ground Conditions**

A consultation response has been received from the Cheshire Brine Board this makes recommendations in relation to the construction of the buildings on the site. It is considered that the development can proceed in accordance with these recommendations.

## **Public Rights of Way**

As part of the proposed development a footway/cycle link would be provided which would run from the south of the site to Foundry Lane. This would provide a sustainable link to a footpath and a bridge over the railway line to Station Road and Sandbach Railway Station. It is also envisaged that this link would be extended into the vacant sites to the south once they come forward for housing development.

As part of the consultation response to this application the Public Rights of Way Officer has made the following suggestions;

- Improvements to the towpath of the Trent and Mersey canal close to the site
- The provision of sections of pavement at the corner of Moss Lane at the southern edge of the proposed development site and on Watch Lane to the west. The suggestions were put forward to encourage pedestrian movement along these lanes.
- Surface improvements are required on public footpaths No. 30, 31 and 46 which run between the proposed development site and the employment and service centres of the locality.

In relation to the first point the original outline planning application included a contribution of £30,000 towards canal side improvements. The applicant has indicated that they are not averse to making such contributions where they are fully justified, and they would expect a more detailed explanation from the Council as to what exactly is required and why (bearing in mind the package of off-site works we will already be proposing via the Section 278). As a result the Public Rights of Way Officer is liaising with British Waterways to respond to this point. An update will be provided in relation to this issue as part of the late report.

The improvements to Moss Lane and footpath 46 have been agreed as part of the highway works and will be provided as part of the highway works under the Section 278 Agreement. It is not considered that it would be reasonable to secure the other works suggested (improvements to Watch Lane and footpaths 30 & 31).

## **Other Issues**

The previous outline application included a contribution of £15,000 for CCTV provision on the railway footbridge. The Manager of the CCTV Section has confirmed that this contribution will no longer be required.

Policy EM18 (Decentralised Energy Supply) of the RSS requires all residential developments comprising 10 or more units to secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources. This will be controlled by the use of a planning condition.

The issues of increased anti-social behaviour, vandalism and litter have been raised. These issues are not issues that would warrant the refusal of this planning application.

## **9. CONCLUSIONS**

It is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. In this case the application site is a brownfield site within the Sandbach Settlement Boundary and benefits from an outline planning permission for a residential development. It is therefore considered that the principle of a residential development on this site is acceptable.

The proposed development would not have a detrimental impact upon highway safety and the Strategic Highways Manager has secured a number of off-site highway works to ensure that this is the case.

The design and scale of the proposed dwellings is considered to be appropriate as is the design and scale of the proposed employment units and the retail unit. An update will be provided in relation to the internal layout of the site.

The development would provide 30% affordable housing and would involve an over-provision of Public Open Space, although further clarification will be provided in relation to the provision of a LEAP and the requirement maintenance arrangements.

The development would make an appropriate contribution to educational provision and an update will be provided in relation to contribution to canal side improvements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, drainage/flooding, protected species, SSSI, employment land. An update will be provided in relation to the impact upon trees.

## **10. RECOMMENDATION**

**APPROVE** subject to the following conditions and the satisfactory completion of a S106 Agreement comprising;

### **Heads of terms**

- **A provision of 30% affordable housing (74 units) split 50:50 between social rented and intermediate tenure**
- **A contribution towards local education provision**
- **The provision of a LEAP and maintenance costs**
- **The provision of Public Open Space and a scheme of management of this public open space**
- **A commuted payment towards canal side improvements (To be confirmed)**
- **An Interim Residential travel plan in accordance with DfT guidance document**
- **A framework Travel Plan for any commercial use-classes in the development to be agreed with the Cheshire East Council Travel Plan co-ordinator**
- **A commuted sum for the necessary Traffic Regulation Orders and local traffic management orders**

**Conditions;**

1. Standard time – 3 years
2. Prior to the completion and occupation of 100 of the dwellings the retail unit shall be constructed and the infrastructure and internal road layout for the employment units shall be laid out
3. Materials to be submitted to the LPA and approved in writing
4. The B1 units shall be restricted to B1 use only
5. Submission of a landscaping scheme to be approved in writing by the LPA
6. Implementation of the approved landscaping scheme
7. No trees to be removed without the prior written consent of the LPA
8. Boundary treatment details to be submitted to the LPA and approved in writing
9. Remove PD Rights for extensions and alterations to the approved dwellings
10. If protected species are discovered during construction works, works shall stop and an ecologist shall be contacted
11. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds.
12. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
13. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated January 2011.
14. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
15. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
16. The development hereby permitted shall not be commenced until such time as a scheme to discharge surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
17. The acoustic mitigation measures as outlined in Acoustic Report 20860.01.v1 dated November 2010 submitted with the application shall be implemented.
18. The Bund and Concrete Fence to the Eastern Boundary of the site shall be retained, and maintained throughout the life of the development.
19. The operational hours, and servicing hours shall be agreed with the Local Planning Authority prior to bringing the B1c and A1 uses into operation.
20. Prior to positioning any fixed plant or equipment on the Northern or Western aspects of the B1c or A1 uses, a scheme of acoustic attenuation shall be submitted to, and approved by the Local Planning Authority addressing the acoustic impact of such units on the nearby residential uses.
21. The Travel Plan proposed in the Transport Assessment (submitted with the application) shall be submitted and agreed by the Local Planning Authority prior to the first use commencing.
22. Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
  - a) Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a

detailed specification of plant and equipment to be used and construction traffic routes;

- b) Dust generation caused by construction activities and proposed mitigation methodology.

23. All demolition / construction works likely to be audible beyond the site boundary, and deliveries to and collections from the site shall be restricted to the following hours:

Monday – Friday                      07:30 – 18:30hrs

Saturday                                08:00 – 14:00

And at no time on Sundays or public holidays.

24. There shall be no burning of waste on the site during the demolition and construction of the development.

25. Prior to the commencement of development the developer shall provide justification of the values detailed in Appendix E of the Detailed Remedial Strategy any alterations to the Remediation Strategy shall be agreed in writing with the LPA

26. Once the remedial targets have been agreed by the Local Authority and remediation of the site has been completed a Site Completion Report detailing the conclusions and actions taken at each stage of the works including validation works shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

27. Method statement for the control of any Japanese Knotweed on the site

28. No building within 3 metres of the public sewer which crosses the site

29. Completion of the proposed off-site highway works

30. Details and location of the contractors compound together with details of management of the site to be submitted to the LPA and approved in writing

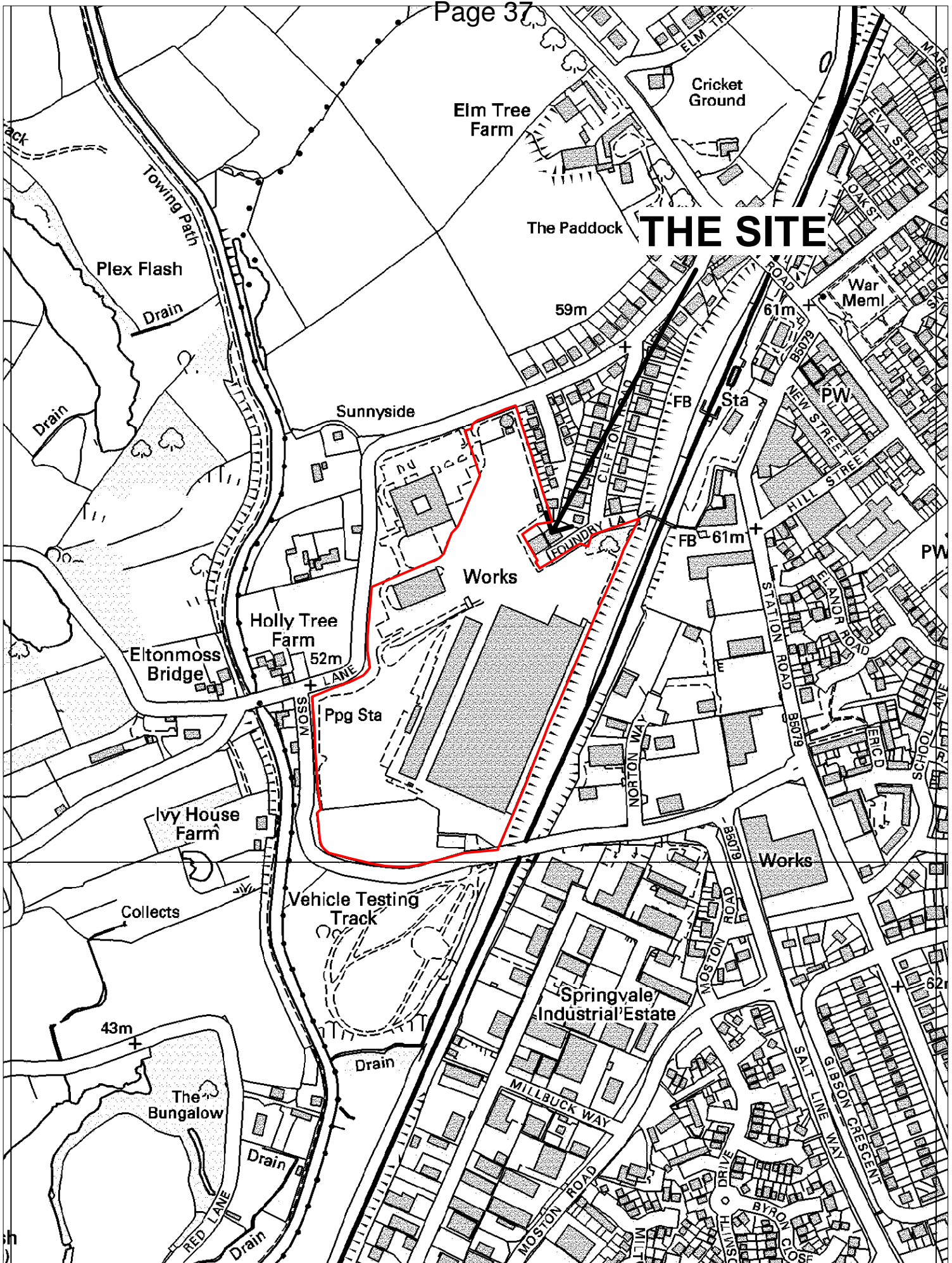
31. Measures to show how mud, clay or other material is not deposited on the highway

32. Waste Management Strategy to be submitted to the LPA and approved in writing

33. Details of how the development will secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources

34. Details of external lighting to be approved in writing by the LPA





10/4660C - FORMER FODEN FACTORY SITE, MOSS LANE, SANDBACH

N.G.R. - 373,500 - 361,230

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

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



This page is intentionally left blank

<b>Planning Reference No:</b>	10/4626C
<b>Application Address:</b>	Land off Hind Heath Road, Sandbach
<b>Proposal:</b>	Variation of Condition 2 of Planning Permission 09/2058C – Amendment to approved drawings.
<b>Applicant:</b>	Cheshire East Council
<b>Application Type:</b>	Full
<b>Grid Reference:</b>	374395 360180
<b>Ward:</b>	Sandbach
<b>Consultation Expiry Date:</b>	27 <sup>th</sup> January 2011
<b>Date for determination:</b>	18 <sup>th</sup> March 2011

## **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions

### **MAIN ISSUES**

**Principle**  
**Design**  
**Landscaping**  
**Amenity**  
**Highways and Access**  
**Drainage and Flooding**  
**Ecology**  
**Other Matters**

## **REFERRAL**

The application has been referred to committee because it is a major development and Cheshire East Council is the applicant.

### **1. SITE DESCRIPTION**

The site lies between Elworth and Sandbach and is to be accessed off Hind Heath Road. The land is currently divided into four parcels three of which are used for the growing of crops and the fourth is used for the grazing and stabling of horses.

All of the fields are bounded by native hedging which varies in height from approximately 2.0m to 4.0m. Additional hedging divides the fields with a few access points for agricultural vehicles to enter and pass between each area.

These hedges along with the boundary hedges are interspersed with trees including some Oaks. The hedges are also supported by either post and rail or post and wire fencing.

On the eastern side of the site a small area of land shows signs of a water feature existing adjacent to one of the field boundaries with Bulrushes growing adjacent to the dividing field hedgerow.

## **2. DETAILS OF PROPOSAL**

Planning permission was granted in November 2009 for the development of 10 new football pitches, changing room accommodation, a car park, new access off Hind Heath Road and floodlighting. The proposed layout of the site is such that the car park will be situated to the south of the Wheelock Rail Trail whilst the pitches and changing room will be situated to the north.

Although the Council is acting as applicant in this instance, the site is to be operated by Sandbach FC. The scale and form of development including the need for the changing rooms and the multi use pitches is not based on a simple desire of Sandbach FC but on an analysis of exiting provision in the local area and the need for the club to meet the Football Association's requirements. The proposal has gone through the FA scrutiny process and the facility is the minimum that is required to attract funding.

Condition 2 of the previous approved scheme (09/2058C) required the development to be carried out in accordance with the approved plans. However, the developer now wishes to make a number of amendments to the plans and therefore an application to vary condition 2 has been submitted (10/4626C).

## **2. RELEVANT PLANNING HISTORY**

09/2058C      Proposed new Football Pitches, Changing Accommodation, Car Parking,  
Access and Floodlighting – Approved November 2009

## **3. PLANNING POLICIES**

### **National Planning Guidance**

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport  
PPG17 Sport and Recreation  
PPS23 Planning and Pollution Control  
PPG24 Noise  
PPS25 Flood Risk

### **Regional Spatial Strategy (RSS)**

DP1 Spatial Principles  
RDF2 Rural Areas  
L1 Heath, Sport, Recreation, Culture and Education Services Provision

### **Local Plan Policies: Congleton Local Plan First Review**

PS3: Settlement Hierarchy  
PS6: Settlements in the Open Countryside and the Greenbelt  
PS8: Open Countryside.  
GR1 New Development  
GR2-3 Design

GR4-5 Landscape  
GR6-7 Amenity and Health  
GR9-10 Accessibility, Servicing and Parking Provision: New Development  
GR13 Public Transport Measures  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpath, Bridleway and Cycleway Networks  
GR17 Car Parking  
GR18 Traffic Generation  
GR19 Infrastructure: General  
GR21 Flood Prevention  
GR24 Wider Environmental Considerations  
NR1 Trees and Woodland  
NR3 Habitats  
NR4 Non-Statutory Sites in the Congleton Local Plan  
NR5 Improve and Enhance Nature Conservation  
RC1 Recreation and Community Facilities: General  
RC3 Nuisance Sports  
RC10 Outdoor Formal Recreational and Amenity Open Space Facilities

#### **4. OBSERVATIONS OF CONSULTEES**

##### **Environment Agency**

- No objection

##### **Natural England**

- The application does not affect nationally designated landscapes or any statutorily designated areas of nature conservation importance
- A protected species survey is not required for this type of application
- The proposed cycle barriers to the rail trail are unnecessary and could be hazardous to users. They should be omitted.

#### **5. VIEWS OF THE PARISH / TOWN COUNCIL**

None received at the time of report preparation.

#### **6. OTHER REPRESENTATIONS**

Letters of representation have been received from 10 Abbeyfields, 68 Oldfield Road, 177 Crewe Road, 174 Middlewich Road, 55, 71, 90, 103, 105, 123 125 Abbey Road 10 Angelina Close, Sandbach making the following points:

- removal of all perimeter fencing, will allow trespassing onto surrounding land and potential for damage to properties
- removal of internal storage areas will encourage the use of temporary external storage buildings that may be unsightly
- There will be additional litter
- The reduction in the size of the kitchen is welcome but the removal of the bin store is short sighted

- Removal of internal storage could result in additional temporary buildings.
- Temporary buildings will be a target for vandals and increase maintenance costs.
- The barriers / gates across the rail trail would be a hazard to users and should be omitted.
- There should be gates to the football fields.
- The Wheelock Rail Trail already has very restrictive 'A' shaped and bollard style barriers a short distance either side of the new access road. A car driver simply would not drive along the Wheelock Rail Trail from the new access road and a motorcyclist would not be stopped by them any more than by the existing barriers further away. Single bollards are not recommended either in this unlit location since cyclists would crash into them.
- Sandbach United seems to take precedence over the rail trail
- Sandbach United has not informed residents of the proposed revisions.
- Removal of the fencing could lead to anti-social behaviour
- As the pitches have been reduced could the club house be reduced?
- Any alterations should be approved by a competent lighting engineer to ascertain that the lighting does not intrude onto surrounding residential property
- Originally it was stated that the site would be surrounded by high banking covered with trees.

## **7. APPLICANT'S SUPPORTING INFORMATION:**

None submitted

## **8. OFFICER APPRAISAL**

### **Principle**

The previous approval established the acceptability in principle of football pitches on this site. As a result, this application does not present an opportunity to re-examine those matters. The main issues in the consideration of this application are the acceptability of the proposed amendments, which are as follows.

1. Reduction in size of the Changing Block from 750sq.m to 669sq.m with associated minor elevation changes
2. Roof lights omitted from the Changing Block and eaves overhang reduced to 750mm
3. Reduction in the total number of pitches from 10 to 9 with the line of the south east site boundary amended to suit. The pitch sequence has been re-numbered reflect the omission of one pitch
4. The overall size of the MUGA pitch has been reduced due to the pitch borders being amended to 3m
5. The external storage compound for mowers etc. has been relocated adjacent to the access road turning head
6. The area of hard standing around the changing block has been reduced and changed from tarmac to Marshall Saxon paving
7. An external storage compound for LP gas has been added adjacent to the access road turning head
8. The disabled car parking spaces have been relocated along the access road and all the car park branch roads have been shown as stone
9. The height of the MUGA pitch fencing has been reduced form 4.5m to 3.0m with supplementary netting behind the goals provided to an overall height of 4.5m

10. Cycle barriers have been added to the Wheelock Trail at its junction with the access road
11. The access track gates have been relocated adjacent to the Wheelock Trail and the previously noted Kissing Gates have been amended to double swing pedestrian gates
12. The SUDS drainage layout has changed to reflect the revised site amendments and pitch drainage proposals
13. Pitch 2 floodlighting is to be a future provision
14. The footpath link with the Cricket Club has been shown.

### **Design**

The reduction in the size of the changing block will reduce its overall visual impact on the openness of the countryside and the surrounding area. Similarly, the reduction in the eaves overhang will also reduce the bulk and massing of the building. The omission of the large roof-lantern will reduce the overall height and remove the opportunity for light pollution. The overall form and style of the building will be very similar to the approved scheme and it is not considered that the other minor amendments to the fenestration will have any material impact on its overall appearance. The proposed building therefore remains acceptable in design terms.

The reduction in the number of pitches, height of fencing and size of the MUGA will also reduce the impact on the open countryside and is therefore welcomed. The reduction in the area of hardstanding and change in surfacing materials from tarmac to stone and block paving will also improve the overall appearance of the site and ensure that it appears more in keeping with the rural area. The relocation of the disabled parking spaces will result in a slight increase in hardstanding on the southern side of the access road. However it is not considered that this will have an significant visual impact, particularly given the change in surfacing materials referred to above.

The proposed location of the equipment and LPG storage areas close to the Wheelock Rail Trail would be more prominent when viewed from the rail trail than the approved storage location to the north of the building. However, any adverse impact could be mitigated with appropriate landscaping. Indicative screen planting is shown to the LPG store but not the equipment store, although further landscaping could be conditioned.

### **Landscaping**

The reduced site area and pitch layout amendment would allow for the retention of a section of hedgerow with hedgerow trees bounding a paddock to the south east of the site. These features would have been removed for the original proposals and their retention is welcomed.

In accordance with the terms of the previous approval, it is recommended that conditions be imposed requiring the provision of additional landscaping to mitigate the impacts of the development. In addition measures would be required for the protection and management of retained trees and hedgerows and for the maintenance of any additional planting.

### **Amenity**

The reduction in the size of the changing block and the reduction in the number of pitches will result in a slight reduction in the potential intensity of use of the site, which will be of benefit to the amenity of neighbouring occupiers. As stated above, the proposed

amendments will also reduce the visual impact of the development. The omission of the floodlighting from pitch two will also benefit neighbour amenity.

Whilst the revised location of the LPG and storage compound will be closer to the properties in Hind Heath Road than on the approved plans, a separation distance of approximately 100m will still be maintained. Therefore, it is not considered that there will be any significant adverse impact on amenity as a result. Concerns have been expressed the omission of the internal refuse store, which was to be located adjacent to the kitchen and it's incorporation into the external storage compound will result in staff and users having to transport rubbish further and will therefore result in an increase in litter. However, the revised location of the external compound is closer to the club house than the approved location. Furthermore, the size of the kitchen has been reduced, which will, in turn, reduce the potential for waste generation. The applicant has also agreed to the imposition of a condition requiring the provision of litter bins on site.

Concerns have also been raised in respect of the omission of the ball-proof boundary fencing to the site, which residents consider will result in an increase in trespassing on adjacent property. The site is bounded, for the most part, by agricultural land. At the north western corner, it abuts the industrial units in Lodge Road and to the south west it bounds the rail trail. The industrial units benefit from existing security fencing, whilst the rail trail is already open to public access. The site does not share any boundaries with residential properties, and therefore the omission of the perimeter fencing will not create any security risks in respect of domestic properties. The boundaries to the agricultural land would be formed by post and rail fencing supplemented by native hedge planting. Whilst it is acknowledged that this may increase potential for trespass on adjoining agricultural land, which may contain crops, similar boundary treatments enclose the majority of agricultural land in the Borough, and surround the land at present. Consequently, the proposed post and rail fence / hedging, is not considered to be an unreasonable solution, and it is not considered that a refusal on these grounds could be substantiated.

Given the distance to neighbouring properties which is over 100m at the closest point, it is not considered that the reduction in height of the MUGA fencing will result in detriment to neighbour amenity as a result of footballs being kicked into gardens. Furthermore, an increase in the height of the fencing to 4.5m behind the goal mouths, will provided added protection in the most vulnerable area.

## **Highways and Access**

The relocation of the parking spaces will not result in a significant increase in walking distances to the buildings / pitches. The change to stone surfacing for the carpark will result in the loss of the demarcation for the parking spaces. However, in the absence of any objection from the Strategic Highways Manager, it is not considered that this will result in any displaced parking on the public highway. Furthermore, the reduction in the number of pitches will reduce the demand for parking at the site. It will also reduce potential traffic generation from the site and will therefore reduce the impact on the surrounding highway network and access point. This will result in a marginal improvement in highway safety terms.



## **Drainage and Flooding**

The reduction in the area of hardstanding and change from tarmac to stone surfacing will improve the permeability of the site and reduce run-off. A revised SUDS Drainage Drawing to reflect the site amendments is currently being prepared. It is anticipated that this will also satisfy the requirements of the drainage conditions attached to the previous planning permissions. The drawing was awaited at the time of report preparation and will be subject to consultation with the Environment Agency and United Utilities. An update on this matter will be provided to Members at the Board meeting.

## **Ecology**

Given the reduced scale of the scheme, it is not considered that the revised proposals raise any ecological implications, which were not considered at the time of the original proposals. Furthermore, it is noted that Natural England have raised no objections on ecological grounds and it is therefore considered that the proposal complies with the relevant development plan policies in this respect.

## **Other Matters**

A number of local residents have expressed concerns about the proposed cycle barriers across the Rail Trail. The Council's Public Rights of Way Unit and Natural England also objected to this element of the proposals. Consequently, these have now been omitted from the plans and there will be no barrier across the trail. Gates will be positioned across the access road to the site, at either side of the trail, which will only be opened to allow the movement of vehicles across (for the purpose of maintaining services, deliveries and emergency vehicles only) at all other times they will remain locked and the 2 pedestrian gates will be used in normal operation.

## **9. CONCLUSIONS**

Planning permission for the development of football pitches on this site was granted in 2009 and therefore this application does not present an opportunity to re-examine matters of principle. The proposed amendments to the scheme will result in an overall reduction in the scale of the development, which will lessen its impact on the character and appearance of the area and the open countryside. The proposed amendments are considered to be acceptable in terms of landscaping, amenity, highways and access, drainage and flooding and ecology and amended plans have been secured to address the concerns of residents and other consultees about obstruction of the rail trail. Consequently the proposal complies with the relevant development plan policies, as set out above, and accordingly is recommended for approval, subject to similar conditions as previously.

## **10. RECOMMENDATION**

**APPROVE** subject to the following conditions:-

- 1. Development to commence within 3 years.**
- 2. Development to be in accordance with approved drawings.**
- 3. Samples and detail of materials on external elevations to be submitted prior to development.**
- 4. Supplementary tree planting scheme to be submitted providing details for fruit trees.**

5. Implementation and maintenance of landscaping.
6. Review of lighting when operational.
7. Floodlighting to be restricted to 14:00 to 22:30 hours Monday to Saturday and 14:00 to 20:30 Sundays.
8. Prior to commencement of development, the applicant will submit a Construction management plan with a method statement, to demonstrate appropriate safe management of construction traffic taking access to and from the site.
9. Hours of construction to be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
10. Details of pile driving method, timing and operation to be provided before work commences.
11. Wheel washing facilities to be provided.
12. Measures to control dust during construction to be submitted and approved prior to development.
13. Sustainable urban drainage scheme (SUDS) to be submitted to and approved by the LPA.
14. Drainage works to be implemented in accordance with submitted details.
15. Prior to first use, a formal Travel Plan based on the Travel Plan Framework to be submitted for the approval of the LPA.
16. Prior to the commencement of development, the developer to submit plans of construction specification and geometry for the proposed junction with the B5079 Hind Heath Road. Details to include for the provision of a pedestrian link between the proposed access and the cricket club.
17. Prior to commencement of development, the proposed junction with the
  1. B5079 Hind Heath Road, will be substantially constructed, to exclude carriageway wearing course only.
18. Prior to first use the proposed junction with the B5079 Hind Heath Road will be constructed to completion.
19. Car parking to be constructed and marked out prior to first use.
20. Details of covered and secure cycle parking to be submitted and implemented.
21. Development to be in accordance with submitted Travel Plan.
22. Prior to first use, all proposed improvements to sustainable links, specifically for safe access to and lighting for the Wheelock Rail Trail, will be completed to the satisfaction of the LPA.
23. Provision of litter bins

Elworth

**THE SITE**

Warehouse

Abbeyfields

Depot

Wheelock Rail Trail

Track

Big Hind Heath Farm

Cricket Ground

Cricket Ground

Issues

Issues

Wheelock

Bridge

10/4626C - LAND OFF, HIND HEATH ROAD, SANDBACH

N.G.R. - 374,410 - 360,210

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

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

#

This page is intentionally left blank

<b>Planning Reference No:</b>	09/2083C
<b>Application Address:</b>	Albion Inorganic Chemicals, Booth Lane, Moston, Sandbach, Cheshire, CW11 3PZ
<b>Proposal:</b>	Outline application for comprehensive redevelopment comprising of up to 375 residential units (Class 3); 12,000 sqm of office floorspace (Class B1); 3810 sqm of general industrial (Class B2), warehousing (Class B8), car dealerships and petrol stations (Sui Generis) and fast food restaurant (Class A5) uses; 2600 sqm of commercial leisure uses incorporating hotel (Class C1), restaurant/pub uses (Class A3/A4) and health club (Class D2); retention and change of use of Yew Tree Farm Complex for local centre use (Classes A1, A2, A3, B1 and D1); public open space; together with access and associated infrastructure.
<b>Applicant:</b>	Countryside Properties (Northern) Ltd
<b>Application Type:</b>	Outline
<b>Grid Reference:</b>	373132 362923
<b>Ward:</b>	Congleton Rural
<b>Earliest Determination Date:</b>	10 <sup>th</sup> September 2009
<b>Expiry Dated:</b>	14 <sup>th</sup> October 2009

**SUMMARY RECOMMENDATION:**

- **APPROVE** subject to Section 106 Agreement and conditions.

