

Strategic Planning Board

Agenda

Date:	Wednesday, 5th December, 2012
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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.

a) **Planning Updates** (Pages 1 - 30)

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

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 31 - 46)

To approve the minutes as a correct record.

4. **Public Speaking**

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **12/3329C-Mixed-Use Retail, Employment and Leisure Development, Land south of, Old Mill Road, Sandbach for Mr Carl Davey (Pages 47 - 74)**

To consider the above application.

6. **12/4115N-Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works, Fields between the A5020 Weston Road and the A500, with an additional area to the South of the A500 off Weston Lane, Crewe for Kevin Mellings, Cheshire East Council (Pages 75 - 98)**

To consider the above application.

7. **12/3937M-Erection of dwelling, Longlea, Langley Road, Langley, Cheshire for David Clarke (Pages 99 - 108)**

To consider the above application.

8. **Land at Mill Street/Lockitt Street, Crewe (Pages 109 - 114)**

To consider the above report.

9. **12/2440N-Outline Application - Proposed Residential Development, Land off Queens Drive, Nantwich for Gladman Developments Limited (Pages 115 - 162)**

To consider the above application.

10. **12/3025C-Erection of up to 40 Dwellings, Open Space, Associated Landscaping, Infrastructure and Access, Land off Goldfinch Close and Kestrel Close, Congleton, Cheshire for Michael Johnson, Seddon Homes Limited (Pages 163 - 190)**

To consider the above application.

11. **12/3028C-Erection of up to 40 Dwellings, Open Space, Associated Landscaping, Infrastructure, Access and Demolition of Portal Shed, Land off, The Moorings, Congleton for Michael Johnson, Seddon Homes Limited (Pages 191 - 218)**

To consider the above application.

12. **WITHDRAWN-12/0682C-Creation of a New 27 No. Bedroom Hotel, 2 No. Garden Suites an a '19th hole' building with associated car parking.Minor Modifications to the Golf Course and Construction of 7 No. Dwellings to Kings Lane (as enabling development) for Community Leisure Facilities (Bowling green/Hut and 3 no tennis courts) to be provided within the Golf Course, Woodside, Knutsford Road, Cranage, Holmes Chapel, Crewe, Cheshire for Woodside Golf Club (Pages 219 - 242)**

To consider the above application.

13. **12/3020N-Removal of Condition 1 of 09/4331N - Change of Use as a Residential Caravan Site for 8 Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstandings and Provision of Foul Drainage, New Start Park, Wettenhall Road, Reaseheath, Nantwich, Cheshire for Mr Gwyn Hamilton (Pages 243 - 254)**

To consider the above application.

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

RESOLVED-That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

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

- a) **12/1445N-Whittakers Green farm, Pewit Lane, Bridgemere, Cheshire (Pages 255 - 258)**

To consider the above report.

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Application No: 12/3329C
Location: Land South of Old Mill Road, Sandbach
Proposal: Mixed-Use Retail, Employment and Leisure Development
Applicant: Carl Davey, The Point, Crewe Road, Alsager
Expiry Date: 28th November 2012

UPDATE 5th December September 2012

Applicant's Supporting Information

The applicant has now provided the following additional information:

- Retail Response Note in relation to the Councils Retail consultation
- Agricultural Land Quality Appraisal
- Additional info in relation to Ecology
- Additional info in relation to Trees
- Additional info in relation to Highways

This information is available to view on the application file.

Officer Comments

Agricultural Land Quality

A survey of the agricultural land has now been provided this states that the area of farmable land extends to approximately 7.65ha and just under half is classed as Grade 2 (best and most versatile) with the rest being Grade 3b or 4 due to the steep gradient.

In this case the loss of Grade 2 agricultural land needs to be added to the planning balance and as the use of this land is not demonstrated to be necessary. As a result this issue will form a reason for refusal.

Ecology

The applicant has provided additional information for on-site ecological mitigation principles. These have been forwarded to the Councils Ecologist who states that a plan of what is being proposed is required and a further site visit will be required to assess if what is being proposed is adequate to address the loss of habitat in the wildlife corridor.

The Councils Ecologist is satisfied that this land provides suitable opportunities to allow a scheme to be developed that will work – however he is also conscious that the landowners want this land to stay in agricultural usage so he will need to look closely at how these two land uses could be integrated.

As a result we are not yet in a position to agree that the impacts on the wildlife corridor can be mitigated and this will form a reason for refusal.

Trees

The submitted information does not include a plan and it is difficult to assess the additional information.

The Arboricultural Statement says at Para 6.6 that the development would result in a small amount of unavoidable tree loss. However it is not clear which trees would be lost. In particular there does not appear to be any assessment of the extent of level changes which would be required to facilitate the internal access arrangements and proposed layout in relation to the Root Protection Areas of trees particularly as it is stated below that indicative layouts may change.

Highways

With regard to the additional information submitted in their Tech Note 6, the highways officer still has some fundamental concerns with the development.

There are issues relating to the surveys used compared to those that Cheshire East Council has undertaken. The junctions of the Waitrose Roundabout and the Old Mill Road/The Hill junction are operating at capacity and the amount of traffic that can pass through them is at their limit. As there are considerably longer queue lengths that means that there is much more demand than included in the turning counts. As a result these vehicles are not included in the modelling which the applicant carried out. Also, in some movements our traffic counts are significantly higher so the junctions will operate a worse than they have modelled.

The Highways Officer is not happy with the safety audit which has been submitted for the following reasons:

- The improvement proposals show two lanes northbound towards the Old Mill Road/The Hill junction these are very narrow lanes no more than 3.0m (3.65m normally) and the risk of collision has not been assessed.
- Tracking for two HGV's in both lanes at the roundabout has not been assessed.

The toucan crossing has not been designed adequately; a much wider separation on the stagger is needed (min 3m, currently 0m).

The Old Mill Road/The Hill junction is one of the most important issues. It has been argued that the change in layout means that green time can be taken away from the westbound approach and redistributed to improve capacity across the junction, this is over optimistic as the applicant's highways consultant has shared traffic evenly between the two lanes on the westbound approach to the junction. In practice this does not happen and the minor extension of the merge on the exit of the junction is unlikely to significantly change existing driver behaviour, also the length of merge is not 100m as required.

Despite the modelling showing the junction operating within its capacity the Mean Max Queue values on the eastbound approach exceed 150m in the peak hours; this will lead to queuing through the Waitrose Roundabout junction impacting on junction operation in this location. It is also unclear how/if pedestrians are included in the modelling at the junction.

The recommendation of the highways officer remains unchanged and this will form a reason for refusal.

Design

The application is outline with only access to be determined at this stage. Although there are concerns over the indicative layout it is considered that these concerns could be addressed at the Reserved Matters stage and as a result this reason for refusal has been withdrawn from the recommendation.

Retail Impact

Further information has been submitted by the applicant in relation to the retail impact of the development and this was received on 4th December 2012. This has been forwarded to the Councils Retail Consultant and at the time of writing this report no response has been received. A verbal update will be provided.

RECOMMENDATION

Following further consideration of the additional information and the officer's report the recommendation is amended as follows:

1. The proposed development relates to an out-of-centre retail development which fails to satisfy the sequential test and does not satisfy the retail impact test of the NPPF (Para's 24 & 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed development is not considered to be sustainable development and would have a significant adverse impact upon Sandbach in terms of the impact upon the vitality and viability of the town centre. The proposed development is therefore not sustainable development and contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.

2. The proposed access and improvements at the Old Mill Roundabout and the junction of The Hill/High Street/Old Mill Road would not mitigate the impact of the proposed development which is reliant on carborne trade. The development would result in increased congestion at these junctions which are already at capacity. As a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.

3. Part of the application site is located within the Sandbach Wildlife Corridor and the proposed development would result in a significant loss of habitat within the wildlife corridor. The proposed development does not include any details mitigation to off-set this impact and as a result, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).

4. The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality, noise and odour. Without these assessments it is not possible to fully assess the impact of the development upon surrounding residential properties and as a result there is a potential detrimental impact upon residential amenity. Therefore the proposal is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution and protect residential amenity.

5. The proposed development is an inappropriate form of development within the open countryside. The development would not preserve the openness of the countryside and maintain or enhance its local character. Therefore the proposal would not be sustainable development and would be contrary to the provisions of Policies PS3 and PS8 of the adopted Congleton Borough Local Plan First Review and the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside.

6. The proposed development would involve the loss of the best and most versatile agricultural land. As the proposed development is not necessary it would not represent sustainable development as it would result in the loss of a finite resource. The proposal is therefore contrary to paragraph 112 of the NPPF.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application No: 12/4115N

Location: FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE

Proposal: Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works.

Applicant: Cheshire East Council

Expiry Date: 19-Feb-2013

UPDATE 5th December September 2012

Additional Consultation Responses

Health and Safety Executive: As explained in HSE's letter of 7 October 2011, which provided advice in respect of planning application 11/1982N, the pipeline in this area has been strengthened using thick-walled pipe, which reduced the HSE consultation distance and zones which apply to the pipeline in the vicinity of the proposed development. Nevertheless, when a proposed road development crosses a major accident hazard pipeline, PADHI+, the HSE's land use planning methodology, will automatically advise against the granting of planning permission, despite any additional protection which may have been provided and which may have reduced the extent of the zones.

However, after careful consideration of the risk reduction measures that have been applied to this pipeline in the vicinity of the site of the proposed dual carriageway, HSE does not advise against the granting of planning permission in this specific case.

Environment Agency: No objection in principle but request that the following conditions are attached:

- The development permitted shall only be carried out in accordance with the approved FRA
- The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.
- A surface water regulation scheme shall be submitted to the LPA for approval in writing
- A detailed design for the provision of flood defence structures shall be submitted to the LPA
- No development shall take place until a scheme for the provision and management of a 8 metres wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.

- Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
- No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand martins and their associated habitat during construction works and once the development is complete
- Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority
- No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority
- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.

Crewe Green Parish Council: The Parish Council would like to support the principle of extending the proposed road as it will relieve traffic on the surrounding road network. However as a consequence, it is understood that this proposal will increase the traffic on the Crewe Green Roundabout by up to 30%. It is therefore requested that if CEC approve this development, sufficient funds should be obtained from the Applicant by way of a Section 106 Agreement for use directly for the improvement of the Crewe Green Roundabout to take account of the consequential increase in traffic and the inevitable further congestion.

Additional Representations

An additional letter of objection has been received from the occupants of The Coach House raising the following points:

- Object to the borrow pit and the use of the access gate on Weston Lane
- Details of the borrow pit are vague
- The Coach House has a legal right of way to use the access gate. Sharing the access with HGV's will impact upon safety including that of children
- The access gate will be difficult to use when it is wet
- Accessibility is difficult and would cause highway safety problems
- Potential impact upon horse riders and pedestrians who may use the lanes
- Concern about the potential damage to services which are located near to the access
- Potential vibration impact caused by construction vehicles due to the proximity to The Coach House
- Loss of outlook caused by the borrow pit
- Excavations may compromise the borrow pit

A further e-mail has been received from the occupants of Dairy House raising the following points:

- Appreciate that the proposed works are meant only to last for an estimated period of 13 days for the excavation and a similar period for the fill material

but there could be uncertainty depending on the source and availability for the fill material and any restoration. The following detail are not clear: are the working days consecutive, details of the backfill, will there be baffle mounds or lighting

- Planning conditions should apply to all aspects of the development
- The working hours should be restricted to 09:00 – 17:00 and this should include the arrival of staff, vehicles and haulage vehicles
- The noise levels should be controlled
- The proposed access its design and position need to be reconsidered
- The source and fill material should be known
- The vehicle park and plant positions should be identified together with any security fencing and lighting

Applicant's Supporting Information

The applicant has now provided a Technical Note for the construction of the borrow pit.

Officer Comments

Flood Risk and Surface Water Quality

A consultation response has now been received from the Environment Agency in relation to the issues of flood risk and surface water quality. The EA has raised no objection to the development subject to the imposition of a number of planning conditions. As a result the development is considered to be acceptable in terms of its flood risk and surface water quality issues.

Impact upon the Hazardous Installation

The HSE have considered the application and have raised no objection to the proposal. As a result the impact upon the pipeline is considered to be acceptable.

Highways

Crewe Green Parish Council has requested that S106 contributions are secured to assist with the upgrade of Crewe Green Roundabout. This is not possible as Cheshire East Council is the applicant and is not able to enter into a S106 Agreement with itself.

Borrow Pit

Further information has been provided in relation to the borrow pit and it has raised the following points:

- The potential requirement of the borrow pit is related to the phasing of the earthworks of the scheme and the sequence in which material becomes available rather than the deficit in the amount of material arising from the works.
- The borrow pit will be back filled at the end of the works

- The highway design will require a bulk volume of approximately 25,800cu.m of acceptable highways structural earthworks material. The highway design alone would result in the excavation of 10,000cu.m from cuttings for the highway resulting in an initial shortfall. In addition the majority of the cutting volume will not become available until the area of land under the Crewe-Derby railway is excavated which will be late in the construction works.
- The flood compensation area is expected to result in 25,500cu.m of material being won. This will compensate for the additional shortfall.
- The proposed borrow pit is located on land owned by the Co-Op and has been chosen for the following reasons:
 - The location is close to the scheme site, minimizing haul distance and the number of receptors.
 - The location is in the ownership of the Co-Op a major stakeholder in the scheme but is not allocated for development and therefore result in made ground which would serialise otherwise useable land.
 - The field in question will already be subject to disruption as it is adjacent to an ecological mitigation area
- The haul route is yet to be finalized but the optimal and preferred route would be via Mill lane over the A500. The route passes over an existing side road over bridge above the A500 which has not been assessed for capacity. However it is assumed that the structure has been designed to accommodate standard highway loading in which case the route would be suitable for use by smaller articulated haulers.
- The assumed volume of the material required would be approximately 17,500cu.m. Assuming the use of four 38-tonne haulers there would be a peak of 12 two-way vehicle trips per hour over the eight-hour working day. The frequency of trips would require a approximately 13 days to complete the excavation of the tip and a similar amount of time to back-fill at the end of the works.
- A number of alternative haul routes are available using local roads and avoiding the Mill Lane over bridge. These routes would be considerably longer and would result in greater impacts arising from construction traffic.

The highways officer has no objection to the borrow pit, the access point and the use of the proposed access route.

In terms of the amenity the proposed borrow pit would only be in use for a limited time period (two 13 day periods). The Environmental Health Officer has no objection to the development subject to the imposition of a condition in relation to a method statement.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard time 3 years**
- 2. Development to proceed in accordance with the approved plans**
- 3. Details of the diversion of PROW Basford FP1**
- 4. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a**

programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

5. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
6. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA
7. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
8. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
9. Implementation of the approved landscaping scheme
10. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
11. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.
12. Prior to the development commencing:
 - (a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.
 - (b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.
 - (c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.
13. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.
14. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds
15. Submission of revised protected species mitigation method statements including detailed plans showing Badger fencing, Badger tunnels and barn owl boxes.
16. Submission of environment management plan for the construction phase of the development
17. Submission of ecological monitoring and reporting schedule.
18. Submission of a 10 year Habitat Management Plan

19. Details of all external lighting to be submitted and agreed in writing with the LPA
20. The development permitted shall only be carried out in accordance with the approved FRA
21. The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.
22. A surface water regulation scheme shall be submitted to the LPA for approval in writing
23. A detailed design for the provision of flood defence structures shall be submitted to the LPA
24. No development shall take place until a scheme for the provision and management of a 8 metres wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.
25. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
26. No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand martins and their associated habitat during construction works and once the development is complete
27. Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority
28. No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority
29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

UPDATE REPORT

Application No. 12/3937M

Location: LONGLEA, LANGLEY ROAD, CHESHIRE, SK11 0DR

Proposal: ERECTION OF DWELLING

Prepared: 4 DECEMBER 2012

ADDITIONAL INFORMATION

Revised landscape plans have been submitted which provide further details in respect of the boundary treatment.

CONSULTATION RESPONSES

The Landscape Officer has assessed the revised landscape plans, and advises that the fence will not adequately screen the boundary with Greenacres, and therefore further landscaping treatments are required to both side boundaries. It is recommended the further revised plans be submitted. This matter can be resolved through appropriately worded conditions.

ADDITIONAL REPRESENTATION

The neighbour from Hollinswood has advised that the four obscurely glazed windows on the side elevation of his property are secondary windows to 1) living room, 2) dining room, 3) master bedroom 4) secondary bedroom. He remains concerned about the window to the en-suite bathroom on the side elevation of the proposed development, as he considers it will result in direct overlooking. In order to protect amenity, it is recommended that condition No. 9 be expanded to include the window to the en-suite bathroom on the east elevation.

Concern has also been expressed in respect of the scale and design of the master bedroom on the rear elevation of the dwelling, and overlooking from these windows. These windows were assessed during the consideration of the previous application 12/0078M, and were found to be acceptable. This is a material consideration in the determination of this application. It is considered that the impact on amenity is no different to standard sized windows.

CONCLUSION

In conclusion, whilst further revisions to the boundary treatment are required, this issue can be resolved through conditions. The additional concerns expressed by neighbour are noted, and it is recommended that condition No. 9 be expanded to require the window to the en-suite bathroom be obscurely glazed.

There is no change to the recommendation of approval.

APPLICATION NO: P07/0639

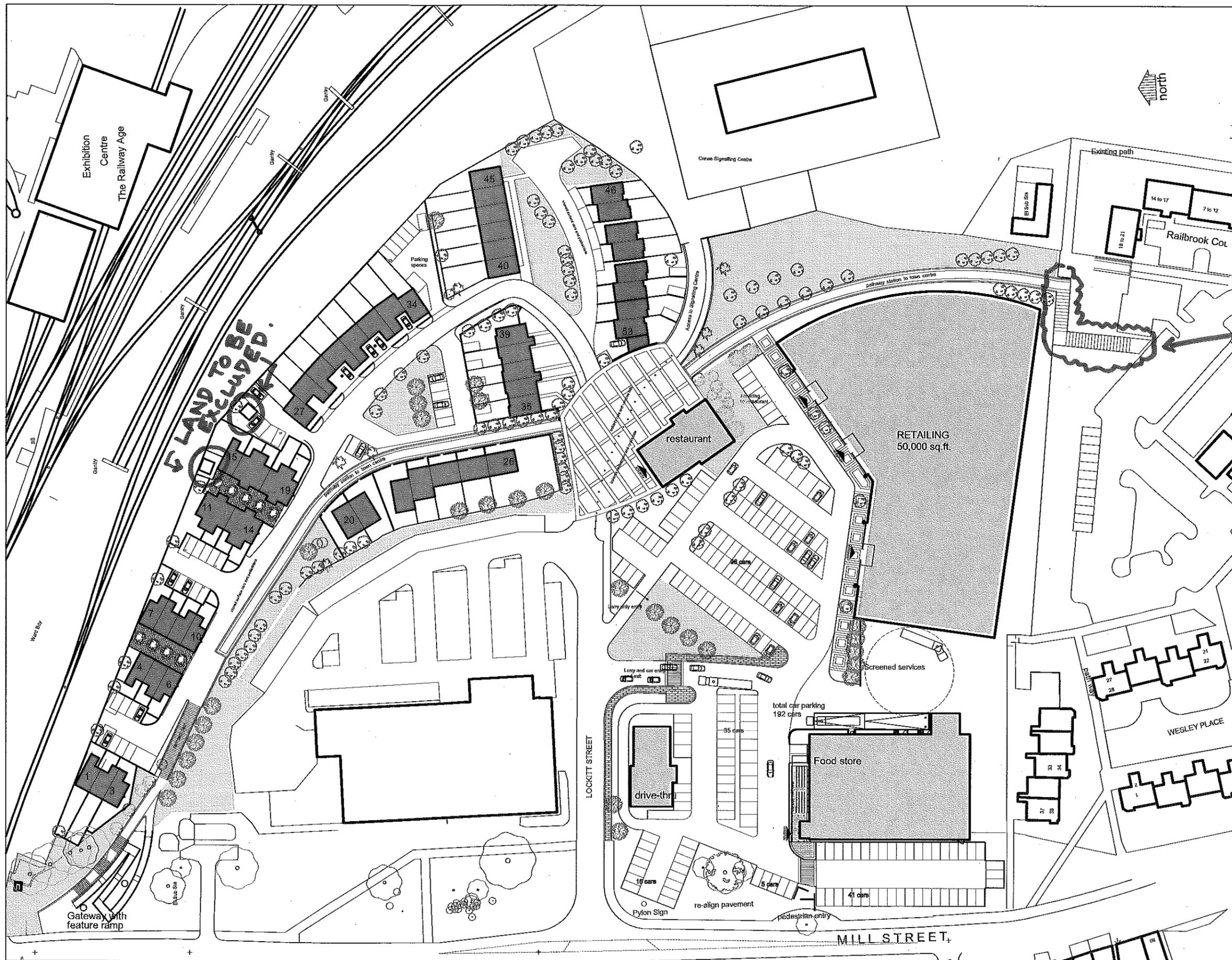
LOCATION: Mill St / Lockett St. Crewe

PROPOSAL: Amendments to resolution in respect of Section 106 Agreement

UPDATE:

Plans are attached showing the site location and the indicative layout. The amendment to the footpath link and the areas to be excluded from the site have been highlighted.

