

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 27th July, 2011  
**Time:** 2.00 pm  
**Venue:** The Assembly Room - Town Hall, Macclesfield SK10 1DX

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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 - 8)

To approve the minutes as a correct record.

4. **Public Speaking**

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For any apologies or requests for further information, or to arrange to speak at the meeting  
**Contact:** Sarah Baxter  
**Tel:** 01270 686462  
**E-Mail:** Sarah.Baxter@cheshireeast.gov.uk

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

A 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. **11/0736C-Redevelopment of Land for up to 200 Dwellings, Community Facilities & Associated Infrastructure, Loachbrook Farm, Sandbach Road, Congleton for Mr & Mrs Dale** (Pages 9 - 36)

Consideration was given to the above application.

6. **11/1629M-Reserved matters approval for the erection of 35 dwellings with associated parking, open space and landscaping (Outline application (10/3486M) Re-submission of application 10/4697M, Havannah Mill, Havannah Lane, Eaton, Congleton, Cheshire for Rowland Homes Ltd** (Pages 37 - 48)

To consider the above application.

7. **09/1018C-Full planning application for the erection of an extension to the Bridestones Centre comprising a food store, speciality A1 retail units, replacement market, A3 units, a hotel, car parking and servicing facilities and creation of a town square, Bridestones Shopping Centre, Victoria Street, Congleton, Cheshire** (Pages 49 - 62)

To consider a report requesting Members of the Strategic Planning Board to approve amended plans and revised heads of terms in respect of the above application.

8. **Planning Appeals: Land at Marriot Road / Anvill Close / Forge Fields and South of Hind Heath Road, Sandbach** (Pages 63 - 66)

To note the Secretary of State's decision in respect of recent planning appeals at Hind Heath Road, Sandbach.

9. **Exclusion of the Public and Press**

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the public and press from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information in accordance with paragraph 5 of part 1 of Schedule 12 (A) of the Act.

## **PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT**

10. **Land South West of The Green, Middlewich** (Pages 67 - 70)

To consider a report on the Land South West of The Green.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 6th July, 2011 at The Assembly Room - Town Hall,  
Macclesfield SK10 1DX

### **PRESENT**

Councillor H Davenport (Chairman)  
Councillor C G Thorley (Vice-Chairman)

Councillors Rachel Bailey, D Brown, P Edwards, J Hammond, D Hough,  
J Jackson, J Macrae, B Murphy, G M Walton, R West and S Wilkinson

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Officer), Mr I Dale (Heritage and Design  
Manager, item 21 only), Ms S Dutton (Senior Lawyer), Mr A Fisher (Head of  
Planning and Housing), Mr S Irvine (Planning and Development Manager) and  
Mr D Malcolm (Southern Area Manager),

### **16 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Wray.

### **17 DECLARATIONS OF INTEREST/PRE DETERMINATION**

It was noted that Councillors had received correspondence in respect of  
both applications on the agenda.

In respect of application Mr Steve Irvine, the Planning and Development  
Manager declared a personal and prejudicial interest on behalf of  
Councillor B Moran who was not present at the meeting but who would  
have declared a close involvement in the Scheme and in accordance with  
the Code of Conduct would have exercised his right to speak and then left  
the meeting prior to consideration of the application.

In respect of application 11/0899C - Land South of Pochin Way and  
Cledford Lane, East of Booth Lane (A533), Middlewich - Extension to Time  
Limit - 07/0323/OUT (Midpoint 18 Phase 3: Proposed development for B1,  
B2 and B8, appropriate leisure and tourism (including hotel) uses, the  
completion of the Southern section of the Middlewich Eastern bypass &  
associated landscaping mitigation and enhancement works.) Councillors P  
Edwards and W J Macrae declared that whilst they had not pre determined  
the application nor had an interest in the application they had in the past  
communicated with the developer of the Scheme.

### **18 MINUTES OF THE PREVIOUS MEETING**

RESOLVED

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

**19 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**20 11/0440C - DEMOLITION OF 170 AND 172 MIDDLEWICH ROAD, SANDBACH AND FORMATION OF NEW ACCESS TO SERVE RESIDENTIAL DEVELOPMENT**

Consideration was given to the above application.

(Mr Steve Irvine the Planning and Development Officer read out statements on behalf of Councillor Mrs G Merry, the Ward Councillor and B Moran, the Councillor representing the adjacent Ward. In addition Mrs Maguire, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred due to lack of information on the impact on the local highway network.

(This decision was contrary to the Officers recommendation of approval).

**21 11/0899C - LAND SOUTH OF POCHIN WAY AND CLEDFORD LANE, EAST OF BOOTH LANE (A533), MIDDLEWICH - EXTENSION TO TIME LIMIT - 07/0323/OUT (MIDPOINT 18 PHASE 3: PROPOSED DEVELOPMENT FOR B1, B2 AND B8, APPROPRIATE LEISURE AND TOURISM (INCLUDING HOTEL) USES, THE COMPLETION OF THE SOUTHERN SECTION OF THE MIDDLEWICH EASTERN BYPASS & ASSOCIATED LANDSCAPING MITIGATION AND ENHANCEMENT WORKS.)**

Consideration was given to the above application.

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

RESOLVED

That the application be approved subject to the following conditions:-

1. The development hereby approved shall be implemented as follows:

Phase 1: Unit 101 and the whole of the bypass

Phase 2: The remainder of the development or part thereof

2. The landscaping of the site shall be carried out in complete accordance with the plans approved under application number 08/0557/REM, numbered 3824.2.001 – 0010 Rev F, date stamped received on 8<sup>th</sup> January 2008. The landscaping of the Phase 1 development shall be implemented as follows:
  - The approved landscaping works within 9 months of the commencement of the Phase 1 development
  - The remainder of the approved landscaping works within 9 months of the substantial completion of the Phase 1 development.
  - Any trees or plants within the approved advance landscaping scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
3. Any further matters applications for the approval of reserved matters relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of this permission.
4. The Phase 1 development hereby approved shall be commenced before the expiration of five years from the date of this permission, or before three years from the date of the approval of the last reserved matters to be approved for this phase, whichever is the later.
5. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the phase 2 development (hereinafter called “the Phase 2 reserved matters”) shall be obtained from the Local Planning Authority in writing before the development is commenced.
6. Application for approval of the Phase 2 reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
7. The Phase 2 development hereby approved shall be commenced before the expiration of ten years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved for this phase, whichever is the later.
8. None of the buildings hereby approved, shall be occupied until the whole of the Middlewich Eastern bypass has been opened to traffic.
9. Prior to the commencement of the development of each phase of

the development hereby approved, a scheme for the protection of those trees proposed to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be implemented prior to construction and retained during the construction work on each phase.

10. An Ecological and Landscape Management Plan shall be prepared for each phase of the development and shall be in accordance with the Strategic Ecological and Landscape Plan (SELP) and the amendment to Paragraph 5.2, hereby approved and dated March 2008 and June 2011.
11. Within the period of 6 months prior to the commencement of the ecological mitigation and enabling works for each phase of the development hereby approved, an Ecological and Landscape Mitigation, Enhancement and Management Plan (ELMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each ELMP shall be in accordance with the framework established in the approved SELP (as amended in 2011), shall accord with, update and implement the mitigation strategies proposed for protected species in the Environmental Statement submitted with application number 07/0323/OUT, have specific regard to the particular issues related to that phase of development and include details of the habitat creation, enhancement scheme, ecological mitigation and implementation and monitoring programmes required. The ecology and landscape shall be implemented and managed in accordance with the approved Ecological and Landscape Mitigation, Enhancement and Management Plan.
12. Prior to the commencement of the development hereby approved, details showing where soils and aggregates are to be stored on the site, shall be submitted to and approved in writing by the Local Planning Authority and thereafter soils and aggregates shall be stored in accordance with the approved details.
13. Prior to the commencement of development of the bypass hereby approved the design of the railway bridge and a method statement for its construction, shall be submitted to and approved in writing by the Local Planning Authority. The construction of the bridge shall be carried out in accordance with the approved details unless otherwise agreed in writing.
14. Prior to the commencement of each phase of the development hereby approved an air quality management plan covering the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved air quality management plan.
15. Prior to the commencement of each phase of the development

hereby approved a noise management plan covering the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved noise management plan.

16. Prior to the occupation of any building hereby approved a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise shall be submitted to and approved in writing by the Local Planning Authority. The development of the scheme shall be implemented in accordance with the approved details prior to the first occupation and retained thereafter.

17. During the construction of B1, B2, and B8 units and hotel in any phase of the development hereby approved, foundation and other piling should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

During the construction of B1, B2 and B8 units and hotel in any phase of the development hereby approved, 'floor floating' should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

18. Within 3 months of the commencement of development, samples of the external materials and finishes to be used on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

19. All boundary treatments shall be in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details shall include the position, size, design, colour and implementation for all boundary treatments.

20. No construction shall take place until details of an archaeological watching brief have been submitted to and approved in writing by the Local planning Authority. Construction shall take place in accordance with the approved details.

21. No construction shall take place until an archaeological survey dig has been undertaken on the area identified as Site 9 on the

Environmental Statement submitted with application number 07/0323/FUL, the scope and methodology of which shall be approved in writing by the Local Planning Authority. A written report of this survey shall be submitted to the Cheshire Archaeology Planning Advisory Service in A4 format within one year of the completion of the dig unless otherwise agreed in writing with the Local Planning Authority.

22. The occupier of each of the buildings hereby approved shall, within 6 months of occupation, prepare and submit a travel plan for approval in writing by the Local Planning Authority. The travel plan shall be based upon staff travel survey data and include targets and an action plan. Each occupier shall nominate a member of staff to act in the role of travel plan co-ordinator to liaise with the Highway Authority and oversee implementation of the travel plan.
23. Prior to first occupation of any unit a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be implemented in strict accordance with the approved details.
24. Prior to the occupation of Unit 101 hereby approved, the flood attenuation associated with Phase 1 of the development shall be constructed in accordance with the plans approved under application number 07/0323/OUT for the storage lagoon reference numbers CL(50)01 and CL(50)05 and the Midpoint 18 Phase III Flood Risk Assessments Volumes one and two dated April 2007.
25. Where identified in the Environmental Statement submitted with application number 07/0323/OUT, flood attenuation schemes for each other building shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.
26. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
27. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicle, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
28. No development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of

fuels, oils, chemicals or effluents has been approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and programme.

29. Prior to first occupation of Unit 101 a scheme detailing the sprinkler tanks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
30. Prior to the first occupation of Unit 101 a scheme detailing the electricity sub stations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
31. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not exceed the heights indicated in Section 6.2 of the Design and Access Statement (March 2007), which was submitted with application number 07/0323/OUT.
32. The general site mitigation measures during the construction and operational phases of the development as identified within Paragraphs 6.2 and 6.8 of the Environmental Statement: Technical Annex 1. Geology, Soils and Land Contamination (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
33. The mitigation measures proposed to limit the potential for water contamination during the construction and operational phases of the development as identified within Sections 5.2 – 5.4 of the Environmental Statement: Technical Annex 4. Water Quality (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
34. On or prior to each application for the approval of reserved matters for Phase 2, a statement detailing:
  - (a) The design principles and design concepts of those aspects of the development to which the application for the approval of reserved matters relates;
  - (b) How such principles and concepts are reflected in the proposals for development set out in the reserved matters application; and
  - (c) The relationship of the portion of the development to which the reserved matters application relates, to the

development site as a whole and to the wider context

Shall be submitted to and approved in writing by the Local Planning Authority and the approval of reserved matters shall be in accordance with that approved statement.

35. Car parking spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for car parking, except as otherwise agreed in writing with the Local Planning Authority.

36. Secure cycle spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for cycle storage, except as otherwise agreed in writing by the Local Planning Authority.

(The meeting adjourned at 1.25pm until 1.30pm).

## **22 PLANNING FOR GROWTH & THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

To consider a report on Planning for Growth & the Presumption in Favour of Sustainable Development.

Councillor Mrs Rachel Bailey requested that the minutes include her thanks to Officers in relation to the hard work undertaken to clear the backlog of planning applications.

**RESOLVED**

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor H Davenport (Chairman)

<b>Planning Reference No:</b>	11/0736C
<b>Application Address:</b>	Loachbrook Farm, Sandbach Road, Congleton, CW12 4TE
<b>Proposal:</b>	Redevelopment of Land for up to 200 Dwellings, Community Facilities & Associated Infrastructure
<b>Applicant:</b>	Mr & Mrs Dale
<b>Application Type:</b>	Outline
<b>Grid Reference:</b>	383151 363314
<b>Ward:</b>	Congleton Town East/Congleton Rural
<b>Consultation Expiry Date:</b>	2 <sup>nd</sup> June 2011
<b>Date for determination:</b>	2 <sup>nd</sup> August 2011

### **SUMMARY RECOMMENDATION**

**REFUSE**

#### **MAIN ISSUES**

**Planning Policy And Housing Land Supply**  
**Sustainability of Site**  
**Provision of Affordable Housing**  
**Impact on Character and Appearance Landscape,**  
**Impact on Landscape Features (Trees and Hedgerows)**  
**Impact on Air Quality**  
**Impact from Noise**  
**Contaminated Land**  
**Impact on Scheduled Ancient Monument**  
**Impact on Archaeology**  
**Impact on Sites of Special Scientific Interest**  
**Impact on Protected Species and Ecology**  
**Impact of Development on/from Flooding**  
**Impact on Utilities Infrastructure**  
**Design Considerations**  
**Loss of Agricultural Land**  
**Provision of Open Space**  
**Impact on Highway Safety And Traffic Generation**  
**Impact on Education Capacity**  
**Impact on Jodrell Bank**  
**Impact on Public Rights of Way**

#### **REFERRAL**

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

## 1. SITE DESCRIPTION

The site is located within the Open Countryside as defined by the Congleton Borough Local Plan Proposals Map. The site is also within the Jodrell Bank Consultation Zone as defined by the Proposals Map.

The site is on the western edge of Congleton and adjoins the settlement boundary. Loach Brook defines much of the eastern boundary of the site. The eastern element of the site is flat low lying land which forms the valley of the brook.

Part of the site is within Flood Zones 2 and 3.

The land raises towards the west. There are farm buildings at the southern end of the site adjacent to Sandbach Road, the remainder of the site is agricultural land. To the north of the site is a Scheduled Ancient Monument which is designated as a long barrow and is a well vegetated feature on the landscape.

The course of Loach Brook is also a well vegetated boundary. Congleton High School and community sports fields are to the east of the site.

A public right of way crosses the site from Sandy lane to Sandbach Road.

## 2. DETAILS OF PROPOSAL

This is an outline planning application for residential development comprising 200 dwellings with all matters are reserved with the exception of access.

Two points of access, both from Sandbach Road have been suggested for consideration.

63 affordable housing units are proposed which would represent 30% of all dwellings (41 social rent and 22 for intermediate tenure). The proposed development would provide a mixture of 2, 3, 4 and 5 bed dwellings which would be a mixture of two and two and a half storeys in height. The scheme would be developed at a density of 30 dwellings per hectare.

A central equipped play area is to be provided along with public open space throughout the development. A community park, which will be retained as managed grazing land, is proposed in the northern part of the site.

A network of footpaths, cycleways and green corridors are proposed. The scheme also includes the creation of large areas of landscaping on the boundaries and throughout the site.