**MAIN ISSUES:**

- Principle of Development
- Amenity
- Landscape and Tree Matters,
- Conservation and Design Matters
- Drainage and Flooding,
- Affordable Housing,
- Highways
- Education
- Open Space Provision

**1. REASON FOR REFERRAL**

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

**2. DESCRIPTION OF SITE AND CONTEXT**

The application relates to approximately 19ha of land and is situated 3.6km north west of Sandbach Town Centre, and is 4.5km south east of Middleswich. The site comprises two distinct areas, an intensively developed chemical

manufacturing facility extending to approximately 11.2ha, and a former sports ground affiliated to the chemicals factory extending to approximately 7.8ha. The former factory site has recently been cleared and now comprises a hardcore surface.

The former sports ground was predominantly undeveloped but does include the Grade II listed, Yew Tree Farm House, which dates from the 16<sup>th</sup> century, with 19<sup>th</sup> century additions. The predominantly two storey farmhouse was recently used as a club for Directors of the chemical works but has stood vacant for approximately 10 years. Constructed from an oak frame with plaster panels, the farmhouse was extended and partially rebuilt in brick. The listing description for the building notes that there is currently a clay roof in situ but concludes that this was probably formerly thatched.

The listed building and its curtilage structures which are also listed but proxy and were formerly used a staff social club are currently unoccupied. And have been party to various degrees of damage due to relatively recent criminal acts of both vandalism and theft. The buildings are secured in order to prevent further incidents. However, the complex does not benefit from any natural surveillance due to it's isolation from the chemical plant and therefore there is a high probability of further criminal damage occurring in the future whilst the buildings remain undeveloped and unoccupied.

The application site has a plethora of identified constraints including a pedestrian footpath, which provides links through the site to the wider countryside to the north, an electricity substation and a series of mature trees.

The character of the surrounding area is determined by its location within the Cheshire Plain and predominantly open countryside. However, there are additional industrial uses situated off Booth Lane, notably an electricity substation directly to the north –west and the British Salt Works complex located off Booth Lane, which affect the site's setting. An area of semi-national ancient woodland, Hollins Wood, comprises native tree species is located to the south east of the site beyond the railway line. In addition Sandbach Flashes Site of Special Scientific Interest (SSSI) is located to the west of the site beyond the Trent and Mersey Canal

On the west, the site has a long frontage to the A533, and it is bounded by the Sandbach to Middlewich railway line to the south. The site also lies adjacent to the Trent and Mersey Canal which is a designated Conservation Area.

### **3. DETAILS OF PROPOSAL**

Outline Planning permission is sought for the comprehensive redevelopment of the site for a mix of uses including up to 375 residential units (Class 3); 12,000 sqm of office floorspace (Class B1); 3810 sqm of general industrial (Class B2), warehousing (Class B8), car dealerships and petrol stations (Sui Generis) and fast food restaurant (Class A5) uses; 2600 sqm of commercial leisure uses incorporating hotel (Class C1), restaurant/pub uses (Class A3/A4) and health club (Class D2); retention and change of use of Yew Tree Farm Complex for

local centre use (Classes A1, A2, A3, B1 and D1); public open space; together with access and associated infrastructure.

#### **4. RELEVANT HISTORY**

The applications site's lawful use as a chemical plant pre-dates the advent of the Town and Country Planning Act in 1947. Accordingly there are no planning records associated with the original development of the site. Planning applications for the site post 1947 are associated with the plant's incremental growth and do not have any relevance to the current application.

#### **5. POLICIES**

##### **National Policy**

PPS 1 Delivering Sustainable Development  
PPS 3 Housing  
PPS7 Sustainable Development in Rural Areas  
PPG13 Transport  
PPS23 Planning and Pollution Control  
PPS25 Development and Flood risk.

##### **Local Plan Policy**

PS8 Open Countryside  
GR21 Flood Prevention  
NR4 Non-statutory sites  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
NR1 Trees and Woodland  
NR3 Habitats  
NR5 Habitats  
H6 Residential Development in the Open Countryside  
H13 Affordable Housing and low cost housing  
E10 Re-use and redevelopment of existing employment sites

#### **6. CONSULTATIONS (External to Planning)**

##### **Archaeologist**

- There is no evidence that the site contains below ground archaeological remains of national importance or of sufficient importance to warrant preservation *in situ*.

- There is one area of archaeological potential within the application area, an area currently used as farmland at the south-eastern part of the proposed development area. This should be subject to a programme of geophysical survey in order to establish the need, if any, for further archaeological mitigation. This should be secured by condition

### **English Heritage**

- No comments
- The Application should be determined in accordance with national and local policy and the Councils own specialist advice.

### **British Waterways**

- No objection to the redevelopment of the brownfield part of the site
- Impact of development of the southern Greenfield Area could be reduced through the reconfiguration of the master plan
- The green space shown around the hotel and gym could be designed on a board linear northeast-southwest alignment in a green swathe right through the site from the road and canal to open fields beyond
- The business park could be relocated to allow a less dense urban grain, possibly to the northern end of the site providing buffer between the sub-station and residential areas.
- The large roadside willows should be retained at the northern end of the site to safeguard the visual amenity of the canal conservation area
- The pub will represent a facility for boaters using the nearby canal and they support this aspect of the scheme
- There may be opportunities to use canal water for heating or cooling within some the development areas open site especially the industrial areas

### **United Utilities**

- No proposals have been submitted in respect of the foul drainage for the site.
- The applicant has not stated the supply volumes required.

### **Natural England**

- Does not object to the proposal.
- There will be no adverse impact on Sandbach Flashes SSSI
- Further protected species information is required to ascertain the likely effect of the proposal on protected species (Bats & Barn Owls).
- It is important to ensure that all possible alternative uses have been considered and that the proposed use enhances the much degraded corridor between Middlewich and Sandbach.
- A new development does not need to be completely screened, Tree planting and 3 m high artificial bunds are not necessary if new development is well designed, takes the best features of the surrounding landscape character into account and is acceptable in its own right.



- They support the establishment of new woodland and tree planting in appropriate locations and patterns.
- Environmental Stewardship can help to enhance the farmed landscape, and agricultural land within the site boundary may be eligible for this too.
- They support the aim of keeping proposed built development to a lower level than the existing development.
- Careful control would be needed to ensure that the overall mass and sometimes the height of the proposed buildings would not be greater than the existing.
- There are mature trees present, which make a significant contribution to local amenity and should be protected within the development.

### **Network Rail**

- No objection in principle
- The Design and Access Statement makes an error in describing the railway as a freight railway. The line serves as an important diversionary route for passenger as well as freight services. Increasing levels of rail usage mean it is possible that more traffic will be routed this way in the future
- The developer is responsible for removing the existing rail connection into the site.
- The applicant must liaise with Network Rail's engineers regarding matters such as excavation, drainage, demolition, lighting and building works that may affect the safety, integrity and access to the railway.

### **Highways Agency**

- No objection in principle subject to recommended conditions.
- As an alternative option it is understood that the LPA would be willing to impose a Section 106 agreement for an equivalent financial contribution towards a future highway scheme at Junction 17.

### **Highways Department**

#### **Traffic Generation**

- The original Transport Assessment for this application identified traffic impact from the site at a number of junctions as far afield as J17 M6 and the Leadsmithy Street traffic signal junction in Middlewich.
- The proposed Highway Improvement Package provided options for financial contributions to help mitigate the traffic impact on a number of junctions along the affected routes and this was assessed by CEC and their Traffic Consultant.
- The Strategic Highways Manager took the decision that the offered junction improvements/financial contributions to infrastructure were less appropriate than the Highway Authority required and the applicants were asked to review and change the balance of the proposed improvements in an effort to address the preferred needs of the Authority.

- This work was completed and has been reviewed taking all aspects of the site into account.
- The total value of the Highway Improvement Package for this site is agreed at £640,000 and will go towards the improvement of the following junctions:
  - Junction 17 – M6, Sandbach.
  - Signal junction at A533/The Hill/High Street & Waitrose roundabout, Sandbach.
  - A533/A54 Leadsmithy Street/St. Michaels Way, Middlewich.
- In addition, the provisional financial sums will also provide improvements to local sustainable transport options such as quality partnership bus shelters, and will provide for more effective travel planning through additional measures such as real time passenger information at Sandbach station.
- The contributions from this development will have phased release as the proposed development builds out,
- Additionally, the contributions will allow for some betterment in terms of traffic impact and the Highway Authority have negotiated the maximum available for highway infrastructure contributions
- The monies that Cheshire East Council will receive will be available for more comprehensive improvements once future other development contributions come on line.
- This is particularly the case for the improvement at Junction 17 of the M6 where the Highways Agency have agreed that Cheshire East Council should accrue developer contributions towards the improvement of this junction in the future.

### Travel Planning.

- This is a very important aspect of this site and the developer has provided a Travel Plan Framework which has outlined the proposed methods for travel planning of the residential and employment elements of the development site.
- The Travel Plan Framework is meant only to give broad intent for travel planning, with a detailed Travel Plan to follow with the future detailed applications.
- The SHM has had some criticism of the Travel Plan Framework as it was not felt that the targets and weight of intent expressed was sufficiently robust. However the developer's consultant has updated the TPF to include better options and mechanisms for managing travel demand and in discussion with the Planning Department it has been agreed that the Travel Plan Framework and future Travel Plan documents specifically can be managed via planning conditions requiring their agreed detail.

Conditions:

1. Provision of a Highway Technical Note detailing proposed trigger points for the agreed financial contributions for highway infrastructure improvements
2. Provision of the financial contributions set out above
3. A revised Travel Plan Framework with firm targets and mechanisms for travel plan management to the satisfaction of the LPA.

**Environmental Health**

Recommend the following:

1. An additional extensive intrusive *Contaminated Land* investigation across the entire site and identification of any additional remediation.
2. An additional Air Quality Impact Assessment to address other pollutants from the CCGT plant in addition to NO<sub>x</sub>; include provision of receptor location maps and consider the potential AQ impacts arising from the removal and remediation of the historically contaminated land.
3. Implementation of mitigation measures to minimise any impact on air quality alongside ensuring dust related complaints are kept to a minimum.
4. South west facing residential facades shall be attenuated by close-boarded wooden fencing along the south west site boundary
5. The north western boundary shall be attenuated by a landscaped buffer zone, bund and a 2m acoustic fence in order to provide further attenuation.
6. A scheme for protecting the proposed dwellings from railway noise and vibration
7. A scheme for protecting the affordable housing from noise from all the commercial and industrial activities that have been placed around them.
8. A scheme for protecting the proposed dwellings from developments such as the restaurant/hotel, Business Park and local centre.
9. A noise impact assessment for the commercial development.
10. Submission and approval of hours of opening/operation for the commercial development
11. A scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, for the commercial development
12. Prior to its installation details of any external lighting for the commercial development shall be submitted to and approved
13. Details of security for the car parks to prevent congregations of vehicles late at night to and approved.
14. Details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours shall be submitted to and approved
15. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
16. Details of the method, timing and duration of any pile driving operations connected with the construction of the development shall be approved in writing
17. Details of the method, timing and duration of any floor floating operations connected with the construction of the development shall be approved in writing

### **Public Rights of Way**

- The development is to affect Public Footpath No. 7 Tetton (now in the parish of Moston), as recorded on the Definitive Map
- If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.
- If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route

### **Environment Agency**

Recommend that the following planning conditions are imposed:

- Contaminated land assessment
- A scheme for the provision and implementation of a surface water regulation system
- A scheme for the management of overland flow
- A scheme to be agreed to compensate for the impact of the proposed development on the two drainage ditches within the development boundary.
- A scheme for the provision and management of compensatory habitat creation
- Wetland creation, for example ponds and swales.
- A scheme to dispose of foul and surface water

### **7. VIEWS OF THE PARISH / TOWN COUNCIL:**

- Moston Parish Council has concern about houses being built close to a sub-station. Could they be moved to where the Units are? There is concern about the flow of traffic through Elworth. Moss Lane traffic should also be taken into consideration.
- Middlewich Town Council whilst not objecting to this application wishes to make the following observations / suggestions. It is suggested that there should be a section 106 agreement to facilitate highway improvements and improvements to local amenities. There is concern that there are insufficient local services such as schools, healthcare etc. to serve the occupants of the new dwellings. There is a need to ensure that there is a sense of community amongst the new occupants
- It is suggested that provision should be made to reserve land to build a railway halt to serve this development in the event of the railway being re-opened to passenger traffic. Also has any investigation been given as to whether railway siding might serve a passing loop for the railway. It is requested that the town Council be allowed the opportunity to obtain and preserve any artefacts of interest to the heritage of Middlewich prior to the demolition.

## **8. OTHER REPRESENTATIONS:**

Letters of representation have been received from Zan Ltd; 6 Brookfield Drive, Holmes Chapel; Haslington Villa, Wheelock Heath and 36 Croxton Lane, Middlewich, raising the following concerns:

### **Highways**

- Any form of highway alteration on the A533 next to the two canal bridge entrances would undermine the business of the adjoining farm and would be totally unacceptable as they would be unable to access the land safely and easily with tractors, forage harvesters and cattle wagons and other large farm machinery.

### **Services**

- There is a large chemical pipe going under the A533 to the settling beds at Crow's Nest Bridge.

### **Drainage**

- The applicant incorrectly states that the water flows beneath an electricity substation. This large amount of water does lead to flooding in this area and flooding to the land to the west of the canal. This is mostly due to poor maintenance of a ditch running alongside Albion and to an existing drainage pipe being at an effective depth and size to cope with the water flowing under the canal. Any additional water from any new development will result in part of the A533 being flooded if this matter is not resolved in its early stages.
- Many watercourse that flow around and through Middlewich (the rivers Dane, Wheelock, Croco, Sanderson Brook and Small Brook, their tributaries of and the Canals are suffering increased incidence of flooding)
- The vast areas of land north and south of Celdford Lane which either have outline or full planning permission for large scale development and other tracts of land upstream from Middlewich where development is proposed will increase the rate of run off into these main watercourses.
- The flood risk for these developments it is never assessed cumulatively and does not address all the existing and proposed development.
- Further discharge into the canals could cause problems in Middlewich during periods of heavy rainfall as the rivers often burst their banks making it difficult for excess water to be discharged from the canals.
- Discharge into Small Brook which already experiences flooding, between this point and its confluence with Sanderson's Brook. Two recent developers, in Middlewich had to make alternative arrangements for the disposal of run off and surface water as they could not make an agreement with British Waterways.
- The flood reports must reflect the worst case scenario, i.e. the developers have to use Small Brook instead of the Trent and Mersey. Surface water discharge and run off from development upstream of Middlewich already exceeds the capacity of the entire local watercourse during wet weather. The development could increase substantially the risk of flooding in Middlewich, damage to

property and difficulty obtaining insurance to the detriment of the residents of Middlewich

### **Land contamination.**

- The products of the chemical works while in themselves corrosive and hazardous to handle, did not leave an environmental legacy. However there were certain substances used which could permanently pollute the land on which they were handled.. These hazards are Lead, Mercury, Asbestos and certain chlorinated organic compounds which came from the use of carbon anodes.
- During operations on the site between about 1953 and 2003 chlorine was manufactured using mercury cells. Since about 1975 there were environmental concerns about the mercury process which eventually led to the mercury plant's closure in the about 2003.
- Whilst the mercury cells were operating many tonnes of mercury were lost much of which was to ground. Mercury is toxic and unless there has been a difficult and expensive clean up, the site is not suitable for residential purposes.
- The planning application has Zone 1 directly on the former mercury cell plant.mWhile site decontamination using 'best practical means' may claim to remove the risk, hot spots may have persisted. To be on the safe side it would be wise not to use such locations for residential housing.
- Over what timescale will the decontamination and remedial work be achievable, do the decontamination technologies exist for mercury and are they economically viable if funded by redevelopment? Has the applicant any reassurances that mortgage lenders will treat domestic property on a site with a history of mercury contamination as suitable for lending. Are domestic house purchaser demanding this type of property on a high risk site, are Social Landlords prepared and able to fund affordable housing on this high risk site.
- A solution needs to be found that does not involve people living and gardening on the contaminated area, the risk to future generations of residents is too great.
- The site would appear to have a very high risk, with the current proposed development phasing, of not providing safe residential houses in the 0-5 year time-frame.

### **The submission is poor quality and incomplete**

- The published application documents are of poor quality, specifically the quality of the print makes them difficult to read and sections are incomplete.

### **Railway Line**

- The line has potential to minimise road transport during construction and serve the industrial components of the development. It has potential for additional rail traffic, recent press reports include proposals for a passenger service, the published response from Railtrack highlights the track as having had the signaling upgrades and is integrated within the West Coast Mainline project and could be used to take additional regular or relief services (from the

Sandbach to Stockport section of the line). The potential for 24 hour use of the track as well as increased intensity of use would suggest a requirement for major noise and vibration attenuation measures to be incorporated in any residential element of the proposed development. The measures implemented at the Wychwood Park development in Crewe adjacent to the London mainline would indicate the major scale of work required.

### **Sustainability.**

- The site is a poor choice for residential use given the busy A533 to the West, an existing noisy power station to the North and potential noise and vibration issues to the East with the railway-line. The site is distant from education and medical provision and requires new on-site provision of shops to provide any level of sustainability as a community. There are better locations within the Borough for development.

### **Green Field Site**

- The application involves a substantial area of greenfield development for a business park - the applicant does not justify why greenfield land in the open countryside needs to be allocated for a business park when the Sandbach area already has unlet business park property within the Fodens site and the Junction 17 Science Park awaiting development. Additional greenfield land does not need to be sacrificed to employment use at present. The greenfield elements of the application site can be returned to agricultural use. Provision of employment through a Business Park on the brownfield area could be justified, given that it would be compatible with the noise and vibration issues of the railway-line, the noise from the A533 and the gas fired power station. The remaining issue would be the timing of the development given the existing unutilised business sites or allocated sites in the close vicinity.

### **Impact on canal**

- The indicative design of the residential component of the development does not recognise the importance of the linear conservation area along the Trent and Mersey Canal, houses appear to back onto both the A533 and the canal.

### **Mix of land uses**

- The proportion of the site allocated to industrial units, relocate the Business Park element to sit within the previously developed area. This would remove the dangers of allowing residential use on the contaminated area, by providing uses for the site that could sit on top of a 100% concrete impermeable barrier over the contaminated area. Employment uses within the site could be located closer to both the railway line and road without compromising the amenity of the occupiers. The reduced residential provision would be balanced with increased employment use, moving the site closer to its historical level of 1000 employees.

## 9. APPLICANT'S SUPPORTING INFORMATION:

### Planning Statement

- The application proposals represent a major mixed use redevelopment of the former Albion Chemicals site in order to bring the site back into beneficial use. A holistic approach is proposed for the site, with a range of land uses which will create a sustainable development and maximize the efficiency of the site
- Although the site is unallocated in the Local Plan, there is strong policy support for the proposals from all levels of planning policy. At a national level, government guidance seeks to prioritise the reuse of vacant and previously developed land and buildings, and PPS4 in particular encourages the achievement of a broad range of economic development including mixed use.
- At local plan level although the site is unallocated the vast majority of the site falls within the Settlement Zone Line for Sandbach where in accordance with Policy PS3, development is to be generally concentrated. Policy PS4 provides a general presumption in favour of development on the site, while in relation to the housing element of the scheme it is considered that the proposal meets the criteria of Policy H4.
- The range of land uses proposed is entirely consistent with the site's allocation in the Congleton Borough Site Allocation DPD, where the Council recognised the need for a comprehensive, mixed use development of the Albion Works, including the Greenfield land. Although no longer a policy document, the Site Allocations DPD, went through several stages of public consultation and was prepared in accordance with PPS12. It represents current thinking in relation to the site and in the absence of any alternative site specific policy, should be afforded some weight in the determination of the application proposals.
- The redevelopment the Albion Works brings with it a number of important planning benefits. In summary these include:
  - The removal of the current chemical plant and its blight on the landscape resulting in significant visual enhancement of the area in general and the Canal corridor Conservation Area specifically.
  - The removal of development restrictions in the area generally through the presence of current COMMAH, Waste management License and IPPC and Hazardous Substances Consents
  - The remediation of the sites contamination at no cost to the public purse, thereby enabling alternative uses to come forward, and preventing the site becoming blighted.
  - The provision of significant new housing in a sustainable mixed use development, supported by jobs and services, which will help contribute towards meeting the Councils housing lands supply requirements for the Congleton Local Plan area.
  - The provision of significant new jobs and employment opportunities as part of a mixed use development.
  - The delivery of significant improvements to a number of highway junctions in the area.
  - Securing a future appropriate role for the listed buildings within the site



- In overall conclusion, the application proposals have been put forward in a comprehensive fashion and in a joint venture approach between the landowner and a leading house builder in order to ensure the immediate delivery of the site, at a time when the current economic climate is preventing most new development from coming forward.
- For the above reasons it is considered that the application proposals comply with development plan policy and other material considerations also indicate strongly that planning permission should be granted.

### **Transport Assessment**

- The redevelopment proposals have been assessed in terms of compliance with current policy and detailed analysis has been undertaken of the trip generation characteristics of the proposed uses on the site and the consequent impacts on the local highway network.
- The site is accessible via a range of modes of transport
- An improved access arrangement has been identified for the site, including the provision of two new roundabouts on the A533 Booth Lane
- Additional off site highway improvements have been identified at the following locations
  - A54/A533 Leadsmithy Street, Middlewich – signal improvement including an extra lane, improved pedestrian control and other safety improvements
  - A533 / A534 in Sandbach – entry treatment to improve roundabout capacity
  - A533/ The Hill in Sandbach – changes to road markings, provision of cycle lanes
  - M6 / J17 - introduction of signal control
- The package of highway improvements proposed will offset the impact of additional traffic arising from the redevelopment, and ensure that the local highway network continues to operate in an efficient manner.
- The improvement proposals at the junction of the A54 Kinderton Street / A533 Leadsmithy Street will also have the benefit of improving safety at the junction, addressing concerns with the existing layout relating to the maneuvering requirements of large vehicles and improving the pedestrian crossing facilities.
- A travel plan framework has also been developed for the site, to provide sustainable travel behaviour.

### **Flood Risk Assessment**

- Following a flood modeling exercise the majority of the site is found to lie within Flood Zone 1 and therefore has a low probability of flooding
- All forms of development are appropriate within flood zone 1 without the sequential and exception tests being undertaken.
- The assessment has also considered the potential impact of the proposed development on surface water runoff rates. Appropriate mitigation measures to attenuate surface runoff have been presented.
- It is a requirement that the maximum discharge rate, post= development, at the 10.2 hectare, current Brownfield area should be no greater than the current discharge rate. Post development, the impermeability of this area

will reduce from 100% to approximately 75%. Therefore reducing the maximum discharge rate. This will give an improvement in surface water runoff from this area reducing the risk of flood risk both on and off site.

- The maximum discharge rate from the current Greenfield area (7.5ha) should not exceed the mean annual runoff from the site, calculated to 34.5l/s. the attenuation volumes required for the 1 in 100 year rainfall event plus climate change (+20%) assuming no infiltration losses to the ground. (e.g. through the use of an underground tank storage system) and assuming infiltration losses (e.g. through the use of an infiltration basin) for the existing Greenfield area have been determined.
- The attenuation volume required to restrict runoff to the agreed current mean Greenfield runoff rate of 34.5l/s for the existing Greenfield area has been determined to be approximately 4,500m<sup>3</sup> assuming no infiltration losses and 4,300m<sup>3</sup> assuming infiltration losses. An attenuation storage capacity of 5,400m<sup>3</sup> is recommended giving a factor of safety of 1.2.
- This FRA demonstrates that the proposed development will not be at risk from flooding and with appropriate mitigation measures will not increase flood risk elsewhere. Therefore the proposed development meets the requirements of PPS25. The development should not therefore be precluded on the grounds of flood risk.

### **Site Waste Management Plan (SWMP)**

- The SWMP is an important tool to improve environmental performance, meet regulatory controls and reduce rising costs of disposing of waste
- It is a framework which details the quantity and type of waste that will be produced on the project site and outlines how it will be minimized and managed
- It is a live document which needs to be regularly updated to record how waste is managed during the course of the project
- It aims to provide a mechanism for recording, minimizing and managing the types and quantities of waste arising from the development
- The project consists of the demolition and redevelopment of a portion of the site which contains the inorganic chemical manufacturing facility into a mixed use development.
- It will demonstrate that the project complies with legislation and utilized resources efficiently
- Additionally Regional Spatial Strategies and local authority development plans are increasingly seeking the use of waste as a resource
- It will improve the projects resource efficiency and facilitate best practice
- Continuously measure the projects performance and demonstrate improvement
- Collate all relevant information into one usable document
- There are six important steps to implementing the SWMP
  1. Projecting information – preliminary information required by the regulations
  2. Pre-design and design measure – records decisions made regarding waste management prior to the start of construction work
  3. Waste forecasting and Action Plan – estimation of the quantities of waste that will be generated and actions to be taken to reduce and manage that waste

4. Register of Licenses Permits and movements
5. Continuous review
6. Completion Review.

### **Environmental Statement – Non Technical Summary**

- **Highways and Transportation** - a package of measures has been negotiated, which are outlined in full in the transport assessment to mitigate the impacts of the proposal
- **Air Quality** – The air quality of the proposed is considered to be suitable for the proposed use
- **Landscape and Visual Impact** – The development presents an opportunity to benefit local views and landscape
- **Ecology and Nature Conservation** – Overall the impact of the scheme is assessed to be minor to moderate'
- **Hydrology and Land Contamination** – Subject to the adoption of the proposed mitigation measures, the residual effects relating to geology, hydrology and contamination are considered t constitute no likely significant effect.
- **Hydrology and Flood Risk Assessment** – Subject to mitigation measures the impact of fluvial flooding on the construction and post development phase has been assessed as negligible. The incorporation of the surface water management strategy and mitigation measures would result in a negligible to beneficial impact on the surface water and negligible impact on water quality
- **Noise** – the provision of the mitigation measures during construction and operational; phases which are suggested in the ES chapter would reduce the impact of the development to neutral significance.
- **Socio Economic Impact** – The development would ensure the remediation of a contaminated site and provide nboth employment and housing opportunities for local residents.
- **Archaeology** and cultural heritage – Appropriate mitigation would reduce residual effects on the cultural heritage resource to neutral

### **Tree Survey**

- The veteran Oak trees within the Greenfield area to the south of the site are of high ecological cultural significance and landscape value and their retention should be a high priority.
- The retention of the tree groups to the western boundary of the site should also be seen as priority as they form a distinct landscape feature and serve to screen the site from Booth Lane
- There is little vegetation within the built up Brownfield area of the site and where trees do occur they are generally situated to the site's rear boundaries; as such it is considered that there is scope for substantial development within this area without an adverse impact upon the tree stock occurring.
- The long term retention of the pollarded Willow and poplar trees to the south west of the site should not be seen as a priority as these trees are of a low retention value. However, should they be retained it will be necessary

to make provision for the continued pollard management of the trees to minimize the risk of term failing.