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REV	AMENDMENT	DATE	CHKD
B	Drive-thru added	20-10-10	
C	UU pump station added	16-08-12	
D	Area pump 2 added	18-10-12	

AMENDMENT TO FOOTPATH ROUTE.

HATTRELL DS ONE Architects LLP
 CHARTERED ARCHITECTS
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 1 COPTHAM HOUSE STATION SQUARE COVENTRY CV1 2EQ
 TELEPHONE 02476 226 416 FACSIMILE 02476 528 460

CLIENT
 Clowes Developments

PROJECT
 MILL STREET CREWE

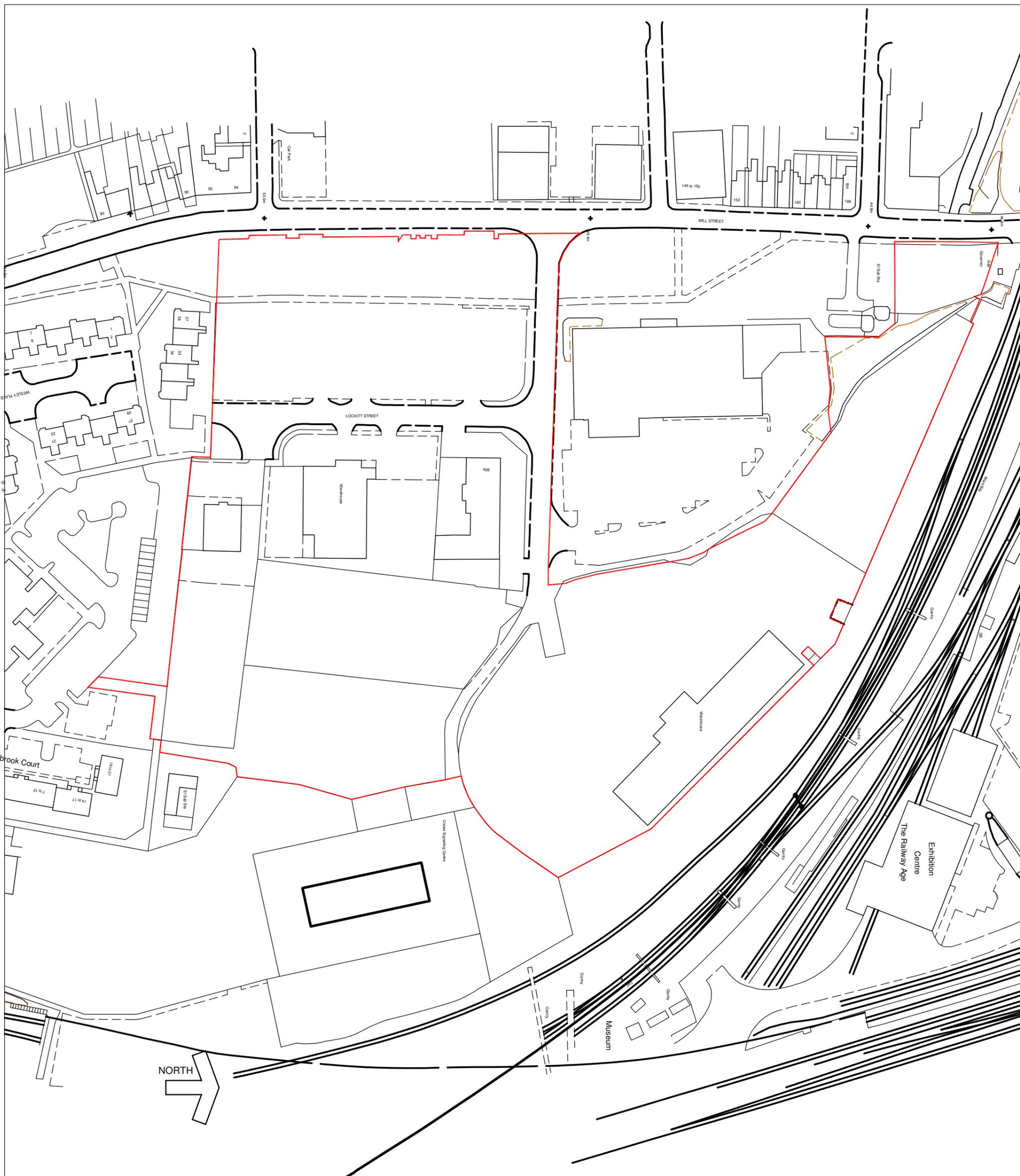
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 1 : 500 KJ 24-02-10

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planning

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REV	AMENDMENT	DATE	CHNO
A	red line amended	04-08-11	
B	red line amended	16-08-12	
C	red line amended	19-08-12	
D	red line amended	21-09-12	

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CLIENT
 Cloves Developments
 PROJECT
 Mill Street, Crewe

DRAWING TITLE
 Location Plan
 SCALE DRAWN BY CHECKED DATE
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PLANNING

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APPLICATION NO: 12/2440N

LOCATION: Queens Drive, Nantwich

PROPOSAL: Outline Application – Proposed Residential Development

UPDATE: 3rd December 2012

DEVELOPERS REPRESENTATIONS

A letter has been received from the developer making the following additional representations:

- The Rope Lane appeal decision is now a materials consideration.
- Also draw attention to the Secretary of State Appeal Decision - Ridgeway Farm, Swindon approving 700 dwellings
- On prematurity, the Decision Letter³ states:
 - *The Secretary of State agrees with the Inspector's reasoning and*

conclusions on prematurity, as set out in IR356-359, IR400 and IR404.

Like the Inspector, the Secretary of State has taken into account the level of local concern regarding the proposed development (IR359). However, he agrees that the weight to be given to objections on prematurity grounds is not so great as to indicate that this, alone, should result in a refusal of planning permission.

- The Inspector⁴ cites NPPF §49 when concluding that policies for the supply of housing cannot be considered up to date where a five year land supply cannot be demonstrated. This of course is the same approach taken by the Inspector in the Shavington Decision.
- Finally, it should be noted the Swindon decision was made against considerable local opposition. By contrast, as reported in the Committee report, the Council have received 2 written objections to the Nantwich proposal.

The letter goes on to comment on each reason for refusal as follows:

Reason 1

It is noted that the proposed Reason 1 cites "*capacity problems*". This is well below the threshold set within NPPF paragraph 33 which clearly states:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In the absence of demonstrable evidence of severe residual cumulative impacts, it is unclear on what basis the Council will defend a conclusion that "capacity problems" outweigh (the common ground that there is) a clear presumption in favour.

Further, this reason for refusal does not even appear to be supported by the Highways Authority, who state in their Update Report6:

The junction at the signal junction High Street / Waterlode / Welsh Row has capacity issues and a number of different models have been tested to improve the situation but although the capacity issue can reasonably be mitigated there is safety concern with the operation of the junction in respect pedestrians crossing the junction.

Given that the Council accept the capacity issue can reasonably be mitigated, the Council is unable to demonstrate that the residual cumulative impacts of development are severe and this proposed reason for refusal should be withdrawn.

Reason 2

This reason alleges:

...the proposal will cause danger to highway safety associated with the operation of the High Street / Waterlode / Welsh Row signal junction, particularly in respect pedestrians crossing the junction. Danger to Highways Safety

It is noted that neither the Highways comments or the Officer Appraisal on highways matters in the Committee Report sets out any detail what the general "danger to highway safety" at this junction is.

Given this lack of evidence, it is difficult to understand how it can be concluded this outweighs the presumption in favour.

Safety Concern with Pedestrian Crossing

Further, the Committee Report (as quoted above7) simply states:

...there is safety concern with the operation of the junction in respect pedestrians crossing the junction.

There is no further detail of what this 'safety concern' is, nor evidence that there is no possibility of mitigation through the imposition of conditions or s106 obligation.

Pedestrian facilities are provided on all 4 arms of the junction, with the crossing marked on the road and tactile paving provided on the pavements. Refuges are also provided on the Waterlode crossings.

Video of the traffic surveys indicated that the 'all-red pedestrian' stage (when all traffic is stopped) occurred less than 10 times in each of the peak hours. More significantly, the video showed that the majority of pedestrians felt safe enough to cross either without activating the crossing at all, or (having pressed the crossing button) felt safe enough to cross before the all-red pedestrian stage occurred.

The submitted TA analyses 5 years of personal injury accident data. These show no records of accidents involving pedestrians at this crossing. The applicants, have only been made aware of is an alleged safety 'concern'. Yet the proposed reason for refusal suggests this un-evidenced concern is sufficient to outweigh the presumption in favour. It is not considered that this reason is defensible at an inquiry

Reason 3

This reason for refusal essentially alleges the site is unsustainable due to poor accessibility. It is noted that when this matter was first due to be determined at Committee in September, despite considering at length the sustainability of the site, Officers did not recommend refusal on the grounds of poor accessibility. Without wishing to be facetious, neither the location of the site nor the amenities have changed since the matter was first reported to Committee. Yet the conclusion of this section has. By way of comparison:

- Both Committee Reports undertake the same analysis, assessing the sites accessibility against the NWDA toolkit.
- Both conclude that the proposal meets the minimum standards of accessibility to all but five facilities, and that for these five, all are *“still within a reasonable distance of those specified and are therefore accessible to the proposed development.”*
- The September Committee Report fairly concluded:
 - *In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Nantwich, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development on foot, by bus or bike and therefore **it is considered that this small scale site is sustainable.***
- Whilst the latest Committee Report repeats most of this, it omits the final sentence, instead noting:
 - *However, the Strategic Highways Manager has commented that the accessibility of the site is considered poor in that it considered that most workday trips will be car based and there should be improvements made*

to improve sustainability of the site. It is possible to improve the non-car

mode accessibility and discussions have been undertaken to improve public transport access, although no improvements have been agreed to date.

There is no explanation as to why the previous conclusion that the site was sustainable (reached after following the measured analytical approach favoured by CEC) has been superseded by a comment made by a statutory consultee.

Further, in discussions with Janet Mills (CEC Transport Policy Officer) between 27th September 2012 and 12th October 2012, Gladman offered to double the frequency of the No. 53 bus to make it a half hourly service. The outcome was that the current No. 53 service was poorly used and that a new housing scheme would need to be far larger to attract the numbers to make a bus viable. The proposal was therefore not pursued.

It is therefore almost certain that the 'harm' alleged in the reason for refusal (that "*most workday trips will be car based*") will occur wherever development is located in the town. To overcome this proposed reason for refusal would require most workday journeys *not* to be car based, requiring a modal shift only achieved in cities with extensive public transport provision.

Further, neither the reported analysis of accessibility sustainability, the highways comments nor the Officer Appraisal make reference to the Interim Travel Plan submitted with the application (as required by NPPF §36). The successful implementation of a travel plan is a key tool to ensure sustainable transport choices are considered by new residents. Given there are no criticisms of the submitted Travel Plan, it must be considered that its measures will further enhance the sustainability of this site.

In summary, the proposed reason for refusal alleges the site is unsustainable on accessibility grounds despite:

- Noting the Clitheroe Appeal decision finding that: "*accessibility is but one element of sustainable development; it is not synonymous with it. There are many other components of sustainability other than accessibility.*"
- Conducting an analysis using CEC's preferred method which evidences that all facilities listed within the NWDA Toolkit are "*accessible to the proposed development.*"
- The offer made by Gladman to double the frequency of bus services having not been pursued.
- The Council considering this small scale site as sustainable, since all amenities are accessible by bus foot or bike.

Lastly, the application is considerably better located in terms of the services and facilities than the Rope Lane site in Shavington which the Inspector considered was sustainable. With respect, in the light of the above, the committee are asked to reflect on whether this proposed reason for refusal is defensible at Inquiry.

Reason 4

The Council's witness at the recent Shavington Inquiry accepted that Policy NE2 must be considered out-of-date in the terms of NPPF paragraphs 49 and 14, a point which was key to the Inspector's decision.

The Inspector in the Shavington decision was also very clear that the current stage of the Council's Core Strategy is not sufficiently advanced to override the presumption in favour due to lack of 5 year housing land supply.

It must also be noted that the draft of Borough Development Strategy will be presented to the SPB the day after the decision on this appeal is taken. It is of course open to the SPB or Cabinet to vote to change this draft Strategy prior to it being consulted on in early 2013. Following this, further changes may be made prior to submission or at examination. It is also unknown at this stage what level of support or objection to this Draft Strategy will be received and as a result (pursuant to NPPF paragraph 216) what degree of weight can be given to this document.

In short, the Inspector in the Shavington Decision was crystal clear that given the lack of a 5 year land supply, the Council do not have up to date housing land supply policies. In this context, the emerging Core Strategy (whilst a material consideration) can have only limited weight. Further, the mere identification of the Council's preferred locations for strategic allocations in the draft Strategy does not change the fact it cannot demonstrate a 5 year housing land supply today.

Indeed, if increased weight was to be given to the draft Strategy, it would only make the situation worse given the evidenced increase in the Borough's housing need.

As discussed above, this week the Secretary of State allowed a large scale housing proposal in Swindon, where the Councils' Core Strategies were more advanced than the Council's draft Local Plan. The Secretary of State, when considering his own policy, did not regard those proposals as premature.

In the light of the Shavington Appeal decision, the clear guidance on prematurity contained within the General Principles Document and clear guidance on weight to be given to emerging policy in NPPF, the developer would again ask committee to reflect on whether this proposed reason for refusal is defensible at Inquiry.

Conclusion

As I have previously discussed with you, it is difficult not to characterise the conduct of Officers during the consideration of this matter as either seeking a reason to refuse it, or find reasons to delay its determination.

Not raising concerns related to design or density during the 13 week period and then seeking to refuse an *outline* application on design grounds, and then later deciding that what was previously reported to Members to be a small scale sustainable site is now concluded to have poor accessibility and to be of a scale which undermines the Core

Strategy process, are both far from the approach required by the NPPF of *“looking for solutions rather than problems.”*

ADDITIONAL OBJECTION

An objection on design grounds has been received from a member of the public making the following comments:

- Question the suitability of the site as it is open countryside, with 3 boundaries opening onto open countryside and proximity to a registered parkland landscape – which whilst screened by trees should be a factor in considering the impact on that registered landscape and should therefore be driving the need for high quality design.
- As an accredited Building for Life assessor query the BfL self-assessment. A score of 18 would put this in an award-winning category, which this masterplan certainly is not.
- Question why it had not been to a design review panel (in accordance with the NPPF).
- Question why Cheshire West and Chester would be interested in managing the landscape component of the scheme as stated in the D&A Statement and feel this is in appropriate.
- Question why it was only aspiring to Code for Sustainable Homes Level 3.
- Question the need/desirability for a convenience store as this would have a negative impact on the Spar Shop off Queens Drive.
- Question the traffic/access arrangements with comments about Marsh Lane and Welsh Row junctions.

RECOMMENDATION

As per main report

STRATEGIC PLANNING BOARD – 5/11/ 2012

UPDATE TO AGENDA

APPLICATION NO: 12/3025C

**LOCATION: LAND AT KESTREL DRIVE AND GOLDFINCH
CLOSE**

UPDATE PREPARED 3 DECEMBER 2012

PROCEDURAL

In the period between the SPB Agenda being published and this update being prepared, the applicants have appealed against non-determination of this application. In such cases the matter is now taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

LOCATION PLAN

It is noted that the incorrect location plan is attached to the Committee report. A corrected site location plan is attached.

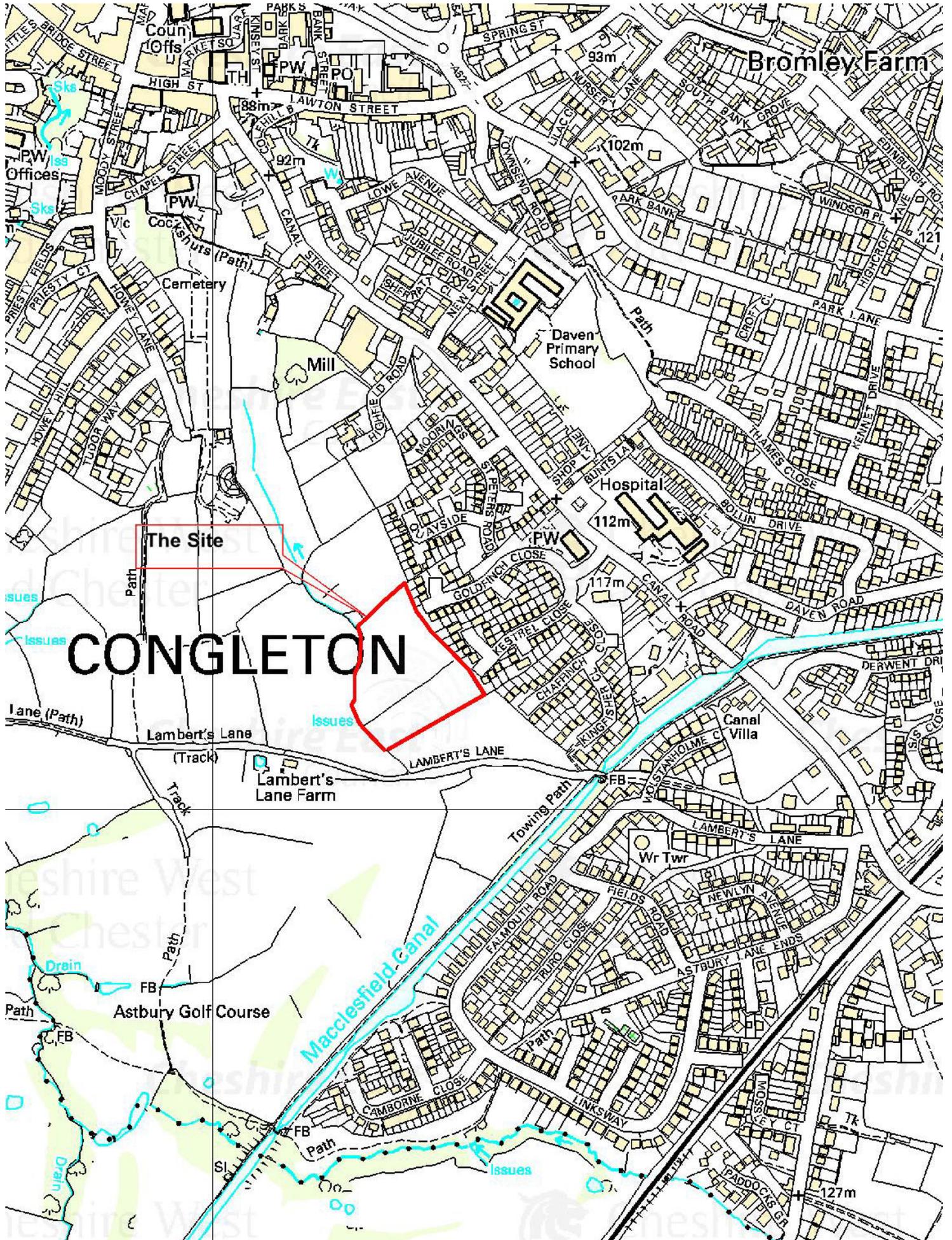
APPLICANTS FURTHER INFORMATION

The Applicant wishes to confirm that they accept the provision of affordable housing by S106 Agreement rather than condition and have provided Heads of Terms to this effect.