Off site works will include the creation of bus stops, new footpaths/cycleways along Sandbach Road and Holmes Chapel Road, and improvements to junctions within the town.

## 3. RELEVANT PLANNING HISTORY

**33542/9** – Advertisement refused for a flat board directional sign on 5<sup>th</sup> November 2001.

**25008/3** – Planning permission refused for agricultural workers cottage on 16<sup>th</sup> March 1993.

**24327/3** - Planning permission refused for an agricultural workers dwelling on 7<sup>th</sup> July 1992

**11634/3** – Planning application withdrawn for the erection of agricultural building for sleep/feed cows on 24<sup>th</sup> July 1980.

#### **4. PLANNING POLICIES**

##### **National Policy**

PPS 1 Delivering Sustainable Development  
PPS: Planning and Climate Change – Supplement to Planning Policy Statement 1  
PPS 3 Housing  
PPS 5 Planning for the Historic Environment  
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**

PS3 Settlement Hierarchy  
PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 and GR7 Amenity and Health  
GR9 and GR10 Accessibility, servicing and provision of parking  
GR13 Public Transport Measures  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
GR19 Infrastructure  
GR20 Public Utilities  
GR21 Flood Prevention  
GR22 Open Space Provision  
GR23 Provision of Services and Facilities  
NR1 Trees and Woodland  
NR2 Statutory Sites  
NR3 Habitats  
NR4 Non-statutory sites  
NR5 Habitats  
H1 Provision of New Housing Development  
H2 Provision of New Housing Development  
H6 Residential Development in the Open Countryside and Green Belt  
H13 Affordable Housing and Low-cost Housing  
RC1 – Recreation and Community Facilities – General  
RC4 – Countryside Recreational Facilities

## **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

## **5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)**

### **Housing**

No objection. The site is located in the Somerford Parish, which for the purposes of the SHMA 2010 is included in the Congleton Rural sub-area. The site is immediately adjacent to Congleton Parish which is in the Congleton sub-area.

Annual need for affordable housing across the two sub areas is 43 units (33 in Congleton and 10 in Congleton Rural). In addition, there are 182 people who currently have ongoing housing applications for the Congleton area.

The Affordable Housing Interim Planning Statement has a requirement for 30% of units to be affordable. Of the proposed 200 units, 63 affordable housing units are proposed (41 social rent and 22 for intermediate tenure) which meets the 30% requirement and the recommended tenure split of 65% social rent and 35% intermediate tenure.

### **Environmental Health**

- Recommend condition for additional contaminated land investigations
- The air quality assessment has utilised 2009 monitoring data and has not highlighted any air quality issues as a result of the development
- Recommend a dust mitigation plan for the site
- Would like to see a Travel Plan implemented and monitored
- Require further details of the proposed scheme, in order to obtain the required standard of the WHO guidelines for noise
- Require details of proposed screening to local residential properties in close proximity to site in order to reduce noise from the development
- Require a condition for hours of construction and pile driving

### **Highways**

Concludes that the proposals are acceptable providing local improvements are provided and there are financial contributions to further local improvement or traffic management.

The Strategic Highways Manager also recommended that the following conditions are attached to any planning permission which may be granted for this development proposal:

1. Detailed design and construction plans for the proposed vehicular access to the site and for all proposed improvements at off-site highway locations.
2. The developer to construct to completion the proposed access junction to the A534 together with all proposed cycleways and bus stop facilities.

3. Sum of £25,000 towards junction improvements to the Rood Hill traffic signal junction. These improvements will take the form of pedestrian improvements and signal controller updates. The monies will be secured via a Section 106 Agreement under the Planning Act 1990.
4. Provide a detailed Travel Plan based on the structure of the Travel Plan Framework.
5. The developer to provide a capital sum of £5,000 to the Authority for the annual assessment of the Travel Plan report from the appointed Travel Plan Co-ordinator. The monies will be secured via a Section 106 Agreement under the Planning Act 1990.

### **Education**

There is sufficient places within the local primary and secondary schools to accommodate the pupils generated by this development.

### **Sustrans:**

- Will generate a significant amount of traffic
- Cycle/pedestrian paths are fully supported
- Cycle track on Sandbach Road should extend into Brick Lane to provide safe access to Congleton High School.
- On Holmes Chapel Road should extend into the service road on south side of A54
- Further enhancements suggested on National Cycle network
- Design should allow for storage of bikes and buggies
- Estate roads should have speed limit of 20mph

### **Environment Agency:**

- Loach Brook runs along north-eastern boundary of site. The land adjacent to the brook is within Flood Zones 3 and 2, which have a high and medium probability of flooding respectively.
- The submitted FRA explains that there are to be no new buildings within either flood zone which is acceptable.
- The FRA explains that buildings adjacent to Flood Zone 2 will be set at a minimum level, which is the relevant 1 in 100 year plus climate change river level plus 600mm freeboard which is acceptable in principle.
- Suggest a condition for a scheme to limit surface water run-off to be submitted and approved. This is to prevent flooding and ensure satisfactory storage of/disposal of surface water from the site
- The FRA demonstrates that the discharge of surface water from the proposed development is to be the mean annual run off from the undeveloped Greenfield site which is acceptable in principle.
- The FRA demonstrates that attenuation will be provided above the allowable rate up to the 1% annual probability event, including allowances for climate change. This will be by SuDS which is acceptable in principle. A condition is suggested for a scheme to be submitted to manage the risk of flooding from overland flow of surface water. The reason is to reduce the risk of flooding.

- During times of severe rainfall, overland flow of surface water could cause a flooding problem. The site layout is designed to ensure new buildings will not be affected and that safe access and egress is provided.
- A suggested condition for a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, is to be submitted and approved. The scheme shall include the extent and type of new planting, details of maintenance regimes, details of any new habitat created, details of treatment of site boundaries or buffers around water bodies. This is to ensure the protection of wildlife and supporting habitat enhancement.
- A detailed method statement for the removal or long term management of Canadian pondweed & Himalayan balsam on the site should be submitted and approved. Including measures to prevent the spread of the invasive species. Any soils brought to the site should be free from seeds/roots/stems.
- A condition requiring the submission of a scheme for the provision and management of a buffer zone alongside the watercourse. The scheme shall include plans of the extent and layout of the buffer, a planting scheme, protection of the buffer zone during development, details of any footpaths, fencing and lighting. The buffer zone needs to be at least 8m wide for the whole of the extent of the site

### **United Utilities**

Object on following grounds:

- Public foul sewer system currently at capacity and cannot accept additional flows; increased flows could result in a severe environmental impact on receiving watercourse and/or flooding in the sewerage network.

### **Greenspaces**

- There would be a deficiency in the quantity of provision of amenity greenspace accessible to the development
- Therefore there is a need to provide greenspaces within the boundary of the site. In the absence of a housing schedule the amount would be expected to respect the new population based on 2.4 persons per dwelling. This would equate to 4800m<sup>2</sup>.
- Taking into account the amount of public open space proposed within the area of development which accounts for over 50% of the site area, the quantity of the areas of POS would seem adequate, although more detail on landscaping proposals would be sought
- A proportion of the site is within a floodzone and in addition water attenuation ponds and balancing areas are proposed. Whilst this will promote biodiversity and requirements to comply with SuDS it has never been the Council policy to take transfer of areas of POS which have water bodies located in, around or running through them due to additional liabilities and maintenance implications. Therefore it is suggested that consideration is made for this area of POS to be transferred to a management company along with any wetland area
- Any water or wetland area would not be classed as useable open space and would be deducted from the total area of amenity greenspace
- The green infrastructure, which includes the retention of mature trees and hedgerows, new 50m structural woodland planting, green corridor along the eastern boundary, community park containing the attenuation ponds, all should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and

species type of trees. Liabilities and maintenance implications mean Greenspaces would look to a management company

- New cycle and footpath links are appreciated and welcomed, all obligations relating to public highway and other footpaths need to be made clear and careful consideration to line of sight planting should be made. Clarification of ownership of these area is also sort.
- It could take up to two years to eradicate the Himalayan Balsam
- There is amenity greenspace along The Avenue surrounding the informal play area which could be maintained by the Council. Confirmation of the size would be required, for determining the financial contribution for maintenance from the developer. Planting should be kept to a minimum and low to ensure good surveillance.
- Financial contributions cannot be calculated due to uncertainty of the area at this stage but should be calculated at a rate of £118.25 per 10 square metres per annum for 25 years.
- There is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.
- A play area is proposed along The Avenue centrally located within the site. The NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable. This should cater for all age ranges and include 8 items incorporating DDA inclusive equipment, using play companies agreed by The Council. Would request the final layout to be agreed with CEC, construction should be to CEC specification. Should be submitted and approved prior to the commencement of development. A 30m buffer from residential properties would be required.
- Based on 200 dwellings using 2.4 bedrooms/persons per dwelling providing the NEAP standard play is provided on site a commuted sum only for a 25 year maintenance period would be required. The financial contributions sought from the developer would be £143,280.

### **Public Rights of Way**

It appears that the development will affect Public Footpath No.7 Somerford, if this is the case then the developer must apply for a diversion of the route. If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route.

### **Jodrell Bank**

No comment

### **Natural England**

- Site is hydrologically linked to nearby SSSI's to the north. Consideration should be given to ensure that the SSSI and the water resources within the designation are protected from changes in water levels and through pollution during construction and post development
- Also SSSI's to the west. Will be no direct impact. However, they do form part of the nationally important series of open water and peatland sites known as the Meres and Mosses. These sites are susceptible to changes to their water tables and water chemistry. Indirect impacts to these SSSI's may appear to be insignificant due to their distance from the development, but will be dependent on the way in which sewage is dealt with. Sewage will be directed to main sewer and therefore SSSI's are not susceptible to main sewer discharges and would be unlikely to be impacted upon.
- Further surveys for Great Crested Newts required

- If bats found in the roof voids then appropriate compensation will be required to be in place before any demolition takes place
- Proposed bat mitigation is adequate, but would prefer integral features designed into new dwellings rather than bat boxes. Take up can be sporadic
- Loach Brook is suffering from overshadowing. Additional planting is proposed as part of landscaping scheme. Therefore, careful consideration needs to be given to appropriate species and location of planting so that overshadowing is not compounded
- Long term management of invasive species required
- Greater detail required at design stage of appropriate treatment of cycle route close to badger sett.
- No significant impact on Peak District National Park
- Whilst not within a protected landscape, it is important that the development is congruent with and recognises the landscape in which it sits. Local Authority must also ensure that the design, scale and location are compliant with their own policies and that the detail reflects local character and vernacular.
- Pleased with consideration of sustainability, recommend a condition for the inclusion of sustainability techniques. Other techniques can be incorporated into the development.
- Pleased with inclusion of Green Infrastructure. Encourage consideration of land as functional green infrastructure and opportunity for food production for the purpose of residents.
- Support conclusions of Travel Plan.

### **English Heritage**

- Claims over the status of the Scheduled Ancient Monument should be disregarded.
- Setting of SAM is of considerable importance to its significance and should be safeguarded.
- Level of development at the Loachbrook farm end of the landholding could be accommodated without detrimental impact on the monument and its setting.
- Advise against change of use from agricultural pasture to country park due to concern about the long term security and stability of the management of the monument and its setting under the regime of a recreation area. Consider that some of the proposed features ( such as the footpath around the eastern boundary) could be accommodated whilst retaining the field under pasture in an agricultural regime.

### **CEC Archaeology**

- No direct physical impact on SAM. As such Scheduled Monument consent is not required.
- Will be an impact on the setting of the SAM which English Heritage will comment on.
- Do not consider that the site has sufficient archaeological potential to require further pre-determination work.
- However, the topography and history of finds in area indicate that there is sufficient potential to justify a programme of archaeological mitigation in the form of a programme of fieldwalking with an emphasis on prehistoric lithic material followed by gridded shovel testing of topsoil to investigate the concentration of material and the subsequent excavation of areas where significant concentrations detected.
- A watching brief should also be maintained in any areas where the alluvium is disturbed along Loach Brook.
- Also recommend a condition to detail works for footpaths to the north.

- Some elements of Loachbrook Farm appear on the 19<sup>th</sup> Century Tithe Map, where such elements survive they should be recorded before demolition.

## 6. VIEWS OF TOWN/PARISH COUNCILS

### Congleton Town Council

Recommend refusal on following grounds:

- Outside residential zone
- Flooding – full survey required
- Size of development
- Highways impact on local network
- Contrary to Policy H6 of Local Plan

### Somerford Parish Council

- SPC not consulted, only received a flyer
- Not within town boundary
- Need for 200 houses does not fit Council objective – focus on Crewe
- Greenfield site
- Pressure on infrastructure and amenities – further problems on transport network
- Schools are currently full
- Recent approval in Astbury for 52 dwellings – further strain on infrastructure
- Concern over cycleway/pedestrian access onto A54
- Historical burial ground
- Loss of productive farm land

### Newbold Astbury cum Moreton Parish Council

- Outside Settlement Zone Line and is Open Countryside
- Loachbrook forms a natural boundary
- Policy PS8 – does not conform with this policy
- How is provision of 200 dwellings essential, could be accommodated in town
- Remove agricultural land
- Contrary to Policy H6
- Not an Allocated site
- Concern raised over flooding and drainage

## 7. OTHER REPRESENTATIONS

36 letters of objection received from 1, 146, 148, 150, 152, 156, 158, 160, 166, 168, 170, 174, 176, 178, and 180 Holmes Chapel Road, 16 Chestnut Drive, 80 and 82 Sandbach Road, 15 and 137 Longdown Road (x2), Chapel Cottage (x2), The Cottage (x2), and Whetstone Edge Farm, Wallhill Lane, 413 Crewe Road, 57 Brooklands Road, 16 Padgbury Lane, 19 Chelford Road, Sandy Lane Action Group (SLAG), 2 Orchard Way, West Lodge, Rosslyn, and Moors Farm, Church Lane. The salient planning points raised are:

### Land Use

- Lack of need for housing in Congleton/Somerford, lack of evidence

- Policy directs Greenfield development towards Crewe, proposal against national guidance
- Outside settlement boundary
- Loss of countryside, development on green belt, unspoilt river valley
- Brownfield sites should be developed first
- Loss of agricultural land, class 2 and 3, impact on food supply
- Enough parks in Congleton
- Level of housing is disproportionate, level of affordable housing is disproportionate for rural parish
- Site opposite an area where an Inspector considered that industrial development would be detrimental rural aspect
- Plenty of low cost housing in Congleton
- Burden on existing services in town
- Schools are full to capacity
- Infrastructure cannot sustain development
- Would impact rural approach into town
- Imbalance between housing and employment - will generate out commuting
- Density of development out of character with area
- No objection to development on farm house site
- SHLAA identifies the site as not being suitable, potential for 750 houses in the town

#### Highways

- One point of access unacceptable, will lead to highway danger
- People will not use crossing at Box Lane – will cross directly
- Proposals would add to congestion problem in town at main junctions, extra 400 cars, people will use rural lanes to avoid congestion
- Extra traffic and people will affect nature diversity in area
- Development will necessitate movement by car to employment and facilities
- Reduction of speed limit will not prevent collisions
- Increase in traffic for visitors to community park
- Bus shelter is a traffic hazard
- Traffic Plan is aspirational – not clear how it will be policed
- Traffic report counts out of date

#### Design

- Impact on the character of the area
- Landscape and Visual Assessment is mainly focussed on Holmes Chapel Road
- Destruction of a fine example of a Cheshire Farm House and Buildings

#### Amenity

- Lighting problems to proposed development from nearby floodlights
- No streetlighting

#### Other

- Site is on a EA Flood Zone (zones 2 and 3), development will lead to further surface water run off
- Impact on Scheduled Ancient Monument/Long Barrow, will impact original setting
- Concerns regarding utilities – sewage, electricity, water, gas
- Impact on air quality/pollution
- Impact on wildlife corridors

- Cattle buried on site following foot and mouth
- What protection of trees will there be
- Maintenance cost of open space will fall on council
- Loss of vegetation – trees, hedgerows

In addition one letter of general comments received from 2 Buckbean Way, Goostry which support comments raised by Countryside Access Development Officer.