- Several trees on the site should be removed irrespective of any development proposals due to their poor condition and potential for structural failure.
- To achieve a satisfactory juxtaposition between new development and those trees selected for retention the guidance contained within section 4 of the report should be considered during the detailed design of the site
- The proposed development of the site should take into account the presence of retained trees and should ensure that where possible all buildings and new surfaces are located outside their Root Protection Areas
- New development should not only take account of current tree sizes and position, but also of mature tree size
- Tree protection areas should be established and appropriate protection measures implemented prior to construction.
- Guidelines contained within BS 5837: 2005 Trees in Relation to Construction should be followed when dealing with trees. Working methods and specifications should be followed to limit potential damage to trees throughout the construction period.

## **Design and Access Statement**

### **Use**

- a range of complimentary uses to combine to create a bespoke mixed use development.
- Uses proposed are residential, open space, retail, financial services, café / restaurant, offices, non-residential uses, pub/hotel, health club, general industrial, storage and distribution, car dealerships, petrol station and fast food.
- The intention is to create a flexible development
- Compatible uses are grouped in zones to ensure that the layout of the development does not compromise any one use coming forward. For example, industrial uses are located to the north of the site and segregated from their residential neighbours with a significant landscape buffer
- The predominant use is residential as it generates the highest land value and will be required to support the other uses including employment generators.
- Realising the development value of the residential use will cover the remediation costs
- All proposed uses are considered to be appropriate to the site's satellite location including significant employment generators, particular in view of the fact that 50% of the residents of the former Congleton Borough commute to work outside it .
- The main employment use is offices
- Retail uses would be small scale within the local centre to serve needs arising from within the development itself rather than the wider area of Sandbach and Middlewich.

### **Amount**

- The maximum amount of development to be accommodated has been expressed on the parameters plan
- This enables an appropriate cap on development limits to be enforced

- The amount of development has derived from
  - o The historical employment figures for the site
  - o The previous footprint of the chemical works
  - o The attractiveness and marketability of the development site
  - o The site location
  - o The capacity of surrounding infrastructure
  - o The industrial and semi-rural context
- The parameters seek to ensure that the site's optimum value is achieved and the site is utilized to full potential.
- However a less amount may be permitted if deemed acceptable at the reserved matters stage
- The supporting information, including the environmental statement., assumes the maximum levels are realised

### **Layout**

- As the application is in outline consideration of layout refers only to the zones of use
- Based on that which was used in the Congleton Borough Site Allocations DPD
- Compatible and responsive to the sites identified constraints and opportunities as well as the economic viability of bringing the site forward
- It has also been informed by economic and planning policy restrictions
- Placing the residential development on the decontaminated proportion of the site will maximize values upfront to enable additional uses.
- This also ensures that the Brownfield element is regenerated first and accords with planning policy which encourages the use of Brownfield land for delivery of housing
- A small proportion of residential development is located on the undeveloped portion of the site and linked via the local centre and POS
- The layout of the additional zones was informed by the position of the residential development which should be surrounded by compatible uses
- The grouping of these uses will serve to create a focal point of the development and reduce the reliance on private vehicles to access local services
- The compatible zones will benefit from blurring the distinction between uses to provide a place which is logical to traverse
- The layout of the roadside uses and commercial zones on the Booth Lane frontage reflects their requirement to achieve a high degree of visibility from the primary access and through road
- The business park is located upon the undeveloped part of the site and will create a gateway to the development.
- The layout of the employment generating zones has been configured to facilitate a range of uses the interior of which can change over time subject to operator requirements.

### **Scale**

- The scale of the proposals has been captured to enable the assessment of the developments visual effects upon the surrounding environment. Akin to the amount of development and cap on the height of the proposed buildings will

ensure that the development is appropriate both within its context and in its interrelationship between zones and uses.

### ***Landscaping***

- The detailed landscaping for the site is as reserved matter. Therefore the application only addresses retention and mitigation of development impact on the locale.
- The existing landscape features evident on the application site have been retained where possible to enhance and respect the existing environment
- Specifically the majority of existing trees, hedges and boundary planting have been incorporated on the illustrative master plan
- The existing landscape feature provide the opportunity to use the intrinsic landscape positively to the benefit of the proposed development
- The POS is the only area of open space proposed as part of the master plan. However it is considered that further areas of open space may come forward at the reserved matters stage to create a hierarchy of connecting spaces
- The POS will provide formal and informal areas of dedicated open space and an equipped play area,.
- The POS will therefore provide opportunities for recreational activities and structured play
- The layout of the POS will be designed at reserved matters stage but will be heavily informed by the requirements of the National Playing Fields Association.

### ***Appearance***

- The appearance of the site will be wholly dependent on the aspirations of the individual developers and operators and will be controlled by the Council at reserved matters stage. However the mixed use nature of the scheme will serve to ensure that the site benefits from visual stimulation due to the inevitability of the variety of building structures and scales.

### **Environmental Statement Addendum**

- As described in the original ES the broad makeup of development proposals remain unchanged and comprise the holistic redevelopment of the site for range of complimentary uses including employment, residential leisure and retail. The application is submitted in outline with all matters reserved. The proposed changes are limited to the redistribution of individual elements from one zone to another and minor changes to the highway infrastructure.
- The ES addendum aimed to evaluate the incremental impact of the change in the design parameter by first evaluating the impact on the full broad range of factors then conducting further analysis on the most relevant factors (Landscape and Visual Impact, and Highways and Transportation). The change to the existing baseline established in the original ES was found to be not significant which is explained by the relatively minor nature of the proposed design changes. It is considered that the findings of the original ES are still relevant to the project and the assessment included in that document is still representative of the development as now proposed

### **Revised Access Statement**

- The revised access proposal comprises a new roundabout at the southern access point (as previously proposed), a new ghost island property junction to serve the northern redevelopment area (replacing the previously proposed northern access roundabout) and retention of the existing industrial access to the northern area (as previously proposed)
- The revised statement focuses on the ghost island which has been tested to determine the revised traffic flows. These show that the junction will operate well within capacity with the anticipated traffic demands in all scenarios.

### **Supplementary Planning Statement**

- The planning position is unusual in that the site is midway between Sandbach and Middlewich, and yet is designated as falling within the settlement zone limits of Sandbach
- The historic chemical works use of the site has come to an end and it is essential that appropriate alternative land uses that are viable and deliverable can be consented in order to remediate and regenerate the site, which is a blot on the landscape.
- National planning policy is clear that if there is no reasonable prospect of a site being used for an alternative economic use, alternative uses should be considered
- There is no dispute that the site cannot continue in its existing use
- Local Plan Policy E10 permits change of use where the site is no longer suitable for employment use, or where there would be substantial planning benefit in permitting alternative use that would outweigh this loss.
- There is a chronic shortage of residential land within the former Congleton Borough area and this would justify redevelopment for entirely residential
- The applicants have not sought to do this however, preferring instead to come forward with a mixed use scheme, which also provides significant employment opportunities and new facilities.
- This sustainable approach is advocated by regional and national planning policy
- It is accepted that part of the site falls outside the settlement boundary and within open countryside, although historically the land has always been associated with Albion Chemicals as it was used as a sports ground
- The land was included within a former Congleton Borough Site Allocations DPD.
- Notwithstanding this there is a presumption against new development in the open countryside and the proposal does not comply with any of the exceptions to this policy
- However the local plan is out of date and not in conformity with the RSS
- It does not reflect current land use requirements particularly in respect of housing and employment land supply.
- This was the reason for the production of the Allocations DPD, which was founded on a substantial evidence base.
- In the absence of a replacement Cheshire East document it should be afforded significant weight

- The DPD recognised that it was necessary to provide a mixed use such that incorporated housing employment and other uses as a holistic sustainable and viable development. .
- It also recognized that the Greenfield element would be required to enable the Brownfield part of the site to be remediated. This position has not changed
- The application proposals mirror the Site allocations DPD designated uses.
- Financial viability appraisal undertaken by the applicant reflect the fact that the site was purchased not at a financial premium but as a mechanism for resolving environmental liability issues, identifies significant costs involved in remediating the former works.
- Significant infrastructure costs both on site and off site have also been identified in order to render the site suitable for alternative uses
- Taking these into account the viability assessment concludes that the redevelopment of the sit is only viable if all 11.2 acres of Greenfield land is included within the development, Redevelopment of the brownfield part of the site on its wine is simply not viable and if the Greenfield part of the development was removed from the proposal then the site could not be redeveloped without external grant funding which is not available.
- Without the Greenfield element of the application proposals the site will remain vacant, derelict and a wasted resource.
- The RSS does not seek to prevent he development of Greenfield land where appropriate and encourages local authorities to promote opportunities for economic redevelopment that will strengthen the economy of the North West in part, through the redevelopment fop poorly located employment sites for housing and the development of better located employment land that will help diversify the economy and provide local employment.
- The creation of up to 12,000sq.m of business park on the application site which is strategically located between Sandbach and Middlewich will assist in meeting the RSS objective.
- Not only will it provide up to 600 jobs it will also release poorly located historic employment land for other more suitable uses.
- It will help to addressed the housing land supply problems in the Borough as Cheshire East cannot demonstrate a five year housing land supply,
- PPS3 states that where the authority cannot demonstrate a 5 year supply they should consider favorably applications of new housing. This proposal would provide up to 375 new dwellings, a significant number of which could be delivered in the next 3 years,
- There is also an unquestionable need for affordable housing across Cheshire East as a whole, and Sandbach in particular. With very few new residential developments coming forward in the current economic climate, the development will be able to deliver a significant number of affordable units.
- As a consequence of the passage of time since the application was originally devised it has been necessary to make a number of revisions to the allocation of land uses across the site.
- However, these do not change the mixed use concept of the proposals, the overall quantum of development either by land use or as a whole, nor do they introduce new land uses.
- The chances have come about as a consequence of changing market requirements and the take up of the industrial land and delivery of jobs within Zone 7 and demonstrate the need to maintain a flexible approach to the planning of the site.



- The changes do not affect the conclusions of the Environmental Statement submitted with the planning application
- Highway improvements will be carried out to existing junctions in the vicinity of the site which will lead to highway betterment at no cost to the public
- The future of the Yew Tree Farm, listed building complex will be secured.
- In conclusion the application proposals have been put forward in a comprehensive fashion and in joint venture approach between the land owner and a leading house builder in order to ensure that the development is viable and can be delivered immediately. This is particularly important at a time when the current economic climate is preventing development from coming forward. The grant of outline planning permission for the p[roposals is justified not only by planning policy but by significant benefits that will arise out of the development.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The application site comprises three main areas: the former chemical works, Yew Tree Farm and an area of undeveloped land to the south.

#### ***Former Chemical Works***

This part of the site lies within the Sandbach settlement boundary where under Policy PS4 of the adopted Local Plan First Review there is a general presumption in favour of new development, provided that it does not conflict with other policies of the plan.

This part of the site would be redeveloped for predominantly residential use which according to Policy H4 is acceptable, provided that it does not utilise a site which is allocated for any other purpose, conflict with other policies of the local plan or result in housing land supply totals at variance with the provisions of Policies H1 and H2. Policy H4 also states that in considering applications for residential development regard will also be given to the availability of previously developed sites, their location and accessibility to jobs shops and services, the capacity of infrastructure, the ability to build communities and sustain infrastructure and physical and environmental constraints of the site such as flood risk or contamination. These are considered in more detail below.

The site is previously developed and unallocated, in the local plan. However, in the light of the previous employment use of the site, it is considered that policy E10 is relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed.

The specialist nature of the building and equipment on the site were such that they were not suitable for re-use for other business purposes. Therefore, in terms of employment, re-use the only option would be redevelopment for commercial purposes. However, the viability appraisals submitted by the applicants has demonstrated that, due to its previous use, there are very high remediation costs associated with this site, and that complete employment re-use, would not generate sufficient land value to off-set those costs. However, an element of general industrial

development is to be retained to the north of the site, and further office and commercial space is included within the proposed uses on the Greenfield portion of the site, discussed below. Although the chemical works occupied a large area, the number of jobs per square foot, would have been significantly less than those which could be provided in an office park of similar area, and therefore, the proposal is likely to result in a net increase in jobs across the site, despite the loss of part of the existing employment land to housing.

Notwithstanding the above, a small portion of the site, at the northern end is proposed for retention in B2 and B8 uses, including the maintenance of a small presence by Albion Chemicals. These will help to provide a buffer between the existing transport depot and the new residential development. It will also help to off-set the loss of employment space elsewhere on the site and to create a wider range of uses.

With regard to the second limb of Policy E10, there would be a number of planning benefits arising from the removal of the former chemical plant, which detracted from the visual amenity of the area, including the surrounding open countryside and the adjacent canal conservation area. The scheme would also result in the removal of a potentially hazardous and polluting use and the remediation of the site. The proposals would also make provision for a long-term viable re-use of the listed Yew Tree Farm.

With regard to housing land supply, Policy H1 has not been “saved” and as a result no longer forms part of the Local Plan. However, national policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Following a review, the Council has determined that it has 4.58 years housing land supply. Consequently the Cabinet has agreed that in order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land should be approved for consultation purposes and that it be used in the determination of planning applications pending its adoption. This policy states that when it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, the Council will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements.

The redevelopment of this brownfield site, within a settlement boundary for housing complies with this policy and will help to reduce pressure to release Greenfield land elsewhere in the Borough for residential development, which is a further benefit, which will help to outweigh the loss of the employment site.

It is therefore considered that the proposal to remove the existing chemical works and to redevelop the site for housing would have substantial planning benefits in terms of amenity, the environment and economy and that it would make an important contribution to the local area in terms of new jobs and housing. Consequently it is in accordance with the second part of Policy E10.

### ***Open Countryside***

The proposed land uses on this part of the site include commercial, an office park, residential and open space. The southern part of the site lies within open countryside,

as designated in the Congleton Borough Local Plan First Review, where development will not be permitted unless it is for one of a number of purposes, including, inter alia, new dwellings, in accordance with Policy H6 and development for employment purposes in accordance with Policy E5.

Policy E5 states that new employment development must either relate to the expansion or redevelopment of an existing employment site, new small scale development, the re-use of an existing building or diversification of a farm enterprise. Due to their scale, it is not considered that the proposals fall into any of the above categories.

Policy H6 states that new residential development in the open countryside will not be permitted unless it is for an agricultural worker, a replacement dwelling, the conversion of an existing building, the redevelopment of an employment site or infilling within an infill boundary line. The residential element of the development on this part of the site, therefore does not accord with this policy. Furthermore, it does not comply with the provisions of the Council's Interim Policy on the release of housing land, as it constitutes a Greenfield site on the edge of the Sandbach Settlement boundary, rather than Crewe.

As a result it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The issue in question is whether there are sufficient material considerations to outweigh the policy objection.

The site, including the Greenfield element was allocated in the Congleton Borough Site Allocations Development Plan Document for missed use redevelopment. Although no longer a policy document, the Site Allocations DPD, went through several stages of public consultation and was prepared in accordance with PPS12. The site has also been identified through the Council's Strategic Housing Land Availability Assessment (SLAA). These should therefore be afforded some weight as material considerations. Furthermore, the developer's viability appraisal demonstrates that, due to the high remediation costs, the former chemical works site would not generate sufficient value to enable development to come forward. However, when taken considered as part of a larger site including the Greenfield element, which has much lower site preparation costs, the scheme generates sufficient profit for development to take place. In view of the regenerative and other benefits, such as provision of housing land supply, referred to above, it is considered to be important to bring this site forward for development. This is an important material consideration, which is considered to be sufficient, in this case to outweigh the, policy presumption against the development.

Policy EC14 of PPS4 requires a Sequential Assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development Plan. This applies in the case of the following proposed uses: Offices, fast food restaurant /pub use, hotel, health club or leisure centre. Policy EC14 also requires an assessment of impacts for planning applications for retail and leisure development over 2,500 square metres gross. Included within this scheme are a number of A class uses which will be accommodated within the local centre. However, given the scale of

floorspace will not exceed the threshold identified in Policy EC14 and that the floorspace will specifically serve the overall development, it is not considered that this element of the proposals needs to be separately assessed. The applicant has undertaken a sequential assessment of 27 sites, 16 of which fall within Sandbach and 11 within Middlewich. Each site has been assessed against the key criteria referred to in Policy EC15(a); namely availability, suitability and viability.

Many of the sites clearly fail one or more of the main criteria and therefore do not have to be considered further. In some cases this is because they have planning permission for other, potentially more viable uses such as housing, or their development would be unviable due to the need to deal with existing uses on the site. In addition a number of sites identified could accommodate an element of the Albion proposal but would be better suited for residential development given their location and/or identification in the former Congleton Draft Site Allocations DPD

A total of six out of the 27 sites were either last in use, having planning permission or the potential to accommodate one of the main town centre uses proposed by the Albion Application. These were examined in more details and 2 were found to be poorly served by transport, out of centre and no better than the Albion Site. There were located in edge of centre areas and potential could be re-used for hotel and pub uses and one had been sold for redevelopment. One could accommodate a limited amount of office development but would be significantly below the level of floorspace that is proposed for the Albion Site.

Therefore the sequential Assessment has found that there are very few sites that are available, suitable and viable to accommodate any part of the Albion proposals that required assessment. Those sites that are available are either no different in sequential classification or so small as to not be able to replace even the individual components of the Albion scheme. There is no evidence to suggest that the development of the main town centre uses on the Albion site would in anyway prejudice the limited sequentially superior sites.

Furthermore, the town centre uses proposed by the application form part of an important mixed-use package. Government and RSS policy encourage mixed-use development and without the package of uses proposed; the development would be less sustainable. Thus, whilst it would be possible to provide some of the constituent elements of the application in either Sandbach or Middlewich town centres (such as the pub or restaurant, this could be counter productive in terms of achieving a critical mass of the Albion redevelopment and would weaken the sense of place within the development.

With regard to the impact test, the applicants have concluded that with the exception of the offices, the uses are both individually and cumulatively small in scale; totally no more than 2,600 square metres. As such their impact will be very limited. The main catchments will clearly be the development itself and passing trade travelling along the A433 and the towns of Sandbach and Middlewich

In terms of potential competition with these towns, it is relevant that neither centre currently has a trading hotel. The only hotel is the Old Hall in Sandbach as closed down. Whilst both centres have pubs and restaurants, these are relatively limited in number and clearly cater for visitors to the town centre and local residents. Whilst

both towns have some local authority leisure facilities, neither benefits from a private leisure club.

With the exception of land between the High Street and Brookhouse Road in Sandbach, there are no outstanding Local Plan Locations for commercial and leisure uses within Middlewich and Sandbach town centres. The Brookhouse Road allocation is specifically for retail but suffers from land ownership issues and was not carried forward into the draft Site allocations DPD. There is no suggestion that the Albion proposals would prejudice a Development Plan Allocation from coming forward. Given the scale of existing provision the proposed uses are unlikely to have a major impact of drawing trade away from either Sandbach or Middlewich. Both town centres whilst suffering from the current economic decline, are coping comparatively well. For example, vacancy rates remain below the national average. Both town centres continue to see new investment either in existing shops or new facilities.

In terms of the proposed offices there are a number of allocations in Middlewich within the Local Plan, mainly as part of Midpoint 19 but have yet to be taken up due to a requirement to find the bypass, and will not come forward in the foreseeable future. The Albion proposals are not constrained in this respect.

Proposed as a business park the office element of the Albion proposals will provide modern flexible accommodation for a full range of companies of various sizes. Such a development will serve a different function and market to town centre offices and will not cause competition.

Finally as a mixed-use development the proposals are intended to inter relate to each other including the housing, which is the main land use component of the overall development. For example, an hotel use on the site will assist and help to promote the business part and employment uses whilst a health club has the potential to be used by both people living and working on the site. This approach to land use is fundamental to achieving a sustainable development.

From the applicants assessment, as summarised above, it can be concluded that the main town centre uses that form part of their proposals, because of their location, nature, scale and interrelationship, are unlikely to have any measurable adverse impact on development plan strategy, planned new investment or the vitality and viability of either Sandbach or Middlewich. It is considered that the applicant has demonstrated compliance with the requirements of the sequential approach, that there is no evidence that the proposals are likely to lead to significant adverse impact in terms of those set out in Policies EC12 and EC16 of PPS4 and that there is potential for positive impact, including physical regeneration and job creation on a vacant Brownfield site. Policy EC10 states that local planning authorities should adopt a positive approach towards planning applications for economic growth, particularly where these are designed in a sustainable way and it is therefore concluded that this proposal meets the requirements of PPS.4 in this respect.

### ***Yew Tree Farm***

Policy BH16 deals with the conversion of rural buildings to residential use, and states that this will not be permitted unless every effort has been made to secure a suitable

business re-use or residential conversion is a subordinate part of a scheme for business re-use or the location and character of the site is such that residential use is the only appropriate use.

As initially proposed, Yew Tree Farm was shown for conversion to a local centre. However, for conservation reasons, discussed in further detail below, it was considered that conversion to private dwellings would be more appropriate. In addition, residential conversion will enhance the viability of the site, and as a result it will assist in the delivery of an element of affordable housing on the site. This matter is also discussed in more detail below. It could also be argued, given the mixed use nature of the development of a whole, that the conversion of Yew Tree Farm to residential use constitutes a subordinate part of the scheme for business reuse and on this basis, it is considered that the proposal complies with Policy BH16

According to Policy BH15, the conversion, re-use or adaptation of an existing rural building to an alternative use will only be permitted where a number of criteria are satisfied.

The building must be of permanent and substantial and not require extensive rebuilding. Yew Tree Farm was subject to considerable repair and restoration, in the 1990's when it was converted for use as a social club by Albion Chemicals. It is therefore currently in a sound condition. It is considered that residential use is appropriate to the area in which the building is situated, and will not have an adverse impact on the surrounding countryside, as it will be situated alongside other new-build residential development. Therefore the second and third criteria of Policy BH15 are fulfilled.

As a listed building, the form, bulk, and design of Yew Tree Farm are considered to be in keeping with and enhance the surrounding countryside. The acceptability of any alterations, extensions in design and conservation terms would need to be the subject of subsequent reserved matters and listed building consent applications, as the proposal are only in outline at this stage. The remainder of the criteria under policy BH15 relate to matters of access, parking, landscaping and amenity and are dealt with in more detail below.

The site is bounded to the north west by a transport depot, the A533 to the south west and the railway line to the north east, beyond which lies open countryside. The site is also bounded by open countryside to the south, and there are a number of small office and light industrial units on the opposite side of the A533, adjacent to the open countryside part of the site to the south.

The nearest neighbouring residential property is Hollin Green Farm, which is located approximately 450m to the north east of the site. At this distance, it is not considered that there would be any adverse impact on residential amenity, from any of the proposed land uses including the general industrial part of the site at the north western extremity.

### **Landscape and Tree Matters,**

There are no major landscape designations that encompass the site although the Trent and Mersey Canal Conservation area is to the west, separated by the A533,

and the Sandbach Flashes SSSI lies to the south west beyond the canal. The National Landscape Character Area as identified by the Countryside Agency is the Shropshire, Cheshire and Staffordshire Plain. In the Congleton Borough Landscape Character Assessment 1999, the site is within the Middlewich Open Plain character area with the Sandbach Flashes character area in close proximity.

The environmental statement includes a Landscape and Visual Assessment. The Senior Landscape Officer has examined the statement and concurs with the conclusion that the existing industrial works are considered to be a significant detractor on views, particularly from the Trent and Mersey Canal Conservation Area, the A533 road corridor and the surrounding footpath network. In principle, therefore, there is no objection to redevelopment of the existing chemical works and it is noted that the redevelopment presents a number of opportunities to benefit the local landscape. However, she has raised some concerns about the inclusion of the Greenfield part of the site, to the south. Whilst it is acknowledged that the loss of this area of open countryside would result in some harm to visual amenity and the character and appearance of the rural area, as detailed above, this harm will be outweighed by the regenerative benefits that it will enable.

Furthermore, the Greenfield part of the site is tightly constrained by the chemical works site to the north west, the A533 to the south west, the railway line to the north east and a farm track to the south east. As a result, it will not create the appearance of unconstrained urban sprawl into the open countryside. When viewed from the north and west, it will be screened by the existing haulage yard and the existing light industrial development on the opposite side of the A533, and when viewed from the east and south, it will be viewed against the backdrop of those existing developments. The landscape impact of developing of this site, including the Greenfield element, was also considered and found to be acceptable, when it was included in the Congleton Borough Site Allocations DPD.

It is noted, however, that a topographical survey has not been submitted with the application. The existing topography is unlikely to have any impact on the acceptability of the proposed land-uses, in principle. As stated above, the visual impact of the redevelopment is likely to be considerably less than the existing chemical works. Equally it is acknowledged that there will be some adverse visual impact arising from the loss of the open countryside part of the site. However, it will be important in considering the detailed layout and design proposals that will form the reserved matters applications, and it is therefore recommended that a condition is attached requiring a topographical survey to form part of any future reserved matters submission.

Buffer planting either exists or is proposed, specifically to the north, to the west adjoining the A 533 and to the east adjoining the railway. It must be noted that in some locations where buffer planting is proposed, there may be constraints. Establishment of future ownership and ongoing maintenance of such areas is a significant issue which would need to be addressed. Consequently, the Landscape Officer would not support buffer planting within residential curtilages, although this could be addressed as part of the reserved matters submission. In addition, she has commented that the height and spread of planting adjacent to the railway may be limited by the rail company's restrictions, planting adjacent to the A533 could encroach on visibility splays or be restricted by services.

As development would be piecemeal, it would be essential to establish design principles and to secure a comprehensive landscape framework retaining existing features of both landscape and ecological value. The landscape framework would need to be closely aligned to ecological mitigation proposals. Advance structural planting would need to be secured and consideration would need to be given to the ongoing maintenance of such planting as part of an overall landscape and ecological management plan for the site. However, these matters could be dealt with through the use of appropriate conditions.

There are no TPOs and no records of ancient semi-natural woodland on the site. (Hollins Wood SBI to the south east beyond the railway is recorded as an ancient woodland site). The site includes a number of individual trees and several groups of trees. There are few trees within the former industrial area. The groups of trees are mainly on the western boundary adjacent to the A533 and to the east, adjacent to the railway. There are a number of individual trees within the fields to the south of the site. There are hedgerows within and on part of the boundary of the site.

The submission includes a comprehensive tree survey undertaken in accordance with British Standard 5837:2005 Trees in relation to construction. The survey report includes tree constraints plans indicating tree positions, categories and root protection areas. The survey covers 61 individual trees and 11 groups of trees. It is reported that of the trees on site:

- 21% are category A - High retention value
- 25% category B – Moderate retention value
- 41% category C - Low retention value
- 13% R -No retention value

The survey report comments that veteran oak trees within the greenfield area to the south of the site are of high ecological, cultural and historic landscape value and their retention should be a high priority. The retention of tree groups to the western boundary is also seen as a priority. The long-term retention of pollarded Willow and Poplar trees to the south west of the site is not considered a priority .

Four lengths of agricultural hedgerow are included in the survey. Two sections on the southern boundary, and two adjoining the A533. These have been graded following the Hedgerow Evaluation and Grading System (HEGS) and found to be of low-moderate value.