The Applicant wishes to confirm the extent of Grade A agricultural land is 0.71ha and not the 1.1ha reported in the Committee report

RECOMMENDATION

The recommendation is amended to 'minded to approve subject to the satisfactory completion of a S106 Agreement'



STRATEGIC PLANNING BOARD – 5/11/ 2012

UPDATE TO AGENDA

APPLICATION NO: 12/3028C

LOCATION: LAND AT THE MOORINGS CONGLETON

UPDATE PREPARED 3 DECEMBER 2012

PROCEDURAL

In the period between the SPB Agenda being published and this update being prepared, the applicants have appealed against non-determination of this application. In such cases the matter is now taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

APPLICANTS FURTHER INFORMATION

The Applicant wishes to confirm that they accept the provision of affordable housing by S106 Agreement rather than condition and have provided Heads of Terms to this effect.

RECOMMENDATION

The recommendation is amended to 'minded to approve subject to the satisfactory completion of a S106 Agreement'

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APPLICATION NO: 12/3020N

LOCATION: New Start Park, WETTENHALL ROAD, REASEHEATH,
NANTWICH, CHESHIRE, CW5 6EL.

PROPOSAL: Removal of Condition 1 of 09/4331N - Change of Use as a Residential Caravan Site for 8 Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstandings and Provision of Foul Drainage

UPDATE:

1 additional letter of representation received from the residents of Cinder Lane, Nantwich.

- It is a great concern that assertions in the Officers report indicating when future sites may be allocated and deliverable. It is considered that the tentative nature of the language used does not give us the impression of the robustness we would have hoped for; and
- Cheshire East Council failure to provide adequate accommodation for gypsy/travellers leads to protracted and debilitating implications of cyclical planning application and is a stressful experience for all.

RECOMMENDATION: The recommendation for REFUSAL still stands

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 14th November, 2012 at Crewe Alexandra Football Club,
Gresty Road, Crewe

PRESENT

Councillor H Davenport (Chairman)
Councillor D Hough (Vice-Chairman)

Councillors Rachel Bailey, D Brown, P Edwards, J Hammond, J Jackson,
P Mason, B Murphy, G M Walton and S Wilkinson

OFFICERS IN ATTENDANCE

Steve Irvine, Development Management and Building Control Officer
Daniel Evans, Principal Planning Officer
Ben Haywood, Principal Planning Officer
Neil Jones, Principal Planning Officer
Lauren Thompson, Planning Officer
Paul Wakefield, Principal Planning Officer
Emma Williams, Planning Officer
Ian Dale, Heritage and Design Manager
Lynn Glendenning, Commissioning Manager
Shelia Dillion, Senior Solicitor
Rachel Graves, Democratic Services Officer

85 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Hoyland,
C Thorley and J Wray.

86 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interest of openness:

With regard to application number 12/3564N, Councillor J Hammond
declared that he had attended a presentation to Haslington Parish Council
but had not made any comments on the application.

With regard to application number 12/1157N, Councillor J Hammond
declared that he was a member of Cheshire Wildlife Trust.

With regard to application number 11/4109C, Councillor D Hough declared
that he was a member of Alsager Town Council, but he had not made any
comments on the application.

87 MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 24 October 2012 be approved as a correct record and signed by the Chairman.

88 PUBLIC SPEAKING

RESOLVED:

That the public speaking procedure be noted.

89 11/4109C-OUTLINE PLANNING PERMISSION WITH SOME MATTERS RESERVED FOR UP TO 335 RESIDENTIAL UNITS AND ACCESS OFF LAWTON ROAD AND LINLEY LANE, TWYFORDS BATHROOMS, LAWTON ROAD, ALSAGER FOR LAGAN (ALSAGER) LIMITED

Note: Councillor Rachel Bailey arrived during consideration of this item but did not take part in the debate or vote.

The Committee considered a report regarding the above planning application, an oral report on the site visit and an oral update from the Planning Officer.

Councillor S Jones (Ward Councillor) attended the meeting and spoke in respect of the application.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to the following conditions and the satisfactory completion of a S106 Agreement comprising:

Heads of terms

- Provision of affordable housing – 18% affordable housing (61 dwellings) based on 65% social/affordable rent and 35% intermediate tenure
- The provision of a LEAP and Public Open Space and a scheme for management
- Bus pass/sustainable transport measures contribution £56,950
- Contribution to improve the public right of way and informal path which links to Alsager Train Station £93,050

Conditions:

1. Standard Outline.
2. Submission of Reserved Matters.
3. Time limit for submission of reserved matters.

4. Prior to the submission of any reserved matter application a detailed masterplan and design code shall be submitted to the LPA for approval in writing – the dwellings shall not exceed 3 stories in height
5. Approved Plans.
6. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
7. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 to 14:00 Saturdays and not at all on Sundays.
8. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 to 13:00 Saturday and not at all on Sundays.
9. The properties shall meet the guidance on acoustic design goals for residential development, as set out in British Standard 8233:1999 'Sound insulation and noise reduction for buildings – Code of Practice' to the 'Good Standard' for living rooms and bedrooms.
10. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
11. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
12. The development hereby permitted shall not be commenced until such time as a scheme to limit the surface water run-off generated by the proposed development has been submitted to and approved in writing by the local planning authority.
13. The development hereby permitted shall not be commenced until such time as a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
14. The proposed river channel and corridor shall be constructed in accordance with the scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of the development.
15. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority.

17. No development to proceed within 30m of any identified badger sett unless agreed by the LPA.
18. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposal shall be permanently installed in accordance with approved details.
19. Any reserve matters applications to be supported by an updated badger survey undertaken by a suitably qualified and experienced ecological consultant in accordance with standard best practice methodologies. Mitigation/compensation proposals potentially including badger tunnels to reduce road casualties are also to be included to address any adverse impacts identified.
20. Works should commence outside the bird breeding season.
21. No trees shall be removed without the prior approval of the LPA.
22. The first reserved matters application should include details of the access onto Linley Lane.
23. The Applicant will provide visibility splays of a minimum 2.4m x 56m towards/from the eastbound traffic and 60m towards/from the westbound traffic at the main site access to Lawton Road. The visibility splays from/to eastbound traffic to be provided from/to the centre of the offside (eastbound) lane.
24. The Applicant provides an amended layout at the Lawton Road site access including the ghost island right turns (Drawing 210248/009/Rev C). The Applicant to provide an additional traffic island and dropped kerb crossing to the west of the site access suitable for use by pedestrians and to provide keep left guidance to motorists to prevent overtaking at this location.
25. The footway on the eastern side of the main site access to be amended to provide a minimum 2.0m width.
26. Details of the secondary access onto Linley Lane will be provided as part of the reserved matters application.

In the event of any changes being needed to the wording of the Committee's decision (such as delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing, in consultation with the Chair of the Strategic Planning Board, is delegated authority to do so, provided that they do not exceed the substantive nature of the Committee's decision.

90 12/3564N-OUTLINE PLANNING APPLICATION FOR UP TO 44 RESIDENTIAL DWELLINGS, OPEN SPACE AND ACCESS OFF VICARAGE ROAD, HASLINGTON, LAND OFF VICARAGE ROAD, HASLINGTON FOR CARL DAVEY, MULLER PROPERTY GROUP

Note: Councillor Paul Edwards arrived during consideration of this item but did not take part in the debate or vote.

The Committee considered a report regarding the above planning application, a written update, and an oral report of the site visit.

The Development Management and Building Control Manager read out a statement on behalf of Councillor David Marren (Ward Member) who was unable to attend the meeting. Councillor Richard Hovey (Haslington Parish Council), Andrew Drummond (Objector), Pat Downes (Agent for Applicant) and Mr Davey (Applicant) attended the meeting and spoke in respect of the application.

RESOLVED:

That for the reasons set out in the report, the application be APPROVED,
(a) subject to the completion of a Section 106 to secure the following:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social/affordable rent with 35% intermediate tenure. The scheme shall include:
 - the numbers, type, tenure and location of the affordable housing provision
 - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. The provision of Public Open Space to be maintained by a private management company in perpetuity.
3. A commuted payment of £75,924 towards primary school education
4. A commuted payment of £35,000 towards the upgrade of Haslington Skate Park

(b) and the following conditions

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 -14:00 Saturday and not at all on Sundays
6. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 to 13:00 Saturday and not at all on Sunday

7. No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside Fowle Brook shall be submitted to and agreed in writing by the Local Planning Authority
8. Prior to the commencement of development in Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing
9. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority
10. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority
11. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter
12. No development shall take place until a scheme to minimise dust emissions arising from construction activities on site has been submitted to and approved in writing by the Local Planning Authority
13. Provision of bat and bird boxes
14. Works should commence outside the bird breeding season
15. Tree protection measures
16. Method statement for the construction of the access
17. Retention of the trees on the site
18. The reserved matters application shall include the provision of a permeable and adequate parking area for the existing properties on Vicarage Road. The car park shall be constructed and be open for use prior to the commencement of the construction of the dwellings. The car parking area shall thereafter be retained
19. The provision of a construction management plan including the location of parking for construction vehicles and construction workers
20. The provision of wheel wash facilities
21. Prior to commencement of development a scheme of bin storage across the site shall be submitted to the LPA for approval in writing. The development shall be completed in accordance with the approved details.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issue, the Head of Development Management and Building Control has delegated authority to

do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

91 12/3804N-CHANGE OF USE OF AGRICULTURAL LAND TO AN AREA OF LAND SPECIFICALLY LANDSCAPED AND ENGINEERED IN ORDER TO PROVIDE HABITAT FOR GREAT CRESTED NEWTS. THIS WILL INCLUDE THE CREATION OF TWO PONDS, LAND TO THE SOUTH OF THE CREWE TO DERBY RAILWAYLINE FOR CHESHIRE EAST COUNCIL

The Committee considered a report regarding the above planning application.

RESOLVED:

That, for the reasons set out in the report, the application be DELEGATED to the Head of Development Management and Building Control to consider any late representations received up to the neighbour notification expiry date of 14 November 2012 and the following conditions:

1. Standard – 3 years
2. The development shall be carried out in accordance with the approved plans and the Great Crested Newt pond and habitat creation specification

92 12/3805N-CHANGE OF USE FROM AGRICULTURAL LAND TO AN AREA OF LAND SPECIFICALLY LANDSCAPED AND ENGINEERED IN ORDER TO PROVIDE A MITIGATION HABITAT FOR GREAT CRESTED NEWTS. THIS WILL INCLUDE THE CREATION OF EIGHT PONDS, LAND BETWEEN THE A500 AND WESTON LANE FOR KEVIN MELLING, CHESHIRE EAST COUNCIL

The Committee considered a report regarding the above planning application.

RESOLVED:

That, for the reasons set out in the report, the application be DELEGATED to the Head of Development Management and Building Control to consider any late representations received up to the neighbour notification expiry date of 14 November 2012 and the following conditions:

3. Standard – 3 years
4. The development shall be carried out in accordance with the approved plans and the Great Crested Newt pond and habitat creation specification

(The meeting adjourned for lunch at 1.30pm and reconvened at 2.00 pm)

(Prior to consideration of the following item, Councillor P Mason left the meeting and did not return)

93 12/1578M-OUTLINE APPLICATION FOR A CONTINUING CARE RETIREMENT COMMUNITY (CARE VILLAGE) COMPRISING 58 BEDROOM CARE HOME, 47 CLOSE CARE COTTAGES AND 15 SHARED OWNERSHIP AFFORDABLE DWELLINGS, TOGETHER WITH ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT, LAND ADJACENT TO COPPICE WAY, HANDFORTH FOR MR PASQUALE NICOSIA, GREYSTONE (UK) LTD

The Committee considered a report regarding the above planning application and a written update report.

Councillors D Mahon and B Burkhill – Ward Councillors, Councillor J Clowes – visiting Councillor, Councillor Small – Handforth Parish Council, Toni Fox – Hands Off Handforth Green Belt Group, David Fehiley – Objector and Pasquale Nicosia – Applicant, attend the meeting and spoke in respect of the application.

(Councillor G Walton left the meeting during consideration of this application and did not return)

RESOLVED:

That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

The proposal does not demonstrate sufficiently this site is the most appropriate for a care village in this part of Cheshire East. Furthermore, the assessment of need is not robust enough to justify a departure from policy GC7 of the Macclesfield Local Plan and paragraph 85 of the NPPF which seek to protect safeguarded land in the absence of a compelling need to develop the site.

In the event of an appeal, authority be delegated to Head of Development Management and Chair of Strategic Planning Board to enter into a planning agreement in accordance with S106 Town and Country Planning Act.

- 94 **12/1627M-OUTLINE APPLICATION FOR NEW VEHICULAR ACCESS WITH MEANS OF ACCESS, LAYOUT AND ASSOCIATED ENGINEERING WORKS FOR CONSIDERATION (WITH LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL), LAND ADJACENT TO COPPICE WAY, HANDFORTH FOR MR PASQUALE NICOSIA, GREYSTONE (UK) LTD**

In the light of the previous decision the officer's recommendation was amended from one of approval to one of refusal.

RESOLVED:

That the application be REFUSED as in the light of the previous decision no access was required onto the site.

- 95 **12/1445N-APPLICATION TO REMOVE CONDITION 11 OF PERMISSION 7/P04/0124, CONDITION 7 OF PERMISSION 7/2006/CCC/11, CONDITION 7 OF PERMISSION 7/2007/CCC/7 AND CONDITION 7 OF PERMISSION 7/2009/CCC/1, WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE FOR MR F H RUSHTON**

The Committee considered a report on the above planning application and a written update report.

Councillor Janet Clowes - Ward Councillor, Councillor Chris Leighton – Doddington and District Parish Council and Mr Frodsham – objector, attended the meeting and spoke in respect of the application.

RESOLVED:

That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

The proposal would materially increase the noise and disturbance experienced by adjacent residents located close to the access track, thereby causing unacceptable harm to their living conditions. As such, the proposal would be contrary to the aims of CRWLP Policy 12, CNRLP Policy BE1

- 96 **12/1157N-VARIATION OF CONDITON 14 OF APPLICATION P03/1071 RELATING TO THE PROPOSED RAIL LINK, LAND OFF CREWE ROAD, BASFORD WEST, CREWE FOR GOODMAN**

The Committee considered a report regarding the above planning application.

Mr David Rolinson, Agent for the Applicant attended the meeting and spoke in respect of the application

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to:

1. Deed of Variation to Section 106 Agreement attached to the planning permission P03/1071 to make provision for the following:
 - Provision of rail links from the main line to the application site to be provided prior to the development of rail linked units (Phase 3). The trigger being at 4,645 sq m B1 development, 18,580 sq m B2/B8 development and 47,844 sq m B8 development.
 - Should the rail link not be provided then an additional highways contribution of £524,040.60 (index linked to the date of the original S106) will be payable.
 - This contribution will be put towards highway improvements to the Strategic A500 corridor and/or Gresty Road/South Street Corridor.
 - Travel Plan to make provision for, if the rail link is provided, the maximum trip generation for the whole site to be constrained to 861 vehicles and if the rail link is not provided as part of phase 3 of the scheme, then the maximum total Basford West traffic generation is constrained to 1003 vehicles

2. The following conditions:
 - 1-3. Standard outline conditions to include 10 years for the submission of reserved matters, including details of “landmark features”.
 4. Amended plans
 5. The phasing of the development to be as given in drawings 2000-068/024 C except that the spine road to be constructed in its entirety in phase 1.
 6. Uses of land and principles of development in accordance with each character area to be as shown on drawing 2000-068/025B except that building heights shall comply with limitations set in Basford West Development Brief.
 7. Floor spacing not to exceed the limits of each character area as given on drawing 2000-068/025B
 8. No development to commence which exceeds 25% floor area (i.e. 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space) to commence until scheme for works at junction 16 of M6 submitted and agreed.
 9. No development to be brought into use, which exceeds 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space before works approved under the above condition in relation to junction 16 of M6 have been implemented.

10. Development not to exceed 4,645 sq m B1 offices, 18,580 sq m B2 and 120, 770 sq m B8 development at any time.
11. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
12. Provision of spine road in phase 1, remaining roads in accordance with phasing plan, all in accordance with drawings to be submitted and approved.
13. Landscape scheme for spine road including street furniture and public art, to be submitted and approved prior to commencement of construction of spine road.
14. Scheme to provide the opportunity for development of rail linked units including levels and provision of rail links to all plots at phase 3 of the development
15. Principles of structure planting for whole development site to establish principles of landscaping and public art/ "landmark features" to be submitted as part of the first reserved matters application, together with a timetable for its implementation.
16. Implementation of structural planting in accordance with a timetable to be agreed.
17. Size/ dimensions of landscape bunds to be in accordance with submitted plans.
18. Mitigation measures for protected species in each phase, to be submitted with first application for each phase.
19. Strategic planting scheme in each phase to be submitted with first reserved matters application for each phase
20. Each reserved matters application to include a noise assessment and mitigation measures to be detailed in the application.
21. Building heights not to exceed limits of Development Brief as approved April 2004. (12m to the west of the spine road, up to 25 m adjacent to railway and 18m elsewhere)
22. Area 4 parking/service areas to be located between the building and the spine road.
23. No 24 hour working in the northern part of Area 6 between extension to Crewe Road and new spine road.
24. Programme of archaeological work.
25. Protection to public right of way unless diversion/ alteration otherwise approved.
26. Details of changes of level throughout phase 3 to be submitted as part of the first reserved matters for phase 3.
27. Any infilling material to be non-leachate forming.
28. Surface water regulation scheme.
29. Oil interceptors.
30. Water from vehicle washing to foul sewer.
31. Scheme for storage and handling of fuels, oil, chemicals and effluents.

32. Driver overnight facilities at each individual unit or as may be agreed.

33. Provision of covered secure cycle parking at each development together with shower/changing facilities.

34. Framework construction management plan to be submitted and approved with the first reserved matters application, to control works during construction to protect residential amenities. To be detailed up for each phase. Details of construction management plan for each phase to be submitted with first reserved matters application for that phase.

35. Flood Risk Assessment as part of the first reserved matters application for units.

36. Acoustic barrier in relation to rail activities in phase 3.

37 Drainage to be based on principles of sustainable drainage.

38. Lighting Strategy to be submitted with the first reserved matters application for each phase.

39. New water course in phase 3 to include ecological measures to promote biodiversity.

40. No development at Phase 3 to be constructed or provided which would impede access to land outside the application area, situated to the south of the site.

41. Need for flexibility as regards the relocation of Crewe Railway Station to Basford Hall.

42. Waste separation and storage facilities.

AMEND PREVIOUS RESOLUTION TO APPLICATION 12/1959N TO READ AS FOLLOWS

APPROVE subject to the signing of a Section 106 Agreement in relation to the following matters:-

- a) Define areas of landscaping and wildlife mitigation, including land along southern boundary as well as areas to the south east of the development. Mitigation areas to be phased in accordance with details approved pursuant to the S106 attached to the outline permission for the main part of the site.
- b) The extension of the Southern Boundary scheme to include screen planting, wildlife measures as well as ponds approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site. (Phase1 of the development of Basford West as a whole.)
- c) The extension of the ecological Framework approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site.