## **8. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, with all matters reserved for subsequent approval with the exception of access, the main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of:

- Planning policy,
- Housing land supply,
- Affordable housing,
- Amenity,
- Ecology,
- Landscape,
- Drainage
- Flooding.
- The suitability of the proposed site access, its impact on highway safety and the proposed impact on traffic generation require full consideration.

## **PLANNING POLICY AND HOUSING LAND SUPPLY**

### **The Development Plan and Related Planning Policy**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policy PS.8 states that only development which is essential for the purposes of:

- Agriculture and forestry,
- Outdoor recreation,
- Development for employment purposes or,
- Generally, for other uses appropriate to a rural area will be permitted. Housing development is permitted where the proposed development is required to support a rural enterprise,
- Controlled infilling,
- Affordable housing (in compliance with the rural exception policy), proposes the conversion of rural buildings,
- Replacement dwelling, or
- The redevelopment of employment sites.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act

2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

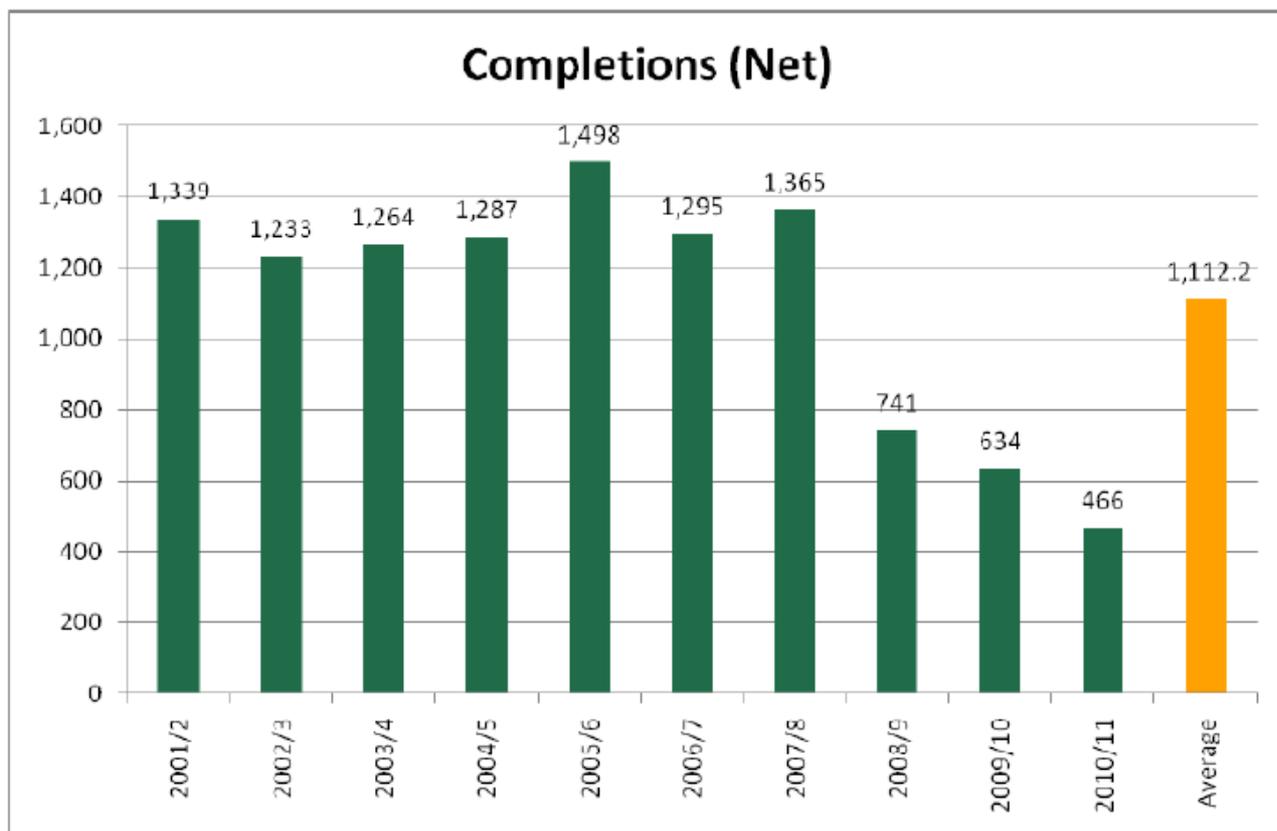
### **Housing Supply**

The Council intends to continue to rely upon the figures contained within the Regional Spatial Strategy until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East, as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council’s Cabinet has decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

The DCLG advice ‘Demonstrating a 5 Year Supply of Deliverable Sites’ has been withdrawn and the Government are not committing themselves to producing any new advice beyond the current PPS3 or its replacement. Never the less the Cheshire East SHLAA (November 2010) identified that at 31<sup>st</sup> March 2010 the Borough had a 4.48 year supply of identifiable ‘deliverable’ sites. This equates to some 5150 homes. To be considered ‘deliverable’ sites PPS 3 advises that they must be ‘available’, ‘suitable’ and ‘achievable’ – in other words there is a reasonable prospect that housing will be delivered on the site within 5 years.

This latter category presents a particular difficulty at a time of recession. Currently house building in the Borough is almost at a third of its pre-recession levels. The reason for this is not necessarily a shortage of land– but rather a shortage of finance, especially for first time buyers – and other factors within the economy which are depressing the housing market.

This is illustrated by the pattern of house building over the past ten years illustrated in the graph below. This shows that completions ran consistently at between 1200 - 1500 units per year through most of the 2000’s. However with the banking crash of 2007/08 construction severely declined as housebuilders were unable to sell properties on the open market. To satisfy current market conditions it can be argued that land for a mere 2330 dwellings need be provided over the next 5 years. Indeed to meet the intended target of 5750 homes over the next year, building rates will need to improve by some 87% from their performance over the past 3 years and a significant 147% from that achieved last year. In contrast the most Housing Industry forecasts expects completions to rise much more modestly next year



These figures illustrate two key points.

The first is that what constitutes an 'achievable' site (and hence a 'deliverable' one) varies enormously according to market conditions. As the market declines then so does the range of 'achievable' sites, as has happened in the past three years. Conversely as the market improves, so does viability, and therefore the number of sites that is brought within the 'achievable' range correspondingly also improves. According to the SHLAA such sites total at least another 1,000 homes.

Secondly, current 'deliverable' housing land will easily provide a five year supply at current levels of completion – and also if the 'recession' average of the past three years is employed. Given the very significant rise in completion rates that would be necessary to achieve the RSS average of 1150 new homes per year, it appears highly doubtful that even if a 'cast iron' five year supply was available, that the target would in fact be met.

What these factors point to is the level of 'harm' that results in the short term by not achieving a 5 year supply against RSS figures – and the extent to which the Council should therefore set aside other considerations as a consequence

In the longer term it is evident that housing supply must increase to counteract the effects of the recession. The annual RSS housing figures are based on an average attainment over a 20 year period – and this allows for construction to recover as the market improves.

Ahead of this, the Council is already taking steps to improve housing supply ready for the recovery, but in line with the Community's aspirations. An Interim Planning Policy for the Release of Housing Land was adopted by full Council in February 2011 and with the intention that it be used in the determination of planning applications. This policy allows for

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. This focus on Crewe follows the approach to growth and development within the Council's Community Strategy which was adopted following widespread consultation. The Community Strategy and Interim Planning Policy are material considerations in the consideration of this application.

The policy is now bearing fruit, with applications now received on the north side of Crewe at Copenhall East and Barrows Green – and at Crewe Road Shavington in the south. Further applications are also known to be in the pipeline. Collectively these applications provide capacity for some 1200 additional homes.

Consequently whilst the SHLAA identifies a shortfall against a housing land supply, there are factors to show that supply is improving across the Borough and that it is not land supply that is the primary factor in constraining housing completions. Consequently this suggests that other considerations should properly be taken account of in the assessment of the application.

### **Spatial Vision**

Members will recall that at the meeting of the Strategic Planning Board on 6<sup>th</sup> October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that:

*“Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account.”*

Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia:

*“ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”*

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

The Cheshire East SHLAA identifies numerous sites around Congleton Town which have potential for residential development. Several are considered to be better related to the urban area and more sustainable in their location than the application site. Indeed when the SHLAA map is viewed it is apparent that there are a multitude of options for the town's expansion. The application site is not an obvious "first choice" amongst this selection and therefore it does pre-empt proper consideration of the future direction of the Town of Congleton.

### **Recent Appeal Decision – Hind Heath Road, Sandbach**

Members will be aware of the decision by Strategic Planning Board to refuse an outline planning application for the development of up to 269 dwellings at Hind Heath Road, Sandbach. Following a Public Inquiry an Inspector recommended that the appeal be allowed, however the appeal was recovered for the Secretary of State's determination who subsequently dismissed the appeal.

At the Public Inquiry for the above proposal there was an agreement between both the appellants and the Council that figure for housing land supply was more likely to be between 2.75 and 3.25 years supply. Which equates to a shortfall of between 2000 and 2600. It is therefore accepted that the housing land supply position is somewhat more critical than identified in the SHLAA. It should be noted that this is an evolving figure which is subject to continuing change.

The decision of the Secretary of State placed much emphasis on the housing land supply of the town of Sandbach itself. The town of Sandbach has a 5 year supply requirement of 375 dwellings. The 2010 SHLAA identifies that around 600 dwellings would be delivered over the 5 years. At the Inquiry the Council revised its figure to 410, whilst the appellant argued that around 280 dwellings would be delivered. The Secretary of State agreed with the Council's revised estimate as being more accurate and that there was sufficient land in Sandbach to meet the 5 year requirement.

With regard to the recently adopted Interim Planning Policy little weight was given to this by both the Planning Inspectorate and the Secretary of State, although there was no debate about applications that would be submitted in its wake. While the spatial objectives of prioritizing Crewe as a focal point for development is noted it was concluded that there would be scope for development in the other towns of the Borough.

The issue of regeneration was also considered. The Regional Spatial Strategy places an emphasis on development using existing buildings and previously developed land within settlements with an indicative target set of 80%. The Council considered that if the appeal proposals were developed then only 59% of housing building in the 5 year period would be on PDL. The Inspector considered that this would not cause material harm to the regeneration proposals. The SoS however did not agree with that conclusion and stated that if that proposal was to go ahead then it would make it extremely difficult for committed brownfield sites to be developed.

The Secretary of State also considered that the shortage of local employment, the distance between the site and the town centre and the limited options available for sustainable public transport weighed against the proposed development.

### **Implications of Appeal Decision in the Determination of this application**

With regard to the housing supply issue for the town of Congleton. The Council has yet to carry out a 5-year housing land supply assessment for each town, prior to the appeal decision it has always been the Council's intention to make an assessment on housing land supply across the Borough as a whole.

The applicants agent have carried out their own assessment of the housing land supply issue for the Congleton. The assessment considers that there is an annual requirement for Congleton Town to provide 90 dwellings per annum (based of 30% of 300 dwellings as identified in Local Plan Policy and RSS targets). That assessment has also looked at the past performance of the town and identified that there was a shortfall of 283 dwellings between 2003 and 2011. They consider that this shortfall should be made up over the five year period between 2011 and 2016, which equates to an additional 57 dwellings per annum. They therefore consider that there is a requirement to provide 147 dwellings per annum in Congleton Town over a 5 year period, or 733 over 5 years. The assessment has also looked at gross commitments for the town which shows a supply of 350 dwellings, which is well short of the 733 5-year requirement. The assessment goes on to discount a further 115 dwellings from the supply figure, on the basis of lapsed permissions, and the availability or achievability of the committed site. They therefore consider that Congleton Town has a 5 year supply of 235 dwellings or 1.6 years. They identify that this is a shortfall of 498 dwellings over a 5-year period.

The Council does not agree with the suggestion that there is only a 1.6 year supply of deliverable housing sites in Congleton. The suggested lapsed permission is under construction whilst their information about a number of sites is out of date. Furthermore, the suggestion that sites without planning permission should not be included in the 5 year supply is not in line with the method set out in the SHLAA or the approach taken at recent appeals.

In our view the Hindheath Road appeal addressed the particular circumstances of that site and of the town of Sandbach. They cannot automatically be read across into this application. The Council's case has consistently been that housing supply should be considered across the Borough as a whole.

## **SITE SPECIFIC CONSIDERATIONS**

### **PPS 3 tests**

Planning Policy Statement 3 states that where an up-to-date 5 year supply of deliverable sites cannot be demonstrated then LPA's should consider favourably planning applications for housing development, taking into consideration policies contained within PPS3 and paragraph 69. Paragraph 69 states that in determining planning applications regard should be given to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area

and does not undermine wider policy objectives eg addressing housing market renewal issues.

Therefore the Council should employ these tests in considering the application proposal.

### **Sustainability of Site**

The application site is located on the western most periphery of the town. It is acknowledged that there are bus routes along Sandbach Road and Holmes Chapel Road and the proposed development would seek to provide new bus stops on Sandbach Road to serve the proposed development. Furthermore, the proposed scheme includes significant enhancements of cycle and pedestrian networks from the site into the town and surrounding areas. In this respect the scheme offers adequate alternatives to the use of car by means of bus, cycle and on foot. The application site is some 2km from the town centre whilst the train station is sited on the opposite side of town at a distance of approximately 4.5km. A local centre at West Heath which provides a range of shops, including an Aldi, is approximately 800m from the edge of the application site, whilst there are secondary and primary schools within 600m of the site. Notwithstanding this, there are alternative developable sites identified within the SHLAA which would be more sustainable in terms of proximity to the town centre and train station.

With regard to employment, Congleton provides 9,900 or 6% of jobs in Cheshire East. The town is currently a net exporter of labour meaning that more people who live in the town travel outside to work, rather than work within the town. 2001 census data indicates that 51.4% of people who live in the town out commute to work. The Congleton Employment Land Study, commissioned by the Town Council and Partnership, has identified a lack of flexible employment space in the town. Recently, planning permission has been granted for housing development at Bath Vale Works (to the east of the town) on a site previously used employment purposes. This scheme and others in the town highlight a wider trend of pressure on other employment sites for alternative uses, such as housing and / or other commercial uses.

Whilst it is accepted that the proposed site offers access to alternative means of sustainable modes of transport, the site is beyond the most westerly edge of the towns settlement boundary and some distance from the town centre and train station. Furthermore, the proposed development is likely to result in greater out-commuting. The development of the site would not be consistent with the Governments objective for climate change which adds weight against the development of this site for housing.