As the application is outline with all matters reserved and only an illustrative masterplan provided, it is difficult to fully assess any potential future impact on trees and hedgerows at this stage. It would appear likely that the layout indicated on the masterplan would have some impact on these features. As part of a detailed application, a full arboricultural impact assessment and arboricultural method statement would be required. There are a number of trees worthy of retention and the Landscape Officer would expect the layout of a detailed application to make such provision for these, together with boundary hedgerows. These could also be made conditions of any planning permission.



It does not appear that an assessment of the Hedgerows has been undertaken in accordance with the Hedgerow Regulations 1997. (Such assessment covers both ecological and historic value and is undertaken in accordance with specified criteria). Such assessment is recommended as the presence of a hedgerow found to be 'important' under the regulations would be a material consideration. However, the proposals are in outline, with only broad areas of zoning shown on the indicative layout plans. Whilst a more detailed indicative layout has been provided of the residential zone, this relates to the former chemical works, and the hedgerows on site, are mainly located within the undeveloped area to the south, which is proposed for primarily commercial development and open space. Consequently, it is not possible at this stage to determine which hedgerows, if any, would be proposed for removal. Therefore it is recommended that conditions are imposed requiring assessments under the Hedgerow Regulations to be carried out and submitted with each reserved matters application, for any hedgerows to be removed as part of that phase of development.

### **Conservation and Design Matters**

Initially, there was some concern that the Grade II listed Yew Tree Farmhouse the timber-framed building and its much later brick-built steading would be engulfed by the new development, and would have been surrounded by housing to one side and commercial development the other. This would be to the detriment of its setting. It would also be unlikely that anyone would wish to convert it into an exclusive residence in this situation, and therefore the only option would be to utilise it as a local centre. Conversion to this type of use has a number of practical difficulties in terms of the fitting the requirements of a modern commercial premises into a listed building without causing loss or damage to features of historic and architectural interest. Also the local centre would not be required until a substantial amount of the other development had taken place. Consequently, it may be some time before a viable re-use for the historic buildings could be secured and in the intervening period they would be susceptible to decay and vandalism.

However, the zoning plan has now been amended to create a greater landscaped buffer around the farmstead, and to move the commercial uses away from it. This should create sufficient space to protect the setting of the listed building, and to create sufficient separation from the new residential development to ensure that the house and its range of outbuildings could be converted into a number of more exclusive bespoke dwellings.

The conservation officer has expressed concerns that, left in the midst of a development site that could take several years to decontaminate and fully build-out, it will be pillaged of most of its original fabric by thieves and vandals long before the developer has converted it. Similar problems occurred at the nearby Cledford Hall, following the allocation of Mid-point 18 for commercial development. However, the developer has agreed to a condition which would require the intermediate use of the farmhouse as temporary site office from the beginning, which would ensure 24 hours security of the building.

The site is adjacent to the canal conservation area and British Waterways has objected to the proposed Greenfield development on the grounds of the suburbanizing effect on the appearance of the canal and its conservation area. Whilst it is acknowledged that there would be a marked change in the character of the conservation area, it is not considered that it would necessarily be detrimental to that character. High quality of design and layout has the potential to create an active and attractive frontage to the canal. The indicative layouts show properties fronting onto the canal and a strip of open space along the site frontage which would link the canal to the development and would allow the public to enjoy the waterside setting.

The scheme could be enhanced in conservation terms, through further development of the master plan to link the canal and greenspace on the site frontage to the main area of open space adjacent to the former farmstead. The main access road should also be realigned to run around the perimeter of Yew Tree Farm, rather than through it as currently shown, to reflect the change in the proposed use from local centre to private residences. Subject to these matters being addressed through the reserved matters submission, it is considered that the proposals would be acceptable in conservation and design terms.

### **Drainage and Flooding,**

A number of residents have expressed concerns about drainage matters. The developer has submitted a Flood Risk Assessment with the application which concludes that the proposed development will not be at risk from flooding and with appropriate mitigation measures will not increase flood risk elsewhere. Therefore the proposed development meets the requirements of PPS25. The Environment Agency has considered the report and raised no objections subject to the imposition of appropriate planning conditions to ensure that the required mitigation is carried out. United Utilities have objected as no detailed foul drainage proposals have been submitted. However, given that this is an outline application, which seeks merely to agree the broad principles of development, and that the detail of the application in terms of layout, number of dwellings and precise mix and location of commercial uses is reserved for future applications, it is not possible to produce definitive foul drainage proposals at this stage.

It is therefore considered that detailed foul and surface water drainage proposals should be dealt with by condition. This approach has been endorsed by the Environment Agency and on this basis, whilst the concerns of United Utilities and local residents are noted, it is not considered that a refusal on flood risk or drainage grounds could be sustained.

### **Affordable Housing,**

Congleton Borough Council adopted Supplementary Planning Guidance and the Cheshire East interim affordable housing policy both require the provision of 30% affordable housing, unless economics of provision arguments indicate otherwise.

A financial viability assessment prepared by Wallace Cameron & Associates (WCA) was submitted with the original planning application and identified the likely level of

revenue that could be delivered from the scheme after account had been taken for the cost of purchasing the land, dealing with site remediation and infrastructure costs and allowing for developer's profit. At that point in time the applicant did not put forward any firm proposals in relation to affordable housing or a broader Section 106 package, wanting instead to understand the Council's priorities following consultation on the application.

In May 2010 as part of minor revisions to the disposition of uses within the application and following the submission of a detailed Supplementary Planning Statement, a further financial viability assessment was submitted by WCA, which updated the original assessment. Based on that revised financial viability appraisal, the Supplementary Planning Statement (May 2010) contained (at paragraph 5.7) a package of planning gain measures including off site highway works and affordable housing.

The Council subsequently instructed Rodger Hannah and Co. (RHC) to review the WCA financial viability appraisal. Their advice was that WCA had adopted the wrong approach in assessing the level of affordable housing that the development could afford, and requested instead that the applicants appraise only the residential element of the mixed use proposals, using the HCA's Economic Appraisal Toolkit (July 2009 version). The applicants, therefore, instructed BNP Paribas Real Estate (BNP) to undertake an assessment of the economic viability of the residential element of the scheme and their original report was issued in July 2010. This was then reviewed by RHC who provided their initial response in September 2010, raising a number of points of concern in respect of BNP's conclusions. Following a meeting to discuss the principal differences further reports were produced by both firms in late October. Whilst the two consultants have achieved a consensus of opinion on a number of matters, some differences still remain. These are set out below.

### ***Differences between BNP and RHC using the HCA Toolkit***

It is important to note at the outset that both viability appraisals are based on a hypothetical housing scheme of 379 residential units, made up as follows:

<b>Unit Type</b>	<b>Total Number</b>	<b>%</b>
Yew Tree Farm Courtyard Apartments	9	2.4%
1 Bedroom Flats	8	2.1%
2 Bedroom Flats	11	2.9%
2 Bedroom Houses	71	17.4%
3 Bedroom Houses	149	39.3%
4 Bedroom Houses	135	35.6%
Yew Tree Farmhouse	1	0.3%
<b>Total</b>	<b>379</b>	<b>100%</b>

As indicated above, this is a hypothetical scheme assuming that the site is developed for the maximum of units proposed and in accordance with the specific unit size mix. Given that the site area of the application given over to residential is 7.9 hectares (19.51 acres), this hypothetical mix would provide a density of 48 dwellings per

hectare, including the listed building area. In practice, the likelihood is (based on current market trends) that the site will be developed at a lower density (i.e. less units).

Notwithstanding the above, RHC and BNP have both separately appraised the viability of this hypothetical scheme using the HCA Toolkit. While there is agreement on a wide range of inputs into the Toolkit, for the reasons set out below there is a clear difference in the conclusions of the assessments in terms of what level of affordable housing provision could viably be made. For the applicants, BNP's assessment concludes that the scheme could not afford to provide any affordable housing. Conversely, RHC conclude that the scheme could afford to make a 15% affordable housing provision. There are three main reasons for this difference which are set out below.

### Sales Values

In the original appraisals by BNP and RHC there was a considerable difference in sales values (expressed as £/sq.ft of residential floor area) between the parties, and it is noted that in their more recent assessment RHC have put forward a more 'conservative' value model and consider this appropriate in light of the continued retrenchment of the residential market, which indeed has gathered momentum in recent weeks with further monthly falls recorded by the Nationwide Building Society. RHC's figures per square foot are now generally closer (within 5%) of the BNP rates, as the following summary table demonstrates:

<b>Unit Type</b>	<b>BNP Sales Value per sq.ft</b>	<b>RHC Sales Value per sq.ft</b>
Yew Tree Farm Courtyard	£185.61	£232.02
2 Bedroom House	£182.14	£179.42
3 Bedroom House	£165.12	£182.24
4 Bedroom House	£169.83	£170.97
Yew Tree Farm	£211.11	£211.11

The difference between the parties is now marginal except for the Listed Courtyard, which is diminimus in terms of the overall appraisal, and the three bedroom houses. As there are 149 three bedroom houses within the hypothetical scheme, the difference of £17.12 per sq.ft in value for the three bedroom houses when multiplied by the average floor area for a three bedroom house amounts to quite a considerable sum.

Both parties acknowledge that there is a lack of new build residential schemes in Sandbach from which to draw comparison. However, the applicants consider that the RHC approach fails to reference the very cautious state of both the National and Cheshire housing market and the negative outlook of the majority of commentators in the market at the current time. As a result they consider that the RHC approach remains too optimistic.

### Residential Floor Areas

As part of the HCA Toolkit approach average floor areas must be stated for the hypothetical residential mix as this is then used to assess both construction cost and unit sale values.

Although they did not raise it at in their original assessment (September 2010) RHC have raised some concerns about the BNP residential floor areas. In particular, they suggest that it is incorrect for BNP to apply larger residential floor areas to the affordable housing (as compared to the private housing), and suggest that residential floor areas should be taken from the Hop Yard development in Sandbach town centre constructed by house builder Seddon's.

The difference between the two parties in terms of unit sizes can therefore be demonstrated by the following summary table:

<b>Unit Type</b>	<b>BNP Average Floor Area (sq.ft)</b>	<b>RHC Average Floor Area (sq.ft)</b>
Yew Tree Farm Courtyard Apartments	431	431
1 bedroom affordable	538	538
2 bedroom private house	700	780
2 bedroom affordable flat	753	700
2 bedroom affordable house	753	753
3 bedroom private house	969	1,070
3 bedroom affordable house	1,055	969
4 bedroom private house	1,238	1,316
Yew Tree Farm	4,500	4,500

The applicants disagree with the rationale given by RHC for changing the residential floor areas. The use of the Seddon Homes floor areas for the application site is not comparing like with like given that the Seddon Homes scheme is an infill town centre scheme and the Albion scheme is in a semi-rural location on the edge of Sandbach. Moreover it is up to the applicant to decide the most appropriate size for each market unit and affordable unit floor areas are set out by the HCA. RHC have reduced the affordable housing floor areas to below those published by the HCA.

The applicants argue that contrary to what RHC state in their most recent report, market practice is not that affordable units are generally smaller than private units, the position is actually the other way round due to HCA minimum standards for affordable housing which do not apply to market housing.

The effect of RHC's adjustment to the residential floor areas is that with their appraisal, there is 26,865sq.ft more residential floor area across the development. Expressed on a per acre basis, the RHC hypothetical scheme would achieve 20,845sq.ft per acre compared to BNP's 19,468sq.ft per acre.

According to the applicant the housing sector is very wary of building at over 19,000 or 20,000sq.ft per acre in out of town locations and the density applied by BNP was already at the upper end of normal site coverage – the trend is very much to have

less density of development than was the norm in the past. Added to which, given the rural location, and the recent removal of minimum densities from PPG3, it is unlikely that a density at the upper end of the range referred to above, would be appropriate in planning terms.

#### Percentage Uplift in Sales

In the latest BNP assessment a sensitivity analysis is carried out which identifies that in order to deliver 10% affordable housing, there would need to be a 5% increase in sales values. The applicants are of the opinion that RHC have misinterpreted this sensitivity test and taken it to be recognition by BNP that house prices will increase by 5%. As a consequence, RHC have applied a 5% increase to the residual value in their appraisal in order to justify a 15% affordable housing provision.

The applicants argue that not only does this approach misrepresent BNP's appraisal, but it also seeks to challenge the common held view within the industry that house prices have yet to stabilise and will continue to fall for the time being. Indeed, as set out in the BNP October 2010 report, recent data on house prices presents a fairly gloomy picture. For example, the Halifax National House Price Index showed a monthly fall of 3.6% in September, and the Land Registry Index also reported a fall in June. Commentators remain very cautious on the future of the market with experts such as Capital Economics predicting an 11% fall in North West house prices in 2011, on top of a 3.5% fall in 2010. Against the current position and outlook, the approach taken by RHC towards sales values cannot be justified.

#### ***Revised Toolkit Appraisal***

The above three factors are largely responsible for the difference in valuations between the applicant's consultant BNP and RHC on behalf of the Council. However, since the original reports were prepared by BNP and RHC (in October 2010) two inputs into the Toolkit have been identified which require amendment and these are discussed below.

Firstly, both BNP and RHC have modelled the residential proposals on the basis of 379 units whereas in fact, the planning application has applied for a maximum of 375 units.

Secondly, the level of Section 106 monies attributable to the residential element of the development has been revised following detailed discussion with Highway Officers. A total package of off-site highway works has been agreed at £640,000, of which £470,000 can best be attributed to the residential element of the development. This is significantly more than the £320,000 quoted in the original appraisal.

In addition to these two revisions, and in an attempt to narrow the differences between the parties, BNP have also now applied the RHC higher sales values to the BNP floor areas. In other words, notwithstanding the firm view that the RHC sales values are too high and therefore generate a greater sales receipt, the figures have been accepted for the purposes of providing a revised Toolkit Appraisal.

The revised appraisal with the above 3 adjustments identifies that in order to achieve the residual land value of £3.3M (agreed between the parties), the residential

development could only afford to provide 8.3% affordable housing, rather than the 15% suggested by Rodger Hannah and Co. Based on this revised appraisal, the applicants are proposing an affordable housing provision of 8% (which equates to 30 units out of 375) to be provided on site. The housing is to be provided based on 33% social rented and 67% intermediate/shared ownership, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements.

In summary, three principal points of difference remain between the applicant's consultant, BNP, and the Council's Consultant, RHC,, which has led to a difference of opinion as to the level of affordable housing that the site could support. RHC argue that it should be %15 and BNP are of the view that it is 0%. The three points of disagreement are over sales values, floor areas, and percentage uplift in sales. The applicant's have agreed to use the RHC sales values and have provided convincing arguments as to why the floor areas and percentage uplift figures they have used are robust. They have also factored in two recent development in terms of a correction to the number of units proposed and an increase in section 106 monies which will be provided, which further reduce the viability of the scheme. On that basis they have offered 8% affordable housing. On balance, for the reasons given above, it is considered that the 8% contribution is fair and reasonable and reflects the economics of provision.

## Highways

As initially proposed, access to the site would have been via two new roundabouts on the A533 Booth Lane and a retained industrial access to the north. However, the Strategic Highways Manager was concerned about this arrangement and has agreed amended plans showing a new roundabout at the southern access point (as previously proposed), a new ghost island property junction to serve the northern redevelopment area (replacing the previously proposed northern access roundabout) and retention of the existing industrial access to the northern area (as previous proposed). On this basis the Strategic Highways Manager is satisfied that a safe access can be achieved to the development.

With regard to wider traffic impacts, a Transport Assessment has been submitted with the application which concludes that the proposed development will generate a significant increase in traffic movements on the A533, in towards both Middlewich and Sandbach, and more significantly, will increase the loadings on main junctions in both town centres. There will also be an impact on, junction 17 of the M6, which is already heavily overloaded. The Highways Department have examined the Transport Assessment and endorsed its conclusions.

Following detailed discussions between the applicants Transport Consultants SK Transport Planning, the Highways Agency and the Council's Highway Engineer, a package of off-site highway works has been agreed, which will address junction capacity issues arising out of the completed Albion redevelopment, and in certain instances addressing existing deficiencies. The package will also assist in making the application site more accessible to non-car borne modes of transport. The package is as follows:

- i. £190,000 financial contribution to Cheshire East Council for the proposed improvement works to Junction 17 of the M6, or such other scheme as deemed appropriate by the Local Highway Authority and Highways Agency.
- ii. £197,000 financial contribution to Cheshire East Council for the proposed improvement scheme to the A533 Old Mill Road/High Street/The Hill and A533 Old Mill Road/Brookhouse Road.
- iii. £170,000 financial contribution to Cheshire East Council for the proposed improvement scheme to the A54 Kinderton Street/Leadsmithy Street junction, or such other alternative scheme deemed appropriate by the Local Highway Authority.
- iv. £25,000 financial contribution to Cheshire East Council for the provision of Quality Partnership Bus Stops on the east and west bound carriageways of the A533 in the immediate vicinity of the application site.
- v. £20,000 financial contribution to Cheshire East Council for the provision of a 'Real Time Passenger Information Facility' at Sandbach railway station.
- vi. £38,000 to be provided in an Escrow account to be used to enhance the accessibility of the application site should the detailed Travel Plan modal split targets not be achieved.

Items (i), (ii), (iv), (v) and (vi) are all considered to be most attributable to the residential element of the development either because they will be required very early on in the development process, or because they the residential development is likely to be the land use that advances first on the site. This is how the figure of £470,000 that has been put into the revised Toolkit appraisal has been calculated.

## **Education**

The Council's School Organisation and Capital Strategy Team have identified that there are currently not sufficient places in primary schools within a two mile radius of the application site to accommodate all of the pupils that could be generated by the residential development. Conversely however, there are sufficient places within secondary schools with a catchment that takes in the application site. The education department has therefore determined that a developer contribution of £462,355, will be sufficient to off-set any impact on local provision.

The developer has proposed a financial contribution of £100,000 to be paid towards the provision of additional infrastructure at the Elworth CE Primary School. Whilst this is significantly below the amount requested, as has been detailed above, the viability of the scheme is marginal, and any increase in education provision, would, by default, result in a corresponding reduction in either the highways contributions or affordable housing provision. On this basis, it is considered that a £100,000 contribution is reasonable and achieves a fair balance between education improvements and other required mitigation works. Furthermore, it should be noted that this contribution would be made prior to occupation of the first residential property, notwithstanding the fact that the residential development will take many years to complete and hence, the generation of additional primary school pupils will have little impact on the primary school in the early years of the development.



## **Open Space Provision**

The indicative zoning plan shows the provision of both Amenity Greenspace and Public Open Space within the development. The developer has explained that this will be provided in accordance with the Council's Supplementary Planning Guidance and will be maintained by a management company. Precise details of the location, nature and extent of the open space will be submitted at reserved matters stage.

To ensure that this takes place it is therefore recommended that the Section 106 Agreement should state that the reserved matters shall make provision for the Public Open Space within the development site. The Agreement should also require details of grading, drainage, layout, landscape, fencing, seeding and planting of the public open space to be agreed in writing with the Council.

## **Ecology,**

A substantial amount of supporting ecological information has been submitted with the application. The Council's ecologist has examined the proposals and raised no objections subject to conditions. Three specific areas require further work to be carried out as part of future submissions. Firstly, a further full planning application will be required for the conversion of Yew Tree Farm, once the final use for those buildings has been determined. A full bat, barn owl and breeding bird survey will be required with that application. Secondly, the survey work that has been undertaken has indicated that there are no badgers on site at present. However, this situation can change rapidly, and it is therefore recommended that further surveys are undertaken as part of the preparation of reserved matters applications for each phase of development. The presence of badgers on site would not prevent development altogether but it would inform the layout and any necessary remediation work at the detailed design stage. Finally, although there are no barn owls identified as being present on site, they are in the vicinity and the scheme could lead to some degradation of their foraging areas. Consequently, it is recommended that provision is made via condition for the establishment of habitat enhancement areas, within the land owned by the applicant, outside the development site boundary.

## **Contaminated Land**

A number of third party objections have been received in respect of contaminated land. However, the Council's Contaminated Land Officer has raised no objection subject to conditions requiring details of the proposed mitigation measures to be submitted and approved. Consequently, it is not considered that a refusal on these grounds could be sustained.

## **Air Quality**

An Air Quality Impact Assessment has been submitted with the application. The Council's Environmental Health Officers have examined the report and highlighted a number of omissions. It is therefore recommended that conditions are imposed requiring a revised and updated report and accompanying mitigation measures to be submitted and approved prior to commencement of development.

## 11. CONCLUSIONS

The proposal involves the redevelopment of a brownfield site within the settlement boundary, for residential use, which is considered to be acceptable in principle. Although the proposals would result in the loss of an existing employment site, the redevelopment involves a significant element of new employment generating uses, both on part of the former factory site, and on adjoining undeveloped land. The scheme also has a number of other positive planning benefits, most notably the removal of an unsightly chemical works and the remediation of the site. It will also assist in meeting the Council's 5 year housing land supply requirement and in the delivery of much needed affordable housing.

The proposal also involves the development of an area of Greenfield land alongside. Whilst this is contrary to adopted local plan policy it will enable the remediation and regeneration of the adjoining previously developed land which would not otherwise be economically viable. The proposals have been carefully assessed and any harm in terms of impact on the character and appearance of the wider rural landscape, is considered to be limited in this instance, and on-site landscape impacts can be adequately mitigated.

The proposals are considered to be acceptable in terms of their impact on the listed building on site and the canal consideration area, and are not anticipated to result in increased risk of off-site or on site flooding. The developer has offered to provide 8% affordable housing based on 33% social rented and 67% intermediate/shared ownership, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements. Whilst this is below the policy requirement of 30%, it is considered that convincing economics of provision and viability arguments have been put forward to justify this level of provision. IN addition the developer will provide a £100,000 contribution to education provision.

The highways impacts of the proposal have been carefully assessed and £640,000 of off-site improvement works has been identified. The Strategic Highways manager is satisfied that this package of measures will adequately mitigate the traffic impacts of the proposal; He is also satisfied that the proposed access arrangements which include a new roundabout on the A533, are acceptable in highway safety terms.

The proposal will make adequate provision for on-site public open space in accordance with the Council's Supplementary planning guidance. It is not considered that any adverse impacts will occur in terms of ecology and it is considered that the contamination issues on the site can be adequately remediated.

Therefore, whilst the principle of the proposal does not comply with the provisions of the development plan policies, in respect of the new development within the open countryside, it is considered that these are outweighed by a number are substantial material considerations. In all other respects the proposal complies with the relevant local plan policies and accordingly it is recommended for approval subject to a Section 106 agreement and appropriate conditions.

## **12. RECOMMENDATIONS**

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

**Affordable housing provision of 8% - to be provided on site. The housing is to be provided based on 33% social rented and 67% intermediate/shared ownership, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements.**

**And the following contributions:-**

- A533/A54 Leadsmithy St, Middlewich:- £170,000**
- A533/A534 The Hill/High St/Old Mill Rd/Brookhouse Rd roundabout, Sandbach £197,000**
- Junction 17 – M6:- £190,000**
- Quality partnership bus shelters £25,000**
- Real Time Information facility, Sandbach Rail Station £20,000**
- Travel Plan facilities and targets £38,000**
- Education contribution - £100,000**

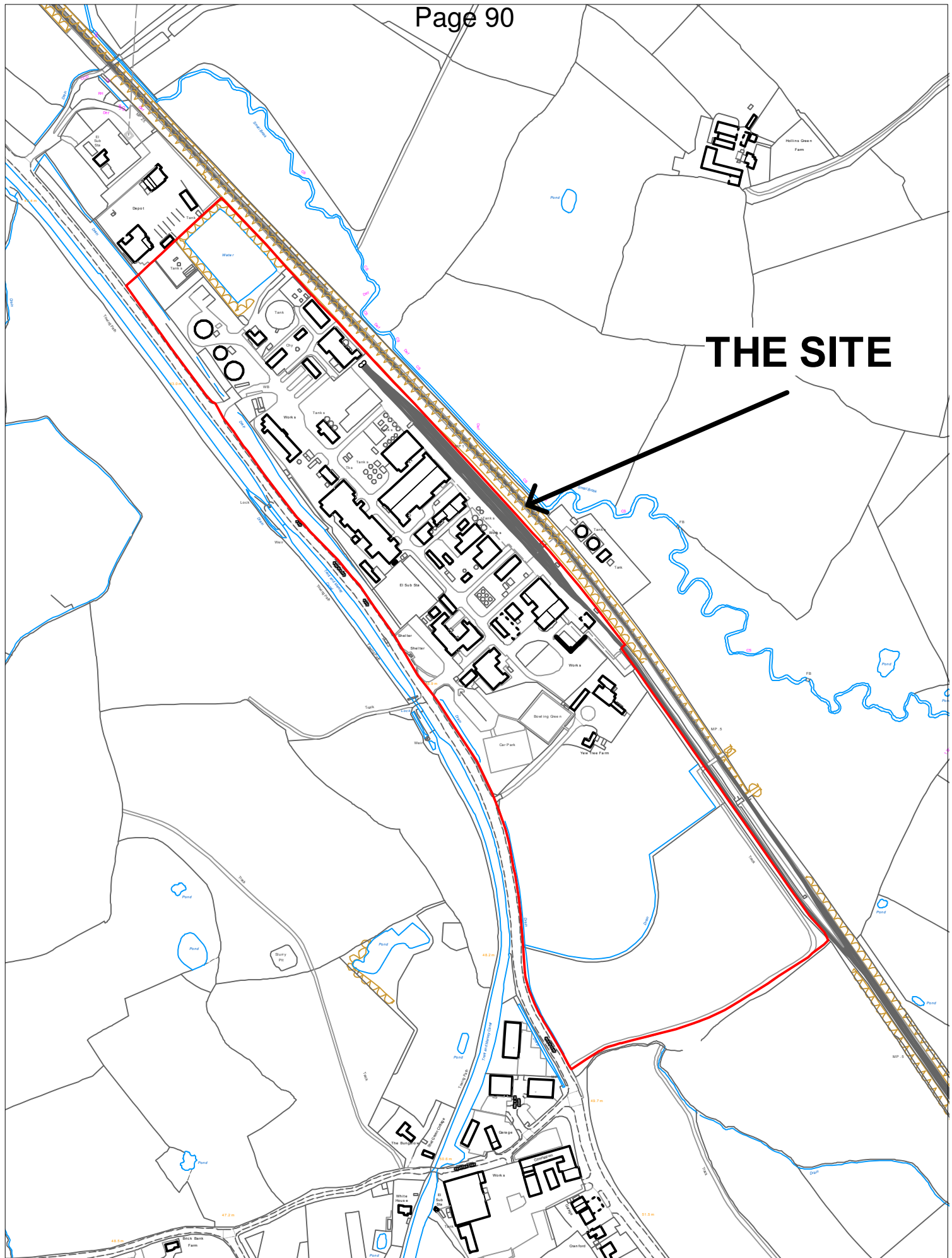
**The reserved matters to make provision for the Public Open Space within the development site, details of grading, drainage, layout, landscape, fencing, seeding and planting of the public open space to be agreed in writing with the Council.**

**And the following conditions**

- 1. Standard outline**
- 2. Submission of reserved matters**
- 3. Approved Plans – location and zoning**
- 4. Notwithstanding detail shown – no approval of indicative residential masterplan.**
- 5. Submission of Landscape Design principles**
- 6. Submission of Landscape framework**
- 7. Submission of Landscape and ecological management plan**
- 8. Retention of trees and hedgerows**
- 9. Submission of Arboricultural Impact Assessment**
- 10. Submission of Arboricultural Method Statement**
- 11. Submission of Comprehensive tree protection measures**
- 12. Submission of assessments under the Hedgerow Regulations with each reserved matters application, for any hedgerows to be removed as part of that phase of development.**
- 13. Submission of topographical survey as part of reserved matters.**
- 14. Use of farmhouse as site office**

15. geophysical survey in order to establish the need, if any, for further archaeological mitigation and submission / implementation of mitigation.
16. Submission of travel plan with each reserved matters application
17. Contaminated land assessment
18. A scheme for the provision and implementation of a surface water regulation system
19. A scheme for the management of overland flow
20. A scheme to be agreed to compensate for the impact of the proposed development on the two drainage ditches within the development boundary.
21. A scheme for the provision and management of compensatory habitat creation
22. Wetland creation, for example ponds and swales.
23. A scheme to dispose of foul and surface water
24. Submission of contaminated land investigation / mitigation
25. Submission of revised air quality impact assessment / mitigation
26. South west facing facades of dwellings to be attenuated by close-boarded wooden fencing along the south west site boundary in order to provide a 5 dB reduction.
27. The north western boundary shall be attenuated by a landscaped buffer zone which shall be 2m high and a minimum surface density of 15/20 kg/m<sup>3</sup>. Along the top of the bund shall be a 2m acoustic fence in order to provide further attenuation.
28. Submission of scheme for protecting the proposed dwellings from railway noise and vibration
29. Submission of a scheme for protecting housing from noise from all the commercial and industrial activities
30. Each reserved matters application for commercial activities to be accompanied by submission and approval of proposed hours of operation
31. Each reserved matters application for commercial activities to be accompanied by a noise impact assessment has been submitted to and approved by the Local Planning Authority. The noise impact assessment shall address;
  - All hours of operation;
  - noise from moving and stationary vehicles;
  - impact noise from working activities;
  - noise from vehicles moving to and from the site in terms of volume increase; and
  - current background levels of noise.Any recommendations within the report shall be implemented prior to the development being brought into first use.
32. Prior to commencement of development of any commercial building scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, to be submitted

- 33. Prior to commencement of development of any commercial building details of any external lighting shall be submitted to and approved**
- 34. Prior to commencement of development of any commercial building details of security for the car parks to prevent congregations of vehicles late at night to be submitted**
- 35. Prior to commencement of development of any commercial building details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours**
- 36. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays**
- 37. Details of the method, timing and duration of any pile driving operations to be approved**
- 38. Details of the method, timing and duration of any floor floating operations connected with the construction of the development hereby approved to be approved**



**09/2083C - ALBION INORGANIC CHEMICALS BOOTH LANE MOSTON**  
**NGR; -373.120 - 362.980**

Reproduced from the Ordnance Survey map with the permission of HMSO.  
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009..