- d) Mitigation schemes for protected species, Great Crested Newts, bat and bird boxes.
- e) Timetable for phasing of the ecological works (to co-ordinate with the timetable for the ecological works on the wider site).
- f) Extension of the Management plan with monitoring for habitat / landscape areas minimum of 15 year time period approved pursuant to the S106 attached to the outline permission for the main part of the site to the current application site.

And the following conditions:

1. Standard outline
2. Standard outline
3. 10 years for the submission of reserved matters
4. Approved plans
5. Uses of land and principles of development in accordance with each character area 5 as shown on drawing 2000-068/025B approved under the outline permission for the main part of the site except that building heights shall comply with limitations set in Basford West Development Brief.
6. Floor spacing not to exceed the limits of character area 5 as given on drawing 2000-068/025B the outline permission for the main part of the site.
7. No development to be brought into use, which exceeds 4,645 sq m of B1 floor space and 22,868 sq m of B8 floor space before works approved under the above condition in relation to junction 16 of M6 have been implemented.
8. Development on the application site, when combined with the land edged blue on the location plan not to exceed 4,645 sq m B1 offices, 18,580 sq m B2 and 120, 770 sq m B8 development at any time.
9. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
10. Extension of phasing plan to include access road
11. Scheme to provide the opportunity for development of rail linked units including levels and provision of rail links to all plots
12. Extension of principles of structure planting for whole development site to establish principles of landscaping and public art/ "landmark features" to be submitted as part of the first reserved matters application, together with a timetable for its implementation.
13. Implementation of structural planting in accordance with a timetable to be agreed.

14. Size/ dimensions of landscape bunds to be in accordance with submitted plans.
15. Mitigation measures for protected species, to be submitted with first reserved matters application.
16. Strategic planting scheme to be submitted with first reserved matters application
17. Each reserved matters application to include a noise assessment and mitigation measures to be detailed in the application.
18. Building heights not to exceed 25m
19. Programme of archaeological work.
20. Protection to public right of way unless diversion/ alteration otherwise approved.
21. Details of changes of levels to be submitted as part of the first reserved matters.
22. Any infilling material to be non-leachate forming.
23. Surface water regulation scheme.
24. Oil interceptors.
25. Water from vehicle washing to foul sewer.
26. Scheme for storage and handling of fuels, oil, chemicals and effluents.
27. Driver overnight facilities at each individual unit or as may be agreed.
28. Provision of covered secure cycle parking at each development together with shower/changing facilities.
29. Extension of Framework construction management plan approved pursuant to outline approval of main site to cover application site to control works during construction to protect residential amenities. Detailed construction management plan to be submitted with first reserved matters application.
30. Flood Risk Assessment as part of the first reserved matters application for units.
31. Acoustic barrier in relation to rail activities.
32. Drainage to be based on principles of sustainable drainage.
33. Lighting Strategy to be submitted with the first reserved matters application.
34. New water course to include ecological measures to promote biodiversity.
35. Waste separation and storage facilities.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

97 **12/0305M-CERTIFICATE OF ALTERNATIVE DEVELOPMENT (RESIDENTIAL), LAND AT BROOK LANE, ALDERLEY EDGE, CHESHIRE FOR SIR JOHN DE TRAFFORD**

The Committee considered a report regarding the above application.

RESOLVED:

That, for the reasons given in the report, a Negative Certificate be issued for any development other than for the purposes for which it was required on Parcel A and a Positive Certificate be issued for three detached two storey dwellings or a residential institution accommodating fewer than seven people for Parcel B subject to conditions:-

1. The number of dwellings permitted at the site shall be restricted to 3 dwellings.
2. Details of the proposed visibility splays to be submitted.
3. Parking provision for two car parking spaces per dwelling in accordance with the Cheshire East Borough Council standards.
4. No gates shall be erected at any access point onto the public highway.

The meeting commenced at 10.30 am and concluded at 5.45 pm

Councillor H Davenport (Chairman)

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Application No: 12/3329C
Location: Land south of, OLD MILL ROAD, SANDBACH
Proposal: Mixed-Use Retail, Employment and Leisure Development
Applicant: Mr Carl Davey
Expiry Date: 28-Nov-2012

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

- **Principal of Development**
- **Sequential Test**
- **Impact Assessment**
- **Loss of Employment Land**
- **Landscape**
- **Highway Implications**
- **Amenity**
- **Trees and Hedgerows**
- **Design**
- **Ecology**
- **Flood Risk and Drainage**
- **Archaeology**
- **Loss of Agricultural Land**
- **Environmental Impact Assessment**
- **Renewable Energy/Sustainability**

REASON FOR REFERRAL

This application is before the Strategic Planning Board as it is for a retail development involving the formation of retail floor space between 1000 – 9999sqm.

1. DESCRIPTION OF SITE AND CONTEXT

The application relates to 10.9 ha of land, located within the open countryside as defined by the Congleton Borough Local Plan. Part of the site is also located within a wildlife corridor and is subject to Policy NR4.

The site is split into two parcels of land. The main part comprises Fields Farm and the surrounding agricultural land. This is located to the east of the A534 and to the west of residential properties that front onto Palmer Road, Condliffe Close and Laurel Close. The site has uneven land levels which rise towards the residential properties to the west. The site includes a number of hedgerows and trees which cross the

site. To the north of the site is a small brook and part of the site to the north is identified as an area of flood risk.

The second parcel of land is located to the west of the A534 and is agricultural land that which is bound by hedgerows and trees.

2. DETAILS OF PROPOSAL

This is an outline application with all matter reserved apart from access. The proposal consists of the following:

- Supermarket (Class A1 use) with a maximum floor area of 5,574sq.m gross external area
- Petrol filling station with a maximum area of 1,311sq.m gross external area
- Garden Centre 4,645sq.m gross external area
- Hotel (C1 use) with up to 62 bedrooms
- Family pub/restaurant (A4 use) with a maximum floor area 593sq.m
- Drive thru restaurant (Class A3/A5 use) with a maximum floor area 316sq.m
- Drive thru café (Class A1/A3) with a maximum floor area of 220sq.m
- Employment units (Class B1b, B1c, B2 and B8 use) with a maximum floor area of 2,187sq.m
- Access, associated highway works and parking
- Hard and soft landscaping

The access to the site would be taken via a remodelled 5 arm roundabout at the junction of Old Mill Road, the A534 and Brookhouse Road.

The above development would be located on the western parcel of land with the eastern parcel of land used for water drainage and attenuation ponds.

3. RELEVANT HISTORY

There is no relevant planning history

4. POLICIES

Local Plan policy

PS3 – Settlement Hierarchy

PS4 – Towns

PS8 – Open Countryside

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

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

GR21- Flood Prevention

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites
NR5 – Habitats
E10 – Re-use or Redevelopment of Existing Employment Sites
S1 – Shopping Hierarchy
S2 – Shopping and Commercial Development Outside Town Centres

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP6 Marry Opportunity and Need
DP7 Promote Environmental Quality
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
W5 Retail Development
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land
EM3 Green Infrastructure
EM5 Integrated Water Management
EM 10 A Regional Approach to Waste Management
EM11 Waste Management Principles
EM17 Decentralised Energy Supply

National Policy

National Planning Policy Framework

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Community Infrastructure Levy (CIL) Regulations 2010
High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review
Cheshire Retail Study Update (April 2011)
PPS4 Practical Guidance
SPD 4 Sustainable Development
Draft Sandbach Town Strategy

5. CONSULTATIONS (External to Planning)

Environment Agency: No objection in principle to the development subject to the imposition of the following planning conditions:

- A scheme to demonstrate the finished floor levels are set at a minimum of 55.10 AOD
- A scheme for the provision of compensatory flood storage
- A scheme to limit the surface water run off
- A scheme to manage the risk of flooding from overland flow
- The provision of a 8m wide buffer alongside the water bodies

- Prior to the commencement of development an ecological survey should be carried out

United Utilities: No objection subject to the following:

- Several public sewers cross the site and therefore a modification of the site layout or diversion of the affected public sewer at the applicants expense may be necessary
- The site must be drained on a separate system in full accordance with the submitted FRA

Strategic Highways Manager: This is a major planning application of substantial size. The access is directly onto a principal route of the road network that serves as access to major settlements such as Crewe, Middlewich, Sandbach and also the motorway network at J17 M6. It is agreed that the current junctions have capacity problems although CEC consider the degree of congestion to be much worse than the applicant and the extent of the impact is wider than has been assessed by the applicant.

The amount of trip generation assessed by the applicant is considered to be lower than would be expected from the development proposals and also there are omissions such as no trips to and from the petrol filling station. The assessment years submitted are wholly unrealistic with the completion of the development likely to be much later than 2014.

In mitigation of the development impact, there are two main improvements proposed to the road network.

These consist of:

1. An enlarged roundabout at the Wheelock Bypass roundabout that provides the site access via a new fifth arm.
1. The Old Mill Road / The Hill junction proposed changes to the existing road markings to improve lane usage through the junction.

CEC has undertaken its own assessment of the proposed new roundabout that has not assumed unrealistic lane usage and has found the roundabout to operate at over capacity levels which is significantly different to the results indicated in the applicants Transport Assessment. The proposed changes to road markings are considered to have little or no effect on the congestion that occurs at the Old Mill Road/ The Hill junction as the changes are not much different to how the junction currently operates and that lane usage in practice will not be fully utilised.

The accessibility of the site is considered poor in that most trips to the site will be car based and although there are links proposed to the town centre for pedestrians the distance is still considerable for someone undertaking a shopping trip. The site does not have access to a frequent bus service close to the site and as no details of the likely improvements to public transport are included in the Transport Assessment then it has to be assumed that very few trips to the site will be made using bus services.

In summary, the planning application is a major development proposal that has multiple uses within it and as it will access onto a congested part of the road network it is important that it will not make the situation worse. It is considered that the transport assessment is deficient in a number of areas and that the mitigation proposed is wholly inadequate to cater for the development proposed and the subsequent impact on the road network. In these circumstances it is recommended that the application is refused.

Environmental Health: Recommend refusal as insufficient information has been submitted with the application relating to the impact of the development on air quality. There is also insufficient information for the impact of noise on residential properties and odour controls. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

Natural England: The proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development. For advice on protected species reference should be made to the Natural England standing advice.

Public Rights of Way: The proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

The application documents make reference to the 'realignment' of footpaths Nos. 17 & 19: this would need to be undertaken via TCPA Diversion Order. The application documents are unclear as to where this realignment would be to, and it should be noted that the diversion of a public footpath onto the footway of a public highway (assuming that the roads within the development are to be adopted highways) equates to a loss of a public right of way and therefore an extinguishment order is appropriate.

The planning statement states that pedestrian only access will be provided via Laurel Close. In contrast the Cycle Links plan within the Design and Access Statement suggest that this route will be available for cyclists also. Clarification is required, with off-road cycle access to be created where possible.

Overall, the proposed development could take the opportunity to upgrade the existing public footpaths into formal traffic-free cycle tracks for both pedestrian and cyclist use as the primary access spines for each of the elements of the development, thus improving the sustainability of the proposal and minimising the impact on highways network and associated issues.

The concept of the proposed toucan crossing facility for Old Mill Road is supported, provided that adequate and improved pedestrian and cyclist infrastructure is installed to connect that facility with routes either side.

Cycle access from Wheelock to the south via Houndings Lane should be assessed and incorporated into proposals. Further, appropriate destination signage should be provided both on and off site for pedestrians and cyclists.

It should be noted that there is a proposal, logged under the Council's statutory Rights of Way Improvement Plan (ref. W27) to formalise the legal status of and enhance the footpath link between Townfields and the A534 roundabout. This route could form a key access link for residents of the town to the west of the A road to access the proposed facilities of the development site and therefore contributions towards the project would be sought. Facilities for residents to cross the A534 to the south of the roundabout need also to be assessed as residents from the west of the town are unlikely to use the proposed toucan crossing on the north side of the roundabout to access the facilities of the site.

Archaeology: The archaeology report submitted with the application identifies that there are no statutorily-designated Heritage Assets within the application area but, having examined the data held in the Cheshire Historic Environment Record and information contained in readily-available historical sources, it concludes that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted.

These include historic field boundaries, that part of the Brook Mill site within the application area, the Fields Farm complex, and the field known as 'Scot's Meadow'. It is not suggested that any of the above historic features are significant enough to generate an objection to the development on archaeological grounds or require further pre-determination work. However it is advised, that in the event that planning permission is granted a programme of archaeological work will be required, which may be secured by condition.

Cheshire Wildlife Trust: Cheshire Wildlife Trust has the following comments to make:

- Extended Phase 1 habitat surveys are referenced in accompanying documents but do not appear on the planning website. We are therefore unable to comment on the methodology or results of these surveys.

- Breeding bird and bat (roosting and emergence) surveys have been carried out at Fields Farm and are acceptable, although it would be helpful to have details of the qualifications of assistant surveyors in order to establish their competence. However, the report of the Dusk and Dawn Bat Surveys at Fields Farm (SESS, July 2012) refers also to bat surveys of Houndings Lane Farm during which two common pipistrelle roosts had been recorded. Few details of this survey are given and it does not appear on the planning website.

- Although the implications for bats of the development proposals in respect of the buildings are discussed, there is no assessment of the potential impact for foraging bats of the loss of foraging habitat. CWT would expect to see the land surrounding both Fields and Houndings Lane Farms surveyed and assessed for its value to bats, with recommendations for impact mitigation/compensation as appropriate.

- Land to the west of the A354 (the 'west site') was surveyed for water voles by SESS. In spite of sub-optimal survey conditions (recent heavy rain and raised water flow in the ditch), the survey found evidence of 'low levels of water vole activity' in the southern end of a ditch which joins Arclid Brook at the northern end of the western site. The report concludes that 'the ditch currently supports only small numbers of water vole'. However, given the current physical condition of the ditch and the possibility of occasional polluted storm water incursion, the presence of a population of water voles is considered by CWT to be a valuable aspect of this site, particularly in view of their national and Cheshire Species Action Plan status. CWT therefore objects to the storm water attenuation element of this planning application if it results in the loss of existing water vole habitat. As recommended in SESS' report the ditch should be subject to enhancement management measures to maximise the future water vole carrying capacity, including sensitive desilting and a 6m. (*CWT recommendation*) minimum stand-off from the top of the ditch embankments.

Highways Agency: No objection

Cheshire Brine Subsidence Board: No comment

Economic Development: It is encouraging that a developer looking to deliver a mixed use retail, employment and leisure scheme has the confidence to want to invest in Sandbach. Proposals which could deliver the opportunity for hundreds of jobs in the local area should be carefully considered. We support measured growth in Sandbach appropriate to the scale of the town. There are a number of issues with the proposed scheme and would like to raise the following comments:

- The proposed development site location is not within the town centre. We would not support commercial uses at the proposed development site which could damage the town centre and which might be located within the town centre.
- The White Young Green Cheshire Retail Study (2011) identified additional convenience goods capacity for Sandbach up to 2021 to a maximum of 14,305 sq ft. Additional comparison goods capacity up to 2021 was identified as being 31,538 sq ft. The proposed development includes a 40,000 sq ft (net retail floor space) Supermarket and a Garden Centre of 50,000 sq ft (GEA). The development and trading of these stores would exceed the recommended additional retail capacity for convenience and comparison goods in the town. There is a concern that units of this size and type could damage the town centre especially regarding the sale of comparison goods at this location.
- The development of Employment Units, Petrol Station and Hotel could be considered to have less impact on the town centre, (depending on end user of employment units) and could create a significant number of jobs. However the existing allocated site at 'Capricorn' could compete with this site, particularly in regard to the employment units.
- The retail assessment provided should be independently assessed and an independent impact assessment produced.
- If permission is granted to this proposal, pedestrian and cycle linkages to the town centre is of the utmost importance as is a high standard of urban design to promote permeability into and from the town centre.

Ramblers Association: Object to the application on the following grounds:

- The development does not take account of the PROW. It would possibly effect a number of footpaths including Sandbach FP17, FP18, FP19, FP38 and FP50.
- The application proposed to develop land in conjunction with the PROW network, canal towpath, Salt Line and Wheelock Rail Trail give a wide range of rural pedestrian access to the centre of Sandbach, not only for shopping, but for social activities throughout the day. Development of the land on this scale and of this nature would irrevocably change the nature of Sandbach and its accessibility for pedestrians from outlying areas.

6. VIEWS OF THE PARISH COUNCIL

Object to the application on the following grounds:-

- As an 'out of town' development the proposals are not in accordance with S4, paragraph 23 of the NPPF, supporting vitality of Town Centre. This development will negatively impact viability of the Town Centre.
- Proposals will significantly increase traffic in an area with existing difficulties. Members believe proposed access and road improvements to be inadequate and unsafe, therefore contravening S4, paragraph 32 of the NPPF.
- Contrary to NPPF S4, paragraph 35, the development will not create safe and secure layout for cyclists and pedestrians.
- Public Footpaths FP17, FP18, FP19, FP38, FP50 and FP20 may be affected through construction works and development of this site.
- It is felt that development of this Green Field site does not support preservation of the setting and special character of this historic market town of Sandbach, contravening S9 of the NPPF.

Should CEC be minded to approve this outline application, then Sandbach Town Council would seek to actively engage with the developer/s to ensure that an acceptable detailed plan is submitted, which compliments the existing infrastructure and town centre offering.

7. OTHER REPRESENTATIONS

Letters of objection have been received from approximately 220 households/local businesses raising the following points;

Principal of Development

- The proposal is ill thought out and will harm the character of the town
- The loss of Green Belt
- The development is not needed or wanted
- There are adequate facilities in Sandbach
- The development does not respect the historic market town
- Sandbach does not need chain stores
- Loss of countryside
- The proposal is a speculative development
- The jobs created would be low paid
- There are plenty of brownfield sites
- The site next to Junction 17 would be more appropriate
- Loss of the individuality of Sandbach
- The creation of a clone town
- The proposal is premature ahead of the Local Plan
- The proposal would be in conflict with the Portas Review
- The development will not create jobs but displace existing ones
- The development is not sustainable
- There will be no benefit for Sandbach
- There is no need to employment units and office space given the existing vacancies
- Existing infrastructure cannot cope
- Increase in anti-social behaviour

- Lack of consultation
- Increased crime
- The proposal is only the first phase
- A larger second phase of housing will follow
- Lack of a local plan

Retail Impact

- Detrimental impact upon Sandbach Town Centre
- The development would be harmful to local traders
- The town centre will become a ghost town dominated by charity shops
- The development would be occupied by national firms and there would be little benefit to Sandbach
- The development is remote from the town centre and there would be no linked trips
- There are vacancies within the Town Centre
- It is difficult to assess the true retail impact
- There is a choice of super markets in Sandbach
- There is a wide range of pubs and bars in Sandbach
- There is a range of shops selling plants with a ten minute walk of the site the- The garden centre is not needed
- The development will be in competition with existing businesses
- Loss of employment in the town centre

Highways

- Increased traffic congestion
- The proposed alterations between the Old Mill Road roundabout and Junction 17 would only make the problems worse
- Increased traffic
- Traffic is a barrier to the town
- Traffic is already a problem at this roundabout
- Highway safety
- Difficulties exiting the Palmer Road estate would be made worse
- Increased traffic from delivery vehicles via the M6
- Highway safety for pedestrians and cyclists
- There is insufficient car parking on the site
- The traffic surveys were undertaken in the school holidays

Amenity

- Deliveries to the store would cause amenity concerns to local residents
- Increased pollution – air quality
- Noise to local residents
- Structural damage
- Light pollution

Green issues

- Impact upon wildlife
- Impact upon protected species
- Bats are locate on the site
- Water Voles are located on the site
- The Water Vole Survey is inadequate

Other issues

- Problems caused during the construction period would lead to delays
- Increased drainage problems
- Flooding
- Loss of property value

Letters of support has been received from approximately 270 households/local business raising the following points;

Principal of Development

- Sandbach needs new investment
- Increased employment – 600 jobs
- The development should be supported in this economic climate
- The proposal will be an excellent addition to Sandbach
- Sandbach needs a proposal like this as it does not benefit from the level of visitors of similar towns like Nantwich
- The proposal will make Sandbach a visitor destination
- The hotel will boost spending in local shops, cafes and bars
- The petrol station will promote competitive prices
- There are many people in Sandbach looking for jobs
- The proposal will bring new life to a dying town
- The agricultural land that would be lost is poor quality
- On balance the traffic impact would not be that bad

Retail Impact

- The proposed supermarket will mean that residents will not have to travel to Crewe for shopping
- The supermarket will benefit local people
- There is currently no local garden centre in close proximity to Sandbach
- The supermarket will encourage people to shop in Sandbach and visit the town
- There should be more choice
- There is no mid-range supermarket in Sandbach
- An alternative to Waitrose is required

A letter of objection has been received from Fiona Bruce MP raising the following points;

- Object in the strongest possible terms. Extremely concerned by the unprecedented threat to Sandbach from development on the fact that there is no established local plan.
- The character of Sandbach would be damaged and there would be irreparable damage as trade would be taken out of the centre and businesses would be forced to close. The strong independent retail sector which exists in Sandbach would be destroyed.
- Gravely concerned that this development could lead to a second phase of hundreds of homes.
- The NPPF states a preference for the development of brownfield sites. This is being ignored by developers who are targeting a prime Greenfield location at the heart of Sandbach.
- Local people should be given a say in whether this application is given approval. There have been dozens of objections to the application
- There are grave concerns regarding the infrastructure in Sandbach. The roundabout close to the site cannot cope with the volume of traffic during peak hours. There are further traffic related problems at junction 17 of the M6.