### **Provision of Affordable Housing**

The proposed development will provide 63 affordable units (41 social rent and 22 for intermediate tenure) within the proposed 200. This equates to a provision of 31.5% affordable units. The Interim Affordable Housing Statement requires that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. The proposed development is in compliance with the requirements of the Affordable Housing Statement and could be secured by Legal Agreement if approved. Therefore, the level of provision is acceptable.

It is acknowledged that the site will provide just over 30% affordable housing and will contribute towards providing a mix of housing in the development. However, it should be

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

### **Impact on the Character and Appearance of the Landscape**

The site is approximately 17.27 hectares and occupies a large proportion of the parcel of agricultural land to the west of Congleton between Sandbach Road to the south, Sandy Lane to the west and Holmes Chapel Road to the north. To the east and north east of the site is Congleton High School and playing fields.

The land at the eastern part of the appeal site is relatively flat forming part of the flood plain for Loach Brook. The land rises noticeably to the west towards Sandy Lane. Loach Brook defines the eastern boundary of the site and the vegetation along the route of the brook provides a strong visual buffer between the settlement and Open Countryside, creating a soft transition. The land is in use for agriculture.

The only built development adjoining the boundary of the site is that of Congleton High School. Within the site, to the north, is a long barrow, which is a Scheduled Ancient Monument and is heavily vegetated.

The submission includes a Landscape and Visual Assessment (LVA). The LVA states that the methodology used encompasses the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and 'Landscape Character Assessment. Guidance for England and Scotland' (LCA) published by the Countryside Agency and Scottish National Heritage 2002. The baseline conditions are based on Natural England's Countryside Character Assessment defining the site as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Character Assessment (adopted in 2008) which identifies the site as being located in Landscape Type 10: Lower Farms and Woods, the site is also located within the Brereton Heath Character Area: LFW2.

The Councils Landscape Architect does not agree that the assessment which has been carried out. It is at variance with the guidelines and does not provide a thorough landscape and visual assessment of the area or the impact that the scheme would have. It is considered that the visual assessment offers no indication of the sensitivity of receptors or viewpoints and does not offer an indication of the magnitude of visual impact. The Councils Landscape Architect considers that the significance of the visual impact of the proposed development would be far greater than shown. Furthermore, the Landscape architect does not agree that the visual effects during construction in the short term would be minor adverse, reducing to negligible in the longer term.

In terms of the impact on the landscape, the Councils Landscape Architect considers that the assessment has not adequately addressed this. The methodology should assess the capacity of the landscape to accept change and the magnitude of the landscape impact that would be caused by any such change.

It is considered that the SAM forms an important feature in the local landscape character of the area and the proposed development would not enhance the feature. The proposed development has the potential to adversely affect the local landscape character. The Councils Landscape Architect suggests that the proposed development would fail to respect or enhance the landscape character of the area and would lessen the visual impact of landscape features when viewed from areas accessible to the public. The proposals would also fail to pay regard to the intrinsic qualities of the site, the character of its surroundings and would not preserve openness or maintain local character. The proposals would therefore be contrary to Policies GR5, GR3 and PS8 of the Local Plan.

In addition, the proposed residential development would not be well related to existing built form. To the east of the site is Congleton High School, between which is strong vegetated boundary along the course of Loach Brook, which provides a strong visual boundary which softens the transition between the open countryside and the town of Congleton. The proposed development does not form a logical extension to the settlement extend built form into the open countryside to the detriment of the local landscape character.

Whilst the site has no national protective landscape designation it has local landscape value and the development proposed would inevitably alter the landscape character of the area.

### **Impact on landscape features (trees and hedgerows)**

The submission includes an Arboricultural Assessment incorporating a tree survey which covers 10 individual trees and three groups of trees. The indicative scheme proposes the removal of three trees, one category B tree and two category R trees, which is a small number in the overall tree stock on site. The scheme proposes extensive new planting as part of the structural landscaping of the site. Comprehensive tree protection and landscaping conditions should be attached to any approval.

There are a number of lengths of hedgerow in the vicinity of the site. Should the site be developed, there is the potential for hedgerow loss. However, as the proposal is in outline with layout reserved the full implications are not apparent. It is however apparent that a stretch of hedgerow will be removed to accommodate the proposed site access from Sandbach Road. Taking into account Policy NR3 of the Adopted Congleton Borough Local Plan First review, the hedgerows need to be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The criteria cover ecological and historic value.

With regard to ecological criteria, the submitted ecological appraisal has assessed the hedgerow with regard to its ecological value. The report identifies that this and all other hedgerows cannot be considered to be important due to the lack of species present. The ecological consultation agrees that none of the hedgerows on the site appear to be important from an ecological perspective.

With regard to specific historic criteria, no information has been submitted to demonstrate that this hedgerow has no historical value and it is therefore unclear whether the proposed development would result in the loss of an important hedgerow.

Should the hedge be found to be 'Important' under any of the criteria in the Regulations this would be a significant material consideration in the determination of the application.

### **Impact on Amenity**

The site is bounded to the south and west by open countryside, to the north is Holmes Chapel Road and Congleton High School is located to the east of the site. The layout and design of the site are reserved matters. However, the indicative layout demonstrates that the site could be developed, without compromising the amenity of nearby residential properties. It should also be noted that the site would be developed at density of 30 dwellings per hectare and it is considered that this density would allow the development to be brought forward without impacting upon residential amenity of future occupants in terms of overlooking, privacy, and daylight.

### **Impact on Air Quality**

An Air Quality Assessment has been submitted to support the application. The AQA concludes that the proposed development would have a negligible impact on sensitive receptors and does not recommend any mitigation measures. Environmental Health have raised no objection but have suggested that a further survey be carried out as part of any Reserved Matters application. This could be secured by condition.

### **Impact of Noise**

A Noise Assessment has been submitted to support the application. The assessment recommends a series of mitigation measures to be carried out to reduce the impact of noise on the future occupants of the proposed dwellings, primarily from Sandbach Road. The proposals include the installation of acoustic glazing and fencing. This is based on the indicative layout which could be subject to change at the detailed design stage. Notwithstanding this the provision and extent of mitigation measures could be secured by condition.

With regard to noise impact on surrounding properties, Environmental Health have suggested that details of fencing but submitted along with restrictions on the hours of construction and details of pile driving. Again, these can be secured by condition.

### **Contaminated Land**

A Phase 1 Desk Study has been submitted to support the application. The application site is currently in agricultural use, there is an above ground fuel store on the site, whilst land adjacent to Loach Brook is within a flood zone. The proposal is for residential development which is a sensitive end use. This report has been assessed by the Council's Environmental Health Department. Environmental Health have recommended, in line with the results of the report, that a further Phase 2 investigation be carried out which could be secured by condition.

### **Impact on Scheduled Ancient Monument**

To the north of the site is a Scheduled Ancient Monument (SAM). This SAM has been identified as being a prehistoric long barrow. The application submission disputes whether this is actually a prehistoric long barrow. However, for the purposes of considering this application the feature to be a designated SAM.

The indicative layout shows a buffer zone of 130m between the SAM and the proposed housing. Furthermore, the proposed community park, which would surround the SAM will be

maintained as grazing land. The setting of the SAM is considered to be of considerable importance and comments from English Heritage have suggested that the proposed development at the Loachbrook Farm end of the development could be accommodated without causing a detrimental impact on the monument or its setting. They also consider that the land around the monument should be retained as pasture land. The revised scheme shows that this land would be retained as such, whilst retaining public access through a network public footpaths, and as such address those concerns identified by English Heritage. Notwithstanding this, it is still considered that the SAM is an important landscape feature and, as detailed in the landscape section of this report, the LPA has concerns over the impact of the proposed development on this as a landscape feature.

### **Impact on Archaeology**

No archaeological objection has been raised after considering the submitted Heritage Statement. However, the history of finds in the area, and topography of the site indicates that there sufficient justification for a scheme of archaeological mitigation. Details of works at the northern element of the site, to provide the pedestrian/footpath network, are also considered necessary to confirm that there in no inadvertent intrusion into the Scheduled area. It is therefore considered that appropriate conditions could be attached to any permission to ensure that the further investigative works are carried out.

### **Impact on Sites of Special Scientific Interest**

To the north of the site is the Dane Valley SSSI. This site is designated for its geology and landform character and is susceptible to changes in hydrology patterns. Surface water discharge from the development will be directed into Loach Brook which is a tributary of the River Dane. The submitted FRA demonstrates that the discharge of surface water from the proposed development is to be the mean annual run off from the undeveloped Greenfield site and will be controlled using sustainable drainage measures. Attenuation storage will be provided by a swale, detention basin and a pond. The proposed drainage system will be designed to store and dispose of storm waters arising from a 1 in 100 year event plus 30% for climate change. It is therefore considered that there would be no detrimental impact on the SSSI provided that these measures are implemented which can be secured by condition.

### **Impact on Protected Species**

Initial surveys were considered to be insufficient in considering whether the proposed development would have an adverse impact on bats, barn owls and Great Crested Newts. Further surveys were therefore requested and have been received. The additional Bat and Barn Owl survey identifies that there was no evidence of roosting bats within any of the buildings or trees on site whilst the nocturnal survey identifies that there is little activity on site. Therefore, there is no constraint to development resulting from bats. The recommendation of the report is for further surveys to be carried out prior to the demolition of any building, the removal of trees to be carried out outside of the bird nesting season, and enhancement measures.

The further great crested newt survey identifies the location of ponds around the site combined with the fact that no great crested newts were present within the on site pond, (which was classed as having excellent potential for use by great crested newts using the HIS), means it is highly unlikely that great crested newts would be present within the site

and this species does not pose a statutory constraint to the proposed development. Furthermore, the proposed development would enhance the on-site pond.

The Council's nature conservation consultation has confirmed that they are satisfied that bats, great crested newts and barn owls are not likely to be present or affected by the proposed development.

A badger sett has been identified as being present on site. The Council's Nature Conservation consultation has confirmed that the applicant has submitted an acceptable impact assessment and mitigation proposals for the sett, and has suggested conditions for its preservation.

### **Impact on Flooding**

Part of the application site is located within Flood Zones 2 and 3 as shown on the Environment Agency Flood Map. A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding.

It is clear that increased areas of hardstanding has the potential to increase flood risk from pluvial flooding and to Loach Brook. The level of surface water run off to the brook will be controlled so that run off is the same as the existing undeveloped/Greenfield site. It has been stated that sustainable surface water drainage principles will be utilised to control increased risk using above ground attenuation storage areas provided by a swale, detention basin and a pond. The drainage system will be designed to store and dispose of storm waters arising from a 1 in 100 year event plus 30% for climate change. The Environment Agency has confirmed that the scheme is acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan and an 8m buffer along Loach Brook.

Consideration also needs to be given to ensure that the proposed development would not be affected by flooding. The proposed development is in outline the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1. It has been suggested that those properties closest to the flood plain have finished floor levels which are 600mm or greater above the fluvial flood plain which would provide greater mitigation from the risk of flooding. This is considered appropriate and can be secured by condition.

### **Impact on Utilities Infrastructure**

The scheme proposes the foul water drainage system to be connected to the existing foul water sewerage system. Whilst a Utilities Appraisal has been submitted to support the application, this does not identify the capacity of the foul water drainage for the area. United Utilities have objected to the proposed development in that the public foul sewer system is currently at capacity and cannot accept additional flows. Increased flows could result in a severe environmental impact on receiving watercourse and/or flooding in the sewerage network.

The applicant has stated that there is a general duty to provide a system of public sewers, which is supplemented in the Water Industry Act 1991. They state that where a public sewer

already exists near to a development site, then section 106 of the 1991 Act allows the landowner to connect up to that public sewer. Section 106 states:

*“Right to communicate with public sewers.*

*(1) Subject to the provisions of this section—*

*(a) the owner or occupier of any premises, or*

*(b) the owner of any private sewer which drains premises, shall be entitled to have his drains or sewer communicate with the public sewer of any sewerage undertaker and thereby to discharge foul water and surface water from those premises or that private sewer.”*

Therefore, whether a developer of a residential site wishes to connect to an existing sewer or wishes to requisition a public sewer the sewerage undertaker is required to comply with the above provisions. The applicant also cites a Supreme Court decision in the case of *Barratt Homes Ltd v Dwr Cymru Cyfyngedig (Welsh Water)* [2010] 1 P & CR 25 which stated that:

*“The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker.”*

It is suggested by the applicant that a Grampian style condition may be appropriate, but lack of drainage should not form the basis for a reason for refusal.

Notwithstanding this, no information has been submitted to demonstrate how the foul sewage capacity would be mitigated for and it is therefore uncertain what level of measures would be required to resolve the issue. Furthermore, this would be at the cost of the developer and could provide significant financial burden on the scheme which could make the scheme unviable.

The proposed development at this time could be considered to be contrary to Policy GR20 of the Local Plan which states that development will only be permitted where the site can be adequately drained of foul and surface water without causing any environmental problem as a result of the ultimate discharge. GR23 (Provision of Services and Facilities) of the Local Plan also states that proposals which are likely to intensify or create shortfalls in the provision of essential services or facilities will not be permitted unless these are provided for as part of the development or a developer contribution is made to meet the identified shortfall. Given that details of any proposals/mitigation to compensate for the lack of capacity have not been submitted it is considered, at this time, that the proposals could lead to environmental issues which adds to the sustainability concerns for the site.

## **Design Considerations**

This application is in outline with details of the appearance of the dwellings reserved. An indicative masterplan and Design and Access Statement has been submitted to support the design rationale behind the proposed design which are acknowledged and generally accepted. The proposed density of the scheme would be 30 dwellings per hectare and would comprise a mixture of two storey and two and half storey buildings. Whilst this is an outline application with details of appearance and layout reserved, a significant level of detail has been submitted to support the proposals. It is considered that a scheme of

acceptable design and appearance could be secured. However, the impact on the landscape as a result of the proposed development remains a great concern.

The indication that sustainable features will be incorporated into the development to generate 10% of the sites energy demand would be welcomed and could be secured through an appropriate condition.

### **Loss of Agricultural Land**

The Soil Resources and Agricultural Use & Quality of Land report for this application identifies that of the 17.2 hectares surveyed, 26% (4.6 hectares) is grade 2 (very good) while 38% (6.5 hectares) is grade 3a (good). This land is classed as the best and most versatile agricultural land (defined as grades 1, 2 & 3a grade land).

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, there are national policy guidelines, set out in Planning Policy Statement 7 (PPS7), which highlight that the use of such land should be taken into account when determining planning applications alongside other sustainability considerations, including biodiversity and the protection of natural resources. This guidance also advises local planning authorities that areas of poorer quality land should be used (grades 3b, 4 & 5) in preference to higher quality land.

It is considered that there are no overriding reasons for allowing the development which is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review and PPS1 and PPS3 as explained within the principal of development section above. As a result, the development which would result in the loss of the best and most versatile agricultural land, which is not a sustainable form of development, is unacceptable and adds weight against the proposed development.

### **Provision of Open Space**

#### Public Open Space

The indicative layout provides opportunity for public open space to be provided within the development proposals. As the proposed scheme is in outline, it is not clear at this stage how much would be required. However, based on the indicative figure of 200 dwellings, at 2.4 persons per dwelling this would equate to a requirement of 4,800m<sup>2</sup>. Given the density of the proposed development and the size of the application site, it is considered that this could be accommodated. It should be noted that water or wetland is not considered to be useable open space and would be deducted from any figure. The applicants' agent considers that the indicative scheme would provide 9,700sqm of public open space, this excludes the community park, wetland and woodland block.