#  
 Scale 1:5000

<b>Planning Reference No:</b>	10/3955N
<b>Application Address:</b>	Tesco, Vernon Way, Crewe
<b>Proposal:</b>	Reserved Matters Application for Erection of Replacement Foodstore (A1 Retail) with Ancillary Café, Associated Parking, Highway Work and Landscaping.
<b>Applicant:</b>	Tesco Stores Ltd.
<b>Application Type:</b>	Reserved Matters
<b>Grid Reference:</b>	370800 355392
<b>Ward:</b>	Crewe East
<b>Earliest Determination Date:</b>	17 <sup>th</sup> November 2010
<b>Expiry Dated:</b>	10 <sup>th</sup> January 2010
<b>Constraints:</b>	Settlement Boundary

**SUMMARY RECOMMENDATION:**

- **APPROVE** subject to conditions

**MAIN ISSUES:**

- **Principle**
- **Access.**
- **Layout**
- **Appearance and Scale**
- **Landscape**

**1. REASON FOR REFERRAL**

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area. It was brought before the Strategic Planning Board on 5<sup>th</sup> January 2010 when Members 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.

Negotiations have taken place with the applicant's agent, and the report below has been updated accordingly.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application relates to the existing Tesco store in Crewe, which is a single storey retail unit of red brick construction with a pitched and tiled mansard roof. The store occupies a 2.5ha site and was built in the early 1990's as a Safeway store and was taken over by Tesco in 2004. The store is situated to the rear of the site, with a large surface level car park in front and a petrol filling station (PFS) adjacent to the site entrance. The site is bounded to the east by the West

Coast Main Line, to the west by Vernon Way and to the South by the Crewe Heritage Centre and Crewe to Chester Railway Line.

### 3. DETAILS OF PROPOSAL

Planning permission was granted on 2<sup>nd</sup> November 2009 for the demolition of the existing 2,740sq.m store and the erection for a replacement 5,500 sq.m store, which will be constructed over two levels. The permission was in outline, with all matters reserved, although an indicative layout was provided with the application. This application seeks approval of all reserved matters, including access, appearance, landscaping layout and scale.

The existing PFS will be retained and integrated into the scheme.

### 4. RELEVANT HISTORY

7/13945	Use of Land as Heritage Centre – Approved 17 <sup>th</sup> February 1987
7/18292	Use of land as heritage centre. 45,000 sq/ft foodstore, associated car parking and petrol filling station. – Approved 15 <sup>th</sup> March 1990
P95/0582	Extension to form coffee shop and crèche. – Approved 24 <sup>th</sup> August 1995.
P05/0507	Single storey extension and alterations to service yard- Approved 9 <sup>th</sup> June 2005
09/2329N	Outline Planning Permission for Erection of a Replacement Foodstore (A1 retail) with Ancillary Café, Associated Parking, Highway Works and Landscaping – Approved 2 <sup>nd</sup> November 2009

### 5. POLICIES

#### North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 5	Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change
Policy RDF 1	Spatial Priorities
Policy W 1	Strengthening the Regional Economy
Policy W 5	Retail Development
Policy RT 1	Integrated Transport Networks
Policy RT 2	Managing Travel Demand
Policy RT 3	Public Transport Framework
Policy RT 9	Walking and Cycling
Policy EM9	Secondary and Recycled Aggregates
Policy EM 11	Waste Management Principles



Policy EM 12	Locational Principles
Policy EM 15	A Framework For Sustainable Energy In The North West
Policy EM 16	Energy Conservation & Efficiency
Policy EM 17	Renewable Energy
Policy EM18	Decentralised Energy Supply
Policy MCR 4	South Cheshire

### **Cheshire Replacement Waste Local Plan**

Policy 11 (Development and Waste Recycling)

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.4 (Access for the Disabled)  
TRAN.5 (Provision for Cyclists)  
TRAN.6 (Cycle Routes)  
TRAN.9 (Car Parking Standards)  
S.10 (Major Shopping Proposals)  
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe  
E.7 (Existing Employment Sites)

### **National policy**

PPS 1: Delivering Sustainable Development  
PPS 6: Planning for Town Centres  
PPS 25: Development and Flood Risk  
PPG 13: Transport  
Department for Transport – Manual for Streets  
Proposed Changes to PPS6: Planning for Town Centres – Consultation

## **6. CONSULTATIONS (External to Planning)**

### **Highways Authority**

- There is a signed 106 agreement for this development, which included all of the agreed highways improvements.
- No highways objections.

### **Sustrans**

1. The site lies hemmed in by railway lines and a busy road, Vernon Way taking traffic around the town centre. Pedestrian access is limited currently to the pelican crossing and the rather unattractive route into the town

centre, and the existing footways on Vernon Way. There are no pedestrian facilities on the Mill Street/Vernon Way roundabout which can be quite difficult to cross.

2. Cycle access is very poor currently, since Vernon Way carries a lot of traffic and is not wide enough for cycle lanes. The roundabout at Mill Street/Vernon Way is not easy to negotiate due to gradients; High Street is one-way only outbound, and the crossing on Vernon Way is a pelican only.
3. The site is being expanded to attract more custom and potentially more car journeys will result in a congested part of Crewe. Therefore, we would expect the developer to make a significant contribution to improve walking/cycling in the location. A range of measures discussed in the past with the council are:
  - Vernon Way cycle tracks as long as they are constructed to a high standard on width, crossings etc
  - High quality town centre access from the Tesco site and Mill Street for pedestrians and cyclists via the Sainsburys site, requiring a toucan crossing at a convenient location over Vernon Way.
  - Contra-flow to be permitted on High Street
  - These type of measures are also important to encourage pedestrian/cycle access to the adjacent Crewe Heritage Centre.
  - Secure and convenient cycle parking is required for staff as well as customers

### **Environment Agency**

Have no objection to the above reserved matters application and no further comments to add to their previous comments.

### **United Utilities**

No objection to the proposal subject to the following:

- The applicant must demonstrate the current drainage system currently discharging in to the public sewerage system
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

### **Environmental Health**

Environmental Health have no objections to the proposal.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL:**

N/A

## 8. OTHER REPRESENTATIONS:

### Sainsbury's

- Paragraph 5.2 of the Design and Access Statement states that the gross external floorspace of the proposed store is 9,767sq.m. rather than 8,231sq.m that was approved in the outline permission. This represents a 1,536sq.m. difference or 19% uplift in the gross floorspace which is considered to be materially different to that consent. In the light of this, it is, in their view questionable whether the current application can legitimately form a reserved matters submission to the outline consent, and consider that the Authority should give this matter due consideration prior to determination of the application.
- In the event that the reserved matters submission is found not to be consistent with the outline then either a new outline application is required or the current scheme should be submitted as a full application with all of the necessary supporting information.
- The Design and Access Statement states that the proposed net floorspace complies with the condition of the outline permission limit of 5,5500 sq.m. However it is not possible to determine that from the submitted first floor (trading level) plan which does not provide sufficient detail to confirm the position. It appears that the sales floor area exceeds that permitted when considered as a percentage of the claimed gross floor area, even when discounting the cafe and WC areas.
- In order to clarify the position, they suggest that the Council requires that the applicant provide evidence of the proposed net floorspace by the submission of clearly marked internal floor plans to an appropriate measured scale. They consider that this is necessary and given the issues of inaccurately built floorspace at the Tesco store in Stockport.
- The submitted plans illustrate a substation on the western side of the car park. This building was not included on the outline permission approved site plan and cannot therefore be included within the reserved matters application. A separate planning application is therefore required for this element of the proposal.
- Savell Bird and Axon highway consultants to Sainsbury's have undertaken a preliminary review of the Transport Assessment submitted with the outline application scheme and considered that in the context of the increase gross floorspace proposed in their reserved matters application. That exercise concludes that the replacement store as consented (gross floorspace of 8.231sq.m) will have a material impact on the operation of the Earle Street / Vernon Way roundabout during the weekday pm and Saturday peak, hours, particularly increasing queuing on the Earle Street east arm. (It is their view that the highways impact of the larger store should, therefore be fully assessed by the Council Highways Officer prior to the determination of the current application)

## **9. APPLICANT'S SUPPORTING INFORMATION:**

### **Design and Access Statement**

This document provides an explanatory design and access commentary on the application for reserved matters submitted pursuant to Condition 1 of planning permission 09/2329N. The detailed drawings prepared by Saunders Partnership Architects and Charnwood Landscape Design which accompany the submission address the reserved matters of access, appearance, landscaping, layout and scale, and indicate a high quality development which incorporates an innovative mix of environmentally friendly design, materials and technology in response to the aims of Tesco's Climate Change Programme.

### **Response to Sainsbury's Letter**

#### ***Gross Floorspace***

The difference in the gross floorspace referenced in the outline planning submission (ref. 09/2339N) and the application for the approval of reserved matters (ref. 10/3955N) is accounted for by the floorspace created by the atrium and means of escape at ground floor and first floor levels (i.e. void or stair/elevator areas necessary to accommodate an elevated store development above car parking). The size and position of the building indicated on the site plans submitted with the application for approval of reserved matters (ref. 6457 P04 Rev C and 6457 P05 Rev C) is the same as that shown on the drawings approved under the outline planning permission (ref. 6457 PL02 and 6457 PL03), i.e. there is no actual increase in the floorspace of the building above that which is indicated in the drawings approved under the outline planning permission.

Although a gross floorspace figure of 8,231 sq m was referred to in the planning application forms, Design & Access Statement and other documents accompanying the outline planning application, the 'increase' in floorspace attributable to the atrium and means of escape at ground floor and first floor levels does not affect the conclusions of the Retail Assessment (which is based on net sales floorspace) or the Transport Assessment (see below).

Significantly, Condition 3 of the outline planning permission states that *"the development hereby approved shall be carried out in accordance with the approved plans 6457 PL03 and PL02 unless the Local Planning Authority gives written consent to any variation"*. The outline planning permission therefore specifically includes a condition which requires development (and subsequent reserved matters approvals) to be in accordance with the drawings submitted at the outline stage. The outline planning permission does not contain a condition which restricts the overall gross external floorspace, nor is the gross external floorspace referred to in the description of development. As we have set out above, the reserved matters submission is consistent with the plans approved under the outline planning permission and therefore meets the requirements of Condition 3.

### ***Net Floorspace***

The reserved matters scheme for the store complies with Condition 21 of the outline planning permission which states that the overall net sales floorspace should not exceed 5,500 sq.m. The area dedicated to the sale of comparison goods is less than the 2,200 sq. m permitted by Condition 18. Sainsbury's are therefore incorrect in their assertion that the sales floorspace indicated on the drawings submitted with the application for the approval of reserved matters exceeds that permitted under the outline planning permission.

### ***Electricity Sub-station***

An electricity sub-station to the rear of the replacement store is clearly indicated on drawing ref. 6457 PL02 (Proposed Site Plan – Ground Level), which was submitted with, and approved under the outline planning permission for the replacement store (ref. 09/2329N). However, due to Tesco's operational requirements it has been necessary to relocate the proposed sub-station to the west of the site for the purposes of the reserved matters submission. As the sub-station was part of the scheme approved under the outline planning permission, it is wholly appropriate to include it in the reserved matters submission. No condition was attached to the outline planning permission requiring the sub-station to be located in a specific position on the site. Therefore, there is no requirement to submit a separate planning application as suggested by Sainsbury's.

### ***Impact on Local Highway Network***

We have sought advice from Tesco's highway consultant, Mouchel, on this point who has confirmed that the TRICS (Trip Rate Information Computer System) database was interrogated to find trip rates for the proposed replacement foodstore. These trip rates are based on comparable foodstore sites which are all at-grade, i.e. the store and car park are all at the same level. These sites do not have an entrance atrium or other vertical circulation facilities, and the only reason that the proposed replacement store at Crewe has these is to provide customer access between the car park and the store. The atrium floorspace and means of escape are not considered to generate trips on their own right and are therefore usually excluded from the trip generation calculations.

A full Transport Assessment was submitted in accompaniment with outline planning application 09/2329N. This assessment was accepted by Highways Officers of Cheshire East Council, subject to a contribution to pedestrian and cycle links with and within Crewe town centre, which has been secured through a Section 106 Agreement. On this basis, there is no requirement to further consider the highway impact of the proposed store.

## **10. OFFICER APPRAISAL**

### **Acceptability in Principle**

The site is located outside, but adjacent to, the Crewe Town Centre Boundary. However, the acceptability in principle for the demolition of the existing 2,740sq.m store and the erection for a replacement 5,500 sq.m store was established by the previous outline permission. Consequently, the impact of the development on the vitality and viability of the town centre has already been carefully assessed and found to be acceptable.

Sainsbury's have argued that the reserved matters application does not comply with the terms of the outline permission because the design and access statement submitted with the reserved matters makes reference to a gross external floorspace of 9,767sq.m., whereas, the supporting documentation submitted at the outline stage referred to a gross floor area of 8,231sq.m.

The reason for the discrepancy is that, in preparing the supporting documentation for the outline planning application, Tesco neglected to include within the floorspace calculations, the atrium and emergency staircases.

Notwithstanding this inconsistency, it is considered that the store, as now shown on the current drawings, can fall within the parameters of the outline consent for the following reasons. Firstly, matters of scale, design and layout were reserved and did not form part of the outline approval. Secondly, there was no reference to gross floor area in the description of development on the outline consent. Thirdly, there were no conditions applied to the outline consent limiting gross floor area. The only floor area restrictions were conditions limiting the overall net sales floorspace to 5,500 sq.m net sales and the area used for the sale of comparison goods to 2,200 sq m. The reserved matters application complies with these restrictions.

Sainsbury's have claimed that the sales floor area exceeds that permitted when considered as a percentage of the claimed gross floor area, even when discounting the cafe and WC areas. However, given that the sales floor restrictions are based on specific areas, rather than percentages, there is no conflict with the terms of the outline consent. For the avoidance of doubt, Sainsbury's have agreed to submit a more detailed floor plan to show clearly the area of net retail floor space and areas proposed for comparison and convenience goods.

Consequently, the principle of the development has already been established and this application does not present an opportunity to re-examine those issues. The main issues in the consideration of the reserved matters, therefore, are the acceptability of the proposed access, layout of the site, the scale and appearance of the building and the landscaping.

### **Access**

The traffic impact generated by the additional floorspace was considered, along with the other matters relating to the principle of the development at the outline stage. A full Traffic Impact Assessment was undertaken and a package of mitigation measures including off-site highway works and a £50,000 contribution

to cycling infrastructure within the town centre was secured. The access point will be the same as that utilised by the existing store from the roundabout on Vernon Way. This is a well constructed junction and at the time of the outline application it was considered that it was of sufficient capacity to serve both the new Tesco development and the proposed Sainsbury's store. Therefore, this application does not present an opportunity to re-open issues relating to traffic generation.

Members suggested at the meeting on 5<sup>th</sup> January 2011 that additional Section 106 funding for items such as off-site roundabout works, public transport enhancements and improvements to Crewe Heritage Centre should be sought from Tesco. However, this issue was dealt with fully at the outline planning application stage, and there is no justification for the Council to seek additional S106 contributions in respect of the application for reserved matters. Furthermore, the Section 106 agreement has been enacted and the money in respect of the pedestrian and cycle links has been fully paid to Cheshire East Council.

Members requested that the opportunity for Tesco to provide a bus stop on Vernon Way was explored further. However, the southern end of Vernon Way (beyond the Earle Street Bridge) does not form part of a bus route and this would not therefore provide a practical solution to improving public transport access to the site.

Notwithstanding the above, officers have discussed the matter with Tesco who are currently in negotiations with a local bus operator to provide a free shuttle service between the temporary store on Lockett Street and Crewe bus station. Tesco have agreed to consider introducing a similar service from the new store on Vernon Way following its completion. It is noted that such a service has been provided by Tesco previously, but was withdrawn in early 2010 due to lack of patronage. In this instance, however, it may be that the service proves to be more viable due to the increased customer attraction to the improved store. However, the service will be provided on a trial basis and Tesco have reserved the right to withdraw it, should it become uneconomical.

Members raised the issue of Tesco providing, or contributing to, the provision of a pedestrian walkway beneath the second arch of the Mill Street railway bridge, to link the Mill Street regeneration area, with Crewe town centre and railway station. Officers have raised the matter with Tesco, who acknowledge that this is a desirable objective in planning terms, but the difficulties in securing this link are caused by the need to negotiate with Network Rail on operational railway land and with the Crewe Heritage Centre who own or lease part of the land that would be required, as well as the considerable engineering challenges involved. Furthermore, no part of this route requires land within the ownership of Tesco. On this basis it is considered that it would be unreasonable for the Council to impose conditions or legal agreements requiring the provision of the Mill Street link as part of the Tesco redevelopment.

479 parking spaces are to be provided underneath the new Tesco store, along with disabled spaces, parent and child spaces and a drop-off zone to the front. Provision is also to be made for cycle parking.

A decked service yard is to be constructed to the rear of the store, with access via a ramp from a service road to the side of the store, which will also provide access to the railway heritage centre.

Whilst the comments of Sainsbury's highway consultants, about the up-lift in gross floorspace, referred to above are noted, given that the increase relates to stairwells and non-retail areas, it is not considered that there would be any increase in traffic generation as a result of the amendment. In the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on access grounds could be sustained.

## **Layout**

The existing store is set back from the Vernon Way frontage, and is separated from it by a large surface carpark. Consequently, there is no active frontage to this part of Vernon Way and the street scene is dominated by an expanse of parked cars and hard surfacing. The carpark also provides a significant barrier to pedestrians wishing to access the site from either the footway along Vernon Way or the town centre.

The proposed building, by contrast will be sited much closer to Vernon Way, helping to provide a sense of enclosure to the street and a more active frontage as a result of the glazed atrium. The store has been orientated in such a way that the main entrance to the building is at the closest point to the Vernon Way boundary and immediately adjacent to the pedestrian crossing giving access to the town centre. This is a considerable improvement over the existing arrangement.

Although the decked service yard is a more undesirable feature in design terms, it will be concealed to the rear of the building and will only be visible from the heritage centre, and the railway line. In this location it will be viewed in the context of railway infrastructure, which is industrial in nature. Furthermore screen planting is proposed to the boundaries and is therefore considered to be acceptable.

In terms of ancillary development within the site, the existing petrol filling station will remain. The existing recycling centre will be relocated, to a new position, close to the store entrance, where its visual impact will be no greater than in its existing location, which is also close to the site frontage. An electricity sub station is proposed in the south west corner of the site. Sainsbury's have argued that because this was not mentioned in the outline planning approval, a separate full planning application is required. However, it is considered that this is ancillary to the supermarket, similar to other features on the site, (such as the recycling centre and other plant within the service yard to the rear,) which, although not mentioned by name within the description on the outline permission are to be expected with a development of this nature.

The substation is in a concealed location in the corner of the site, where it is bounded by the carpark to the north and east, the railway to the south and is surrounded by dense tree planting and landscaping the west. It will therefore



have minimal visual impact. However, whilst elevational drawings have been provided of the recycling centre, no elevational details of the substation have been provided. It is therefore recommended that these are secured by condition.

Given the town centre location and the nature of the surrounding land-uses, which are predominantly associated with commercial and retail activity, this impact on neighbour amenity is not considered to be a significant issue in this case

### **Appearance & Scale**

Due to its very large scale and prominent location, the proposed building will have a significant visual impact on the immediate area and the character of the town centre as a whole. However, it will be similar in appearance and scale to the approved Sainsbury's store which will be constructed on the opposite side of Vernon Way and is similar in terms of overall form and massing. It incorporates many similar features including the glazed atrium giving access to the first floor retail area, the ground level under-croft parking and the decked service area.

At the previous meeting, Members expressed concern about the elevational treatment of the building and suggested that steps should be taken to break down the massing of the building, introduce more vertical emphasis and to make reference to the traditional railway architecture of Crewe.

The case officer has researched the old railway works buildings which originally stood on the site. These were substantial 3 storey structures, with a strong vertical emphasis created by the regimented pattern of fenestration. The massing of the blocks was also broken down horizontally, with a dominant ground floor and subservient first and second floors. The original building was also characterised by arches, which could be found on both window and door heads. The building also included a distinctive clock tower feature. The case officer suggested that the architect should incorporate these features into the new building

This has been done successfully, and arches have been added to the oversailing canopy to the front of the building and a clock tower has been incorporated at the entrance, albeit in a modern style. The arches will be constructed from glu-lam which is a modern and sustainable material. Vertical emphasis has been introduced into the building through the use of a dark material to highlight the vertical joints in the cladding panels. The horizontal effect of the dominant ground floor and subservient upper floors has also been replicated through the use of different cladding materials to the side elevations and coloured glazing to the front.

Overall, it is considered that the revised design is a considerable improvement over the proposals as previously presented to committee and that the design modifications serve to break up the massing of the building, reference both the history of the site and the traditional railway architecture of Crewe and to create a distinctive and unique building which will be significantly different to the standard Tesco corporate model.

## **Landscape**

There is a significant amount of existing well-established landscaping around the site perimeter. It will be important to ensure that as much of this as possible is retained and integrated into the development to soften the impact of this large new building. The retention of the semi-mature trees along the Vernon Way frontage will be particularly important to screen the undercroft parking and unslightly service area and rear elevation to the petrol station.

This has been achieved within the submitted design, the building is set back sufficiently from the frontage to avoid adverse impact on the trees, and the extent of the hard surfacing forming the access road, will not extend beyond that of the existing car park. Furthermore, no changes are proposed to the layout of the main vehicle access or petrol filling station. Therefore, subject to appropriate tree protection conditions, there will be no adverse impact on exiting access. The majority of the site will be taken up by the proposed building, and therefore opportunities for new planting with the development are limited. However, areas of new planting are proposed around the substation, in the area in front of the recycling centre, adjacent to the service road to the north eastern side and on the boundary with the heritage centre to the south east. No details of species, spacing's, height on planting etc. have been provided and it is therefore recommended that conditions are imposed requiring these details to be submitted and approved.