An objection has been received from Cllr Corcoran stating as follows:

‘There are some aspects of this application with which I sympathise. Some Sandbach residents currently do their weekly shops outside Sandbach. Sandbach lacks a town centre hotel. (The Chimney House Hotel is a bit out of town.) There is no ‘Wacky Warehouse’ type pub in Sandbach with a children’s soft play area.

I have 3 major concerns regarding this development

1. Highways

The junctions at the Waitrose roundabout (junction of Old Mill Road, Brookhouse Road, Wheelock Bypass) and the traffic lights at the bottom of The Hill already cause traffic delays. I am concerned that these plans will make that situation worse and that the proposed road improvements do not adequately address the problems.

The concerns of cyclists (as detailed in the report by Matthias Bunte of CTC) have not been properly addressed, particularly concerning the Waitrose roundabout.

I would like to see more work done on highways improvements.

2. Split Town Centre

A report by University of Southampton (UoS) has been quoted to support the application. However, having read this report, it is clear that this report deals with supermarkets in the town centre or in direct proximity to the town centre. Thus the University of Southampton (UoS) report is relevant to the Waitrose supermarket in Sandbach, but not to the Old Mill Quarter development. In the UoS report local traders supported the new supermarkets. By contrast in Sandbach most traders oppose the Old Mill Quarter development.

For me the critical question is whether people will visit/park at the Old Mill Quarter development and then walk into the town centre. To test this idea I have been monitoring the Homebase car park (which is adjacent to the Old Mill Quarter site). On a Thursday (market day) many other car parks in Sandbach are full. Therefore I would have expected to find that the Homebase car park was full on a Thursday, with people parking at Homebase and walking into the town centre. In fact the Homebase car park was not full and the number of cars was no different from any other day. From this I conclude that people will not park at Homebase/Old Mill Quarter and walk into Sandbach Town Centre.

The works to link the Old Mill Quarter and the existing town centre actually included in the plans are modest and I believe that they will be ineffective. Other works were discussed but are not included in the plans submitted.

I would like to see more work done to link the Old Mill Quarter and the existing town centre.

3. Environmental

The wildlife corridor runs through the development and through the area set aside for water runoff. The importance of the wildlife corridor has been confirmed in the recent public consultation on the Draft Sandbach Town Strategy.

At present, the plans do not give adequate assurance of protection and enhancement of the wildlife corridor'.

A letter of objection has been received from Waitrose which makes the following points:

- Compliance with the National Planning Policy Framework: the proposal should not benefit from the presumption in favour of development, as under paragraph 14 of the NPPF, the adverse impacts of the scheme outweigh the benefits when assessed against the NPPF as a whole.
- Development Plan Compliance: the scheme does not fully comply with saved policies of the Congleton Borough Local Plan or the emerging Cheshire East Local Plan / Sandbach Town Strategy which are material considerations.
- Retail Impact on Sandbach Town Centre: the Retail Impact Assessment within the submitted Retail Statement does not provide an adequate assessment of the scheme's impact on Sandbach Town Centre and trade in the wider area and raises concerns about the scheme's actual impact on the health of the Town Centre, contrary to NPPF paragraph 26.

- Sequential Assessment: the Sequential Test within the submitted Retail Statement fails to consider the constituent parts of the scheme in line with NPPF paragraph 24 and whether these could be accommodated on sequentially preferable sites within Sandbach Town Centre or in better connected and more accessible edge or out of Centre locations.
- Highways: there are significant weaknesses within the Transport Assessment prepared by Singleton Clamp & Partners (SCP) August 2012. This raises significant concern about the scheme's actual and potential impact on the local highway network, contrary to saved Local Plan Policies GR9, GR10, GR11 and GR18 in particular.

An objection has been received from Sandbach Traders and Retailer Group raising the following points:

- Sandbach does not need a duplication of what it effectively has already got.
- It will split to the existing town in two due to the proposed extra widening to the roads therefore causing a by-passing of the town.
- Shoppers will not make linked trips with the town centre
- Sandbach Town Council and Cheshire East Council need to invest in the existing town centre
- Sandbach has the lowest percentage of empty retail shops in the country – 3.97% as compared to 14.5% - this proposal goes against all Mary Portas' recommendations for High Streets.
- Sandbach's character, history, uniqueness and Market Charter need to be built on not ripped apart by some unimaginative Retail Park.
- Sandbach will in effect become a "no-go area" if this plan goes ahead – there will be 3-5 years of construction and that is just for Phase 1 – this will keep existing shoppers out of the town and deter new shoppers from coming to the town
- The roads are grid-locked each day
- This is the wrong kind of development

A number of representations have been received from the 'Stop Old Mill Quarter' group. The comments are summarised as follows:

- A survey has been carried out and 90% of Sandbach residents and shoppers are against the proposal.
- SOMQ feels that there is overwhelming evidence that the highway infrastructure around the development site is struggling to sustain current traffic levels and would not be able to cater for the extra traffic levels that the development would bring to the area. The expected traffic flow over a weekday peak period is would increase to 28% and 41% over the weekend peak periods. This is not sustainable for a town the size of Sandbach with its existing road infrastructure.
- The plans to develop the Waitrose roundabout will achieve nothing other than to allow an extra arm to be built on to it to give access to the development site. The existing roundabout is already used as a two lane roundabout and the plans would simply allow an extra 300 – 500 vehicle per hour during peak periods. There will be no widening of the approach roads and therefore this is a pure increase in confusion and traffic numbers on an already congested system. 5 arms on a roundabout this size is considered under health and safety rules as dangerous.
- The plans for Junction B the Hill junction are nothing more that official lane markings with no road widening measures being undertaken. This system is already used by the local traffic as a two lane section of road and the improved road markings will do nothing other than formalise this behaviour. Also this junction is the major choke point for the whole system and the development will merely add an extra 150 – 250 vehicle per hour during peak periods.
- The data used by the developer is flawed as traffic surveys were undertaken during school holiday periods where traffic is significantly reduced during the weekday peak periods. Also the developer is claiming traffic flow rates are and will continue to reduce over the next 5 years, this goes against all common sense the simple fact we can see year after year for the last 20 years that traffic levels on a whole have increased. The expected increase in traffic flow would be significantly higher should these additional factors be accounted for.
- Access to the Birch Gardens / Palmer Road estates is already extremely dangerous and the current plans will compound the issue further with official 2/4 lanes of traffic to navigate dependent upon the turn direction from the estate and the increased traffic flow. Also the removal of the slip road on the entrance

of the junction is a potential black spot for accidents with vehicles coming to an almost standstill in 2 lanes of fast flowing traffic to navigate a blind and tight 180 degree left turn into the estate.

- Should the development be built, within a few years Sandbach can expect the traffic levels that we see around similar developments in local towns such as Crewe and Congleton. Sandbach would become a no go area during the weekend and local residents and traders of Sandbach would suffer the most.
- The traffic levels and the general chaos introduced would greatly increase the risk to the elderly and younger members of our community trying to cross such as busy highway on the way to the town centre and during the school periods.
- The destruction of wildlife and green field sites is not justified.
- The increased traffic issues on an already congested road system.
- It will cause considerable pollution during the build phase and subsequent use.
- Sandbach's very nature as a small market town will be destroyed forever.
- It will cause massive problems to the infrastructure of the town and the community.
- The development is not required.
- SOMQ feels that there is overwhelming evidence that the development of the retail park proposed by the developers is unsustainable for the future of local businesses in Sandbach Town centre and surrounding areas.
- The major claims by the developer are that the development would entice and enhance the town centre of Sandbach due to its proximity to the town centre. However careful study of the plans and pedestrian routes clearly show that these figures have been exaggerated in favour of the development and the retail park can be considered to be an out of town development with little or no possibility of large numbers of people walking between it and the town centre. 750 – 1000m distance compared to the quoted 300m.
- The very nature of retail parks is to entice car drivers to visit to make large purchases and not pedestrians to visit and hence make the proposed pedestrian walk into the town centre.
- An overwhelming number of residents and traders within the town centre feel that the development of such a retail park in this location would have a severe detrimental effect on the existing businesses causing potential job losses and even business closures due to direct competition by large outlets and their buying power to undercut the independent town centre traders.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Pegasus Planning Group)
- Design and Access Statement (Produced by Pegasus Planning Group)
- Transport Assessment (Produced by SCP)
- Framework Travel Plan (Produced by SCP)
- Extended Phase 1 Habitat Survey (August 2011) (Produced by CES Ecology)
- Retail Statement (Produced by Pegasus Planning Group)
- Arboricultural Impact Assessment (Produced by Shields Arboricultural Consultancy)
- Flood Risk Assessment (Produced by Fairhurst)
- Bat and Bird Surveys (Produced by Sensible Ecological Survey Solutions)
- Dusk and Dawn Bat Surveys (Produced by Sensible Ecological Survey Solutions)
- Water Vole Survey (Produced by Sensible Ecological Survey Solutions)
- Phase I and Phase II Desk Study and Geo Environmental Site Investigation Report (Produced by Fairhurst)
- Factual Report on Ground Investigation (Produced by Ian Farmer Associates)
- Statement of Community Involvements (Produced by Pilgrim PR)
- Landscape and Visual Appraisal (Produced by Pegasus Landscape Design)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The site is located within the open countryside and Policy PS8 states that development will only be permitted if it falls into one of a number of categories (e.g. agricultural and forestry, facilities for sport/recreation/tourism etc). The proposed development would not fall into any of the categories which are permitted by Policy PS8 and as a result the development would be contrary to this Policy.

Policy S2 (Shopping and Commercial development Outside Town Centres) requires significant shopping development to meet all of seven criteria listed within the policy and this includes that;

- A) *There is a proven need for the development;*
- B) *No town centre site or other site allocated for retail use in Policy DP4 is available and suitable. In such instances preference will be given to edge of centre sites, followed by existing district centres, and finally out of centre sites in locations that are accessible by a choice of means of transport;*
- C) *The proposal would not undermine, either individually or cumulatively the vitality and viability of any existing centre;*

The NPPF states that the planning system should support sustainable economic growth and para 14 provides more detail in relation to the presumption in favour of sustainable development:

'for decision taking this means (unless material considerations indicate otherwise) ... where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted'*

In this case Policy PS8 is not considered to be out-of-date and is considered to be consistent with the NPPF which states as one of the core principles that planning should recognise *'the intrinsic character and beauty of the countryside'*. The proposal would conflict with Policy PS8 but it is necessary to balance the benefits of this development against the adverse impacts to determine whether the proposal is sustainable development and should be permitted.

In terms of retail applications the NPPF states that local authorities should apply a sequential test and require a retail impact assessment which should include the impact on town centre vitality and viability including local consumer choice and trade in the town centre and wider area. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc) then the application should be refused. It is considered that Policy S2 is consistent with the NPPF.

There is also guidance relevant in other sections of the NPPF, and this includes paragraph 23 which advises LPA's in drawing up Local Plans that they should (amongst other things):

'retain and enhance existing markets'

Paragraph 23 also advises Local Planning Authorities to identify sites in the development plan to:

"meet the scale and type of retail... development needed in town centres."

Sequential Test

The sequential test is a key element of both the NPPF and Policy S2 (Shopping and Commercial Development outside Town Centres). Paragraph 24 of the NPPF states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are

not available should out of centre sites be considered. The PPS4 Practice guide clarifies that when considering edge-of-centre and out-of-centre proposals preference should be given to accessible sites well connected to the town centre.

The applicant considers that the site is edge-of-centre on the basis of the distance to the town centre boundary. This is not accepted as the Planning Inspectorate measure the distance from the front door of the primary shopping area and in Sandbach this equates to the 'Principal Shopping Area'. In this case the nearest point of the Principal Shopping Area is more than 400m to the Waitrose Store. As a result the site is out-of-centre, whilst the A533 roundabout is a major obstruction to pedestrian movement between the application site and the town centre.

In support of this application a number of in-centre and edge of centre sites have been considered as sequentially preferable to the application site. The sites which have been considered within the catchment area are below. It should also be noted that the applicant has not considered any current vacancies for disaggregated elements of the proposal (e.g. the public house, fast food restaurant and café) and it is possible that some of the sites below are capable of accommodating a smaller supermarket.

- Brookhouse Road Allocation
- Sandbach Ambulance Station, Congleton Road
- Royal Mail Sorting Office, Market Square
- Sandbach School Playing Field, Crewe Road
- Football Ground, Flat Lane
- Council Offices, Middlewich Road
- Woodland adjacent to the A533
- Scotch Common Car Park
- Land at Frith Close
- Sandbach Park

None of the above sites are large enough to accommodate the entire proposal but disaggregated elements of the proposal could be accommodated on the above sites and two of which may be available. There is not considered to be a great deal of synergy between the proposed uses within the application to discount a disaggregation of the proposed uses.

In terms of the supermarket the Councils own retail consultant has considered the proposed development in relation to the WYG Cheshire Retail Study Update (April 2011) and states that:

The 2011 WYG Study does not identify capacity to support the superstore element of this proposal. I consider a smaller supermarket on this site or a sequentially preferable site if available / suitable / viable could address the qualitative need identified in the 2011 WYG Study.

As a result of the above it is not considered that the applicant has demonstrated flexibility in terms of scale and format as a smaller supermarket on a sequentially preferable site could increase the market share/retention rate for main food shopping in Sandbach.

The only proposed use that does not appear to have a sequentially preferable site is the Garden Centre as this would serve a wider catchment area.

The Council's retail planning consultant who has considered the sequential test and makes the following conclusion in relation to the sequential assessment:

'It is apparent that the proposal fails to meet one or more of the PG (6.52) checklist criteria for assessing compliance with the sequential assessment. The proposal is a poorly accessed out-of-centre location and there may be sequentially superior out-of-

centre sites that have not been considered such as the designated employment area close to J17 for the hotel and (B Class) employment uses. There are also sites / premises within the town centre available for disaggregated elements of the proposal such as the pub / restaurant and drive through in a flexible format. The superstore is of a much greater scale than needed locally and PPG (the applicant) have not adopted a flexible approach in the sequential assessment. There may be a site for a smaller supermarket in Sandbach. Clearly not all the sequential sites have been thoroughly tested as there are potentially sequentially superior sites / vacancies in Sandbach for disaggregated elements of the proposal particularly when flexible formats are taken into consideration'

Given the conclusions made by the retail consultant it is considered that the sequential test has not been met and this issue will form a reason for refusal.

Impact Assessment

The impact assessment is a key consideration and is referred to within policy S2. The NPPF states that when assessing applications for retail, leisure and office development outside of town centres which are not in accordance with an up-to date Local plan. Local Planning Authorities should require an impact assessment. This should include an assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

The applicant supports the 2011 WYG health check for Sandbach town centre and agreeing with its conclusion that the Town Centre is performing well with a below average proportion of vacancies. The WYG health check concludes that:

"Sandbach shows strong signs of vitality and viability, it benefits from a low level of vacancies, and strong service and convenience goods provision."

This is accepted but the Councils Retail Consultant considers that the high level of charity shops in the Principal Shopping Area does not mean that Sandbach can withstand high levels of trade diversion to the proposal. In particular the Councils Retail Consultant is advised that the superstore element will divert a far greater amount of trade from the town centre than assessed by the applicant.

The Councils Retail Consultant advises that he strongly disagrees with the applicant's conclusion that the impact levels of the proposed superstore will be within acceptable limits for the following reasons:

- The trade draw presented by applicant is unrealistic. There is no prospect of the store drawing 70% of its trade from beyond zone 1 when the distance to existing destinations is considered e.g. Alsager in relation to Tesco Kidsgrove;
- The trade diversions that build on the trade draw analysis are therefore skewed and do not appear to reflect current market shares within the zones;
- The trade diversions also fail to properly apply the 'PG (D.30) 'like affects' like and 'proximity' principles as the same amount of trade is diverted from the 'overtrading' Aldi as the 'undertrading' Waitrose despite the latter being much closer to the site and more comparable to the proposal in terms of main food retail offer;

- The applicant has adopted a zonal approach within the study area but they don't present their trade diversion assumptions by zone; and,
- When assessing impact on the town centre and also the post development turnover of the town centre the applicant does not differentiate between the turnover of the shops in the principal shopping area and edge / out-of-centre shops / proposals.

The applicant disregards the 'proximity' principal as the household survey shows existing supermarkets in Sandbach competing directly with the town centre stores for top-up expenditure. The Councils retail consultant states that:

'the proposed supermarket will also compete directly with the town centre stores for top-up expenditure. If only 2.5% of the superstores turnover (£0.5m) is diverted from the town centre 'other' stores this will represent an impact of c. 25% that even healthy centres would find significantly adverse'

Sandbach town centre also includes a number of specialist independent shops (butchers, greengrocer, deli, wholefood shop, off licence, cheesemonger, newsagent etc) and the Councils Retail Consultant does not consider that these stores can withstand an impact of 25% on their trade/turnover.

In assessing impact on the town centre and also the post development turnover of the town centre the applicant does not differentiate between the turnover of the shops in the principal shopping area and edge / out-of-centre shops / proposals. This is contrary to the Secretary of State's (SoS) remarks in the Stoke Tesco and as a result the Councils Retail Consultants conclusion on the superstore element of this out-of-centre proposal is that:

'it will have a significant adverse impact on the turnover and trade of convenience shops in Sandbach town centre'

In terms of the impact upon choice and competition the applicant makes some claims that the proposal will bring improved choice and competition. The applicant suggests that Sandbach Town Centre is more of a top-up destination than main food destination. However the proposed development will also compete for top-up specialist expenditure. In response to this the Councils retail consultant has referred to a recent appeal decision at Saffron Walden, here the Inspector concluded that the enhanced choice and competition offered by an out-of-centre proposal:

'has to be balanced against the adverse effects on the choice and quality of the convenience offer in the town'

As a result the Councils retail consultant concludes that:

'only little weight can be attached to the competition and choice benefits of this out-of-centre proposal that will impact negatively upon the choice and competition within Sandbach town centre directly and cumulatively with other current proposals (contrary to Policy S2). This approach has been endorsed by a more recent PINS decision in Todmorden where the proposal was only 330m from the PSA although 450m from the market hall that formed the town centre anchor'

The proposed supermarket will include 960sq.m of comparison goods which will include goods such as pharmacy goods, baby products, beauty products, household goods, flower, seasonal goods and pet food products. The Councils Retail Consultant considers that the comparison goods element of the superstore will *'undoubtedly impact negatively on the town centre'*.