There is public open space within the proposed development, which the Council could be maintain. However, the size of the area is unclear at this stage. A financial contribution would be required to cover the cost of maintenance, which would be based on £118.25 per 10 sq metres over a 25 year period. This could be secured through a formula in a legal agreement.

#### Playspace

There would be an identified deficiency of playspace accessible from the proposed development, and therefore provision will be required to meet the proposed need. The indicative layout identifies a play area within the proposed development and Green Spaces have confirmed that a Neighbourhood Equipped Area for Play would be acceptable. This should include at least 8 items, including DDA inclusive equipment. The Council would want to agree final layout and would expect the scheme to be constructed to the Councils standards. A commuted sum would be required to cover the 25 year maintenance cost of the NEAP which would equate to £143,280.

### Community Park

The scheme includes the creation of a Community Park at the northern end of the site. Revised plans show that this park would be maintained as grazing land. However this would be accessible to the public through a network of footpaths. The Council would not wish to formally adopt the Park, along with the land adjacent to Loach Brook and 50m structural planting along the western boundary of the site, for maintenance and liability reasons and would therefore suggest that a management company take responsibility for the land. This can be secured by legal agreement.

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

This is an outline application, with all matters reserved with the exception of access. The application site would be accessed from Sandbach Road and alternative points of access have been suggested for consideration. The scheme also includes additional provision of new accessibility infrastructure in the form of new footway/cycle links, new bus stops and proposals for improvements to local major infrastructure junctions at Waggon & Horses and West Road roundabout.

The application detail is accompanied by a Transport Assessment (TA) which analysed the traffic impacts of the projected traffic generation against a scope for analysis which was agreed with the Strategic Highways Manager.

All forms of accessibility have been analysed within the TA, from pedestrian and cycle to bus, train and the car and the proposals identify all local facilities and include for upgrades to their infrastructure where appropriate. The application package also offered a Travel Plan for this residential proposal.

The proposed principal access to the site has been offered in two forms, one of which is favoured by the Strategic Highways Manager (SHM). Both junction proposals also propose an adjustment to the existing speed limit from a derestricted 60mph to 40mph and this would enable the provision of the necessary visibility splays in accordance with highway standards. Even with the proposed reduction in speed limit, the required visibility splays would require the removal of a significant length of existing hedgerow, which despite not being a specific highway concern, the SHM recognises may be an issue in planning terms. In any event, the proposed visibility splays can be provided, though at the expense of existing established hedgerow.

The SHM does recognise that the proposal will rely on the speed limit reduction to for the visibility splays to be acceptable. However, it is considered that this change to the speed limit would be justifiable and there would be no robust reason to resist such a change.

The junction design has therefore been assessed and it is accepted that the design meets highway standards. It is proposed as a simple priority junction with ghost island right turn lane. Such a layout would accommodate pedestrian refuge crossing facility to reach the proposed bus stop provision on the opposite side of Sandbach Road. The junction design has been the subject of a safety audit proposal by the developers consultant and the design detail adjusted to address concerns expressed by the SHM. The resulting junction design is demonstrated in Ashley Helme Drawing Number 1234/04, Option 1.

The design would form part of a S278 Agreement and the final detail negotiated under that agreement. This will be covered by a recommended informative.

The Transport Assessment was based on robust trip rates agreed with the Strategic Highways Manager and assesses a list of major network junctions which was also agreed. The Transport Assessment document is based on the provision of 210 residential units. The junction assessments demonstrate the surveyed results for existing traffic flow conditions at peak times and there are projected figures for traffic impact at projected times for development opening and future years in accordance with guidance. The offered design flows include for committed developments in the Congleton area and are accepted by the Strategic Highways Manager.

The majority of junctions show sufficient capacity to accommodate the traffic that will be generated from the site. However, 3 junctions do take a level of impact from the development which has been shown to have an effect on capacity which requires some contribution or provision from the development. The developer also conducted some local public consultation which drew attention to local concerns over traffic conditions at both the Waggon & Horses junction and the West Road roundabout. In response the developers highway consultant has designed improvement schemes for these two junctions which are supported by technical appraisal reports, though it should be noted that the Transport Assessment, whilst showing some impact on queuing at these junctions, does still demonstrate that the junctions will still work at an acceptable level in their existing form, though they will be close to capacity.

In any event the design solutions do require some further assessment before the SHM can determine their real worth and there will also need to be safety audit work completed to ensure the proposed schemes are appropriate. The Waggon & Horses design proposal recommends a redefined use of the circulatory carriageway of the roundabout, such that more capacity is created through adjustment of existing and the provision of new traffic lanes. The West Road roundabout design proposals recommend a revised roundabout island and a redefined use of the circulatory carriageway of the roundabout, such that more capacity is created through adjustment of existing and the provision of new traffic lanes. Both of these design proposals need further assessment and the Strategic Highways Manager has resolved to address this issue via the proposal of planning conditions agreed with the Local Planning Authority.

In addition, any agreed junction improvements at these junctions will also be subject to a Section 278 Agreement under the Highways Act 1980.

The TA offers a good access strategy designed to use and improve local accessibility opportunity and facilities with the provision of new and improved: footways, cycleways and bus stop facilities. This offer of betterment from the development does indeed increase and encourage the opportunity for the use of sustainable transport choice.

The only proviso here is that some areas of the proposed rural footway/cycle links will need a detailed design scheme at any detailed application stage as the need for a secure and safe design is not addressed in this outline application.

The proposed development proposes a residential travel plan framework which offers targets for reducing traffic generation which will be managed by an appointed Travel Plan Coordinator and the intention to keep an ongoing dialogue with the authority in terms of target achievement and remedial measures.

The Strategic Highways Manager recognises that the proposed Travel Plan Framework offers expected structure.

The Strategic Highways Manager acknowledges this TPF and will condition the provision of a detailed Travel Plan document which will be negotiated at the time of any detailed application proposal.

In conclusion, it is considered that the proposed access is acceptable in Highways Safety terms. It is recommended that, should the application be approved, then contributions of £25,000 for improvements to the Rood Hill traffic signal junction, and £5,000 for the annual assessment of the Travel Plan be secured by s106 agreement. In addition, conditions relating to highways improvements. Along with conditions for construction and design detail of the access and off highways works, completion of the access, bus stop and cycle ways, and the provision of a detailed Travel Plan.

### **Impact on Education Capacity**

The proposed development is of a scale which has the potential to create greater demand on schools in the local area. To mitigate any impact the applicant has offered a contribution towards education. Notwithstanding this the Education consultation has confirmed that there is sufficient capacity within local primary and secondary schools to accommodate the likely pupils generated.

### **Impact on Jodrell Bank**

The site is within the Jodrell Bank Consultation Zone as identified by the Local Plan Proposals Map. The University of Manchester has raised no comment with regard to the impact of the development on the telescopes at Jodrell Bank. The proposals are therefore considered not to have any impact on the functioning of Jodrell Bank.

### **Impact on Public Rights of Way**

It is considered that the existing Public Right of Way which crosses the site could be incorporated into any scheme. Any temporary diversion or alteration to the PROW would have to be agreed by the Council.

The scheme proposes improved footpath and cycle connections throughout the site which would connect with the existing footpath and cycle network surrounding the site.

## **10. CONCLUSIONS**

It is acknowledged that the Council does not currently have a five year housing land supply for Cheshire East as a whole or locally in Congleton which weighs in favour of the proposed

development. Accordingly, in the light of the advice contained in PPS3 the Local Planning Authority should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be a "suitable" location for proposed housing development nor is the housing supply situation considered so critical as to set aside other material considerations.

The proposed development has the potential to cause significant adverse harm on the character of the local landscape, whilst failing to respect or enhance landscape character, whilst failing to pay due regard to the intrinsic qualities of the site. Furthermore, the proposed housing development does not relate well with the existing settlement. The scheme also has the potential to result in the loss of an important hedgerow.

It is also considered that the proposed development would result in an unsustainable form of development. The site is located at the westernmost periphery of Congleton some distance from the town centre. The town currently has a net out migration of workers and the proposed development would contribute towards this. The proposal would also result in the loss of best and most versatile agricultural land and there is no overriding reason to justify this. In addition, the existing foul drainage network is operating at capacity and could not accommodate the proposed development. This could result in adverse environmental implications.

The proposal is therefore contrary to Policies contained within the adopted Local Plan, the advice contained within PPS.1, PPS.3 and PPS.7. Accordingly it is recommended for refusal.

## **11. RECOMMENDATION**

### **REFUSE for the following reasons:-**

- 1. The proposed residential development, which is located within the Open Countryside, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the local landscape character. In addition, the proposed development is poorly related to existing built form. The proposed development would therefore be contrary to Policies GR5, GR3 and PS8 of the Congleton Borough Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.**
- 2. It is considered that the proposed development would result in an unsustainable form of development. The site is at the westernmost periphery of Congleton at a distance of 2km from the town centre and there are more suitable deliverable sites which offer a more sustainable location. The proposed development would also result in the loss of the best and most versatile agricultural land. There is also insufficient foul drainage infrastructure to accommodate the proposed development. The proposed development is therefore not suitable for housing development. The proposed scheme would be contrary to Policy GR20 (Public Utilities) and GR23 (Provision of Services and Utilities) of the Congleton Borough Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.**

Application No: 11/1629M

Location: Havannah Mill, Havannah Lane, Eaton, Congleton, Cheshire, CW12 2ND

Proposal: Reserved matters approval for the erection of 35 dwellings with associated parking, open space and landscaping (Outline application (10/3486M) Re-submission of application 10/4697M

Applicant: Rowland Homes Ltd

Expiry Date: 28-Jul-2011

Date Report Prepared: 18.07.11

### **SUMMARY RECOMMENDATION**

Approve, subject to conditions

### **MAIN ISSUES**

- Whether the proposed layout, scale, appearance and landscaping is acceptable
- Whether the dwellings would fit comfortably within the site and surrounding area
- Whether the parameters of scale comply with the varied outline consent (10/3486M)

### **REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the constitution such applications are required to be considered by the Committee.

As the Outline Planning application was originally determined by the Strategic Planning Board, the Chairman of the Northern Planning Committee has referred it up to the Strategic Planning Board for consideration.

### **DESCRIPTION OF SITE AND CONTEXT**

The former Havannah Mill site is located on the edge of Congleton and immediately adjacent to a row of former mill workers' cottages as well as Havannah primary school and an area of new build housing within the Buglawton area of Congleton.

The area of the proposed development includes the site of the now-demolished Windsor Mill, the foundations of which are still evident on site. It is understood that this 4 storey mill building was demolished down to footplate level approximately 30 years ago.

The whole site comprises 2.79 hectares, and is in part previously developed land. The site lies within Countryside Beyond the Green Belt, as defined by the Macclesfield Borough Local Plan 2004.

The site adjoins the River Dane, a Grade 'A' Site of Biological Importance to the south and west. To the north lies a terrace of cottages within New Street, Havannah Village, beyond which is a relatively modern housing estate and Havannah Primary School.

Havannah Lane is a by-way open to all traffic, which links into the modern housing estate to the north of the site. The site is considered to be in a reasonably sustainable location, with access to public transport and local amenities, including 2 schools and a shop.

## **DETAILS OF PROPOSAL**

This is a Reserved Matters planning application for erection of 35 dwellings. It is a resubmission of previously withdrawn application 10/4697M.

Outline planning permission was granted on appeal in April 2010 for residential development of up to 35 dwellings plus a 60 bed care home (ref. 09/0807M). A subsequent application to vary the scale parameters set out in the conditions of the outline approval was approved in April 2011 (application 10/3486M). This approval replaces the 2009 consent, and is now the parent consent to which this reserved matters application relates.

This reserved matters application is for the 35 dwelling houses only with the care home element not being applied for under the terms of this application.

Access to the site will be as previously approved from Havannah Lane which will be improved through the provision of passing places and surfaced to adoptable standard. A footway will be provided along the length of Havannah Lane.

The principle of the development has already been established, therefore the only matters for consideration are appearance, layout, landscaping and scale of the dwellings, and how they would fit within the site and surroundings.

The proposals also include parking, and public open space, including a LEAP and upgrading of a number of public footpaths in the vicinity of the site.

A Unilateral Undertaking is attached to the application 10/3486M (the outline approval for which this application seeks to discharge the reserved matters upon), which covers a range of matters including:

- Provision of formal and informal play (including the provision and management of toddlers play area, including equipment)
- Public open space, subject to the establishment of a management agreement in order to oversee the future maintenance of this land

- Highway works relating to the upgrading of Havannah Lane; provision of a public footpath along the length of the road and upgrading of other footpaths crossing the site
- Provision of 11 affordable houses
- Habitat/landscape management plan
- Management and planting of woodland areas
- Provision of a travel plan
- Management plan for on & off site SBI works

## RELEVANT HISTORY

- 10/4697M Reserved Matters approval for the erection of 35 dwellings with associated parking, open space and landscaping. (Outline application (09/0807M) allowed on appeal 01/04/2010; appeal reference APP/R0660/A/09/2114252).  
Withdrawn 18/01/11
- 10/3486M Removal/variation of conditions 5 and 6 on application 09/0807M - Outline application for residential development including a care home  
Approved with conditions 21/04/11  
Unilateral Undertaking attached
- 09/0807M Outline application for residential development including a care home (class C2)  
  
Refused 29/07/09 (Member over-turn)  
Allowed on appeal (APP/R0660/A/09/2114252) 01/04/10
- 01/0908P Conditional permission granted for replacement warehouse, extension of storage compound and erection of additional warehouse  
Not implemented
- 58100P Outline permission refused for cessation of industrial use demolition of factory proposed residential development incorporating improvements to Havannah lane sewage treatment and other improvements.  
October 1989
- 79093P Positive Certificate granted for the Lawful Existing Use for continued use of recycling of scrap plastics and plastics textile material. There are no conditions attached to this certificate which limit this use or the hours which the premises could operate.  
June 1995

## POLICIES

### Regional Spatial Strategy

- DP1 (Spatial Principles)
- DP2 (Promote Sustainable Communities)
- DP4 (Make the Best Use of Existing Resources & Infrastructure)
- DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
- DP7 (Promote Environmental Quality)

DP9 (Reduce Emissions and Adapt to Climate Change)  
RT2 (Managing Travel Demand)  
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)  
EM2 (Remediating Contaminated Land)  
EM5 (Integrated Water Management)  
EM18 (Decentralised Energy Supply)  
MCR3 (Southern Part of the Manchester City Region)  
L2 – Understand Housing Markets  
L4 – Regional Housing Provision

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 11 (Development and waste recycling)

#### **Local Plan Policy**

BE1 (Design Guidance)  
DC1 (Design New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC38 (Space, Light and Privacy)  
DC63 (Contaminated Land including Landfill Gas)  
GC6 (Countryside beyond the Green Belt)  
H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Housing Sites)  
H8 & H9 (Affordable Housing)  
NE7 (Retain and enhance existing woodland)  
NE9 (River Corridors)  
NE11 (Nature Conservation)  
NE12 (Sites of Biological Importance)  
RT5 (Provision of Open Space)  
RT8 (Provision of informal access to the countryside)  
T2 (Transport)

#### **Other Material Considerations**

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation, PPG13 Transport and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

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

**Strategic Manager (Highways)** : This reserved matters application follows the highway layout submitted as part of the outline application and there are no highway objections to the detailed road layout submitted.