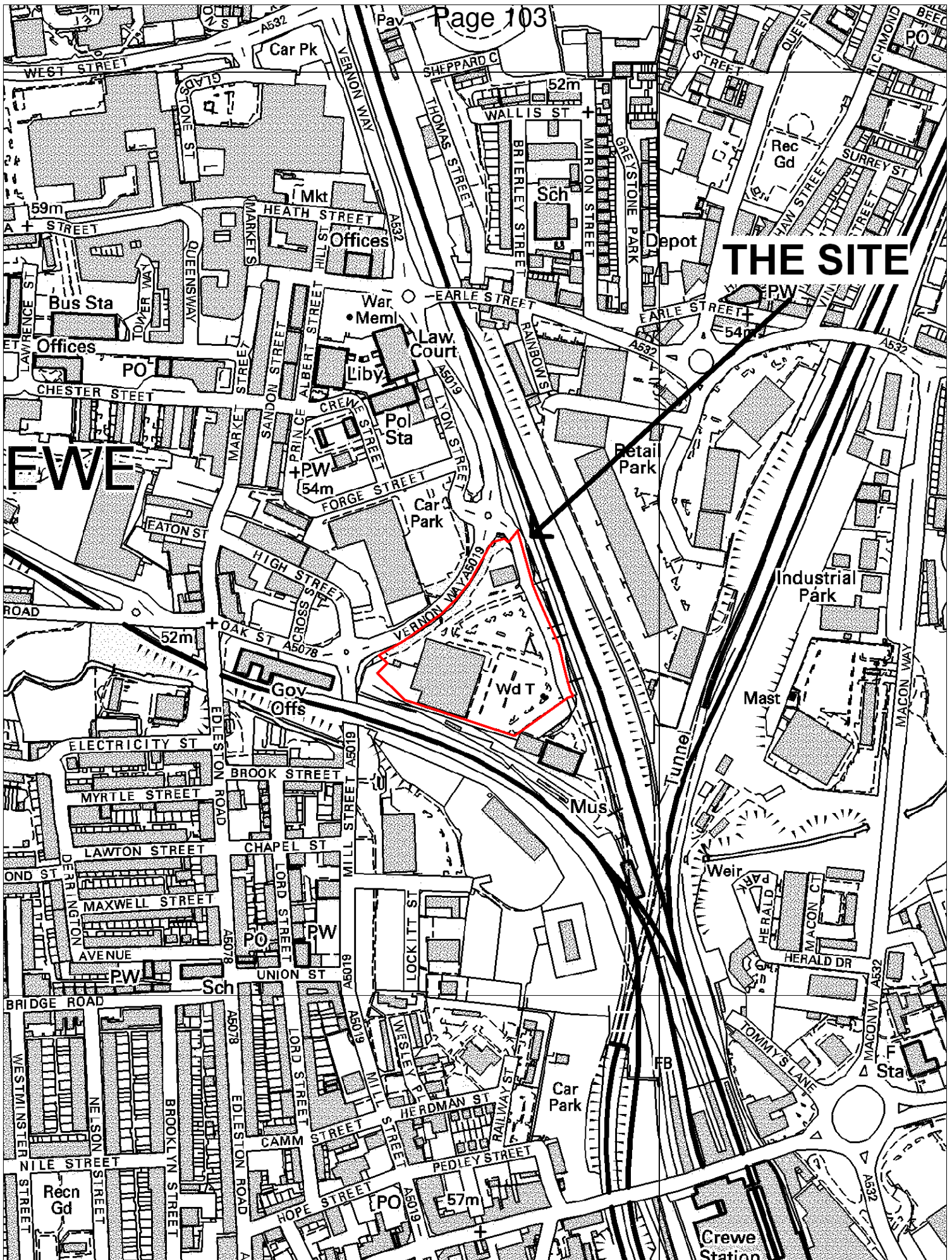
## **10. CONCLUSION**

For the reasons given above, and having due regard to all other matters raised, it is considered that the access, appearance, landscaping, layout and scale of the proposed store are acceptable and in compliance with the relevant Development Plan policies, and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

## **11. RECOMMENDATIONS**

### **APPROVE subject to conditions**

- 1. Plans**
- 2. Scheme of tree protection**
- 3. Implementation of tree protection**
- 4. Scheme of landscaping**
- 5. Implementation of landscaping**
- 6. Elevational details of substation to be submitted and approved**



TESCO SUPERSTORE VERNON WAY CREWE  
N.G.R; 370.810 - 355.380

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

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



Scale 1:10000

This page is intentionally left blank

<b>Planning Reference No:</b>	10/4610N
<b>Application Address:</b>	Wrenbury Fishery, Hollyhurst, Marbury, Cheshire
<b>Proposal:</b>	Siting of 20 Timber Clad Twin Unit Caravans for Holiday Accommodation & Erection of Administration Building.
<b>Applicant:</b>	Mr Spencer, Marcus Brook Ltd.
<b>Application Type:</b>	Full Planning Application
<b>Grid Reference:</b>	358810 345845
<b>Ward:</b>	Chomondeley
<b>Earliest Determination Date:</b>	6 <sup>th</sup> January 2011
<b>Expiry Dated:</b>	22 <sup>nd</sup> February 2011
<b>Date Report Prepared:</b>	1 <sup>st</sup> February 2011
<b>Constraints:</b>	Wind Turbine Development consultation area

**SUMMARY RECOMMENDATION:**

**Approve with conditions**

**MAIN ISSUES:**

**Principle of development**

**Impact on the character and appearance of the open countryside**

**Existing trees and hedges**

**Residential amenity**

**Ecology**

**Highway matters and parking**

**Sustainability**

**Drainage**

**1. REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board because the site area is 7.2 hectares in extent. Members visited the site in 10<sup>th</sup> September 2010 in connection with planning application 10/1776N.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application area is an irregular shaped piece of gently undulating land in which fishing pools have been constructed under a previous planning permission. A single island is present in each pool which is joined to the bank by an isthmus of land. The site is approached on an unmade access track located to the west of the application area with an access point on Hollyhurst Road. The track serves a poultry unit and other activities. Adjacent land was subject to an application for a water bottling facility which was withdrawn.

The site is enclosed by established hedges, trees and fences. An unmade track with a mature hedgerow on one side passes through the middle of the application area.

The site is located within open countryside in the Borough of Crewe and Nantwich Replacement Local Plan.

### **3. DETAILS OF PROPOSAL**

This is a re-submission following refusal of application 10/1776N for the stationing of 34 twin unit caravans on the site. The application seeks to address the reason for refusal of the previous planning application.

That application was refused for the following reason:-

*The proposed use of the land for the siting of 34 twin caravan units to provide a chalet development with associated roads, hardstandings, lighting, cycle parking and an office/ shop building will result in the erosion of the character of this rural location, creating visual intrusion, away from any established settlement. To allow the development would be detrimental to the rural tranquillity of this area of open countryside and would erode the physical character of the location, detrimentally impacting on the appearance of the area, contrary to policies NE.2 (Open Countryside) and RT.6 (Recreation Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

This application seeks permission for the stationing of 20 timber clad, twin unit caravans and the erection of an administrative office on the site of the approved Wrenbury Fishery. The supporting information states that each unit will be a single storey structure with a pitched roof and measure a maximum of 6.8m x 20m in length with an internal ceiling height no greater than 3.05m. This complies with the definition of caravans as given in the Caravan Sites Act 1968 and amended by Statutory Instrument 12374:2006. The 80 space car park approved under the planning permission for the fishery is to be provided together with one parking space for each of the caravans. Under the previous planning application the car park for the lake would have been enlarged to 93 spaces. The toilet block which received planning permission under the consent for the fishery will be provided at the northern end of the car park. The former building denoted as shop/ warden's office in the previous application is referred to as an administration office or warden's office. There is no reference to a shop within the application details. This application also includes the provision of a cycle store.

The application has been modified by the reduction in the overall number of units proposed and the removal of caravans from the north side of the site, around Lake 2 (the western lake) and from all the islands. Whereas the previous application proposed the retention of the unauthorised land bridges linking the islands, within the lakes, to the bank these land bridges are to be removed.

The twenty caravans to be provided would be placed to the south of Lake 1, and around Lake 3, the largest of the lakes.

A separate access from the main access track which ran along the northern side of Lake 2 and gave access to small car park is no longer proposed.

The landscaping scheme submitted with the application retains the existing hedgerows and trees around the site and on the road frontage to Hollyhurst Road. In addition the trees and hedgerow along one side of the original farm track located centrally through the site and those on the southern and eastern site boundaries are retained. The landscaping scheme submitted with the previous application has been modified prior to submission of the current application and further modifications have been introduced as a result of consultations with the Landscape Officer. The scheme now includes blocks of buffer planting whether as woodland mix and/ or hedgerow mix around Lake 1 (except where the four caravans are to be provided), to the north, east and west of Lake 2, around the car park for the fishery, along the southern site boundary and the south eastern corner of Lake 3. There are also two smaller areas of hedgerow/ woodland mix along the eastern boundary of Lake 3 between groups of caravans. In addition new tree groups will be provided to define the spaces between caravans. A shrub mix of native species will be provided on the islands within the lakes.

The specific differences between the planting in the previous application and this application based on the plan received on 4<sup>th</sup> February are:-

- The loss of planting adjacent to the access road
- The loss of planting to the north of Lake 2 some distance from the water's edge
- The addition of planting where caravans 4 & 5 in the previous scheme were to be provided i.e. the north side of Lake 1.
- The addition of planting close to Lake 2 on the north and western sides.
- More hedge /woodland planting in the south eastern corner of the site.
- Planting on the islands in the lakes.

#### **4. RELEVANT HISTORY**

10/1776N Siting of 34 Timber Clad Twin Units Caravans, Access works, Car Parking, Administration Building, Cycle Store and Landscaping. Refused 27<sup>th</sup> September 2010.

P06/0771 Fishing lakes. Approved 25<sup>th</sup> August 2006.

#### **5. POLICIES**

The development plan for this area includes the North West of England Plan Regional Spatial Strategy 2021 (RSS), Cheshire Replacement Waste Plan and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

##### **Regional Spatial Strategy (RSS)**

RDF2 Rural Areas

W6 Tourism and the Visitor Economy

W7 Principles for Tourism Development

**Local Plan Policy**

NE.2 Open Countryside  
NE.5 Nature Conservation and Habitats  
NE.9 Protected Species  
NE.20 Flood Prevention  
BE.1 Amenity  
BE.2 Design  
BE.3 Access and Parking  
BE.4 Drainage Utilities and Resources  
TRAN.3 Pedestrians  
TRAN.5 Provision for Cyclists  
TRAN.9 Car Parking Standards

**Cheshire Replacement Waste Local Plan**

Policy11A Development and Waste Recycling.

**Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS4: Planning for Sustainable Economic Growth  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPS25: Development and Flood Risk.  
Good Practice Guide on Tourism

**6. CONSULTATIONS**

**Strategic Highways Manager:** No objections. The access point should be constructed to Cheshire East Highway Standards.

**Environmental Health:** Do not object to the application but request an informative advising that it is the developer's responsibility to assess the condition of the land and its suitability for the end use in relation to potential contamination. Hours of construction and delivery to the site should be restricted to 08:00 hours to 18:00 hours Monday to Fridays and 09:00 hours to 14:00 hours on Saturdays with no working at any other time including Public Holidays. Details of any external lighting to be used at the site should be submitted to the Local Authority and approved in writing. If planning permission is granted a site licence will be required.

**Environment Agency:** The discharge from the development is to mimic that which discharges from the site. The discharge from the site to the existing ponds is acceptable in principle. During times of severe rainfall overland flow of surface water could cause flooding and the site layout should be designed to ensure that new buildings are not affected by such flooding and safe access and egress is provided.

The development will only be acceptable if conditions are imposed to secure:-

- a scheme to limit surface water run off generated by the development
- a scheme to manage flooding from overland flows of surface water run off to be submitted.
- a foul drainage scheme to be submitted and implemented.



Informatives should be attached to any permission in relation to the discharge of any proposed sewage or trade effluent to inland freshwaters, discharge to private sewage treatment plants, the disposal of effluent in relation to the adjacent Woodlands Brewery spring, protected species and use of the fishery.

**Public Rights of Way:** The development has the potential to affect public right of way number 6 and the developer should be advised of their obligations in this respect. If the development will permanently affect the right of way then a diversion order must be sought. If the development will temporarily affect the right of way then a temporary closure order may be necessary.

**Mid-Cheshire Footpath Society:** No representation to make in relation to the application but should the development be approved then request that the applicant be made aware of his obligations to keep the footpath open and walkable at all times.

**Cheshire East Visitor Economy:** - Visitor numbers to the Cheshire East area for 2008 was 16.7m. Day visitors are the biggest market to Cheshire East, accounting for 15.3m of the overall visits. When comparing this to the overnight market, this is significantly lower; in 2008 there were 1.5m nights spent. This highlights the potential of expanding that market with an improved destination offer.

- Total value of east Cheshire's visitor economy is worth £653m, however the accommodation sector only accounts for £69m, highlighting the potential for growth.

- Wrenbury falls within the South Cheshire area being promoted as part of Nantwich & South Cheshire. It is promoted as an area with historic houses, gardens, cultural attractions, world-class events and market towns. With regard to accommodation it seeks to highlight a range of accommodation types on offer, their quality and their style.

- Cheshire East Council Visitor Economy will strongly argue that the chalets are quality graded to 3\* or above. Having the grading will also mean that VCC are able to promote the facility, as without grading this cannot happen

- Self catering holidays account for approx 15% of domestic holidays, 22% of nights spent away and 17% of the holiday expenditure. Self catering holidays are becoming less frequent than staying at a friends or relatives house, or using a serviced accommodation. However, self catering holidays tend to be longer and above the average for holiday expenditure.

- Self catering accommodation is of a much higher importance in rural areas. The expenditure in rural areas is over double for self catering than for serviced accommodation. This trend is even more noticeable when looking at longer holidays where self catering accommodation equates to almost 64% of expenditure. In the year 2000, over 70% of holiday camps and parks and 57% of all self catering accommodation was located in rural areas.

- Seasonality is a problem for holiday chalet owners as most rentals take place between Easter and the end of October, however Christmas family breaks are becoming increasingly popular.

- There is also a shift happening in holiday habits. The Sunday Times recently showed that 54% of Britons plan to take their main holiday at home in 2010. The continuing tight economic situation, coupled with the fact that families who chose to stay at home this year have been surprised about the quality, variety and value that a UK holiday now offers means that consumers are planning to repeat the experience in future years.

- There are not many real competitors with the South Cheshire area in relation to holiday chalets. However, it is worth noting that similar self-catering accommodation is readily available at 12 locations in the area. There is also a section in the Destination Management Plan for Visit Chester & Cheshire that states that one of their actions between now and 2012 will be to 'Assess the potential to develop the self-catering offer in Cheshire & Warrington, the most rapidly expanding form of visitor accommodation across the UK'.

**Cheshire Wildlife Trust:** No comments received.

**Community Fire Protection:** No comments to offer

**CPRE:** Object – even with the reduced number of caravans the development is still substantial and inappropriate in the rural area with inadequate access.

## **7. VIEWS OF PARISH COUNCILS:**

**Wrenbury Parish Council:** Consider that this is only the first phase and if permission is granted a second phase for another 14 units would follow.

Object on the following grounds:-

-Policy NE.2 allows for essential development in the open countryside. Policy RT6 allows for recreational uses in the open countryside and policy NE.13 allows for diversification but the application does not meet the requirements of policies RT.6 or NE.13 and cannot be regarded as “essential”. The development will cause demonstrable harm to the character and appearance of the open countryside by visual intrusion. In addition it is not sited close to a farm complex and will not re-use existing buildings.

-Policy RT.6 requires that development in rural areas has suitable access roads to accommodate the traffic generated. Policy BE.1 requires that development should not prejudice the safe movement of traffic on surrounding roads. The local highway network has narrow lanes often single track and is not adequate for the traffic which will be generated.

-The applicant has stated that units may be sold or sublet. The occupancy of these units will be difficult to control and long periods of occupancy or permanent residential use is not compatible with policies for the rural area.

-The Parish Council considers that the site is one planning unit and to develop the site under two separate permissions one for the fishery and one for the chalets may present difficulties enforcing the planning conditions. The description of the development should be changed to include reference to both the fishery and the holiday accommodation to allow future control by the Local Planning Authority.

- It is not clear whether the applicant knows if the proposal is commercially viable and there is an intention to sell to another developer. The viability should be tested in the same way that agricultural workers' dwellings are tested and that there is demand/ need for the accommodation.

- Representations indicate that the adjacent landowner who owns the track is not willing to give permission for the track to be used to access the development.

-Drainage arrangements are not clear and there could be a detrimental effect on the local watercourse.

- The site is not served by public transport and can only be accessed by car, coaches and HGVs over an inadequate highway network.

-As there is no policy support for the proposal the Parish Council hope the Borough Councils will heed the Coalition Governments' desire for local communities to take control over development as outlined in the Localism Bill.

**Marbury Parish Council** (Adjacent Parish Council)

- Express concerns about the suitability of local roads for the additional traffic which would be generated particularly bearing in mind the use by walkers, cyclists and horse riders.
- Potential negative impacts on wildlife.
- Concern that to deliver the "twin units" to site would require local road closures.

**8. OTHER REPRESENTATIONS:**

A petition has been received with 72 signatures from residents in Pinsley Green, Wrenbury, Marbury, Nantwich, Crewe, and other Cheshire addresses and 12 locations outside of Cheshire.

Letters of objection have been received from the following addresses:-

Eagle Hall Cottage Pinsley Green Rd Wrenbury  
The Cottage, Pinsley Green, Wrenbury  
Springfield, New Road, Wrenbury  
1 Yew Tree Barns, 2 Yew Tree Barns, Hollyhurst Road, Wrenbury  
Yew Tree Farm, Cholmondeston Road, Wrenbury  
2 Frith Hall Cottages, 1 Lime Tree Barns, Frith Lodge, Frith Lane, Wrenbury  
1 Holland House, 40, Nantwich Road, Wrenbury  
2 Pinsley Green Cottages, Wrenbury  
34 Oakfield Avenue, Wrenbury  
7 Sandfield Court, Wrenbury  
Oak House, The Green, Wrenbury  
6 Oak Cottages, Nantwich Road, Wrenbury  
3 Wrenbury Hall Drive, Wrenbury  
Smeaton Wood Farm, Wrenbury  
Smeaton Hall, Wrenbury  
Pear Tree Farm, Norbury  
3, 4 Hollyhurst Cottage, Marbury  
1 Heath Lane, Marbury  
Marbury Hall Farm, Marbury  
Rowan House, School Lane, Marbury  
Sandford Farm, Aston  
Brook bank, Wrenbury Road, Aston  
Ashville Wrenbury Road, Aston  
Ashbourne, Heatley Lane, Broomhall  
64 Moorlands Road, Malvern

Representation from Frith Lodge, Frith Lane, Wrenbury and Bottle Lodge, Hollyhurst offer comments on the application on the same grounds as the letters of objection.

The grounds of objection / comments can be summarised as follows:-

### **Principle of Development**

- To allow the development with a reduced number of caravans would result in a further application for more caravans at a later date when the Council would be in a weaker position to refuse the proposal.
- The proposal is contrary to policies NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside), NE.13 (Diversification), BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.
- Policy NE.2 allows for essential development but this is not essential.
- The reason for refusal of the previous application is still valid
- The barns have been converted at Yew Tree Farm and the planning application would have had to demonstrate that there was no demand for tourist accommodation at that time.
- There is no policy in the Local Plan for Permanent / static caravans under which this development should be considered.
- The development is not integrated with exiting visitor attractions and is not based on existing buildings, since there are none on site.
- It is not clear from the application whether the development is for “residential” use or holiday homes or 6-12 month tenancies.
- Once the development has taken place it could set a precedent for further sites and there are already two caravan sites in the area.
- Concerns about the loss of agricultural land.
- Twenty double units would result in 40 units of accommodation – who would control this?
- The village is well served by the local shop and another shop which could affect that one is not required.
- Local villages do not have businesses and facilities for an influx of visitors.
- The “caravans” could in time become replaced by permanent dwellings.
- The appeal decisions submitted with the application are not directly comparable with this site being either close to a main road or town or an extension to an existing park.

### **Impact on the Open Countryside**

- The development even with a reduced number of caravans would irrevocably destroy the character and appearance of the open countryside.
- It would spoil the peace and quiet of the open countryside.
- Such areas should be protected from encroachment and increased urban sprawl.
- No details are provided of the timber clad units, and such chalets are not in keeping with the surrounding landscape.
- The development would be visible from Combermere Park, within the Area of Special County Value, as well as Hollyhurst Road, Pinsley Green Road and Public Footpath number 6.
- The proposal is totally out of character with the area with this highly scenic area. The area is typically scattered farms and cottages with a low density of population and a development of 20 family units could include 100 people. It is therefore out of scale with the locality.
- The development would have a detrimental impact on the local community.
- Impact on Wrenbury Conservation Area which is only 2.1km from the site.
- The site is 2.6 km from Marbury Conservation Area.

### **Ecological Matters**

- Loss of habitat for birds, badgers, barn owls, foxes and Great Crested Newts.
- Impact on Sound Heath SSSI
- Barn owls need open spaces to hunt and the development would result in loss of habitat for barn owls.
- It is not proven that the development will not affect nature conservation interests. Great Crested Newts Presence and Absence surveys can only be completed in the spring.
- The fishing ponds may well already have had an adverse impact on wildlife in the area.

### **Issues relating to the Fishery**

- The fishery with 113 fishing stations is such in name only and has not been provided.
- The application states that there are 80 car parking spaces on the site but the car park has not yet been provided.
- Question why the fishery has not yet been developed: is this because there is no demand in this area?
- There has been no landscaping in relation to the planning permission for the fishery so will the landscaping proposed with this development be provided maintained and if necessary enforced?
- The area has historically been rich in wildlife with badgers, barn owls and Great Crested Newts present but now has been spoilt by the construction of the fishing lakes with no landscaping whatsoever.

### **Need for the Development**

- Humberts Leisure study omits several key factors. There are sites offering comparable visitor accommodation within a 20 mile radius at Chester, Congleton, Knutsford, Winsford and Delamere with 3 of these sites offering fishing. Most fishermen are self sufficient with night fishermen using a tent. The fishing link with the accommodation is a pretext for the larger development and will result in tourists who will visit north Wales, Chester and the Peak District. These areas are already served by their own accommodation.
- There is already a wide variety of leisure activities and accommodation in the area.
- There is no business case to support the application, there are plenty of fishing facilities within 5 miles of Wrenbury including the canal, rivers, lakes and ponds for both coarse and game fishing.

### **Sustainability**

- Wrenbury village is 2.3km from the site with the public house being 2.5km and the station 2.6km from the entrance to the site.
- Tourists/ visitors are likely to travel out of the area for facilities.
- No environmental impact assessment has been completed for the development.
- There are no pavements and street lighting between the village and the site.
- It is not practical to use the footpaths over fields to walk between the station and the site, particularly with luggage.
- Public transport is not readily accessible and is not sustainable.
- The frequency of trains to Wrenbury Station is low.

There is no bus service from the site to the station, no taxi firms in Wrenbury, Marbury, or Aston. The nearest taxi service is based in Nantwich 4 miles away.

- There are no cycle hire facilities in Wrenbury Marbury or Aston.

### **Environmental Issues**

- The development will result in light pollution adversely affecting the quality of the environment and the life of those nearby.

- Traffic will also increase noise and pollution

- Increased litter.

- Impacts on the area from noise.

- Security in the area.

- The flood risk assessment does not include adequate information in relation to the presence of the Barnett Brook. It fails to provide a site specific fluvial flood risk assessment in accordance with PPS25 and does not consider quantify the different types of flooding whether from natural or human sources and include joint and cumulative effects. No details of flood risk reduction measures are given to show assessments are fit for purpose. The submission states that drainage design will be formed at the detailed design stage but PPS25 requires all such assessments should be made as early as possible in the planning process. There is no assessment or quantification of the potential flood risk from potential embankment breaches at the lakes should they not cope with the increased surface water. There is no consideration of the effects of flood event on the development due to lack of detail about the drainage design and calculations. The FRA does not demonstrate that the remaining risk (known as residual risk) after risk measures have been taken into account is acceptable. It fails to assess the risk posed by the lakes themselves and to quantify how large the water bodies are and whether they are compliant with the Reservoir Act. It fails to detail surface water and foul water drainage for the site. It is not possible to determine from the information available whether there will be any resultant overland flows from the site to adjoining land, and to provide details of drainage design for the site. No infiltration tests have been carried out whilst the submission states that drainage may flow into the ponds these are designed to cope with a 1 in 100 yr flood event. However the drainage measures could fail if the 1 in 100 yr event occurred in wet weather.

- The brook at the southern end of the site floods frequently in winter and would not take additional water from the development.

- Sewage could potentially get into the stream at the bottom of the valley.

- The provision of 20 caravans will put affect water pressure in the area which is already low.

### **Highway and Parking Matters**

- The road from the railway bridge to the site and access are narrow and accidents occur. It is used by milk tankers, feed lorries, tractors, farm vehicles and machinery.

- Roads in the area are narrow and cannot take additional traffic.

- Roads are in a poor state of repair and with further budget cuts will become increasing difficult to maintain.

- The roads will not accommodate construction traffic.

- The inclusion of a car park for 80 cars is indicative of the level of traffic which will be generated by the development.

- A530 and A525 cross roads in Aston is a notorious accident location. Additional traffic here is not required.
- Visitors to the development would not be aware of the condition and narrow width of the country lanes.
- The road to the village is already busy enough and to allow the development will create more traffic making walking along the road more dangerous.
- Verges have been broken up by cars trying to pass.
- Lanes are used by young children to get to school, walkers, joggers, people horse riding and cyclists the increased traffic will make the lanes much more dangerous for such pursuits.
- The Transport Study makes no reference to leisure users on the highway.

## **9. APPLICANT'S SUPPORTING INFORMATION:**

### **Design and Access Statement (Prepared by Goodwin Planning Services and dated November 2010)**

- The number of units has been reduced to address members' concerns, to retain spacious settings and to minimise the visual impact of the development.
- The caravans are sited further way from public vantage points and dwellings.
- Reception, administration / office facilities will be agreed at a later date and the car park will be shared with the approved fishery. An operational compound and recycling centre will be sited close to the administration building.
- The site of the units complies with the definition of caravans in the Caravans Sites Act 1968 as amended. The layout meets the requirements for a minimum separation of 5m and achieves separation distances between 6m and 30m.
- The internal roads and parking spaces will be constructed with gravel top.
- Support for holiday touring caravans and chalet parks is found in :-
  - o The Good Practice guide on Planning for Tourism
  - o PPS4 especially policy EC7
  - o Borough of Crewe and Nantwich Replacement Local Plan
  - o Developing the Visitor Economy: The Strategy for Tourism in England's North West 2003-2010
  - o North West Regional Economic Strategy
  - o Growing the visitor Economy: A Refreshed Framework for Cheshire and Warrington to 2015A visitor Economy Strategic Framework for Cheshire East (currently under development)
- The development will assist in improving the quality and stock of accommodation for visitors in Cheshire East and the drive to grow the visitor economy
- The development complies with policies in the Development Plan.
- The agent has submitted correspondence commenting that whilst the petition against the development includes 72 signatures only 13 signatories are from the locality.

### **Market Need Assessment (Prepared by Humberts Leisure dated April 2010)**

The submission includes an assessment of the strategic policy setting of the site for tourist development, an evaluation of demand using numbers of visitors to the area and a drive time catchment analysis of the local population and a quantitative and qualitative assessment of the local holiday lodge market.

Support for the application is found in:-

- Developing the Visitor Economy: the Strategy for Tourism in England's North West 2003-2010
- Northwest Regional Economic Strategy
- Growing our Visitor Economy : A Refreshed Framework for Cheshire and Warrington to 2015
- An emerging visitor economy strategy for Cheshire East which will be formulated by the end 2010.

#### Location factors

The site is approximately 30 mins drive from M6 and is within reasonable reach of a number of regional airports

Trains to Wrenbury from Shrewsbury and Crewe are infrequent and this suggests visitors are less likely to rely on the train.

Discussions with lodge operators confirm that there is a growing demand for self catering accommodation for short breaks

In addition rental lodge holiday makers are generally willing to travel around 90 mins to reach their destination.

Within a travel time of 90 mins there is a resident population of 8,269,437 people.

This covers North and Mid Wales, Preston, Derby and Birmingham.

Within this population there is a slightly higher proportion of the 35-54 age group and this is a key group of holiday makers for lodge accommodation.

#### Tourism factors

Visit Britain suggest that due to the down turn in the economy people regard holidays as an essential rather than a luxury item of expenditure.

The down turn in the economy has also resulted in an increase in the interest of holiday park rental accommodation

Park Holidays UK Ltd report an increase in demand for holidays, with advanced bookings up two thirds on its 2009 figure.

Hoseasons have similarly announced that short break bookings were up 25% on 2009.

The appeal of the UK for holidays has increased as a result of the downturn in the economy.

Whilst visitor trips to Cheshire tend to be shorter breaks than regionally the spend per visitor per night is higher.

Visitor trips to Cheshire tend to be day trips but this may in part be due to the lack of suitable accommodation and the provision of accommodation may encourage people to stay for longer.

There are a wide variety of visitor attractions within the area particularly heritage attractions which fits well with the demographics of people attracted to holiday lodges.

The more rural parts of Cheshire attract the older holiday maker and the typical holiday maker in Cheshire is more likely to be staying in self catering accommodation or camping attracted by the "great outdoors" or heritage. There is clearly potential for visitor accommodation in rural Cheshire.



The age profile of the typical staying visitor in Cheshire fits well with the age profile of the lodge holiday makers and with the catchment demographics.

It is envisaged that the accommodation would initially be aimed at the holiday rental market with the possibility of selling homes coming later.

Nationally the holiday parks and lodges sector of regional and national tourism is growing and lodges are generally used by persons who appreciate freedom.

Holiday lodge accommodation has therefore grown over the last decade.