In terms of the garden centre the main impact is likely to be on the existing edge-of-centre Homebase store. However there is also one store in Sandbach retailing hardware and there are market stalls that will

suffer trade diversion. The proposed garden centre also has 40% of sales floor space devoted to ancillary comparison goods including clothing and the Councils Retail Consultant considers that this need to be *'considerably reduced or alternatively a smaller garden centre promoted'*. The Councils Retail Consultant also adds that it is likely that a greater proportion of comparison expenditure will be diverted from shops inside the catchment area including Sandbach Town Centre and the impact will be *'proportionally higher and is likely to be significant adverse'*.

In terms of the hotel it is accepted that the current offer in Sandbach is limited. However there may be better sites for a business/budget hotel.

The family pub/restaurant and drive-through restaurant is likely to have an adverse impact upon existing pubs/restaurants in the town centre.

The Councils retail consultant concludes on impact that:

'NPPF (para 27) advises with regard to the two (para 26) impact tests "Where an application... is likely to have significant adverse impact on one or more of the above factors, it should be refused." I have considered the proposal and its impact upon Sandbach town centre against the impact tests of NPPF and conclude it is likely to have a significant adverse impact on the vitality and viability of the centre. My overall conclusion on impact therefore is that there are sufficient policy grounds to refuse this planning application. Even if this isn't accepted section 7 of this review demonstrates the adverse impacts "would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Landscape

The Landscape and Visual appraisal indicates that *'where applicable, the methodologies set out in the Guidelines for Landscape and Visual impact assessment (2nd edition) has been adopted*, and that the appraisal has been undertaken to determine the various different landscape and visual constraints and opportunities of the site. But this is a Landscape and Visual Appraisal, rather than a Landscape and Visual Assessment, although it refers to itself as an assessment, and a study. Nevertheless, as an appraisal it is not considered to be robust enough to be consider *'the impact development would have on the surrounding area and key landscape elements'*.

The appraisal correctly identifies the baseline landscape of the application site and surrounding area, and refers to the national and Cheshire character areas in which the application site is located.

However the Landscape Character Appraisal is an examination of the planning context and a Landscape Character Analysis which merely summarises the Countryside Agency's Character areas and those in the Cheshire Landscape Character Assessment. The Visual Appraisal examines a range of viewpoints around the application site.

From the baseline landscape character information submitted, it is not considered that the appraisal offers any more than a summary of the landscape character of this area, not an assessment of the significance of landscape impact that the proposals may bring about; and although the viewpoint locations chosen are representative, the descriptions are purely that, not an assessment of the visual impact or potential significance of visual impact that the proposals may bring about.

Because of the methodology used the appraisal is subjective and does not offer an analysis of the impact that the proposed development would have on the surrounding area. It is considered that the landscape and visual impacts may well be far more significant than the appraisal suggests.

This is an outline application and although a Landscape and Green Infrastructure Strategy Plan has been included; it is considered that in the development of a site Masterplan, the key objectives of the Landscape Framework proposals that should be addressed are:

- Respect existing landscape and townscape characteristics of the site, principally the mature trees and hedgerows;
- Conserve and enhance the vast majority of the existing mature trees and any notable hedgerows as an integral and structuring part of the Landscape Framework;
- Minimise any potential adverse landscape or visual effects through the application of best practice design principles and careful attention to design through all stages of the development process – particularly, attention to design and specification of landscape boundary treatments to the existing surrounding properties;
- Create a high quality and robust new Landscape Framework, including new open spaces, trees, structure planting, hedgerows and other mixed habitats.

These issues will form part of a design reason for refusal as discussed in the design section.

Highways Implications

The proposed development is an outline with access to be determined at this stage. The proposed development includes an improvement to the existing roundabout at Old Mill Road which consists of the addition of a fifth arm to serve the site, an increase to the diameter of the roundabout of around 50% along with alterations to the geometries and approaches. The proposal also includes minor alterations to road markings at the junction of High Street/The Hill/Old Mill Road.

The main area of congestion in Sandbach occurs on the principal roads including the roundabout access to this development proposal and also the adjacent junction of The Hill/ Old Mill Road. There are also capacity issues at Junction 17 M6 where the design of the junction causes problems to occur with the off slips.

The applicant has submitted a Transport Assessment in support of the application and has also submitted a further report with a VISSIM model of the A534 Wheelock Bypass/ Crewe Road and Old Mill Road/ The Hill. The original Transport Assessment submitted had assessed a number of junctions on the road network. A formal pre-application was not undertaken and the scope of the development impact was not agreed with CEC prior to submission of the application. The junctions that were assessed are as follows:

- A523 Old Mill Road/ A534 Wheelock Bypass/ Site Access
- A523 Old Mill Road/A523 The Hill/ High Street
- Crewe Road / A533 Old Mill Road / A533 Middlewich Road / Hightown Roundabout
- Crewe Road / A523 Wheelock Bypass roundabout junction.

As the scope of the development was not agreed prior to submission, a number of junctions that have congestion problems have not been considered and these are junctions where traffic generation from this scale of development would potentially impact upon. These junctions are:

- A533 / Ashfield Way
- A533 / Birch Gardens
- M6 J17
- A534 / Congleton Road

The background traffic flows used in the transport assessment have been based upon 2012 traffic surveys with the opening year of 2014 and a future year of 2019. It is highly unlikely or impossible that an opening year (completion of the development) would be in 2014 and therefore the assessment years would need to be pushed back. The use of negative growth is not accepted, whilst TEMPRO rates are actually positive for the 2012-14 period development demand in Sandbach is extremely high and whilst all developments may not come forward medium to high growth can be expected.

As the existing traffic flows are very important in determining the traffic impact of the development, the highways department has undertaken a number of traffic surveys at various junctions in Sandbach along with queue length surveys. These surveys will be used to validate the flows used by the applicant in their transport assessment and model.

With regard to traffic generation, there are a number of issues raised by the Highways Officer regarding the trip rates submitted by the applicant but the main points relate to no trips being associated with the petrol filling station and this facility alone will produce a high number of trips. The employment use has been based upon B2 but the submission is for a mixture of B1, B2 and B8 and only part of the gross floor area of the Garden Centre has been used to calculate trips. There has been a general 20% reduction in trips due to cross visitation across all uses and whilst it is agreed that there is cross visitation between multi-use developments, simply applying a 20% reduction is not considered valid.

As indicated previously, the background flows are important in the assessment of the development and there are differences between the applicant's survey results and CEC survey results. This especially applies to the queue length surveys on the A534 and Old Mill Road. The actual peak hour flows results are broadly similar to the applicant's survey results although CEC counts were higher in some of the turning movements on Old Mill Road. It is not surprising that the flows are similar at the Wheelock roundabout and the Old Mill Road/The Hill junction, as they are operating at capacity they cannot cater for additional flow. Although the original TA submission modelled these junctions separately, there is an acceptance in the subsequent technical note that there is an interaction between the two junctions and that Old Mill Road/The Hill affects the operation of the roundabout and vice versa.

The capacity assessments undertaken by the applicant have focused on the junctions indicated previously and they have been undertaken on a base year of 2012. In summary, the report states that there are capacity problems currently with both the Wheelock Bypass roundabout and Old Mill Road/The Hill junctions and these problems will increase when committed development is added. With the introduction of the new enlarged roundabout and the new fifth arm site access, it is the contention that the roundabout junction will then operate well within capacity with little queues even with the development traffic added. Additionally, the problems at the traffic signal junction at Old Mill Road/ The Hill are considered to be vastly improved with the introduction of some minor road markings at the junction. The new roundabout design was not supported by a road safety audit that would inform a decision on the suitability of constructing the new proposed five arm roundabout.

In conclusion the existing junctions already have capacity problems and the submitted TA does not assess the impact upon a number of junctions. The Highways department consider that the degree of congestion and the extent of the impact will be worse than the applicant contends. The trip generation is lower than would be expected from the development proposals whilst the submitted assessment years are unrealistic. The highways department consider that the proposed roundabout will operate at over capacity levels whilst the improvements to the junction of The Hill/High Street/Old Mill Road are not much different to how the junction currently operates. Finally the accessibility of the site is poor and most trips would be car based as the bus service to the site is not frequent. Therefore it is considered that the highways impact would be severe and this will form a reason for refusal.

Amenity

There are residential properties in close proximity to the application site that would be affected by the development.

As the application is outline it is difficult to assess the impact upon the adjacent properties. However the Environmental Health Department has considered the proposals and considers that insufficient information has been provided in relation to noise, air quality and odour. As a result this will form a reason for refusal.

Trees and Hedgerows

Trees

The application is supported by an Arboricultural Implication Assessment. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in Relation to Construction (actually Trees in relation to design, demolition and construction). The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

BS5837:2012 no longer refers to Arboricultural Implications Assessments, but to Arboricultural Impact Assessments. The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard *BS5837:2012* places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention but are not cross referenced with their Root Protection Areas and respective tree protection details onto the proposed Master Plan. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees.

Therefore it is considered that the submitted arboricultural report does not provide the level of detail required to adequately assess the impact of development on existing trees.

Hedgerows

Reference is made within the Arboricultural Report to the protection of Important Hedgerows but existing hedgerows do not appear to have been assessed. A Hedgerow Assessment in accordance with the Hedgerow Regulations 1997 is required. This should be carried out in accordance with Policy NR3.

Design

The application site is presently Greenfield and in use as pasture/grazing land, except for Fields Farm located on Eastern side of the site. It is also adjoined to the south by Houndings Lane Farm. To the north east of the site, elevated above it, is an area of post war housing. To the west, set back from the line of Arclid Brook and its associated landscape is housing development (early post war and early 21st century off Old Mill Road).

The northern part of this triangular shaped site is characterised by the crossing of Arclid Brook into the site and its relationship to the adjacent roundabout that connects the A533 and A534 (Old Mill Road and the Sandbach/Wheelock bypass).

The site topography generally falls from east to west, but has been artificially affected by the construction of the bypass, which has created an embanked edge topped by landscaping and trees (which lie outside the site boundary).

The site is relatively close to the town centre, but it also feels separated from it by the barrier created by bypass/Old Mill Road. The site is a wedge of countryside that encroaches into the town from the south. It is enclosed by landscaping along the boundary with the Wheelock bypass but there are views into and across the site from Old Mill Road and from car parks and Brookhouse Road. The development is also likely to be partly visible on approach from the south on the Wheelock bypass.

A public footpath runs through the site, north/south and along the eastern boundary, with a branch eastward around Fields Farm connecting to Laurel Close. Views from the site include the view back toward the town centre of St Michael's Church and views across the site from the public footpaths and from Houndings Lane, immediately to the south.

The proposals seek to access the site off the roundabout on Old Mill Road via a new access over the culverted Arclid Brook. The illustrative Masterplan indicates a central spine road serving development on either side, with smaller footprint uses to the west and the larger supermarket and garden centre floor plates to the east.

The scheme proposes a variety of commercial, retail and leisure uses including good outlets, a hotel a pub, petrol filling station, food retail store, garden centre , hotel and employment units.

The parameters in the Planning Statement identify the development types and gross external areas (apart from the hotel, instead setting a maximum number of bedrooms). Height parameters identified range from 6 metres for the petrol filling station to 11 metres for the hotel and employment buildings, garden centre and the pub and restaurants. The food store building would be a maximum of 8 metres but with a feature tower on the NW corner up to 15 metres.

The planning statement indicates that the illustrative layout has been conceived to seek visual prominence, stating its importance to for any commercial use.

Whilst it is acknowledged that this is an outline application with all matters of detail reserved except access, it is possible to respond to the material submitted, principally the illustrative Masterplan and the accompanying Design and Access and Planning Statements.

The illustrative layout places the food store at the heart of the key view into the site. Whilst it is positive that the parameters set in place the potential to create a landmark corner, the likelihood is that this will be a plain and uninspiring building, notwithstanding the tower. Food store design is very formulaic and leaves little scope for imaginative, high quality design. Given the site levels and the extent of frontage parking, there is a danger that the store and its parking will be extremely prominent and not especially positive in townscape terms. There is also the issue of how the levels changes will be dealt with in reality. The site on the opposite side of Wheelock bypass (Homebase and the housing behind) illustrate the negative and urbanising impact of manmade structures to deal with levels changes.

The central zone of the site would be dominated by expansive surface car parking serving the food store and garden centre. Whilst the illustrative Masterplan indicates a boulevard, with further structural tree planting to break up car parks, the reality of recent negotiations on retail stores is that operators will seek to erode this at the detailed stage. Failure to achieve this degree of planting would create large open areas within the site, substantially weakening the landscape infrastructure.

The pedestrian environment through the site could end up being poor and uninspiring if the appropriate landscape quality is not achieved. There is also no positive public space designed into the scheme. A

proper heart could have been created within the scheme by creating a feature space, upon which the mixed uses could have been focused. Instead the layout feels very vehicle dominated. Linked to the above, greater pedestrian permeability could have been created between the eastern and western parts of the scheme to foster greater pedestrian movement and a more pedestrian focused layout. The pedestrian route to Laurel Close, between service yards is also very poor.

Fields Farm, as described below is a non-designated heritage asset and parts of the farm complex could have been retained to help anchor the development and retain a sense of place for the scheme. For example, a pub use could quite easily be incorporated into this range of buildings, with some additions and this would have created an established townscape feature at the heart of the site.

The Wheelock bypass is a key gateway into the town. The illustrative Masterplan indicates buildings presenting their rear elevations to the bypass. Whilst there is extensive planting, there is the potential that these buildings will contribute toward creating a negative gateway into the town, especially the employment units which could be up to 11 metres high. The indicative Aerial view in the Design and Access Statement annotates this block as “shed type construction”. This would be a poor gateway building into the town from the south. Furthermore, the illustrative Master plan relies on the buffer landscape alongside the bypass to screen the associated parking and servicing and, offers little within the site to supplement that landscape.

In terms of the architectural illustrations in the Design and Access Statement, these are not considered to be acceptable. The rationale is understood, but it is not especially cohesive and could be interpreted by designers at detailed stage as a licence to design poor quality pastiche. There are nearby examples where this approach has been adopted in the past and it has failed to create a contextually relevant design that adds to the sense of place of the town. It could well do the opposite by ‘devaluing the distinct character of the older parts of the town centre. A more honest approach would be to use sustainable design as the key design driver for the scheme, but with an emphasis on delivering exceptionally high quality.

Given the size of the scheme, it would be appropriate to use a form of design control such as design coding to manage the design of various aspects of the scheme, including architectural design.

The Design and Access Statement discusses the scheme investing heavily in public realm upgrade of the main pedestrian link to the town centre and in the town centre itself. This would be crucial should the application be approved.

Ecology

Water Vole

The Water Vole survey has been undertaken under poor survey conditions. The flooded conditions of the river at the time of the survey following heavy rain the night before would result in the bulk of Water Vole field signs being lost prior to the survey taking place. The Councils Ecologist advises that that the results of the survey, which did not record any evidence of Water Voles, should be treated with some caution. However, no evidence of Water Voles was recorded and a similar survey has also been undertaken on a nearby section of the Arclid Brook in connection with a separate unrelated application which also did not record any evidence of Water Voles. Therefore on balance it seems likely that Water Voles are absent from this section of the brook.

Otter, kingfisher and white clawed crayfish

Following the submission of surveys the Councils Ecologist is satisfied that these species are not reasonable likely to be affected by the proposed development.

Barn owls

The Councils Ecologist is satisfied that the site does not support significant areas of high quality foraging habitat for Barn Owl. Therefore at present there is no evidence to suggest the proposed development would result in a significant adverse impact upon this species.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Sandbach Wildlife Corridor

The proposed development is located partly within the Sandbach Wildlife Corridor and is subject to Policy NR4 (Non-statutory sites). The proposed development would result in a significant loss of habitat within the wildlife corridor. The habitat lost does appear to be relatively limited nature conservation value.

The proposed development would however also result in the loss of hedgerows (a UK BAP priority habitat and a material consideration). Policy NR4 states that planning consent should only be granted if there is an overriding need for the development and there are no suitable alternatives.

If planning consent is granted the Councils Ecologist recommends that the adverse impact of the proposed development upon the wildlife corridor be 'off sett' by habitat improvements on the land to the opposite side of the by-pass. At the time of writing this report no details of mitigation have been provided and this issue will form a reason for refusal.

Western site – water attenuation area

Detailed proposals for this aspect of the proposed development are still currently lacking in detail. The potential ecological impacts (both positive and negative) of this element of the proposals can therefore not currently be assessed. This area does however offer the potential for a significant habitat creation scheme to be incorporated into the site master plan.

Flood Risk and Drainage

In support of this application a Flood Risk Assessment has been submitted in support of the application. The majority of the site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. The northern part of the site adjacent to the Old Mill roundabout is identified as being within Flood Zones 2 and 3.

The FRA identifies that the development is sequentially acceptable in flood risk terms. The main reason for this is that most of the site is within the Flood Zone 1 apart from the petrol filling station as shown on the indicative layout which is only partly located within Flood Zones 2 and 3. In order to mitigate the risk of flooding to the proposed petrol station the FRA identifies that this would be raised 3.5m above existing levels above the groundwater table and out of Flood Zones 2 and 3 (the fuel tanks would be located in Flood Zone 1).

In order to compensate for the loss of flood plain, the FRA identifies that it is necessary to provide 1,500cu.m of flood capacity and this will be provided in an underground tank and ground level reduction (the final details would be agreed at the Reserved Matters Stage).

As the development would substantially increase the amount of hardstanding on the site the FRA identifies a number of measures to ensure that surface water run-off does not result in increased off-site flooding. These measures include: a restriction in the surface water discharge; surface water discharge to be a combination of public sewer, direct to water course or a new surface water pond located to the west of the

A534; surface water attenuation; discharge calculations undertaken for the 1:30 and 1:100 year storm events; and petrol interceptors.

The Environment Agency and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

Archaeology

There are no statutorily-designated Heritage Assets within the application area. The Councils Archaeologist has examined the data held in the Cheshire Historic Environment Record and information contained in readily-available historical sources, and concludes that the site does contain several areas of archaeological potential which are likely to need further archaeological mitigation, in the event that planning permission is granted. This would be secured through the use of a planning condition.

Loss of Agricultural Land

The proposed development would result in the loss of agricultural land. In relation to this issue the NPPF states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'

No assessment of agricultural land has been submitted in support of this application and as a result it is not possible to consider this impact. This issue will form a reason for refusal.

Environmental Impact Assessment

A representation has requested a screening opinion as they consider that the development is EIA development.

The proposal does not fall within Schedule 1 but falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an infrastructure project exceeding 0.5 hectares (Section 10(b) Urban Development) where EIA is not mandatory. Having regard to the characteristics of the development, its location and potential impact, the application has been screened and it is not considered that the proposal requires an Environmental Impact Assessment.

Renewable Energy & Sustainability

The key issues are in relation to sustainability are:

- There is a commitment to only meet not exceed Building Regulations in terms of building performance.
- No renewable/low carbon energy is proposed as part of the development. For this scale of development district heating or other forms of decentralised energy should have been considered
- There is no indication that passive environmental design has been considered or is suggested for the Reserved Matters. Again for the size of scheme, this should be fundamental to the design philosophy
- There is no real indication that climate change adaptation has been seriously considered (except for the potential for SUDs).

10. CONCLUSIONS

The site is located outside the Sandbach Settlement Boundary and the development is an inappropriate form of development which would not preserve the openness of the countryside and maintain or enhance its local

character. The principle of development is therefore contrary to the NPPF and Policies PS3 and PS8 of the Local Plan.