**Environmental Health:** The application area has a history of use as a Mill and therefore the land may be contaminated. The proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, conditions are recommended in respect of site remediation works.

**Crime Reduction Unit:** Concerns are raised about this site. It has been an anti-social behaviour hotspot for a number of years since the factory has been derelict.

As a result of this, some reservations are raised about a toddler play area being included within the development as history has shown that this will become a magnet for further anti social behaviour.

(It should be noted that the Toddler's Play area was previously approved at appeal)

**Sustrans:** We would like to see the development make a contribution to the improvement of the walking/cycling network in the vicinity of the site, on the north side of Congleton.

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

The views of Eaton Parish Council are awaited, but are important in the consideration of this application. They will form part of the Update report.

## **OTHER REPRESENTATIONS**

Three representations have been made to date; the following comments have been made:

- It is important to retain the Leyland Cypress and fence opposite New Street cottages, to prevent overlooking and reduce noise emissions. A condition should be attached to any Reserved Matters approval to require its retention.
- The hedge on New Street adds character to the village and should be retained.
- Concerns are raised about installing railings to the private grade II Listed Bridge, they are considered incongruous and out of character
- Drainage concerns, as a culvert and foul drainage pass under plots 13,14, &15
- If the existing foul drainage from New Street is connected to foul drainage on site and is adopted by United Utilities, they would impose a sewerage charge which the existing Havannah residents have never had.
- This proposal appears to feature a river side walk in field adjacent to where houses are to be built. This suggests that the floodplain area will be open to public access. This is not compatible with our rights as fishery owner

## **APPLICANT'S SUPPORTING INFORMATION**

- Design and Access Statement

- Climate Change Statement
- Renewable Energy Calculation
- Waste Management Plan
- Geo-environmental site assessment
- Remediation Strategy and Material Management Plan
- Specification for tree works
- Drainage report
- Construction Methodology Statement
- Management plan for on site SBI and open space
- Management plan for off site SBI
- Interim travel plan
- Proposed toddlers play area Management proposals

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of residential development of the site for 35 dwellings and a 64 bed care home was established in April 2009, when application 09/0807M was allowed on appeal. This also granted permission for the means of access to the site.

As such, it is only necessary for the following matters to be considered under the terms of the application: the layout, scale, appearance and landscaping of the dwellings, and how the dwellings would fit within the site and surroundings.

### **Consideration of objections**

- The request for the retention of the Lleylandi hedge is noted, but this would segregate the development from New Street. The replacement landscaping provides for more appropriate native species and incorporates replacement planting which will enhance the character of the area.
- Any railings to a Listed Building will require Listed Building Consent, which would be considered independently of this application.
- A detailed drainage scheme has been submitted with this application, clearly indicating how the site will be drained. Drainage issues will be fully considered under Building Regulations.
- The proposed footpath, through the Public Open Space is some distance from the River Dane and adjoining fishery. The use of footpath is not considered to disturb the fishery users or the flora or fauna in the area.

### **Consideration of the proposals**

The site is currently occupied by a number of disused buildings, which have been vacant for approximately five years. The buildings are unsightly and appear out of context within this Village setting. Surrounding the buildings is a large expanse of hard-standing, formerly used

for lorry parking and storage. Much of the site is enclosed with galvanised steel palisade fencing which gives the site an unattractive appearance. Since the closure of the factory, the Crime Reduction Unit has identified this site as a hotspot for anti-social behaviour.

Historically the site was occupied by three traditional mill buildings and over 70 houses, and together with the former mill workers cottages on New Street the area was collectively known as Havannah Village.

This proposal gives the opportunity to return the area to residential use, which is considered more appropriate.

### Layout and Scale

Scale parameters were set by the Inspector as part of the original outline approval, condition 5 specifically permitted two, three and four bedroom houses. This included some three storey dwellings.

An indicative site layout plan was submitted with the outline application, which gave a likely site layout, given the constraints on site. The site layout plan submitted with this reserved matters application is not unlike the approved plan, with the exception of plots 27-31.

Following the approval of the outline application, the developers identified a need to amend a number of the scale parameters and make some alterations to the layout, these included the removal of the three storey properties and minor alterations to the previously identified parameters.

An application was approved to vary conditions 5 and 6 of the outline permission (ref. 10/3486M). This application included an indicative layout plan illustrating how the applicant was to develop the site, including detail of parking provision and open space incorporating a village green and children's play area (LEAP). The indicative layout plan approved as part of application 10/3486M is similar to the plan submitted with this application.

Generally, the houses are well spaced, and all benefit from off-street parking and have an adequately sized garden. There are some pinch points on site, there is only 12 metres between the rear elevation of both plots 32 and 34, due to the positioning of plot 33, also plots 26 & 27 are very close to the southern boundary.

During the life of the application, a minor revision was made to the site layout to re-orientate the positioning of plot no. 23 to overcome overlooking issues between plots 22 and 23. As these properties are located to the rear of the site, (backing onto the public footpath) and this amendment is not considered to affect any near-by properties, the revision has not been advertised.

Whilst some of the houses do not fully comply with the space standards set out within policy DC38 of the Local Plan, the layout is considered to be commensurate with the housing in the surrounding area.

The proposed house types comprise of a mix of 2 and 3 bedroom terraced houses replicating the arrangement of the adjacent cottages on New Street, a pair of 3 bedroom semis and 4

bedroom detached houses. This is considered to provide a good housing mix, and will contribute to wider housing market.

The properties are all two-storey, 33 of the 35 dwellings have a ridge height of 8.2m or less, with the remaining 2 units having a ridge height of 8.7m. The two taller properties (Bridewell) are located on the southern (rear) boundary, and are considered to be acceptable.

### Appearance

The proposed houses have been designed in a traditional manner, taking the design of the local houses into consideration. The houses will compliment each other, and will not appear out of character with the adjoining properties.

The properties are all two-storey and will be fabricated in a traditional red brick with grey tiled roofs. The windows will be white, and the fascias and gutters will be black, as is demonstrated on the street scene elevations.

In order to comply with condition 18 on the outline approval, the dwellings have to be built in a highly energy efficient manner. An Energy Compliance Certificate and Climate Change Statement have been submitted with the application, which shows how the development will achieve minimum energy savings of 10% improvement upon baseline Building regulation compliant design. Features to achieve this include use of high levels of thermal insulation, energy efficient appliances and solar water heating to some units.

The proposals are considered to comply with policies BE1 & DC1 of the Local Plan, in respect of scale and design.

### Landscaping

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site.

The development is set within a landscaped setting and existing features are utilised to enhance the character and appearance of the development in accord with development plan policies. The proposals include the protection and enhancement of existing features, and enhancement of the adjacent SBI.

The views of the Landscape Officer are awaited, and are important in the consideration of this application. These will form part of the Update Report.

### **Ecology**

The proposed development is adjacent to the River Dane, Site of Biological Importance (SBI). As part of the landscaping scheme for the proposed development, management is proposed for the 'on site' SBI. In addition management is also proposed for an additional 'off site' SBI. An acceptable management plan has been submitted in respect of the 'off-site' SBI.

The proposed management plan will enhance the status of both of these designated sites, and therefore the proposal is considered to comply with policies NE7, NE9, NE11 & NE12.

It is considered that the SBI can be adequately protected via the imposition of conditions concerning:

- Protection of breeding birds
- Provision of features for breeding birds and roosting bats
- Protection of SBI during construction phase
- Submission and implementation of a 10 year management plan for on-site SBI
- Implementation of management of off-site SBI

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The principle of residential development has already been established at this site under application 09/0807M. The only areas for consideration are now the layout, scale, appearance and landscaping, and how the proposed dwellings relate to the surrounding area.

As part of the original application, an illustrative site plan was submitted and approved, which showed an indicative site layout for 35 dwellings. Following on from this, an application was submitted to vary conditions 5 & 6 on the outline approval, to alter the scale parameters. This application 10/3486M was also accompanied by an illustrative site layout plan, which was also approved. The site layout proposed in this application is similar to the one approved under 10/3486M, it proposes 35 No. two storey, two, three and four bedroom dwellings, a Village Green and a large area of Public Open Space, and a LEAP (Local Equipped Area for Play), in this case, an equipped toddler's play area.

The site layout is considered well organised and efficient in density terms, each dwelling has off-street parking and a private garden, and each dwelling is considered to be adequately spaced from its neighbours. In addition, the dwellings fronting onto New Street will add to passive surveillance for the area and the By-way generally. The request for the retention of the Lleylandi hedge is noted but this would segregate the development. The replacement landscaping provides for more appropriate native species and incorporates replacement planting which will enhance the character of the area.

All of the dwellings comply with the established scale parameters as set out by condition 6 under application 10/3486M. The dwellings are all two storey, the majority of which have a ridge height of 8.2 metres or less. The dwellings are to be fabricated in a traditional brick, with grey tiled roof. It is considered that the scale and external appearance of the dwellings is in keeping with the character of the area.

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site. A Landscape Management Plan has been received. Whilst the views of the Landscape Officer are awaited, it is not anticipated that there will be any issues of landscape design or management that could not be adequately resolved.

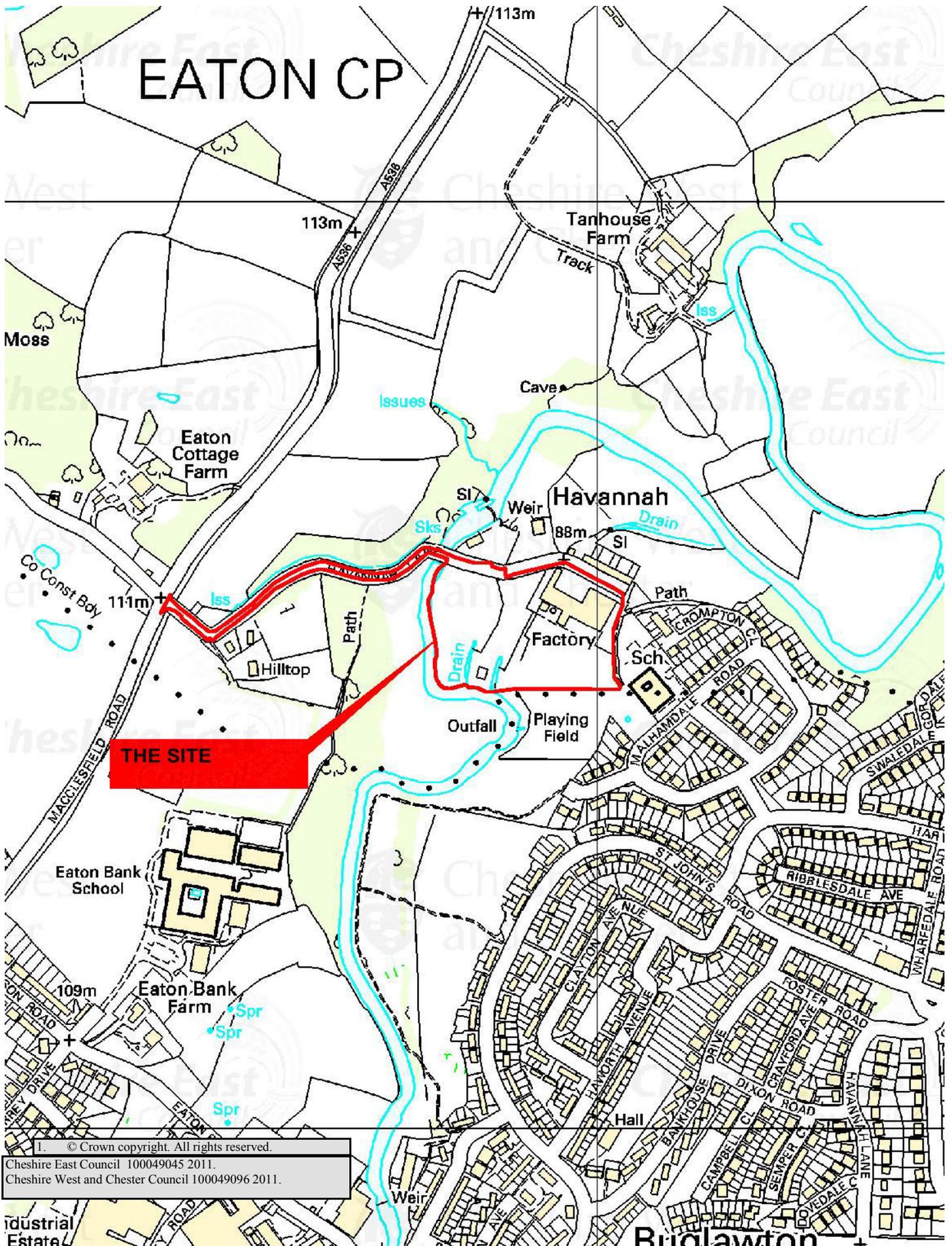
The proposed residential layout is considered to address the matters reserved by the original outline permission and comply with National, Regional and Local planning policies.

Accordingly, a recommendation of approval is made.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. To comply with outline permission
2. Time limit following approval of reserved matters
3. Development in accord with approved plans
4. Details of materials to be submitted
5. Landscaping (implementation)
6. Removal of permitted development rights
7. Submission of an updated Remediation Statement, prior to the commencement of development
8. External Lighting- submission of details



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CHESHIRE EAST COUNCIL

### Strategic Planning Board Update Report

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<b>Date of Meeting</b>	27 <sup>th</sup> July 2011
<b>Report on</b>	09/1018C Bridestones Shopping Centre, Victoria Street, Congleton, Cheshire. CW12 1DA.
<b>Proposal</b>	Full planning application for the erection of an extension to the Bridestones Centre comprising a food store, speciality A1 retail units, replacement market, A3 units, a hotel, car parking and servicing facilities and creation of a town square.

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#### **1.0 Purpose of the Report**

- 1.1 To gain a resolution from Members of Strategic Planning Board to approve amended plans and revised heads of terms.

#### **2.0 Decision Required**

- 2.1 Approve the amended plans and agree to the revised S106 Heads of Terms.
- 2.2 Grant planning permission subject to conditions and the prior signing of the S106 Agreement.

#### **3.0 Background**

- 3.1 On the 14<sup>th</sup> July 2010, Members of Strategic Planning Board resolved to grant planning permission for the proposed extension to the Bridestones Centre in Congleton subject to 38 conditions and the prior signing of a S106 Agreement.
- 3.2 The scheme approved by Members in July 2010 comprised a food store, 92-bed hotel, a series of speciality units, replacement market, car parking, service areas and creation of a new town square delivered over five levels.
- 3.2 The S106 Agreement extended to include heads of terms covering a number of areas which can be summarised as follows:
- Secure off-site highway works in respect of Mill Street, Stonehouse Green, Bridge Street/Duke Street and Market Street;
  - Secure details in respect of market provision, including physical infrastructure along with access and management arrangements;
  - Secure details in respect of the future use of the public square, rights of access, power supply and maintenance and management arrangements;
  - Include provisions for active frontage and restrictions on advertising space, shelving & display, and café use overlooking the public square;

- Secure a travel plan and associated monitoring fees;
- Secure provision for two hours free parking within the scheme; and finally
- Secure a financial contribution towards the cost of a public realm design strategy commissioned by Congleton Town Council of £10,000 or 50% of the costs (whichever ever was the lowest).