The use of the caravan has to some extent been replaced by demand for lodge type accommodation more recently and local statistics show that Cheshire has the smallest number of caravan and camping sites of the region which may suggest that the potential for holiday lodges is in its infancy and that there is opportunity for new growth.

There are just 6 lodge parks in Cheshire offering 35 lodges and planning permission for a further 106 lodges at these 6 sites. This is considerably lower than in adjoining areas. The majority of these lodges are owner occupied showing that there is potential for further rental development.

The closest of these sites is approximately 18 miles away /35 mins drive time.

By comparison with Denbighshire (15 sites / 194 lodges), Shropshire (17 sites/ 135 lodges) and Staffordshire (5 sites 58 lodges), Cheshire is under provided with holiday lodge accommodation.

Field research suggests that occupancy levels range from 75%-93% across the season which is considered to be very high. Normally 60% occupancy would be considered robust.

Whilst there is an abundance of angling facilities across the county few offer overnight accommodation and given the demographics of the population within 90 mins drive time and the profile of anglers it is considered that there is a strong synergy between anglers and holiday lodge accommodation.

There is clear evidence to indicate that there will be a good level of demand for the timber clad lodges at Yew Tree Farm.

#### **Transport Statement (prepared by Singleton Clamp and dated November 2010)**

- The site is 1.8km from the village of Wrenbury
- The site is accessed from the unmade track which serves farmland and the poultry unit to the south. This track will be provided with three passing bays as a requirement of the planning permission for the fishing lakes.
- With the removal of the northern access route all traffic will enter the site from the southern end of the development.
- Hollyhurst Road meets Wrenbury Road some 230m north of the access point to the site and a public footpath is located to the north of the application site.
- Lanes in the area are lightly trafficked and whilst there are no dedicated cycle facilities there are a number of signed cycle routes
- A speed survey at the access point on Hollyhurst Road showed that a total of 34 vehicles passed the point in 2.5 hours and the 85<sup>th</sup> percentile of eastbound traffic was travelling at 29.51 mph and 29.85 mph for west bound traffic.
- Traffic surveys on 9<sup>th</sup> and 10<sup>th</sup> July 2010 on the site access showed that the access road is very lightly trafficked between 0700-1900 hours on Friday 9<sup>th</sup> July there were 12 vehicles in and 13 out. Over the same period on Saturday 10<sup>th</sup> July there were 13 vehicles in and 11 out.
- Peak times for journeys were between 10am and 11 am on the Friday and 9am and 10am on Saturday.

- Visibility at the access point on Hollyhurst Road is 2.4m x 70m in both directions although road side vegetation will need to be trimmed to retain this visibility. Given that the 85<sup>th</sup> percentile is below 30mph it is considered that this level of visibility is acceptable.
- The site is 1.8km from the centre of Wrenbury, the railway station is marginally outside the 2km walking distance recognised in PPG13 using either local roads or the Public right of Way. The village store and post office, and some pubs also fall within this 2km distance.
- The site is well located for walking using the local public rights of way
- The villages of Aston, Marbury, Norbury and parts of Sound are within 5km the recognised distance for cycling in PPG13
- The nearest bus stop is in Wrenbury village approximately 2km from the site, and bus service 72 between Nantwich and Whitchurch stops up to 5 times per day in each direction Monday to Saturday.
- The Wrenbury railway station can be reached by walking or using the 72 bus. Trains run approximately every 2 hours to Crewe and Shrewsbury with 8 to 10 trains in each direction on Monday and Saturday
- A local taxi service based in Nantwich could also be used to link to the railway station
- The site operator could also provide a mini bus.
- Survey information based on surveys in September 2007 at Ribblesdale Park, Gisburn and Bassenthwaite Park, Keswick showed that for each occupied unit 2 trips were generated per day per unit at Ribblesdale Park and 1.69 trips for each unit at Bassenthwaite.
- TRICS data base shows that similar trip rates are generated by larger caravan sites
- Based on survey information from Ribblesdale Park it is estimated that the site for 20 units would generate 40 trips per day at full occupancy or 18 trips per day assuming 45% occupancy with 6 trips in the busiest hour at 100% occupation or 3 trips per hour at 45% occupation.
- With a Travel Plan for the site these trip rates can be reduced further.
- The lodges will be marketed for fishing breaks and there is therefore potential for these trips to be reduced further.

### **Interim Travel Plan**

- Development improvements include the use of a minibus to transport visitors to the village or the railway station and also to collect and drop of staff depending on their origin/ destination.
- A welcome pack including bread milk and basic foods could be provided to reduce the need for guests to travel with a comprehensive pre-order service available for visitors on arrival.
- Information would be made available to visitors within the lodges about public transport links, PROW, cycle routes, details of cycle hire and cycle repair shops. The Travel Plan will be monitored by the Travel Plan Coordinator who will be the site manager.

### **Tree Survey and Assessment** (prepared by FFC Landscape Architects and dated January 2010)

Identifies 52 trees on or close to the site. Some of which are in need of work to remove ivy and dead wood for their long term health. Some have potential bat roost

cavities. Root Protection Areas are shown. The majority of trees are in good to fair condition, only 4 on-site trees are identified as poor and of these only one is identified as potentially requiring felling if remedial tree works fail.

**Landscape Visual Impact Study and Mitigation Proposals** (prepared by FFC Landscape Architects dated October 2010)

The site is identified in the EWM1 (Estate Wood and Mere) category of The Cheshire Landscape Character Assessment. This is typically rolling countryside. Within the site land slopes from north to south with levels ranging from 74m AOD to 67 m AOD.

The site has been modified by the formation of 3 fishing lakes and hedgerows interspersed with Oak and other mature trees in a variety of conditions around the site. A north-south hedgerow divides the site into two areas.

The study identifies 3 character areas (1) Rolling countryside and small wetlands such as meres, heaths and mosses (2) Ornamental landscape features such as parkland and lakes and (3) Meres mosses and ponds some meres adapted for ornamental purposes.

Rolling countryside and small wetland area such as meres, heaths and mosses is typically a distinctive landscape with a strong sense of place and has features worthy of conservation. Some areas have large scale agricultural development and other ad-hoc features which form significant distraction to the setting reducing the overall landscape quality. The area is sensitive to inappropriate change

Ornamental Landscape features such as parkland and lakes – This characteristic is a distinctive and desirable landscape with a strong sense of place and generates landscape of ecological, amenity and conservation interest. It should be protected from intrusion as a result of need for farming diversification and should be protected from large scale agricultural features. The landscape quality is highly desirable and can be enjoyed by visitors and users. It is sensitive to inappropriate change.

Meres Mosses and ponds – The application site falls in this character area as a result of the construction of the lakes. This area has a distinguishable landscape characteristic though there is no particular sense of place. The fishery is in a state of development. Interest and demand for the sport will enable this to mature to an attractive feature for human use as well as for wildlife. Overall the current landscape value is low as it is being developed but there is scope for positive change.

24 view points (receptors) were initially identified. These were then reassessed taking account of landform and vegetation to 7 viewpoints as follows:-

Approach from the west on Hollyhurst Lane (site entrance)

Approach from north east from Wrenbury

View from A536 Marley Hall Covert

From Combermere monument

View from Pooles Riding Wood

View from Barn conversion

View from footpath along railway line

View from footpath by barns

View from railway

For views from the site entrance, and the approach from Wrenbury and users of the railway, the number of people affected by the development could be a significant number. For the other viewpoints there will be few occasions to view the development

because these are rural tracks or properties or rural footpaths which are only used occasionally.

With the reduction in the number of lodges, the proposals are now generally more centrally located away from outer areas reducing potential impacts.

No trees or hedges will be removed from the site. Landscaping will enhance the setting of the individual lodges. New buffer planting along the drive, to the north and along the existing hedgerows will strengthen existing planting. The new woodland cover will reflect the species present in the area.

Mitigation includes:-

- A buffer strip, a minimum of 8m wide, to the north end of the site, widening out at the ends – this will mitigate views from footpaths, the railway and the barn conversion.
- Planting strips alongside the site entrance road have been removed because caravans around Lake 2 have been removed from the scheme. However some planting is proposed on the northern, eastern and western sides of Lake 2.
- Planting blocks on southern boundary have been enhanced to strengthen boundary planting together with extensive planting around the fishery car park which will mitigate views from Combermere Monument and Pooles Riding Wood. These views are very distant from the site.

#### **Bat and Barn Owl Survey** (Prepared by UES and dated 19<sup>th</sup> August 2010)

- Five species of bats were found to use the site, Common Pipistrelle, Soprano Pipistrelles, Daubentons Bat, Noctule and Brown Long Eared Bat.
- Six trees were identified as having suitable features for bat roosts. One of these was found to be used by a Soprano Pipistrelle, (T9 on the tree survey).
- It is recommended that T9 is retained with its deadwood to avoid disturbing bats and their roosts. (Tree survey recommended minor deadwooding only)
- The management of trees T5, T13, T19, T22, and T23 which have suitable features for bat roosts can go ahead without the need for further survey or licence provided the advice in relation to mitigation, compensation and management is followed. No bats were seen to emerge from these trees.
- Mitigation includes tree works to take place in the presence of and following advice from a licensed bat ecologist. Any branches removed with cavities suitable for use by bats should be carefully lowered to the ground and left for 48 hours to allow bats to escape if present.
- Compensation includes the provision of 10 bat boxes.
- Management includes planting proposed in the landscaping scheme which will improve the site for use by bats, barn owl, hirundines and other wildlife. Areas of grassland and rough habitat at the edge of the site should also be retained.
- No signs of the presence for cavity roosting or nesting were found the survey on 15<sup>th</sup> and 16<sup>th</sup> August.
- During the dawn survey on 16<sup>th</sup> August one Barn Owl was found perching on tree T13 which then moved to T22.
- A Little Owl as noted perching on the farm barn gable next to Yew Tree Cottage.
- Barn Owl boxes were noted in the adjacent field.
- Records from the South Cheshire Barn Owl group do not record any breeding attempts or roosting records from these boxes.
- Provided the advice on evaluation and recommendations is followed there should be no negative effect on the local bat population and the correct management of the

trees and hedges with the provision of bat boxes could improve the quality of the habitat for bats.

**Great Crested Newt Assessment mitigation and ecological update** (Submitted with application 10/1776N - Prepared by UES and dated 15.07.10)

- The 2006 Great Crested Newt Survey for the fishery inspected 7 ponds within the locality and found small sized populations in three of the 7 ponds.
- The development is unlikely to affect any protected species or habitats
- Three new ponds have been created one was dry at the time of the inspection.
- It is recommended that a new pond is formed on the site of an offsite scrape and 3 bat and 3 bird nest boxes are provided to offset any ecological impacts.
- The aquatic habitats provide good habitats for invertebrates birds and foraging bats.
- If development commences in the bird nesting season then a breeding bird survey should be undertaken to ascertain the presence of nesting birds.

**Flood Risk Assessment** (Prepared by Betts Associates, dated November 2010)

- The site falls from north to south towards the Barnett Brook which approximately 100m south of the site. Levels across the site range from 75.0m to 67.5m. AOD.
- The site is located outside of any area at risk from flooding (within Flood Zone 1).
- The development would result in 11% of the land (0.82ha) of impermeable surfaces which would include caravans, the administration building, cycle store, and roads/paths.
- The British Hydrological Events website shows no record of past flooding within the Yew Tree Farm area.
- The site is located outside of any area at risk from flooding on Environment Agency's website.
- Barnett Brook is Main River and does not pose a significant flood risk to surrounding areas. Therefore the Barnett Brook would not pose a threat to the development site.
- PPS 25 confirms that this use is appropriate for Zone 1.
- Surface water run off from the impermeable surfaces and grassed areas will be drained to the man made ponds already present within the site which will have the capacity to store water from 1 in 100 year flood events.
- The development generates a maximum volume of run off for a 1 in 100 year event, 6 hour duration of 103.1 metres.
- Emergency access and egress would not be affected in times of flooding since the level of the land is above that level at risk from flooding.

**Climate Change Statement** (Submitted by Stephen Goodwin undated)

- The location of the accommodation and development in association with the fishery will reduce potential vehicle movements
- The site is located on a public footpath, within 1.8km of the centre of Wrenbury Village, which has a shop and post office and a number of local pubs within 2km of the site.
- The local road network is suitable for cycling and Aston, Marbury, Norbury and parts of Sandbach are within cycling distance (5km in accordance with PPG13) of the site, as is Wrenbury railway station.
- The development includes a secure cycle store.

- The number 72 bus route passes through Wrenbury village and passes the railway station.
- A travel plan will be produced.
- Timber for the lodges will be from sustainable sources.
- All lodges will have double glazing, heating and sound insulation, and low energy light fittings.
- The landscaping scheme provides details of native planting.
- Facilities will be put in place for waste recycling for glass, aluminium cans and paper.
- Surface water run off from the site will drain to the lakes to control run off from the site.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

At the time the previous application was submitted government advice to local authorities in the form of a letter stated that policies in the RSS should not be taken into consideration when determining a planning application. Case law has since confirmed that RSS policies are still a material consideration in the determination of planning applications.

Policy RDF2 of the Regional Spatial Strategy notes that in rural areas innovative and flexible solutions are needed towards supporting a more diverse economic base whilst maintaining support for agriculture and tourism. It is noted that tourism is an important factor in diversifying and strengthening the rural economy but needs to be sustainably located. The RSS also notes that the majority of rural areas are used for agriculture, forestry and various other land based industries including fisheries. It states that such activities should be supported where they are sustainable in nature and contribute to the rural environment and economy. Policy W6 notes that development for tourism should seek to deliver improved economic growth and quality of life, through sustainable tourism activity in line with the principles of Policy W7 and RDF2. Development should be of an appropriate scale, and be located where the environment and infrastructure can accommodate the visitor impact. Policy W7 states that plans and strategies for tourism development which improves the region's overall tourism offer, promote facilities which extend the existing visitor season, harness the potential of sport and recreation and improve the public realm and developments which are viable in market and financial terms. The maintenance and enhancement of existing tourism development will be supported where proposals meet environmental and other development control criteria. There are no specific policies in relation to the provision of holiday accommodation in the RSS.

This application is for the provision of 20 chalets (twin unit caravans) for use as holiday accommodation and not the fishery which was the subject of an earlier planning permission. Comments in relation to the suitability and condition of the fishery are not therefore relevant to the consideration of this application. The caravans are described as twin units to allow for larger units of holiday accommodation, not an increase in number of units occupied.

Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan allows for “essential” development for agriculture, forestry, outdoor recreation, essential works undertaken by a public service authority or statutory undertaker, or for other uses appropriate to the rural area. Policy RT.10 (Touring Camping and Camping Sites) allows for touring caravan and camping sites where a number of criteria are met. However this application is for timber clad holiday accommodation not touring accommodation. Policy RT.7 (Visitor Accommodation) in relation to visitor accommodation allows hotel or guest house accommodation within settlement boundaries or for the change of use of existing residential accommodation in the open countryside to guest houses.

Policy RT.6 (Recreational Uses in the Open Countryside) allows for recreational uses in the open countryside. It is considered that the provision of the lodges is not specifically a recreational use but is recreational accommodation. The justification to the policy refers to Stapeley Water Gardens and Bridgemere Garden World hence the fact that this policy is aimed at attractions rather than visitor accommodation. Policy NE.15 (Re-use and Adaptation of Rural Buildings) also allows the conversion of existing buildings to visitor accommodation where specified criteria are met.

There is therefore no specific policy which permits development for holiday accommodation in the open countryside although policy NE.2 allows for development which is appropriate in the rural area, where this can be regarded as “essential”. Under such circumstances the application has been advertised as a departure to the adopted Local Plan.

It is therefore necessary to look at Government guidance to ascertain whether there may be grounds for allowing the development based on such advice.

Policy EC7 of PPS4: Planning for Sustainable Economic Growth states that Local Planning Authorities should support sustainable rural tourism which benefit rural businesses, communities and visitors and which utilise rather than harm the character of the countryside. It notes the need to support the provision and expansion of tourist facilities in sustainable locations where possible and also recognises that facilities may be required in other locations where they are provided in conjunction with a particular countryside attraction. This policy therefore supports tourist accommodation away from a village or settlement where this is related to an existing tourist facility. The policy notes that new or expanded holiday accommodation, including chalet sites, should not be prominent in the landscape and any visual intrusion should be minimised by effective high quality screening.

Policy EC12 of PPS4 notes that when determining planning applications for economic development in rural areas, sites which are remote from local service centres may be an acceptable location for development, even if not readily accessible by public transport.

Further support for the provision of rural tourist accommodation is found in The Good Practice Guide on Tourism. The Guide notes that holiday parks are the largest providers of rural bed space and that the provision of tourist accommodation can help to support the local economy and provide for rural

diversification. It advises of the need to balance concerns to protect the landscape and minimise environmental impacts with the need to provide adequate facilities.

The site is no longer in agricultural use but has the benefit of an extant permission for the use of the land as a fishery therefore concerns about the loss of agricultural land do not fall to be considered.

Representations make reference to the fact that prior to the conversion of Yew Tree Barns for residential development the application submitted would have needed to demonstrate that there was no requirement for the buildings for tourist accommodation. However the economics of provision mean that unless a relatively high rate of occupation can be achieved, the cost of converting barns to tourist accommodation is often prohibitive.

Whilst PPS 4 (Policy EC7: Planning for Tourism in Rural Areas) notes the need to carefully weigh the objectives of providing adequate facilities or enhancing visitors' enjoyment or improving the financial viability with the need to protect the landscape, it does not require the authority to test the viability of the proposal. Policy W6 of the RSS refers to plans strategies, proposals and schemes whereas policy W7 refers solely to plans and strategies. Policy W7 states plans and strategies should ensure high quality environmentally sensitive well designed tourist attractions should be viable in market and financial terms.

The provision of the chalet accommodation with the fishing lakes will allow visitors to use the fishing lakes or the chalet accommodation or both and in that sense therefore provides a wider economic base for the proposed business.

The accommodation at the existing caravan park at Wrenbury offers a different type of accommodation and whilst some people may be attracted to both the chalet accommodation and the caravan park others may prefer the more spacious accommodation of a chalet.

The Parish Council request that the application be determined in accordance with the coalition government's desire for local communities to have more control of development in their area as outlined in the Localism Bill. However there is no legislation in place for decisions to be taken on this basis and no local policies in the form of a neighbourhood plan on which to base such a decision.

In summary the policy in PPS4 (Policy EC7) also notes that new chalet developments may be acceptable where they are not prominent in the landscape and high quality screening is provided to minimise the visual impact. For reasons explained in detail later in this report it is considered that the proposed development meets these requirements and that the development complies with this policy. It is therefore considered that the more recent policy in PPS4 presents a reason to allow the application contrary to the development plan policies in the Replacement Local Plan which are in place at this point in time. Whilst the policy support for tourism development in the RSS is largely for sustainably located development it is not considered



that it excludes all rural development which is not sustainably located. The RSS notes the developments may be “sustainable in nature and contribute to the rural environment and economy”. PPS4 states at paragraph 3, in the introduction to the PPS, that “The development management policies in the PPS can be applied directly by the decision maker when determining planning applications.”

### **Impact on the character and appearance of the open countryside**

The application is for 20 chalets on land varying in height from 67m AOD at the southern edge of the site to 74m at the northern end. The chalets would be timber clad and stand between 3.5m and 4.5m high depending on the manufacturer supplying the units. The supporting statement confirms that the caravans will be a maximum of 6.8m x 20m. This complies with the definition of a caravan. However the landscape plan and site layout are based on units with dimensions of 6m x 13m. If the caravans were provided at the maximum size then the planting which is relatively close to the caravans would not be able to grow to maturity and the screening would therefore be less effective. It is therefore recommended that a condition be attached to any permission to ensure that no units are larger than 6m x 13m. This is particularly important since licences require a gap of 5m between units.

The Landscape Visual Assessment has been completed in accordance with the “Guidelines for Landscape and Visual Impact Assessment” produced by the Landscape Institute and the “Landscape Character Assessment Guidance” produced by the Countryside Agency.

From an initial 24 potential receptors following site survey only 7 were identified as being of high or medium sensitivity. These were:-

Site entrance from the west (on Hollyhurst Lane)

Site entrance from the north east (from Wrenbury direction)

Marley Hall covert

Poole's Riding Wood

Footpath Number 5 alongside the railway line

Footpath Number 6 alongside the barn conversion

Railway line.

The Assessment recognises that for the first two and last of the above receptors the number of people affected could be significant as a result of passenger numbers / traffic in the area.

The remaining receptors are considered to offer low sensitivity due to the fact that they are rural properties, tracks or footpaths which are not heavily used.

The Assessment notes that the roadside hedges together with hedgerows and trees on the eastern site boundary, the eastern part of the southern site boundary and the hedgerow with trees located centrally within the site would all be retained.

Views from Hollyhurst Lane, from the direction of Wrenbury, the footpath north of the site / by the barns and the railway will benefit by the removal of the caravans from the northern side of the site and around the western lake (Lake 2).

Mitigation includes:-

- An enlarged buffer strip to the north, east and west sides of Lake 1 (the north end of the site). This will mitigate views from footpath north of the site, the railway and the dwellings at Yew Tree Barns.
- Planting alongside the site entrance road and north of Lake 2 have been removed. A revised planting area on the slopes on the northern, eastern and western sides of Lake 2 is now proposed. This will help screen the caravans from Marley Hall Covert.
- Planting on southern site boundary and around the fishery car park which will mitigate views from Combermere Monument and Pooles Riding Wood. These views are very distant from the site.
- Wood and hedgerow planting at points along the eastern site boundary will also provide screening for views from public rights of way located some distance from the eastern site boundary.
- A limited amount of tree and shrub planting on the islands will also provide general screening to the site helping to break up views.

Whilst the loss of planting adjacent to the access road and on the north side of Lake 2 (at a distance from the water) is noted, this does mean that larger areas of grassland can be retained in the site as a suitable habitat for small mammals and provide areas for barn owls to hunt.

The planting schedules provide a better mix of native species, based on those growing in the area, planted at wider planting centres which is considered preferable for good landscape management. The planting would therefore provide an enhanced setting to the area to mitigate the effects of the development on the receptors.

Whilst it would take time for the planting to grow and become fully effective it is considered that the proposed planting would provide good screening to mitigate the effects of the development. Views of the development would continue to be present for some time while the planting takes effect from the site access, a gate on Hollyhurst Road, the public footpaths in the area and the railway line. With the exception of the public footpaths in the area and the railway line there are no large open expanses of land where the public have access and from which the site is clearly visible. There are locations along Hollyhurst Road from which the site would be seen but these are gateways and entrances rather than long areas of open views. The existing landscape infrastructure and the fall of the land provide immediate mitigation to some extent. With the reduction in number of caravans, their removal from the islands, the northern site boundary and the western lake leaving the majority of caravans further from the dwellings at Yew Tree Barn the railway and the public right of way, it is considered that the proposed planting will provide mitigation to ensure that the development would not adversely impact on the character and appearance of the open countryside.

Whilst no details of the appearance of the administration office have been submitted this would be a relatively small single storey structures measuring approximately 9m x 18m. It would be located on the car park with planting around the car park to provide screening. It is not therefore considered that this would have any significant impact on the landscape overall and it is considered that the details of the appearance can be submitted by condition.

Representations suggest that the development would have a detrimental impact on the Wrenbury and Marbury Conservation Areas. However the site is too remote from these locations to justify refusal of the application on the

grounds of adverse impact on the character, appearance or the setting of the conservation areas and is not visible from them.

### **Existing Trees and Hedges**

The Council's Landscape Architect notes that the tree survey is now two years old and requests that an updated tree survey be provided prior to the commencement of development and any other site works. The development would retain all the trees and hedges around the site with the exception of one tree (T19 in the south eastern corner of the site) which may have to be removed if tree works are unsuccessful. The development would not therefore have any detrimental impact on existing trees and hedgerows. Tree works including the removal of ivy, deadwooding, selective thinning/branch removal and in one case major tree surgery (to T19) are proposed to some of the trees on the site. This work should be required to be completed by condition. Tree protection measures are also proposed and should be subject to a condition. No chalets would be positioned within Root Protection Areas although two chalets would abut the Root Protection Areas. Conditions should be included for no dig construction and for tree protection measures to be put in place and retained for the period of construction.

No details of hedgerow protection have been provided for the construction period and these should also be required by condition.

### **Amenity**

With the removal of caravan units from the north side of Lake 1 and around Lake 2 the closest unit would be 155m from the converted dwellings at Yew Tree Farm and set at a lower level. At this distance there would be no adverse impact as a result of the presence of the caravan units as a result of overdomination, overlooking or loss of privacy.

A number of the dwellings at Yew Tree farm face towards the access route to the site. The planting alongside the access which formed part of the earlier application does not form part of this submission but it is not considered that this would result in a detrimental impact on residential amenity at these dwellings due to the comings and goings of vehicles on the access track. This is because the access track is a minimum of 145m from the closest dwelling and the proposal only relates to the provision of twenty caravans. In addition much of the access track is set below the level of the dwellings.

No details of external lighting have been submitted with the application but in reality some degree of lighting would be required to ensure the safety of people staying in the accommodation at night time. Therefore a condition should be attached to any permission for a scheme of lighting to be submitted, approved and implemented. Lighting should be predominately low level lighting, angled down, shielded and controlled by sensors so as to reduce light pollution. With these controls the lighting should not adversely impact on residential amenities at nearby dwellings. The fact that lighting would be required and no details have been submitted is not a reason to refuse the application.

The proposed chalets are to be developed in conjunction with a fishery and no social club, bar or café is proposed at the site. In addition the majority of the chalets would be well away from the existing dwellings at Yew Tree Barns. It is not therefore considered that the development would result in noise and disturbance for residents at the existing dwellings,

particularly since visitors staying at the site are likely to respect the need to be relatively quiet to ensure no adverse impact on the fishing.

## **Ecology**

Although no Great Crested Newt Survey was submitted with this application the Council's Ecologist considers that the Great Crested Newt Survey submitted with the previous application can be used for this application. The Bat and Barn Owl Survey has been submitted.

The submitted ecological information notes that meta-populations of Great Crested Newts are likely to be decreasing and recommends the creation of a new pond at the site recorded as pond 3 in the survey. This is a damp area or scrape rather than a pond at present. However this land is outside the applicant's control and not within the application area. Whilst the applicant has indicated his willingness to create a new pond here, this will also need the agreement of the landowner. It is recommended that any condition for the formation of the pond is worded in such a way as to recognise that this is outside the applicant's ownership. The proposed site planting would enhance shelter and foraging areas for Great Crested Newts.

A condition in relation to the use of protective fencing to the off-site badger sett will ensure no damage to it.

A further condition should also ensure no tree or hedgerow works take place in the nesting season. Another condition should ensure that if development commences in the bird nesting season the site is inspected and no works take place within 4m of any nesting bird.

Trees have been subject to survey and one, T9 (close to the northern pond on the eastern side of the site) was found to be used as a bat roost. As a result, deadwooding originally proposed to this tree, will not now take place. Following the more detailed bat and barn owl survey the number of bat boxes proposed has been increased from 3 to 10. The Council's Ecologist therefore considers that subject to these provisions with tree works following the practice outlined in the survey, there would be no adverse impact on bats.

The submissions propose 10 Schwegler bat boxes and 3 Schwegler bird nest boxes to be provided but no details of the location are given. Conditions should be attached to any permission for details of the locations to be submitted, approved and then the nest boxes to be provided before the chalets are first occupied.