The proposal relates to an out-of-centre retail development which fails to satisfy the sequential test or retail impact test of the NPPF and Policy S2. The development would have a significant adverse impact upon the vitality and viability of Sandbach Town Centre.

The indicative layout of the site is poor and would result in a development which would be car dominated and not achieve a sense of place. The proposed development does not achieve high quality and inclusive design.

The information contained within the TA is not considered to be adequate and it is considered that the development would result in a development which is dependent on the car and not sustainable. The proposed development would have a severe impact upon the local highway network and the proposed improvements would not mitigate the impact.

The proposed development would result in the loss of part of the Sandbach wildlife corridor and there is a lack of any replacement/enhanced habitat to mitigate the impact.

This planning application does not include an agricultural land quality assessment and as a result it is not possible to determine whether the development would involve the loss of best and most versatile agricultural land.

The application does not include noise, air quality and odour assessments and it is not possible to assess the impact of the development upon residential amenity.

It is considered that the issues raised above and within the 7 reasons for refusal below would significantly outweigh any economic benefits which would occur through the construction of the site and new employment. Therefore the proposal cannot be considered to be sustainable development.

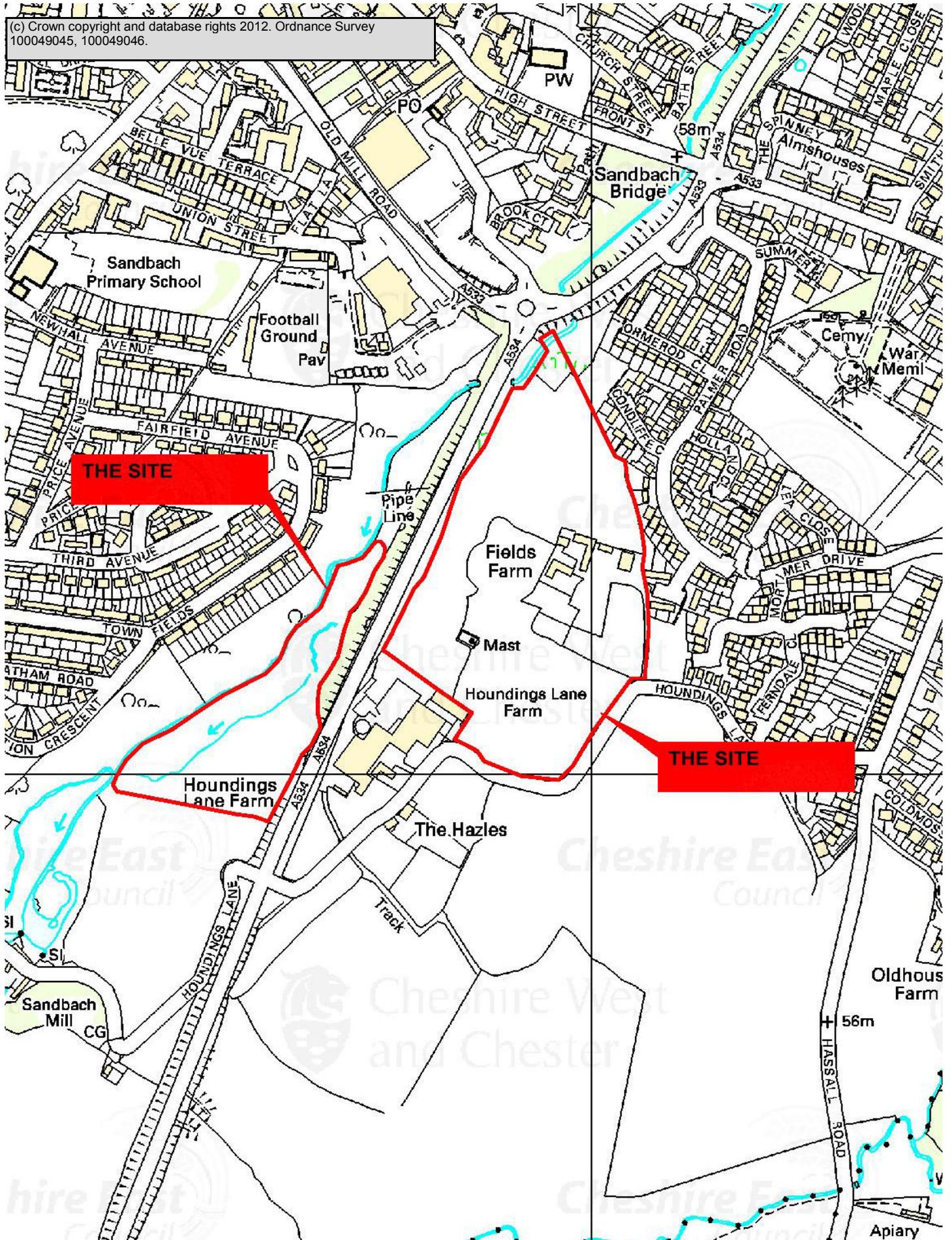
11. RECOMMENDATIONS

REFUSE for the following reason;

- 1. The proposed development relates to an out-of-centre retail development which fails to satisfy the sequential test and does not satisfy the retail impact test of the NPPF (para 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed store would not be accessible by a choice of means of transport and would be reliant on carborne trade. As a result the proposed development is not considered to be sustainable development and would have a significant adverse impact upon Sandbach in terms of the impact upon the vitality and viability. The proposed development is therefore not sustainable and contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.**
- 2. The plans submitted as part of this application indicate a form of development that would be vehicle dominated and places pedestrians second at the expense of vehicles and servicing. Furthermore there is a general lack of public space and the development does not achieve a sense of place. Finally the development does not respect and conserve existing landscape and townscape characteristics of the site (principally the mature trees, hedgerows and Fields Farm) and as a result is not of a quality which would be acceptable given emphasis for good design contained within the NPPF. As a result, the proposal is not considered to be sustainable development and is contrary to the NPPF and Policies GR1 (New Development) and GR2 (Design) of the Congleton Borough Local Plan First Review (2005) which seek to achieve high quality and inclusive design for all development.**

3. The Transport Assessment which has been submitted with the application is not considered to be acceptable as the degree of congestion is much worse and the extent of the impact is wider than has been assessed. The proposed access and improvements at the Old Mill Roundabout and the junction of The Hill/High Street/Old Mill Road would not mitigate the impact of the proposed development and the development would be reliant upon car based trips. As a result the transport impact of the development would be severe and the development is not considered to be sustainable. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.
4. Part of the application site is located within the Sandbach Wildlife Corridor and the proposed development would result in a significant loss of habitat within the wildlife corridor. The proposed development does not include any details mitigation to off-set this impact and as a result, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).
5. The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality, noise and odour. Without these assessments it is not possible to fully assess the impact of the development upon surrounding residential properties. Therefore the proposal is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution and protect residential amenity.
6. The proposed development is an inappropriate form of development within the open countryside. The development would not preserve the openness of the countryside and maintain or enhance its local character. Therefore the proposal would not be sustainable development and would be contrary to the provisions of Policies PS3 and PS8 of the adopted Congleton Borough Local Plan First Review and the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside.
7. This planning application does not include an agricultural land quality assessment and as a result it is not possible to determine whether the development would involve the loss of best and most versatile agricultural land. The NPPF states that Local Planning Authorities should take into account the economic and wider benefits of the best and most versatile agricultural land. In this case the development of agricultural land is not considered to be necessary or sustainable and the proposal is therefore contrary to paragraph 112 of the NPPF.

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Application No: 12/4115N

Location: FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE

Proposal: Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works.

Applicant: Kevin Mellings, Cheshire East Council

Expiry Date: 19-Feb-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

- **Principal of the development**
- **Highway implications**
- **Amenity**
- **Landscape**
- **Trees**
- **Ecology**
- **Flood Risk & Drainage**
- **Impact upon Listed Buildings and the Historic Park and Garden**
- **Archaeology**
- **The impact upon the Public Right of Way**
- **The impact upon the Hazardous Installation**

REASON FOR REFERRAL

This application has been referred to the Strategic Planning Board as it is a major application and includes an Environmental Impact Assessment.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located between the A500 and the Weston Gate Roundabout. The site is also known as Basford East and currently consists of an area of relatively flat agricultural land which is peppered with trees, hedgerows and ponds. To the north the Crewe – Stoke-on-Trent railway line crosses the site with a band of woodland located between the railway line and the Weston Gate Roundabout. Gresty Brook and Basford Brook run to the west of the site.

2. DETAILS OF PROPOSAL

This application relates to the provision of a dual carriageway which would link the A500 and the Weston Gate Roundabout. The proposal would be approximately 1.1km in length and would be a standard two lane dual carriageway with a central reservation. A segregated footway/cycleway would run along both sides over the full length of the scheme and would be separated from the carriageway by a grass verge. A four arm roundabout (70m in diameter) would be constructed approximately half way along the road to provide spur roads into the Basford East development site (150m to the east and 185m to the west). At a point 20m south of the Weston Gate roundabout the road would descend approximately 2 metres into a cutting below the Crewe-Stoke Railway line. A bridge would be installed within the railway embankment which would allow the proposed road to cross beneath.

The alignment of the scheme is substantially the same as application 11/1982N and the additional elements include the following:

- A modification to the A5020 Weston Road roundabout approach
- A new railway under bridge design/detail (using a single span)
- Construction site compounds
- Pumping station and kiosk building (2m wide, 1.5m deep and 2m high) located adjacent to the railway under bridge
- A borrow pit
- Topsoil storage areas
- A flood compensation area
- Temporary site security bunds along the line of the road
- Temporary surplus soil bunds
- Great Crested Newt mitigation areas

3. RELEVANT HISTORY

11/1982N - Construction of a Dual Carriageway All Purpose Road Known as Crewe Green Link South (CGLS) on Land Between Weston Gate Roundabout and the A500 – Approved 12th October 2011

P01/1199 – Construction of Crewe Green Link Road (Southern Phase) – Approved 5th February 2002

4. POLICIES

National Planning Policy

The National Planning Policy Framework

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

BE.14 – Development affecting Historic Parks and Gardens

BE.16 – Development and Archaeology

BE.21 – Hazardous Installations
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.8 – Sites of Local Importance for Nature Conservation
NE.9 – Protected Species
NE.10 – New Woodland Planting and Landscaping
NE.11 – River and Canal Corridors
NE.12 – Agricultural Land Quality
NE.17 – Pollution Control
NE.20 – Flood Prevention
E.3 – Regional and Strategic Employment Allocations at Basford
TRAN.3 – Pedestrians
TRAN.5 – Provision for Cyclists
TRAN.11 – Non Trunk Roads
RT.9 – Footpaths and Bridleways

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP3 – Promote Sustainable Economic Development
DP7 – Promote Environmental Quality
DP9 – Reduce Emissions and Adapt to Climate Change
RDF1 – Spatial Priorities
RT3 – Public Transport Framework
RDF2 – Rural Areas
RT1 – Integrated Transport Networks
RT2 – Managing Travel Demand
RT4 – Management of the Highway Network
RT9 – Walking and Cycling
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1 – Manchester City Region Priorities
MCR 4 – South Cheshire

Other Considerations

'All Change for Crewe'
'Planning for Growth'
'Presumption in Favour of Economic Development'
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Circular 02/99: Environmental Impact Assessment
Town and Country Planning (Environmental Impact Assessment) Regulations 2011

5. CONSULTATIONS (External to Planning)

English Heritage: It is not necessary for Natural England to be consulted on this application. The Application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Environment Agency: No comments received at the time of writing this report.

Natural England:

Natura 2000 site (Ramsar)– No objection

Natural England advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Midland Mere's and Mosses and Oakhanger Moss has been classified.

Special Sites of Scientific Interest (SSSI) - No objection

This application site is in proximity to a number of SSSI's (all over 2 km from the proposed development). Given the nature and scale of this proposal, Natural England is satisfied that the proposal will not damage or destroy the features for which these sites have been notified as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

European Protected Species (EPS) – No objection

Natural England do not object to the proposed development. On the basis of the information available the advice is that the proposed development is likely to affect bats, great-crested newts, and otter through disturbance of EPS, damage, destruction of a breeding site or resting place. However, Natural England are satisfied however that the proposed mitigation would maintain the population status identified in the survey report.

Schedule 1 bird Species

Based on the information and proposed mitigation Natural England is satisfied that kingfisher and barn owl will not be significantly impacted upon by the proposal.

Domestic Protected Species

Reference should be made to the Natural England standing advice.

United Utilities: No comments received at the time of writing this report but as part of the last application they stated that:

United Utilities have no objection to the development subject to the following concerns being met:

- *A public sewer crosses the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.*
- *If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.*
- *All surface water drains must have adequate oil interceptors*
- *The level of cover to the water mains and sewers must not be compromised either during or after construction.*

PROW: The proposed development will affect Public Footpath No. 1 in the Parish of Basford as recorded on the Definitive Map and Statement.

The western spur road proposed within Phase 2 of the development will bisect the Public Footpath. Confirmation has been obtained from the developer that a Side Roads Order will be undertaken prior to the commencement of Phase 2 to process the legal changes required to accommodate the Public Right of Way. It is understood that this requirement will be incorporated in the conditions attached to any planning consent granted. The Public Rights of Way team request to be involved in the drafting of the order and also in the detailed design of how users of the footpath will be accommodated in crossing the road at this location.

Network Rail: No comments to make.

Health and Safety Executive: No comments received at the time of writing this report but as part of the last application they stated that:

'in this specific case, and after careful consideration of the risk reduction measures that have been employed, the HSE would not advise against the current proposal'

Cheshire Wildlife Trust: No comments received at the time of writing this report.

Highways Agency: No comments received at the time of writing this report but as part of the last application they stated that:

No objection to this application being granted consent as there will be no impact on the strategic road network.

Strategic Highways Manager: No objection the comments made as part of the last application apply – *'This proposal enables the completion of the Crewe Green Link Road Scheme which provides general traffic relief across the urban Crewe area. It will also provide opportunities for future development at Basford East employment site. There are no highways objections to this proposal.'*

Environmental Health: The Environmental Health Officer has assessed the application and has made the following comments;

Noise and Vibration

The Design Manual for Roads and Bridges (DMRB) is used as guidance in assessing the potential noise operational impacts of the proposed new road. Aided by computer noise modelling software noise levels have been predicted in accordance with guidance given in the Calculation of Road Traffic Noise, 1988 and is considered as an acceptable method. The noise levels have been predicted and noise monitoring undertaken at representative sensitive receptors agreed in advance.

The modelled predictions show that slight increases in noise levels can be expected at some residential properties to the south of the proposal in Weston. The levels of increases are relatively small at most properties and the likelihood of annoyance at these locations is also small. Some residential properties are predicted to see a small improvement in noise levels as a result of the proposed road scheme. Only 1 property is predicted to be in excess of the long term criteria for consideration of noise mitigation and this exceedance is very marginal. The assessment of night

noise predicts that this will be below the current DMRB criteria for significance for all properties. Based on these findings noise mitigation is not considered feasible or necessary for this scheme. The Environmental Health Officer would not expect the vibration impacts from the operational phase of this development to be significant.

Construction

The assessment considers the dust, noise and vibration impacts of the construction phase of the proposed development and gives worst case predictions for noise from the expected associated works. Impacts from this phase can generally be considered as transient and controllable through nuisance legislation and by following best practice given in BS5228 (2009). However, the Environmental Health Officer would expect the hours of construction to be agreed with Cheshire East Council prior to works commencing.

Specifically, piling and foundation works at the railway are predicted to potentially give rise to significant noise and vibration impacts particularly at night at nearby properties. Concerns have also been raised by local residents regarding the formation and use of the borrow pit. As a result the Environmental Health Officer would expect details of methods, timescales and potential impacts and mitigation to be agreed with Cheshire East Council prior to any such works commencing. In addition those properties that may be affected should be informed prior to works commencing

Two conditions are suggested in relation to the construction phase of the development.

Air Quality

An up dated Air Quality Impact Assessment has been submitted with the application and the methodology and conclusions are accepted. A condition is suggested in relation to dust control.

Contaminated Land

The Contaminated Land team has no objection to the application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural and railway use including some in-filled ponds, and therefore the land may be contaminated.

A condition is suggested in relation to contaminated land.

Historic Gardens Society: No comments received at the time of writing this report.

Ramblers Association: No comments received at the time of writing this report.

Archaeology: The application is supported by an archaeological desk-based assessment which was originally prepared by Castlring Archaeology in connection with an earlier version of this scheme. The baseline information contained in this study, however, remains appropriate and its results have been summarised in Section 7 (Cultural Heritage) of the Environmental Statement.

Section 7.8 of this study contains a summary of the archaeological mitigation that will be required prior to the start of the construction process. Briefly, this will involve works in areas that have already been identified as requiring investigation (mill race of the former Crotia mill, deposits in the valley of the Basford Brook etc) and further investigations (trial trenching, excavation, watching brief) in areas identified as of interest following the extensive geophysical survey that is currently being carried out as part of the site evaluation process. Unfortunately, access difficulties have prevented the completion of the geophysical work prior to the submission of the planning application, which would have allowed the specification of the targeted mitigation in more detail. Field walking may also be used in certain areas to aid the recovery of artefacts from the plough soil.

The archaeologist advises that the staged programme of work outlined in Section 7.8 of the Cultural Heritage study is appropriate and that this mitigation may be secured by condition.

6. VIEWS OF THE PARISH COUNCIL

Barthomley Parish Council: No comments received at the time of writing this report

Crewe Green Parish Council: No comments received at the time of writing this report

Haslington Parish Council: No comments received at the time of writing this report

Hough & Chorlton Parish Council: No comments received at the time of writing this report

Shavington Parish Council: No comments received at the time of writing this report

Weston & Basford Parish Council: No objection to the additional elements associated with this scheme, with the exception of the proposed 'Borrow Pit' area to the south of the A500.

Whilst the Parish Council appreciate that this is included in the application as a 'fall back position' in the event that additional material might be required, and would only be required for 18 months, the Parish Council are extremely concerned about the following aspects:

The use of the existing road system through Weston to serve and gain access to the site, the Council is totally opposed to the use of Main Road Weston, Whites Lane and Weston Lane Basford by heavy lorries moving to and from the site.

Traffic issues represent the single biggest set of problems facing the Parish – reflected in 75% of survey returns associated with our recently published Parish Plan. Of particular concern is the speed and volume of traffic using Main Road Weston. Whites Lane/Weston Lane is narrow and tortuous and used as a rat run. It is included as the Parish's top priority for next years Minor Highways Programme – investigation as to the most appropriate traffic management measures. It is also considered that access to the site directly off Weston Lane adjacent to Dairy House and the adjoining residential barn conversion would be difficult and dangerous.

Two alternative methods of accessing the site would be: (1) over the bridge which spans the A500 from Crotia Mill Farm into Mill Lane along with the creation of a haul road to the rear of the allotments and the spanning of the brook: (2) under the bridge which carries the A500 over the

Main London Railway Line at the bottom of the field behind Dairy House and adjacent to the railway. The second option looks to be the more feasible.

The detailed siting of the 'Borrow Pit area' is extremely close to Dairy House and the adjoining residential barn conversion. This along with direct access from Weston Lane would in the Parish Council's judgement result in extreme detriment to the amenities enjoyed by the occupants of these dwellings.

Given the problems outlined above, the Parish Council would ideally wish to see the 'borrow pit' removed from the application.