3.3 Following on from the resolution to approve, and over the course of the last twelve months, a substantial amount of work has taken place to progress and finalise the S106 Agreement, land deal and secure delivery of the scheme.

3.4 The Town Council has also undertaken further work to commission and develop a public realm strategy, whilst the applicant has also worked to finalise detailed internal specifications in respect of future occupiers.

3.5 As a result, it has been deemed necessary to secure a new resolution from Strategic Planning Board in order to secure approval of the amended plans and the proposed revised heads of terms.

#### **4.0 Consultation Responses on Amended Plans**

##### **4.1 Congleton Town Council**

No objection to the amended plans.

##### **4.2 Congleton Town Centre Manager**

No representation received.

##### **4.3 Strategic Highways Manager (SHM)**

No objection to the revised scheme subject to the imposition of the conditions outlined within the original consultation response.

##### **4.4 Other Representations**

An additional 14-day public consultation exercise was undertaken to notify residents, businesses and market traders who made representations on the original scheme. This expired on the 7<sup>th</sup> July 2011. No additional comments or representations were however received.

#### **5.0 Additional supporting information**

5.1 MHA covering letter with schedule of changes.

5.2 Revised site layout plan and elevations:

1SG1 1-003W Site Plan Princess Street Car Park Level 1  
1SG1 1-004V Site Plan Car Park Level 2  
1SG1 1-005P Site Plan Food Store Level  
1SG1 1-006L Site Plan Hotel Level  
1SG1 1-020C Roof Plan

1SG1 3-011 Elevations BB & CC  
1SG1 3-012 Elevations FF & MM  
1SG1 3-013 Elevations HH & KK  
1SG1 3-014A Elevations JJ & Section AA

1SG1 3-015 Elevations LL & NN  
1SG1 3-016A Elevation O-O

5.3 SBA Parking Provision Statement (June 2011)

**6.0 Outline Summary of the Proposed Alterations**

6.1 In overall terms, the applicants are seeking to make a number of alterations to the proposed development, the majority of which are minor in scale but some of which are more substantial. The changes are being sought for positive reasons to reflect the detailed end occupier requirements of the prospective tenants which at this stage are understood to be Morrisons and Travel Lodge.

6.2 The main changes are discussed in more detail below starting with alterations to the layout, followed by the proposed changes to the elevations.

**Alterations to Car park levels 1 (Princess Street) and 2.**

6.3 The applicants propose to make a number of alterations to the layout and configuration on car park levels 1 and 2. The main changes can be summarised as follows:

- Alterations to the food store service yard area in terms of loading, circulatory space and areas for product storage.
- Adjustments to the geometry of Princess Street to allow for improved HGV's access;
- Alterations to the car park layout to provide more efficient circulation space, bigger parking spaces and better gradients in respect of the access ramps to the car park levels 1 and 2;
- Amendments to the service core arrangements for both the hotel and market traders in line with the operators detailed requirements;
- Removal of ancillary accommodation from Princess Street level 1, which retains and relocates the shop-mobility store directly adjacent to a public access core and lift;
- The addition of a pedestrian crossing point and inclusion of further openings on to Princess Street in order to improve natural ventilation;
- The addition of dedicated hotel entrance points on each car park floor to provide customers with direct access to the hotel lobby area;
- Reduction in car parking provision by 28 spaces from 252 to 224.

**Market Square Level**

6.4 As a direct consequence of the proposed revisions at car park levels 1 and 2, a number of changes also occur at the market square level which essentially simplify the proposed servicing and access arrangements for the market users with a single new lift core being created to service both indoor and outdoor units. In addition, and following further investigations into land ownership, the footprint of the proposed café area has been reduced to take

out an element which was on land within the site edged red but outside the control of the applicant.

**Food Store Level**

- 6.5 In terms of the food store level, minor changes extend to include a shift in position of the food store entrance, realignment of the food store façade with the market units' façade and the removal of an internal wall to allow the food store to extend its proposed restaurant into the upper floor of the proposed café overlooking the new town square.

One substantial change is sought however, through the introduction of a 476m<sup>2</sup> mezzanine level within the store in order to provide ancillary staff accommodation.

**Hotel Level**

- 6.7 Following discussions between the applicants and proposed hotel operator, it is now proposed to remove the upper floor from the hotel and restaurant areas and rationalise the accommodation onto a single floor. This reduces the occupancy provision down from 92 bedrooms down to 65 bedrooms whilst reducing the overall footprint of the building.

**Roof Level**

- 6.8 Whilst the original scheme included provision for a single span of Green roof on the top floor, and included an array of solar panels at the northern end of the building, the revised plans have taken the approach of breaking the Green roof up into a series of smaller sections and relocating them to three smaller areas in a more prominent position within the public realm. In addition, the solar panels have been replaced with an array of PV cells located on top of the retail unit at the southern end of the public square.

**Changes to the Elevations**

**Mill Street**

- 6.9 The changes sought to the Mill Street façade are minor in nature. The applicants seek minor adjustments to the scale, proportion and alignment of the fenestration within the facade and include a provision to retain an old stone window surround from an existing building into the new façade. A number of new openings in the form of 'cellar windows' are also introduced at base level in order to provide natural light and ventilation to the basement car park areas.
- 6.10 A further change resulting from the revised hotel layout is that the stair tower is repositioned and reduced in height and width and the extent of the upper façade reduced along the length of Mill Street.

**Town Square and new pedestrian street elevations**

- 6.11 In addition to the realigned food store, alterations to the alignment and position of the hotel façade are also sought. The upper section of the façade, previously comprising brick would also be replaced with a composite panel material.
- 6.12 The adjustments also impact on the façade overlooking the new pedestrian street, which connects the town square to Mill Street with the amendments to reduce the hotel to a single floor reducing the overall height of the façade by

approximately 1m. In addition, the repositioned reception area would also directly overlook the new pedestrian street.

- 6.13 The alterations also extend to include a repositioning of the food store and hotel entrances within the façades, replacement of the escalators with a single lift and minor alterations to create a stronger corner.

## **7.0 Assessment of the proposed changes on layout and design**

### **Mill Street Facade**

- 7.1 Along the Mill Street façade, the changes are generally minor in nature. At street level, the plans propose a series of minor adjustments to the scale, proportion and alignment of the windows. They also include a set of stone arches, cills and mullions over the central 'arch', retained from a building identified for demolition, in a central position over looking the new pedestrian street. In this regard, officers are satisfied that the amendments are acceptable and serve to reinforce and enhance the Georgian design style.
- 7.2 At a higher level, the removal of the second floor of the hotel has minimal impact on the scale and proportion of the majority of the façade to Mill Street due to the fact that the floor was hidden behind the pitch of the roof. It does however mean that the width of the hotel can be reduced at the northern most point thereby reducing the scale and mass of the building and allowing the glazed tower and stair core to be reduced in width whilst still acting as a contemporary book end to the Mill Street elevation.
- 7.3 Officers are satisfied that the changes are generally cosmetic in nature, have a positive effect on the scheme, serving to reduce the scale and mass of the building at a point which does not adversely affect the Georgian design approach to the Mill Street facade.

### **New Pedestrian Street and Town Square**

- 7.4 As with Mill Street, the overarching design approach to the food store, restaurant and hotel elevations are retained but with minor alterations to the materials, alignment and food store access points. The alterations proposed would still however retain the contemporary appearance and provide high levels of vibrancy, activity and surveillance.
- 7.5 The adjustments to the proposed layout result in a variation of the uses at the upper levels with the previous hotel restaurant/café area being replaced with a new mezzanine floor within the food store. This would not undermine the however because this approach still provides a high degree of activity and surveillance with staff accommodation directly overlooking the square.
- 7.6 Whilst the loss of the open terrace to the food store café is unfortunate, the enclosed restaurant created in its place still delivers and active use and high levels of surveillance over the town square.
- 7.7 The area of brickwork on the façade overlooking the new pedestrian street positioned between the glazed food store frontage and the composite panels of the hotel deck will require further consideration. In this respect, the loss of the former hotel bedroom windows and their replacement with a stretch of unbroken brickwork does need further consideration to provide a basic level

of articulation. This could be simply resolved by way of an additional condition to control the precise treatment of the brickwork panel.

- 7.8 In terms of the replacement of the proposed brick façade with a composite cladding to the hotel, officers consider that this will sit comfortably within the contemporary elevations whilst also serving to reduce the scale and mass of the upper section of the building.
- 7.9 The final proposed change to the elevations relates to the position of the proposed clock tower. In this regard, the applicant considers that it would have limited impact in the location originally proposed and therefore seeks to relocate it over the roof of the access core in the corner of the town square. Whilst officers are happy to agree to the revised position, the precise design of the tower still needs to be worked up. It is therefore proposed to retain the clock tower condition but widen its scope to also allow for the possible inclusion of a piece of public art as an alternative to the clock.

### **Layout**

- 7.10 As outlined within the earlier sections of this report, many of the proposed alterations to the layout are minor in nature with a view to enhancing pedestrian accessibility between floors and revising access arrangements for market traders following discussions between the applicant and City Markets.
- 7.11 There are however a number of substantial alterations which need to be considered in more detail:
- notably the servicing arrangements for the proposed food store;
  - car park layout arrangement;
  - the proposed inclusion of an mezzanine floor; and
  - the reduction of the proposed hotel to a single floor.
- 7.12 Starting with the servicing and access arrangements for the foodstore, the resulting changes allow for a more efficient operation of the servicing bay, having particular regard to HGV access and movements. After examining the revised plans the Strategic Highways Manager has confirmed that he has no objection to the revised approach and that he considers it acceptable from a highway safety perspective.
- 7.13 Alterations to layout of the car park levels are also sought to more closely meet the prospective occupiers requirements. After consideration of these changes, the Strategic Highways Manager is satisfied that they present a more effective and user friendly layout with reduced ramp gradients, wider car parking spaces, better internal radii and more efficient circulatory space. Furthermore, from a safety perspective, the alterations result in more visible pedestrian entrances to the hotel to connect directly into the hotel lobby area; a particularly important feature for night time operation.
- 7.14 Similarly, alterations to the layout and arrangement of the proposed hotel are sought to more accurately reflect the requirements of the prospective operator by reducing the number of bed spaces from 92 to 65 across a single floor. A further benefit arising from these changes is that the repositioned lobby area is now directly overlooks the pedestrian street.

- 7.15 The biggest alteration to the scheme occurs internally as a result of the proposed introduction of a 497m<sup>2</sup> mezzanine floor within the food store. The mezzanine floor is proposed solely for ancillary use (for staff facilities, offices and training suite) rather than creating additional retail space. Additionally, the introduction of the mezzanine floor preserves the active uses within the town square façade and does not undermine the overall design approach. However it is considered necessary to impose an additional condition to control the nature and use of this additional space in order to ensure that it remains as ancillary accommodation and that active uses are retained to the town square façade.
- 7.16 Taking all these factors into account, officers are satisfied that the proposed alterations to the layout and design are acceptable, do not alter the scale and mass of the scheme to any great degree and preserve the most important aspects of the scheme in terms of active facades, delivery of the new retail circuit and a sympathetic design approach to Mill Street. The proposed changes are therefore considered to meet the requirements of PPS1, policies DP1, DP2 and DP7 of RSS, policies GR1 and GR2 of the Local Plan as well as the Princess Street Development Brief.

### **Sustainability**

- 7.17 Over the course of the last twelve months, the applicant's have also given further consideration to issues relating to sustainability and the use of the Green roof as a single span feature on the top deck of the scheme.
- 7.18 Due to the sheer weight of a single span Green roof, the applicants now propose to break the Green roof down into three discrete sections but in locations that would be much more visible from within the public realm. Whilst the three areas would be smaller in overall terms than the single span, officers are satisfied that the approach is a far better demonstration of the Green credentials rather than a single roof sited on the top deck, being only visible to hotel guests.
- 7.19 The inclusion of an array of PV cells in a prominent position on the roof of the speciality retail reinforces this. Notwithstanding this, there is still a requirement to impose a condition to secure the precise strategy in respect of how the 10% renewable energy requirement will be met.

### **Impact and consideration of reduced car parking provision**

- 7.20 As a direct result of the proposed alterations to the layout and circulatory arrangements on car park levels 1 and 2, the overall level of car parking spaces is proposed to be reduced from 252 to 224, a net loss of 28 spaces.
- 7.21 Whilst this amounts to an 11% reduction, the Strategic Highways Manager is satisfied that this would not adversely impact upon highway safety and that the provision would serve to adequately meet the needs of the development. In reaching this view, the SHM has had particular regard to the 30% reduction in the number of hotel bedrooms which helps to off-set the loss.
- 7.23 Officers are therefore satisfied that the proposed alterations would accord with the requirements of policy EC18 of PPS4, DP11 of RSS and policies GR1, GR9 and GR18 of the Local Plan.

**8.0 Proposed Alterations to the S106 Heads of Terms**

8.1 Over the course of the last twelve months, officers have been working closely with the developers to finalise the terms of the S106 Agreement. During this period, the circumstances surrounding certain aspects of the original proposed heads of terms have now been changed and there is therefore a need to secure agreement from members to a number of revisions.

**Market Provisions**

8.2 In addition to the application delivering the physical space and infrastructure necessary for the market to operate, the original proposed S106 heads of terms sought to secure further details relating to the physical operation and management of the market itself.

8.3 However, it is not appropriate for the S106 Agreement to include market management arrangements because they are not planning related issues.

8.4 As such, whilst it is still proposed that the S106 Agreement delivers the new stalls, anchor points and pop-up sockets, the future operation of the market is a matter that would need to be covered by management arrangements outside the planning process.

**Treatment of the Public Realm within Mill Street**

8.5 At the time of determining the committee report in July last year, a range of off-site highway works had been agreed in order to deliver enhancements to a number of areas of public realm within the town centre.

8.6 The main aspect of the proposed works related to the enhancement of the environment to Mill Street, and in particular works to secure enhancements to the footpath route necessary to deliver the proposed retail circuit.

8.7 The proposed works also extended to include:

- Enhancements to the Stonehouse Green steps,
- Street furniture within Bridge Street and Duke Street,
- A financial contribution towards cleaning of the existing shared surface along both Bridge Street and Duke Street.
- Provision of a pedestrian surface level crossing to Market Street

8.8 The applicants also agreed to contribute £10,000 or 50% towards the commissioning by Congleton Town Council of a public realm strategy.

8.9 Following on from the original report, the public realm strategy (PRS) has now been substantially completed which resulted in further discussions between the council, town council and applicant's with a view to amending the Mill Street scheme to more accurately reflect the design aspirations of the PRS.

8.10 Following these discussions, and whilst it has become apparent that the aspirations of the PRS for Mill Street cannot be fully implemented in their entirety due to costs far exceeding those associated with the approved scheme, a readjustment of the approved scheme (focusing around two larger, pedestrian priority areas, new tree planting and a more varied palette of materials) could be facilitated if the heads of terms are revised.

- 8.11 It is therefore proposed to redirect money previously identified for cleaning Bridge Street, and providing up to 4 new planters and benches within the Bridge Street area, back into the works to Mill Street in order to secure a more comprehensive scheme of public realm works to be agreed which more closely reflect the findings of the PRS. In addition, it is also proposed to build in greater flexibility in respect of the exact scheme of works proposed for the Stonehouse Green, again with the view to redirecting funding back into the Mill Street scheme.
- 8.12 This approach has the support of both the applicant and town council and it is therefore proposed to revise the wording in respect of heads of terms as detailed within the recommendation at the end of this report.