The presence of barn owls on the site and the provision of barn owl boxes on adjacent land are noted but it the Council's Ecologist does not consider that the development would be likely to have any adverse impact on this species. It is however recommended that two barn owl boxes be provided on site. Further with appropriate management of the landscaping, the retention of rough grassland within the site could improve the habitat for small mammals and promote use of the site by barn owls. A condition for a maintenance scheme is recommended and this can include the requirement to retain rough grassland.

It is not considered that the development would adversely impact on the water quality in the Barnet Brook or adversely affect Quoisley Mere SSSI or Combermere SSSI, since the application site is some distance away from these sites and the Brook.

With these measures in place it is considered that the development would not have any adverse impact on protected species and that it includes appropriate measures to enhance biodiversity at the site. The use of native species and additional tree and hedgerow planting with woodland blocks would in any event provide a new habitat on this land to enhance biodiversity.

### **Highway Matters and Parking**

A Transport Statement and Interim Travel Plan have been submitted with the application. The Transport Statement reports the results of traffic surveys. The Strategic Highway Manager has raised no objections to the application. Bearing in mind the reduction in the number of units proposed, particularly since there are no changes to the access point on Hollyhurst Road it would be difficult to justify refusal of this application for a reduced scale of development. It is noted that the northern track leaving the main access track is no longer part of this proposal. However it is not considered that this will have any significant impact on vehicle movements since the caravans which would have been most likely to use this route are now excluded from the application. The survey demonstrated that the levels of traffic on Hollyhurst Road were low and that the speed of traffic was about 29 mph in both directions.

The site would be accessed down the track which is to be used by the fishery. This also serves two other holdings and is used by Woodlands Brewery to collect water.

A traffic survey on Hollyhurst Road found that over a 2.5 hour period a total of only 34 vehicles used Hollyhurst Road. Traffic is also light on the access road which would serve the development. In the event that the chalets were all occupied by comparison with traffic at other similar developments, 20 chalets would generate 6 vehicle movements during the busiest hour which is 12 midday to 1.00pm assuming 100% occupation. With a lower occupancy rate and at other times of the day the traffic would be less. There would in reality be very few occasions when the site is 100% occupied.

Average occupancy rates of around 45% would give 3 vehicles per hour which added to the existing traffic on the access track would generate 6 vehicles per hour. The Transport Statement does not calculate a figure for the fishermen's vehicles. It notes that the fishermen are likely to arrive early in the day or could stay at the lodges. Three passing places would be provided for vehicles to pass on the access track.

Representations express concern about the impact of the development on local roads which are narrow and winding country lanes. However the level of traffic generated by the development would not be sufficient to justify refusal of the application due to impact on the highway network in the area. A widening of the access track, immediately adjacent to the junction with Hollyhurst Lane, at the site entrance, allows vehicles to pass already. The application includes the formation of the two passing bays along the access track as shown on the plans submitted with the fishery. Therefore passing places are included to serve the development.

A visibility splay of 2m x 70m is proposed which is considered acceptable for the speed of traffic recorded on Hollyhurst Road.

The application includes one car parking space at each of the units. There is in addition a parking area proposed with the fishery which would hold 80 vehicles. This is not changed in the current application. The proposals include one additional parking bay with each caravan is therefore considered reasonable.

Whilst representations object to the application on the grounds of the number of people who walk, cycle and horse ride on local roads bearing in mind the level of traffic which will be generated this would not present a reason to refuse the application.

The submission includes an Interim Travel Plan which makes suggestions for improving the sustainability of the development. Measures proposed include the use of a mini bus to ferry visitors around, information about public transport, cycle hire etc, and the offer of a pre-ordered grocery box for visitors on arrival. A condition should be attached to any permission to require a full Travel Plan to be submitted approved and implemented prior to the occupation of the units and monitored and updated annually.

There is a public right of way through the northern section of the site for a distance of about 40m. With the removal of caravans from the north side of the development there are no direct impacts on the right of way and visual impact of the development, as discussed above, is reduced from the previous application.

## **Sustainability**

The Transport Statement, submitted with the application, notes that the site is located 1.8km from the centre of Wrenbury and that the station is just over 2km from the site. Measurements on the Council's GIS show the distance from the site access on Hollyhurst Road to the post office in Wrenbury is slightly over 2km (2.07km). Whilst this is just over the distance of 2km which PPG13 recognises as the distance most people are prepared to walk it is not significantly over that distance. The GIS measurements show that the station falls within 2km of the site access, walking by road. Walking through the fields would reduce this distance slightly. The distance to the public houses at the Cotton Arms and Dusty Miller would be 2.4km from the site access. It is therefore considered that these facilities would be within walking distance of the site for people who were prepared to walk although there is no footway and no street lighting for most of the journey.

In terms of public transport the village and railway station are on the number 72 bus route which runs between Nantwich and Whitchurch. There are 6 or 7 buses per day Mondays to Saturdays which serve the village and station during the working day, although the Wednesday service is slightly different. The railway station has links to Nantwich and Whitchurch with about 10 trains running on week days in each direction from 06:00 hours to just around midnight. In reality very few visitors to the site would use public transport and the submitted application and supporting information acknowledge this. However the Travel Plan offers to provide a mini bus to help support visitors who want to use public transport.

Policy EC12 of PPS4 recognises that a site may be acceptable for economic development in the rural area where it is not readily accessible by public transport and in view of the fact that the site could be visited using public transport it is not considered that the limited links to public transport would justify refusal of the application.

The development would be constructed with measures to minimise energy usage both during construction through the use of sustainable timber and insulation and subsequently

through the inclusion of double glazing, insulation and low energy light bulbs. Measures would be provided for recycling where possible. Whilst the site is located away from any settlement and not on a bus route the provision of cycle parking would encourage the use of cycling as an alternative means of transport. The Interim Travel Plan also offers to provide groceries for holiday makers. An Interim Travel Plan has been produced and would be developed to a full Travel Plan to promote sustainable means of transport wherever possible together with the use of a mini bus.

The development therefore complies with policies which seek to ensure that measures for sustainable living are incorporated into new development. A condition should be provided to ensure that details of recycling facilities to be provided are submitted approved and implemented.

### **Drainage**

An updated Flood Risk Assessment (FRA) has been submitted to account of alterations in the site layout. Whilst objections are raised in representations to the FRA there are no such objections from the Environment Agency. At paragraph 10 PPS25 states that Flood Risk Assessments should be carried out to the appropriate degree at all levels of development. It is considered that the Assessment submitted is proportionate to the application proposed. The Environment Agency accepts the use of the fishing ponds for the storage of water on the site. It would be difficult to justify refusal of the application for such a reason when there are no objections from the Environment Agency.

Concerns about the impact of potential pollution from the site adversely affecting a nearby spring raised in the previous application are no longer an issue since the toilet block is now located at the north end of the car park to prevent this. The overflow from the fishery toilet block would pass through a package treatment plant and would be drained through adjoining land away from the spring and the application area to the Barnett Brook which lies some 100m to the south of the site. In addition the car park would be surfaced in tarmac and provided with oil interceptors to ensure that run off does not pollute the water supply to the spring. Whilst the Authority would not normally look for a tarmac surface to a car park of this size in the open countryside in this particular case it is required to protect the water quality.

Conditions can be attached as requested by the Environment Agency for a scheme to limit surface water run off generated by the development, a scheme to manage the overland flow of surface water run off and a foul drainage scheme. All schemes would need to be submitted approved and fully implemented before the chalets were occupied.

### **Need for Environmental Impact Assessment**

Schedule 2 of the Environmental Impact Regulations 1999 (as amended) includes caravan sites which exceed one hectare. This site is 7.2 hectares. It is therefore necessary to consider whether the proposal is development for which an EIA is required. Annex A of the Circular to the Regulations indicates that EIA is likely to be required for developments exceeding 10 hectares and for holiday villages and complexes with more than 300 bed spaces or caravan sites with over 200 pitches. The application is for 20 chalets. Further the information submitted with the application indicates that the development will not adversely impact on protected species and will not significantly impact on the character and appearance of the locality. The proposals include mitigation to offset the visual impacts of the development and to enhance biodiversity.

The submission demonstrates that the development will only generate a low level of additional traffic and that the highway can accommodate this traffic. There will be no significant impacts as a result of noise, lighting, pollution or any other matter.

The site is not located in any sensitive area as defined by the Regulations. The development is of a scale such that it is only of local importance and it will not generate any potentially hazardous or unusually completed environmental effects. It is therefore considered that the proposal is not development for which an EIA is required.

### **Conditions**

In order to ensure that the development is only used for holiday accommodation and not for permanent residential development conditions should be attached as recommended in the Good Practice Guide for Tourism and the Conditions Circular to limit the occupation of the chalets to holiday purposes only, not to be occupied as the persons sole or main place of residence, and for the operator to maintain an up to date register of names of all owner(s) and occupier(s) of each chalet and their main address. Further, the operators should be required to make this record available to the local authority at all reasonable times, upon request.

A condition should be attached to any permission for a scheme for the removal of the land bridges which link the islands to the banks to be submitted to the local planning authority approved and implemented. This is to ensure that when the bridges are removed the materials are spread in such a way as to blend in with the existing contours and not to adversely impact on the proposed landscaping. It will also help to ensure that the works do not adversely impact on adjoining residential amenities.

The Environmental Health Officer had initially requested a condition for a contaminated land survey to be completed. However no such condition was proposed in relation to the previous application and following further discussions, with Environmental Health, it is therefore recommended that an informative be added to any permission to remind the developer that it is their responsibility to assess the state of the land for the proposed development. In view of the fact that the land has previously been used for agriculture and excavated to form lakes the land is considered to have a low potential for contamination.

### **Other Matters**

The comments of the Public Rights of Way Unit and Informatives in the Environment Agency's response should be forwarded as an informative to the applicant. The applicant should also be advised of the Strategic Highway Manager's wish to see the hedgerow on Hollyhurst Lane trimmed to improve visibility at the access.

## **11. CONCLUSIONS**

There are no policies in the Borough of Crewe and Nantwich Replacement Local Plan to allow the provision of holiday chalets within the rural area. The application has therefore been advertised as a departure to the Development Plan. However the RSS is supportive of development for tourism in rural areas. PPS4 is supportive of new or expanded chalet development sites which are not prominent in the landscape and where any visual intrusion is effectively minimised by high quality



screening. The development has been reduced from 34 units as proposed under application 10/1776N to 20 units with the caravans closest to the dwellings at Yew Tree Farm and around Lake 2 being removed from the scheme. In addition those caravans on islands within the lakes are no longer part of the scheme. The Landscape Visual Impact Study demonstrates that the site is not prominent from large open areas and the landscaping scheme shows that the site would be effectively screened by high quality planting. The retention of the existing planting around the site together with the proposed landscaping would mitigate the effects of the development on the landscape.

Whilst the site is accessed via narrow winding roads the transport submission has demonstrated that the level of traffic generated by the development would be low and can be accommodated on the highway and the proposal would not adversely impact on highway safety. Adequate parking would be provided within the site to accommodate the needs of the fishery enterprise and the parking requirements for the chalet development.

The submitted Ecological surveys indicate that there would be no detrimental effect on protected species and that the measures proposed would ensure that biodiversity is enhanced by the provision of bird, barn owl and bat boxes and the proposed landscaping. Measures would be adopted to protect nesting birds.

Whilst the site would be seen from nearby dwellings until such time as the planting is established it is not considered that the proposed units would be so close to the dwellings as to justify refusal of the application.

The site is not located particularly close to the village, nevertheless PPS4 acknowledges that facilities involving new development may be acceptable where they are related to another countryside attraction therefore the location of the chalets at the site of the fishery is considered acceptable.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions:-**

- 1. Commence development within 3 years.**
- 2. Development in accordance with approved plans**
- 3. Details of external appearance of chalets together with coloured samples of external materials to be submitted, approved and implemented.**
- 4. The caravans permitted shall not exceed 6m x 13m in dimension.**
- 5. Details of external appearance and materials, including colours and finishes, for wardens office administration building to be submitted approved and implemented**
- 6. Revised Tree Survey including hedgerows, Assessment and Tree and Hedgerow Protection Plan in accordance with BS5837: 2005 to be submitted prior to any site works, approved and implemented.**
- 7. No trees, except T19, to be removed from the site until the development has been fully implemented and then trees only to be removed in accordance with management and maintenance scheme for the site.**
- 8. No dig construction within root protection areas.**

9. No deadwooding or other works to T9, otherwise completion of tree works to trees on site as per Tree Survey and Assessment prior to the occupation of any chalets.
10. No tree or hedgerow works to take place in the bird nesting season.
11. Full details of the numbers of tree to be planted to be submitted prior to the commencement of development. Implementation of proposed landscaping in the first planting and seeding season following the commencement of development.
12. Management and maintenance scheme for 1, 3, 5 and 10 year activities to be submitted approved and implemented for landscaping. Scheme to include the provision of rough grassland on the site to promote small mammal habitats.
13. Service plan to be submitted to show the location of all service relative to existing trees, hedges, proposed planting and the proposed units. Services only to run along the approved lines.
14. Scheme for the removal of the land bridges which link the islands with the bank to be submitted approved and implemented prior to the occupation of the first unit.
15. Scheme for the reinstatement of pond 3 as identified in GCN Assessment and implemented. Scheme will need to landowner's agreement.
16. Badger protective fencing to be provided before development commences and retained throughout development.
17. No site works/ development to commence in nesting season unless the site has first been surveyed and no works within 4m of any nesting bird.
18. Details of location of 3 bird nest boxes and 2 barn owl boxes to be submitted, approved and boxes provided.
19. Details of location of 10 bat boxes to be submitted, approved and boxes provided.
20. Provision of main car park before occupation of the first unit and thereafter retained.
21. Provision of one parking space for each chalet and no more before that chalet is first occupied. Parking to be retained as originally laid out.
22. Submission of full Travel Plan, approval and implementation and annual monitoring and updating according to the needs of the development.
23. Formation of passing places before first chalet occupied.
24. Foul drainage scheme to be submitted approved and implemented.
25. Scheme to limit surface water run off be submitted approved and implemented.
26. Scheme to manage the risk of flooding from the overland flow of surface water run off to be submitted approved and implemented.
27. Chalets to be occupied as holiday accommodation only.
28. No chalet shall be occupied as the persons' main or sole residence.
29. The site operator shall maintain an up to date register of the names and postal addresses of all owners and all occupiers and shall make this record available to the local authority at all reasonable times, upon request.
30. Scheme for external lighting to be submitted approved and implemented. All external lighting to be controlled by sensors, and be predominately low level lighting, shielded, angled and controlled by sensors so as to minimise light pollution and impacts on wildlife.
31. Details of secure covered cycle parking to be submitted approved and implemented.

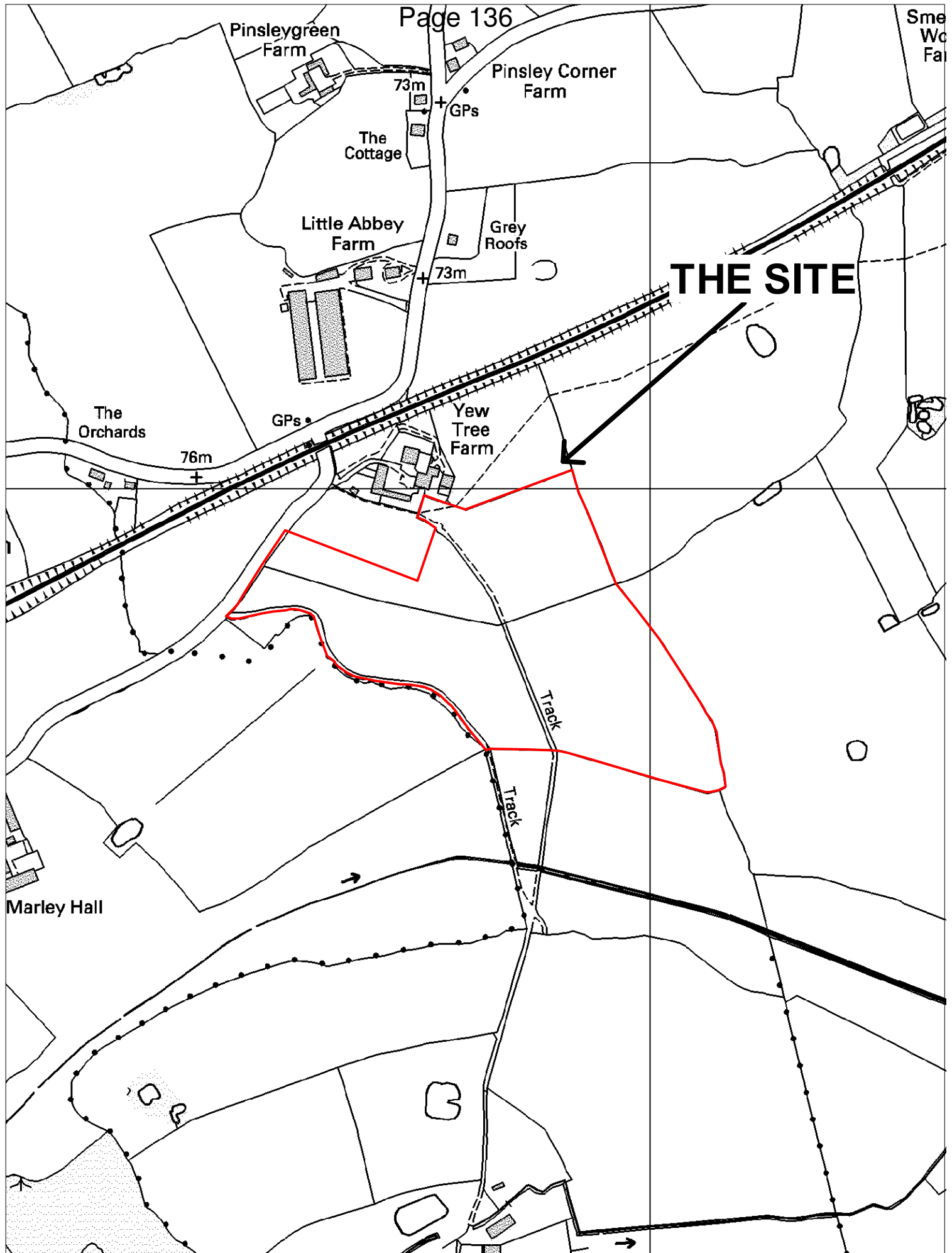
- 32. Details of recycling facilities/ waste storage to be submitted approved and implemented.**
- 33. Development to be provided in accordance with the measures to reduce energy consumption in accordance with the principles of sustainable development as detailed in the submitted Climate Change statement.**
- 34. Access to be constructed to CEC specification.**
- 35. Details of surface materials to be submitted approved and implemented.**
- 36. Hours for construction and deliveries to the site.**

#### **INFORMATIVES**

**Contamination**

**Environment Agency requirements**

**Public Right of Way requirements.**



10/4610N - WRENBURY FISHERY HOLLYHURST MARBURY  
N.G.R; 358.850 - 345.850

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

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

#  
Scale 1:10000

**UPDATE FOR MEMBERS OF THE STRATEGIC PLANNING BOARD**

**Application number:** 09/4331N

**Application site:** New Start Park, Wettenhal Road, Reaseheath, Nantwich, Cheshire, CW5 6EL

**Proposed development:** Change of Use of Land to Use as a Residential Caravan Site for 8 Gypsy Families, Each with 2 Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstanding and Provision of Foul Drainage

**Update**

This update has been produced to make members aware of a recent appeal decision made on the above retrospective development.

Members will recall that this application was discussed at the Strategic Planning Board meeting on 2<sup>nd</sup> June 2010. The application was recommended for approval for a temporary approval for 5 years but following consideration of the application members decided to refuse the application for the following reasons;

1 The Development represents an inappropriate and unjustified visual intrusion in the open countryside due to the introduction of hardcore and the siting of caravans which is considered to have an adverse impact on the character and openness of the surrounding area contrary to the provisions of Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2010

2 The application fails to provide sufficient information for the Local Planning Authority to assess the appropriate mitigating measures for the loss of wildlife habitat contrary to the provisions of Policy NE.5 (Nature Conservation Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

3 The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policy RES.13 (Sites for Gypsy and Travelling Showpeople) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained within Circular 01/2006.

An appeal was lodged and a Public Inquiry was held in November 2010. The Inspector has determined the appeal and in his decision letter the Inspector has responded to the reasons for refusal as follows;

**Reason for Refusal 1**

The Inspector stated that Circular 01/2006 makes it clear that gypsy sites are acceptable in principle in the open countryside. In the Inspectors view this advice overrides any apparent conflict with the conventional policies for the constraint of residential development in the open countryside. The Inspector found no conflict with Policy NE.2 (Open Countryside), and considered that Policy RES.13 (which contains a criterion that gypsy sites should avoid visual intrusion into the open countryside) to be inconsistent with later Government guidance which he gave greater weight.

In terms of visual harm the Inspector stated that this was limited as the field is well enclosed and is set back from the road frontage. In terms of longer views the Inspector found that the views of the development would be limited even in winter months. He concluded that any visual harm or physical encroachment that might harm the character of the countryside would be small and with the benefits of additional planting, could be absorbed into the landscape with little impact.

### Reason for Refusal 2

During the Inquiry the Council withdrew this reason of refusal. This was following an acceptance that the ecological impact of the development is capable of resolution through the imposition of planning conditions. A rule 6 party, the Poole Residents Group maintained their concerns about this matter. In relation to this matter and the use of a condition the Inspector stated that *'given that the appeal site has been laid down to hardcore and any previous ecological interest is unknown the presence of Great Crested Newts within or adjacent to the site is unproven, I consider that the measures agreed are a reasonable and proportionate response to ensure that the wildlife interests are safeguarded'*.

### Reason for Refusal 3

The site is beyond the 2km walking distance for the services and facilities which are found in Nantwich. In terms of the pedestrian/cyclist accessibility of the site the Inspector found that a route through Reaseheath College could not be regarded as permanent and this would involve pedestrians/cyclists from the application site using an unlit country lane and a highly dangerous section of the A51 to access services and facilities.

The Inspector found that there is no persuasive evidence of a peaceful and integrated co-existence between the occupiers of the site and the local community. The provision of a settled base would provide the benefit of better access to a GP, health services and education.

The Inspector found that the *'the location of the site is such that it is almost inevitable that the private car will be needed to access even those facilities relatively close to the site. As distance increases the likelihood of car use becomes generally greater. Whilst the absence of public transport is not in itself a reason to rule out a site, that does not mean that this factor can be ignored. Although the development may not encourage peaceful coexistence with the local community, the other matters which the Circular suggests as examples of a more holistic approach to sustainability do not work against the proposal'*. The Inspector then concluded that the site is not a sustainable form of development and conflicts with the Local Plan Policy RES.13, Structure Plan Policy HOU6 and national guidance.

### Other issues

The Inspector also considered the need for and availability of gypsy sites and future provision as a material consideration.

As part of the Inquiry the Council stated that it was confident of providing 15 additional pitches within the former area of Crewe and Nantwich.

The Inspector considered the use of the GTAA figures (27 – 42 additional pitches by 2011) and the Panel Report relating to the Partial Review of the North West Plan, Regional Guidance (an additional 74 permanent pitches by 2016). The Inspector stated that he would

*'place greater weight on the assessment of need deriving from the Panel Review relied upon by the appellant since it is more up to date and has undergone public examination. This indicates that a higher level of pitch provision is required to both 2011 and 2016 compared to the 2007 GTAA. Nevertheless, even the Council's assessment representing the smaller of the figures referred to earlier leads me to conclude that there is a substantial unmet need for permanent residential pitches in Cheshire East which needs to be addressed'.*

Four new sites have been approved since the GTAA was published in 2007, three of which were on appeal. They amount to an additional 9 pitches and the Inspector found that they would make little inroad in satisfying the identified need.

The Inspector concluded that *'there is little or no prospect of the Council being able to successfully address the challenge in Circular 01/2006 to increase significantly the number of gypsy and traveller sites in appropriate locations. I conclude that there is an urgent and substantial unmet need for permanent residential pitches for gypsies and travellers in Cheshire East which needs to be addressed. This weighs significantly in favour of allowing the appeal'*

### Conclusions

The Inspector found that the site is poorly located for access to shops, services, facilities and the nearest primary school. Taking into account the wider consideration of sustainability applicable in gypsy cases, he found that the location of the site still has serious shortcomings in relation to accessibility. The application site is a generally unsustainable location for the scale of the use proposed.

Against this harm, the Inspector recognised that there is a substantial local need for more gypsy sites, there are no alternatives and it is likely to be in the order of 5 years before additional sites are available through the development plan process. The intended occupiers have a need for a lawful pitch and the Inspector gave particular weight to the need to facilitate the education of the school-age children among the families.

In relation to these arguments the Inspector concluded that *'On balance, I find that the positive factors in favour of the appeal do not outweigh the harm I have identified. Given this conclusion, I have considered whether a temporary permission should be granted. Temporary permissions are suggested in Circular 01/2006 (paragraphs 45 and 46) where new sites are likely to become available at the end of any temporary period. Such an approach to the granting of a temporary permission would also be consistent, in my opinion, with the advice in Circular 11/95: The Use of Conditions in Planning Permissions. For the reasons already given, I consider that 5 years would be necessary for there to be reasonable prospects of alternative sites becoming available to the appellant through the development plan process'.*

**The appeal was allowed**

This page is intentionally left blank



Ref Number	Address	Description	Level of Decision Del/Cttee	Overturn Y/N	Rec and Decision	Appeal Decision
10/2874N	EATON HOUSE, SHEPPENHALL LANE, ASTON, CW5 8DE	Single Storey Bespoke Timber Framed Canopy to Rear of Property	Dele	n/a	Refused	Dismissed 22/12/2010
10/2540N	4, LANE END COURT, CHORLTON LANE, CHORLTON, CREWE, CW2 5RS	Single Storey Glazed Oak Framed Link between Residential Buildings	Dele	n/a	Refused	Dismissed 19/01/2011
09/4331N	LAND OFF, WETTENHALL ROAD, POOLE, NANTWICH, CHESHIRE	Change of Use of Land to Use as a Residential Caravan Site for 8 Gypsy Families, Each with 2 Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstanding and Provision of Foul Drainage	Strategic Planning Board	Y	Rec for Approval  Refused by SPB	Allowed 21/01/2011
10/1179C	14, SMITHFIELD LANE, SANDBACH, CW11 4JA	Demolition Of Existing House And Erection Of 7No. 3 And 4 Bedroom Houses	Southern Planning Cttee	Y	Rec for Approval  Refused by SPC	Dismissed 02/02/2011
10/2758M	Irons Cottage, Welsh Row, Nether Alderley	CONVERSION OF INTEGRAL GARAGE TO LIVING ACCOMMODATION & ERECTION OF SINGLE-STOREY SIDE GARAGE & GYM EXTENSIONS	Delegated	n/n	Refused 18/10/2010	Allowed 21/12/2010
10/2371M	4, PRINCESS STREET, KNUTSFORD	TRADITIONAL HAND-PAINTED WALL SIGN	delegated	n/a	Refused	Allowed 20/1/2011

	D, WA16 6DD	ADVERTISEME NT. ON PURPOSELY- CONSTRUCTED/ EXISTING RENDERED FRIEZE PANEL(ADVER TISEMENT CONSENT)				
--	----------------	--	--	--	--	--