### **Community Infrastructure Levy Considerations**

- 8.13 The original committee report considered the requirements of the S106 Agreement against the tests within the Community Infrastructure Regulations 2010. The proposed changes do not however seek to introduce additional infrastructure requirements and it is not therefore considered that a fresh assessment against the CIL Regulations tests is required in this case.

### **New or Amended Conditions**

- 8.14 A minor correction is proposed to condition 14 in respect of net retail floorspace. In the previous suggested condition, a figure of 1013sq.m was used, this should have read 1103sq.m. It will therefore be corrected accordingly.
- 8.15 Proposed condition 5 will be amended to allow for the possible inclusion of an element of public art instead of a clock tower feature.
- 8.16 Two new conditions are also proposed. The first to allow the precise design of the brick section to elevation L-L to be agreed for reasons described within the report and the second to control the nature and use of the proposed mezzanine floor.

## **9.0 Conclusions and Recommendation**

- 9.1 a) That Members approve the amended plans and revised heads of terms.
- b) That Members approve the application subject to conditions and subject to the prior signing of a S106 Agreement:

### **Proposed Heads of Terms**

#### **1. Off-site Highway Works**

##### **(a) Mill Street Enhancements**

That prior to the commencement of development, the agreement shall secure the submission, delivery timeframe and detailed material specification for a scheme for public realm enhancements to Mill Street.

The scheme shall be based around the provisions of SAB Plan 11 - DWG no N60749/11 Rev D with alterations to more accurately reflect the alternative

design which emerges from the Town Centre Public Realm Study. The approved scheme shall then be implemented in accordance with an approved timescale

(b) Stonehouse Green

That prior to the commencement of development, a detailed scheme for enhancements to the Stonehouse Green pedestrian route is submitted, approved and implemented in accordance with a detailed timetable to be agreed. That the provision of funding for these works can be alternatively invested into the proposed works to Mill Street as identified at 1(a)

(c) A54/A34 Rood Hill Junction Improvement

Secure a financial contribution prior to the commencement of development of no more than £45,000 towards the upgrade of the junction through replacement of the existing signal controller.

(d) Treatment of Victoria Street

Continuation of the agreed public realm treatment for the proposed Town Square along the length of Victoria Street connecting to Bridge Street in accordance with precise details and timeframe to be agreed.

(e) Provision of new surface level pedestrian crossing island to Market Street in accordance precise design and timeframe to be agreed with the Council.

## **2. Market Provision**

Provision to cover the following: -

a) That prior to the first occupation of the hereby-approved food store, or an alternative timescale as may be agreed in writing by the Local Planning Authority, the applicants purchase and make available for use 36 new pop-up market stalls in accordance with a detailed specification to be agreed in writing by the Council.

b) The applicant to purchase anchor points for any new stalls which are to be laid out in the new public square in a location and arrangement to be agreed in writing with the Council within an agreed timeframe.

c) The applicant to install pop-up sockets (or alternative power point specification) within the new public square in a location and arrangement to be agreed in writing with the Council within a timeframe to be agreed in writing by the Council.

## **3. New Public Square**

Provisions to ensure the following: -

a) That no less than 12 events per annum, where they are agreed with the Town Council and Cheshire East Borough Council, can be held within the proposed public square.

b) To secure installation of facilities for lighting and power for public events within the new square in accordance with details to be agreed within the Council prior to the commencement of development and implemented prior to the first occupation of the food store or other such time as may be agreed in writing by the Local Planning Authority.

c) Ensure public access to the square at all times unless otherwise agreed in writing with the Local Planning Authority (LPA).

d) That prior to the commencement of development, the detailed design, material specification and landscape plan for the proposed public square is agreed in writing with the LPA and fully implemented in accordance with the approved plans prior to the first occupation of the development

#### **4. Restrictions**

a) Prevent the erection of shelving and display of advertisements within windows overlooking public realm within the proposed public square and Pedestrian walk way connecting to Mill Street and that a minimum of 75% of the ground floor windows overlooking Mill Street remain un-obscured of shelving, any form of advertisements or other structures.

b) That a café use by incorporated the food store floorspace overlooking the public square in accordance with precise details to be agreed in writing with the Council prior to fist occupation of the development.

#### **5. Framework Travel Plan**

a) To secure submission and implementation of a detailed Travel Plan based around the submitted Framework Travel Plan, to be agreed in writing by the Council with specific provisions and trigger mechanisms for the occupiers of the food store and hotel elements.

b) Secure a financial contribution of £5000 toward monitoring of the Travel Plan, returnable after 5-years should the Council not utilise the funds for monitoring of the agreement.

#### **6. Secure Two Hours Free Parking**

#### **7. Public Realm**

A contribution of £10,000 or 50% (whichever is the lower) to the cost of a Public Realm Design Strategy commissioned by Congleton Town Council. Any cost savings which arise between (i) the implementation of the specification contained in the Strategy or of off-site highway works (if completed beforehand) and (ii) the applicant's indicative costings for those works, shall be used to further enhance the public realm.

#### **Proposed Conditions**

1. 3 Year Time Limit.
2. Development in accordance with the approved plans.
3. All external facing materials to be submitted and approved prior to the commencement of development and implemented in accordance with the approved details.

#### **Design Related Matters**

4. Development to be constructed with Green Roof, the details of which shall be submitted and approved prior to the commencement.
5. Precise design and materials specification of the feature tower to be submitted and approved prior to the commencement of development.
6. Minimum 100mm window reveal depths to the Mill Street Façade unless otherwise agreed in writing by the Local Planning Authority.
7. Site levels in accordance with approved drawings Environmental Health
8. Environment Agency contaminated land condition.
9. Further gas monitoring to be undertaken and scheme for gas protection measures submitted and approved prior to commencement of development.
10. Scheme for noise mitigation to achieve a BS8233: 1999 "Good Standard" to hotel bedrooms to northern and western facades to be submitted and approved prior to the commencement of development.
11. Scheme for noise mitigation to plant and equipment within the development for each phase of development in accordance with BS4142.
12. Submission of a Construction Environmental Management Plan to cover the following areas: -
  - a) Restriction on hours of demolition, construction and deliveries in accordance with those specified by Environmental Health
  - b) Submission of detailed scheme for measures to mitigate dust
  - c) Details of road sweeper provision during demolition and construction
  - d) Identification of storage and delivery areas within the site
  - e) To prevent materials being burnt on site
13. Scheme for ventilation and extraction equipment for the café and restaurant uses, extending to also include kitchen and bakery areas within the proposed hotel and or food store, to be submitted and approved for each phase of development and implemented thereafter.

#### **Retail Conditions**

14. Ensure total net retail floorspace with the food store is restricted to 3583m<sup>2</sup> with a maximum 2480m<sup>2</sup> net convenience floorspace and a maximum 1103m<sup>2</sup> net comparison floorspace. In addition a percentage based approach is adopted to allow flexibility with a 70% convenience and 30% comparison goods split.
15. Restriction within the food store to prevent the inclusion of an instore pharmacy and post-office.
16. Mezzanine level for ancillary accommodation only as specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

#### **Highways and Drainage**

17. Restriction on food store opening hours Highway and Drainage Conditions

18. All car parking spaces proposed within the development to be fully available prior to the first use of the hereby-approved development.

19. Submission of surface water regulation and drainage strategy prior to the commencement of development and implementation of thereafter.

20. Prior to first occupation, precise details of cycle parking facilities to be submitted and approved.

21. Site to be drained on a separate system with only foul drainage connected into the existing foul public sewer which crosses the site. Surface water to be discharged into the Howty Brook.

## **Specific Conditions**

22. Relocation of War plaque to a location to be agreed in writing prior to the commencement of development and fully implemented thereafter.

23. No development to commence until the temporary market facilities to the Fairground Site have been fully implemented in accordance with approved details unless otherwise agreed in writing with the Local Planning Authority.

24. Scheme for detailed archaeological investigation to be submitted and agreed prior to the commencement of development with a mechanism to ensure a mitigation strategy is agreed with the Local Planning Authority where necessary and fully implemented thereafter.

25. Prior to commencement of development a scheme for CCTV to be submitted and approved by the Local Planning Authority and fully implemented thereafter.

26. Prior to commencement of development a scheme for external lighting for the development site shall be submitted and approved by the Local Planning Authority and fully implemented thereafter. This is to also include town direction signage.

27. Prior to commencement of development detailed scheme for lighting and physical security measures for the Princess Street underpass to be submitted and approved by the Local Planning Authority and fully implemented thereafter.

28. Prior to commencement of development detailed scheme for security measures to all retail (excluding the food store) and internal market units to be submitted and approved by the by the Local Planning Authority to include details of internal roller shutters, panic and intruder Alarms and CCTV and fully implemented thereafter.

29. Prior to commencement of development, precise details of toilets which are available for public use to be submitted and approved in writing by the Local Planning Authority and fully implemented thereafter.

30. Detailed Landscape Plan to be submitted

31. 5-year landscape management condition

**Ecology**

32. Detailed scheme for implementation of Bat habitat creation/mitigation in accordance with recommendations within the applicants report to be submitted and approved in writing by the Local Planning Authority and fully implemented thereafter

33. Standard breeding bird condition

34. Submission of a Site Waste Management Plan prior to the commencement of development and fully implemented thereafter

35. Restriction to use classes - Restaurant & Café Uses. Excluding café within food store element which is included within the S106 Agreement

36. Phasing mechanism to ensure:-

a) That a construction timetable and overall build approach is agreed with the Council prior to the commencement of development and is fully implemented in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

b) Requiring that no part of the development be occupied until such time as the development has been fully constructed (externally) and completed in accordance with the approved plans.

37. Precise design of gable wall adjoining 19 Mill Street to be submitted and agreed in writing and fully implemented thereafter.

38. 10% renewable energy condition, precise details of power voltage optimisation system to be submitted, agreed in writing and fully implemented thereafter.

39. Precise details of Shop Mobility and time frame for implementation to be submitted and be agreed.

40. Precise design of the brick panel to elevation L-L to be submitted and agreed in writing prior to the commencement of development

41. Precise details for means of enclosure of the parapet wall adjacent as shown on elevation N-N shall be submitted and approved in writing and be fully implemented prior to first occupation of the hereby-approved food store.

## CHESHIRE EAST COUNCIL

### REPORT TO: STRATEGIC PLANNING BOARD

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**Date of meeting:** 27th July 2011

**Report of:** Head of Planning & Housing

**Title:** Planning Appeals: Land at Marriot Road / Anvill Close / Forge Fields and South of Hind Heath Road, Sandbach

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#### **1.0 Report Summary**

1.1 The purpose of this report is to inform the Board as to the Secretary of State's decision in respect of recent planning appeals at Hind Heath Road, Sandbach.

#### **2.0 Decision Requested**

2.1. That the report be noted.

#### **3.0 Reasons for Recommendations**

3.1. The report is for information only.

#### **4.0 Wards Affected**

Sandbach Ettiley Heath and Wheelock

#### **5.0 Appeal Decision**

5.1 The Council has been notified of the Secretary of State for Communities and Local Government decision in respect of a planning appeal in Sandbach. The Inspector who heard the appeal recommended that the appeals be allowed and planning permission be granted subject to conditions. However, the Secretary of State disagreed with the Inspector's recommendation and has decided to dismiss the appeals.

5.2 The appeal concerned the Council's refusal of planning permission for a development of up to 269 dwellings (including 40% affordable housing) on 7.5 acres of agricultural land on the southern outskirts of Sandbach. A second associated appeal related to the provision of a 3m wide shared footpath / cycleway adjacent to a section of Hind Heath Road.

5.3. The appeals were recovered for the Secretary of State's determination as it involved development of more than 150 dwellings on a site of over 5 hectares which would significantly impact upon the Government's objectives:

- To secure a better balance between housing demand and supply.

- Create high quality, sustainable, mixed and inclusive communities.

5.4 The principal appeal was refused for three reasons which can be summarised as follows:

1. Being outside the Settlement Zone Line and in the open countryside, the proposals would be contrary to the development plan. Although there was less than a 5 year supply of housing land, it would undermine the spatial vision and wider policy objectives as the site is on the edge of Sandbach, rather than Crewe.
2. The proposal development would have been contrary to PPS3 and would have prejudiced the development of brownfield sites in Sandbach.
3. The proposal would involve the removal of an 'important' hedgerow

5.5. The Inspector found that:

- The proposals would cause material harm to countryside protection policies.
- Significant weight should be given to the shortfall in Borough wide housing land supply.
- The scheme would assist in averting the risk of a 5 year requirement for new dwellings in Sandbach.
- The proposal would have a materially beneficial effect in respect of affordable housing.
- The proposal would be consistent with the spatial objectives of the development plan (in so doing he gave limited weight to the Council's Interim Planning Policy for the Release of Housing Land)
- The proposal would not cause material harm to regeneration proposals in the area involving the development of brownfield sites.
- Because of limited local employment and the site's distance from the town centre, the proposal would not be '*wholly consistent with national policies on planning and climate change*'.
- The loss of a section of 'important' hedgerow would be a disadvantage.

5.6 The Inspector concluded that the '*significant need*' for additional market housing and affordable housing outweighed the disadvantages of the development and recommended approval.

- 5.7 The Secretary of State disagreed. He considered that there was sufficient land to meet the 5-year housing requirement in Sandbach (accepting the Council's assessment of supply rather than the appellants). Although agreeing that there was no clear cut evidence, he agreed with the Council that if the appeal site proceeded it would make it extremely difficult for committed brownfield sites in the area to be developed, thus putting at risk the achievement of the Regional Spatial Strategy target of 80% of housing development on brownfield sites.
- 5.8 The Secretary of State considered that the development would be contrary to the countryside protection policies in the Local Plan outside the clearly defined settlement boundary and thus contrary to the key principles of Planning Policy Statement 7.
- 5.9 The Secretary of State also found that the location of the site, at some distance from the town centre and railway station, and with limited local employment, would not be consistent with Government policies on planning and climate change.
- 5.10 However, he did agree that there was scope for new development in a town such as Sandbach and the size of the development was consistent with the spatial objectives of the development plan.
- 5.11 Having weighed all these considerations in the planning balance, the Secretary of State reached the conclusion that the scales were tipped against the proposal in terms of its overall conformity with the development plan, its conflict with PPS7 and national planning policies for planning and climate change.

## **6. Implications**

- 6.1 This is a key appeal decision and the Secretary of State's decision are welcomed. However, there are some aspects of the Inspector's report and the Secretary of State's decision that should be noted and taken into account in future planning decisions of a comparable nature. These are as follows.
- 6.2 The Council's case that the development would be contrary to the Spatial Vision for the area (i.e. Regional Spatial Strategy, the Local Plan, the Interim Planning Policy for the Release of Housing Land, the Local Development Framework Issues and Options report) was not upheld by either the Inspector or the Secretary of State.
- 6.3 The issue of prematurity in respect of the Local Development Framework, although raised by the Council at the Inquiry, doesn't figure in either the Inspector's or the Secretary of State's reasoning.
- 6.4 The appeal decision introduces the notion of a 5 year supply requirement for an individual town in addition to the Borough wide position. In practice

however, this could practicably only apply in the former Congleton Borough area because, of our existing Local Plans, only the adopted Congleton Borough Local Plan contains policy guidance as to the numerical distribution of housing development between the main towns.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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