7. OTHER REPRESENTATIONS

One letter of objection has been received from the occupants of Dairy House Farm, Weston Lane raising the following points:

- Object to the proposed borrow pit that would be adjacent to their property
- There is little detail in relation to the length of time of use, its extent, details of materials and time taken to back fill the pit
- Concern over the use of heavy vehicles on Weston and Whites Lane

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Environmental Statement
- Planning Design and Access Statement

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The proposed development relates to a new dual carriageway (Crewe Green Link South – CGLS) which would be 1.1km in length and would link the A500 and the Weston Gate Roundabout. The CGLS would provide access to the Regional and Strategic Development Site at Basford East while alleviating the congested A534 Nantwich Road. A link road between the A534 and A500 was approved by Crewe and Nantwich Borough Council in 2002 with a second planning permission approved by Cheshire east Borough Council under application reference 11/1982N. This application includes a number of amendments to the application approved last year with the main amendments being as follows:

- A modification to the A5020 Weston Road roundabout approach
- A new railway under bridge design/detail (using a single span)
- Construction site compounds
- Pumping station and kiosk building (2m wide, 1.5m deep and 2m high) located adjacent to the railway under bridge
- A borrow pit
- Topsoil storage areas

- A flood compensation area
- Temporary site security bunds along the line of the road
- Temporary surplus soil bunds
- Great Crested Newt mitigation areas

Since the approval of the application in 2011 the National Planning Policy Framework has been published. The NPPF includes a strong presumption in favour of economic growth in support of this application with Paragraph 19 stating that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

The economic dimension of sustainable development states that the planning system should contribute to the economy by supporting growth in infrastructure:

*'contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, **including the provision of infrastructure**'*

One of the 12 core principles for planning contained within the NPPF states that:

*'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, **infrastructure** and thriving local places that the country needs'*

In relation to development that accords with the development plan paragraph 14 states that Local Planning Authorities should:

'approving development proposals that accord with the development plan without delay'

In relation to infrastructure the NPPF states that Local Plan Policies should

'plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework'

In terms of Local Plan Policy the site is located within the Open Countryside and the proposed route of the CGLS is identified on the Proposals Map contained within the Crewe and Nantwich Replacement Local Plan 2011. Policy TRAN.11 (Non Trunk Roads) states that land along the route of the CGLS as shown on the Proposals Map will be safeguarded from development. The proposed route does deviate from the route shown on the Proposals Map to avoid environmental affects arising from the culverting of Basford Brook. However this is not considered to be a significant issue and the principle of the proposed development is supported by the Crewe and Nantwich Replacement Local Plan.

In relation to South Cheshire (Policy MCR4) the RSS states that plans and strategies should *'support economic growth in Crewe and focus development on sites which accord with RDF1, DP1-9, W2, W3 and MCR1'* and *'promote the role of Crewe as a regional public transport gateway/interchange to the region'*. There is also support in Policy DP3 (Promote Sustainable

Economic Development) which states that it is a fundamental principle of the RSS to *'seek to improve productivity, and to close the gap in economic performance between the North West and other parts of the UK. Sustainable economic growth should be supported and promoted'*.

It is clear that there is support for the principle of this development at National, Regional and Local levels and there are benefits of this scheme which would alleviate congestion on the A534 and also help to facilitate development at Basford East. It is therefore considered that the provision of this road link is acceptable in principle. However, the application is accompanied by an Environmental Statement and there are a number of complex environmental issues which will need to be considered as part of this application.

Highway Implications

The road network in Crewe is constrained by the existing rail infrastructure in the town with congestion forming on a number of routes within the town. The Crewe Green Link Road would remove the barrier effect, transferring traffic from currently congested routes. The following areas currently experience congestion:

- A500/A530 Middlewich Road roundabout
- A5020/A534 Crewe Green Roundabout
- A534/A532 Roundabout
- A534 along Nantwich Road from B5078 Edleston Road to A5020/A534 Crewe Green Roundabout

This congestion occurs mainly at peak times, apart from the A534 along Nantwich Road which occurs in the inter-peak period.

In terms of the impact of the development on the highway network, an assessment of driver stress has been carried out. This shows that with the Crewe Green Link Road traffic flows on some of the smaller roads including Weston Lane, Main Road, Cemetery Road, Narrow Lane and Slaughter Lane would be reduced. There would be some increases on the roads that connect to the Crewe Green Link Road (University Way, Weston Road and A500). These changes in traffic flows are only relatively small and as a result there would be no changes in the levels of stress.

The Environmental Statement has been assessed by the Councils Highways section and also by the Highways Agency as part of the last application. Both have not raised any objection to the development and as a result the development is considered to be acceptable in terms of its highway implications.

In relation to the borrow pit. This would only be in use for a maximum of two periods of 14 days (14 days to extract material and 14 days to refill). The route taken by vehicles would be via the Crotia Mill Farm access and would not go through Weston Village. It is not considered that this would raise any highway implications given the time period would be restricted to a maximum of 28 days.

Amenity

Noise and vibration

The noise assessment states that there would be negligible impacts upon the majority of the receptor sites. In 2015 there is predicted to be a minor adverse impact for the south façade of Nestfield House and Crotia Mill Farm whilst there would be minor beneficial impacts for the receptors on Casey Lane and Weston Lane. In 2030 negligible impacts are predicted at all receptors except Crotia Mill Farm.

The results show that only Crotia Mill Farm is the only residential property predicted to experience an increase in noise levels greater than 3dB. In response to this issue the Environmental Health Officer states that:

'Only 1 property is predicted to be in excess of the long term criteria for consideration of noise mitigation and this exceedance is very marginal. The assessment of night noise predicts that this will be below the current DMRB criteria for significance for all properties. Based on these findings noise mitigation is not considered feasible or necessary for this scheme'

As a result the impact is considered to be acceptable.

In terms of vibration, the separation distances mean that there will be minimal impact if well maintained. In terms of the construction of the road the impact would be short term and temporary and therefore would not warrant the refusal of this planning application.

Air Quality

The pollutants of concern are Nitrogen Dioxide and Particulate Matter. A baseline study of existing air quality has been undertaken and the potential impact during construction and operational phases has been considered within the ES.

The concentrations of Nitrogen Dioxide predicted at 6 chosen sensitive receptors shows that there would be a detrimental increase in Nitrogen Oxide at Weston Road House (this receptor is adjacent to the roundabout between Weston Road and University Way) and Crotia Mill Farm with more general detrimental impacts along parts of the A500, Weston Road and University Way. However all concentrations at the receptor sites are well below the Air Quality Objectives and as a result negligible impacts are predicted.

Beneficial impacts are predicted upon Main Road House, White Lane Farm and Gresty Road and more generally along parts of the A5020 and Nantwich Road.

In relation to Particulate Matter, the construction of the CGLS would result in an increase at Weston Road House only with improvements at Main Road House and Gresty Road. However all impacts are considered to be negligible.

The Environmental Health Officer has accepted and the development would not cause any significant air quality issues.

Contaminated Land

The application site has a history of agricultural use, railway development and in-filled ponds. As a result, the Environmental Health Officer has requested a condition to require a risk assessment to be carried out to assess the potential risks caused by land contamination.

Construction

Construction of the road including the borrow pit could raise some temporary amenity concerns to local residents through noise, dust and vibration. Such issues are controllable through nuisance legislation and by following best practice given in BS5228 (2009). However, in this instance given the scale of the development, it is considered necessary to attach conditions relating to pile driving, hours of operation and dust mitigation.

Landscape

The Environmental Statement has been undertaken in accordance with the Guidelines for Landscape and Visual Assessment, (Landscape Institute/Institute of Environmental Management and Assessment, 2002). The ES offers an accurate assessment of the Landscape and Visual Effects that the proposals would have on the surrounding area. The main mitigation measures proposed are as follows:

- Retention of the majority of the existing trees and hedgerows
- Implementation of new planting comprising a high proportion of native tree species. The proposed new planting will include native trees and shrubs which will provide effective long-term screening and will integrate well with the surrounding landscape
- Reinstatement of trees where possible in the areas adjacent to Weston road and the railway line. Supplementary planting on the Crewe-Stoke railway embankment to reduce visual effects, filter and screen views to and from the railway
- New landscaping adjacent to Fir Tree Cottage to screen views and reduce effects of the removal of vegetation on the railway embankment
- New landscaping adjacent to Crotia Mill Farm to minimise the visibility of the road from this property

An indicative Landscape Masterplan has been submitted which indicates that planting will consist of new structure tree planting, new avenue planting, under storey planting, hedgerows and amenity grassland. However, the Landscape Masterplan is just an indicative plan and, since it will be the landscape proposals that will mitigate the road scheme, a detailed landscape scheme for the whole route should be submitted prior to commencement of development. This will be secured by the imposition of a planning condition should the application be approved.

Trees

This application is supported by an Arboricultural Implications Assessment which identifies the implications for existing trees along the proposed link road and associated infrastructure including a roundabout and exits to facilitate the future development of the employment land. It is not considered that the proposed development would have a greater impact upon trees on the site than the scheme which was approved as part of application 11/1982N.

The trees within the application site are not protected by a Tree Preservation Order. The submitted Arboricultural Report has identified 37 individual trees, 10 groups of trees and one area of mature

woodland towards the northern site boundary adjacent to Weston Road. The trees comprise principally of Oak, Ash and Alder located predominantly within existing and partially redundant hedgerows within field pasture.

A total of 11 individual trees (Oak, Ash and Alder) and two groups of trees (G8 and G9 (Oak and Hawthorn)) are directly impacted by the route of the link road and will require removal. Further trees will also require removal within the woodland belt (W1) at the northern site boundary off Weston Road (A5020).

Of the 11 individual trees, 7 are classed in the submitted report as B category trees (trees of moderate quality and value which make a significant contribution). The remaining 4 individual trees are graded as C category (low quality and value). The two groups of trees which are located on and adjacent to the railway embankment towards the northern end of the site comprise of mature Oak and Hawthorn and only provide a limited contribution to the landscape character and wider amenity of the area and have been given a C category rating in the report.

Two trees (T15 and T24): a Horse Chestnut and Hawthorn are identified as poor quality trees of low vigour and are therefore proposed for removal by virtue of their condition.

The most significant feature in terms of impact in landscape and visual amenity terms will be the removal of the section of woodland (W1) located adjacent to the A5020 Weston Road. The woodland presents a significant visual backdrop to the south of Weston Road and provides a well structured mature screen both visually and acoustically to the railway and potentially to the future use of the employment land. Whilst the number of trees to be removed have not been quantified within the report, the extent of tree loss (comprising principally of Oak, Alder, Birch and Holly) within the woodland area directly impacted by the route in terms of land area is some 4900m² or thereabouts.

Further trees within the woodland either side of the proposed road within the working area of the route are also likely be affected and the extent of this in terms of the impact upon the rooting environment of trees will be dictated by working area requirements and the positioning of the root protection area (RPA) barriers.

The location of the proposed route also impacts on parts of tree groups the most significant in terms of its landscape significance is Group G2 (Group of Oak, Alder, Willow and Hawthorn) around a pond. The position of the proposed link road will necessitate the removal of a section of trees within the western section of the group, although further tree losses are anticipated due to the nature of the intensity of the development, and possible impacts from development activities on the water table. It is suggested that an amendment, by relocating the route to the west of its current position would allow for the retention of this important landscape feature, but would need to be balanced against other overriding engineering and layout priorities.

Four further groups are partially affected by the route (identified as groups G4, G5, G6 and G10). Groups G4, G5 and G10 within the central section of the site are impacted by the east and west spurs off the roundabout. Both groups are deemed low 'C' category and are of no outstanding merit in landscape terms. The integrity of these groups are unlikely to survive in the longer term given the proposed level of development activity and future intended use of the site. A section of Hawthorn hedge (Group G6), is located to the southern section of the site and is to be removed to facilitate the route: again, this feature contributes little to the wider landscape of the area.

The report also identifies a further 10 trees (of which six are B moderate, to A high category trees) are located on the periphery of the link road. It is likely that without some adjustment to the route of the link road, the development will affect the rooting environment of these trees and impact upon their long term health and safe well being. Again any such amendments would need to be balanced against other priorities.

The link road cuts across a number of hedgerows to the south of the site and within the central section of the site within the vicinity of the proposed roundabout and east and west spur roads. The former comprises predominantly of hawthorn as the primary woody species; the latter hedgerow being comprised of a number of gaps within it and again comprised mainly of hawthorn. Both features are not considered to meet the 'Important Hedgerow' criteria, as defined within the Hedgerow Regulations 1997.

In respect of tree losses, it is considered that the impact of the development generally is moderate in terms of its effect on visual amenity and moderate to high in respect of the potential losses within woodland W1 to the north of the site, primarily because losses at this location have not been fully quantified within the submissions.

In mitigation, the application is supported by a Landscape Management Plan which comprises of native tree and associated under-storey planting along the length of the proposed carriageway, which appears to be reasonably comprehensive.

In relation to tree mitigation, conditions will be attached regarding tree protection and mitigation.

Ecology

The application site includes a number of habitats and has the potential to support the following protected species: Great Crested Newts, Lesser Silver Water Beetle, White Clawed Crayfish, Water Vole, Otter, Reptiles, Bats, Badgers, Barn Owl, Kingfisher and Birds. Of these species Bats, Otters and Great Crested Newts are European Protected Species.

Designated sites

The ES is incorrect in stating that Basford Brook Local Wildlife Site (LWS) is managed by Cheshire Wildlife Trust. LWS are non-statutory sites designated for their nature conservation value within Cheshire and are similar in status to Sites of Biological Importance (SBI).

The proposed development has been assessed as having a significant negative impact on Basford Brook Local Wildlife Site due to the impacts of the proposed crossing of the brook by the western spur road and the installation of a number of inlet and outfalls associated with surface water management.

Any pollution of the brook during the construction phase is likely to affect both the Local Wildlife Site an additional SBI further downstream.

The potential impact of the development will be mitigated by means of an 8m buffer zone along the brook and the provision of a wide span bridge for the spur road crossing. The design of the bridge will be finalised at a later stage.

Habitats

A block of broad leaved woodland is present to the north of the Stoke-Crewe railway. Grassland habitats which make up the largest proportion of the site have all been subject to agricultural improvement which limits their nature conservation value. There are however smaller area of marshy grassland of higher value located to the west of the proposed development.

There are a number of hedgerows on site. None of these has been identified as being Important under the Habitat Regulations. However Hedgerows are a BAP priority habitat and all the hedgerows on site are likely to have some level of value for wildlife and some of the hedgerows on site have previously been identified as being species rich.

The Councils Ecologist advises that for the most part, notwithstanding their potential to support protected species, most of the habitat lost to the proposed development is of relatively low ecological value. Habitats lost towards the northern end of the proposed link road are however of higher value. The impact of the loss of woodland, semi improved/marshy grassland and hedgerows is likely to be significant at the local scale. Additionally, changes to the sites hydrology have also been identified as being likely to affect marshy grassland habitats adjacent to the road corridor. These impacts are all highly likely to be significant at the local scale.

Woodland planting and hedgerow creation along the road verges is proposed to compensate for the loss of broad leaved woodland. The ES acknowledges however that newly planted trees would take a considerable time to mature to the level of those lost. The two newt receptor areas proposed include an element of wildflower grassland which would help to compensate for the loss of marshy grassland associated with the proposed development.

Great Crested Newts

Updated Great Crested Newt surveys have been undertaken in support of this planning application. There is well documented presence of Great Crested Newts at this site. Whilst the species breeds at a number of ponds the number of animals recorded at each pond is relatively small. The latest assessment identifies the Great Crested Newt population on site as being of local nature conservation importance.

It is not anticipated that any ponds will be lost to the proposed development however the proposed road scheme will result in the loss of Great Crested Newt terrestrial habitat and pose a significant risk of killing/injuring any animals present when the proposed works are undertaken.

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

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

and provided that there is:

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements.

The NPPF advises that LPA’s should contribute to *‘protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy’*.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by *‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*.

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

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the proposed link road would need to cross the development site known as Basford East
- The derogation is not detrimental to the maintenance of GCN as the site supports relatively small numbers of GCN and no breeding ponds would be lost. Furthermore, a scheme of mitigation which includes the construction on new ponds, habitat creation and enhancement will be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would improve transport links across Crewe and ease congestion along Nantwich Road.

Common Toad

Common toad was recorded on site during the Great Crested Newt surveys. This species is a Biodiversity Action Plan priority species and hence a material consideration. The Councils Ecologist advises that the implementation of the proposed Great Crested Newt mitigation scheme is also likely to be adequate to mitigate the potential adverse impact of the development upon common toad.

Otter

Evidence of Otter activity was recorded on both Gresty and Basford Brook. However, no confirmed holts or lying up places were recorded.

The isolation of Otter habitats associated with the western spur road and link road and the risk of direct mortality occurring as a result of collisions with construction vehicles have been assessed as having a significant adverse impact at the local level.

To mitigate the impacts of the proposed development upon Otters the loss of bank side habitat will be minimised through the provision of a wide span bridge crossing the Basford Brook. The bridge will allow a minimum of 2m clearance on each bank to allow free movement of animals under it. The proposed Badger proof fencing would also deter otters from crossing the road and so mitigate the risk of road casualties occurring.

The Councils Ecologist advises that based on the survey information, impact assessment and mitigation proposals currently available it does not appear likely that the proposed development would result in an offence under the Habitats Regulations occurring in respect of Otters.

Bats

No trees on site were identified as having high potential to support roosting bats and there are no confirmed roosts on site. Bats do however forage extensively across the wider site area.

The proposed development would result in the loss of trees with lower potential to support roosting bats. There is also likely to be a loss and fragmentation of bat foraging/ commuting habitat on site and the adverse impacts of additional lighting associated with the development. These impacts are assessed as being significant at the site level.

The loss of bat foraging habitat will be compensated for by means of the tree planting and the habitats associated with the Great Crested Newt receptor areas will also be of value to bats.

To address the potential impacts of the development on bats resulting from the removal of trees with roosting potential the provision of bat boxes is being proposed. The Councils Ecologist advises that this approach is acceptable. A condition would also be required to ensure that the lighting scheme for the link road is agreed with the LPA. This is to ensure that the adverse impacts of additional lighting are minimised.

The Councils Ecologist advises that based on the survey information, impact assessment and mitigation proposals currently available it does not appear likely that an offence under the Habitats Regulations would occur in respect of Bats.

Water Vole

This species has previously been recorded on Gresty Brook. No evidence of this rapidly declining species was however recorded during the latest survey and so the Councils Ecologist advises that it is likely that water vole are now absent from the study area.

Reptiles

A good population of Slow Worm is present on site using the south facing embankment of the Crewe – Stoke railway line. This population has been identified as being of nature conservation value within the context of Cheshire East.

The impact of habitat loss and isolation in respect of Slow Worms has been assessed as being significant at the local scale. Slow Worm mortality associated with the construction phase of the development has been assessed as being significant with the context of Cheshire East.

The loss of Slow Worm habitat will be compensated for by means of habitat enhancement on the railway embankment to the west of the site. The risk of killing or injuring Slow Worms during the construction phase would be mitigated by means of the removal and exclusion of animals from the development footprint prior to the start of works.

The fragmentary effect of the road/rail crossing which would prevent animals moving along the rail embankment to the east of the proposed link road would however remain as a residual unmitigated adverse impact of the proposed development.

White Clawed Crayfish

This UK and Local BAP species is present in Basford Brook. This is one of only three remaining known sites for this species in Cheshire.

If pollution or silt contamination of Basford Brook occurs during the construction or operational phases of the road this is likely to have an adverse impact upon White Clawed Crayfish. The impact of this would be significant at the regional scale. The risk of killing or injuring White Clawed Crayfish during the construction phase or any disturbance to White Clawed Crayfish at the inappropriate time of the year is likely to have a significant impact on the species at the local scale.

It is proposed that the loss of habitat for White Clawed Crayfish associated with the scheme would be compensated for by means of the creation of refuges within the brook and the brook corridor would be enhanced by tree planting which on this site appears to be a factor in determining White Clawed Crayfish presence. The risk of pollution would be reduced by means of standard prevention methods and the allowance of an 8m buffer zone between any development and the brook. The risk of killing animals would be addressed by means of a rescue programme appropriately timed to avoid the most sensitive time of year.

The Councils Ecologist advises that the above measures are likely to be adequate to safeguard the population of White Clawed Crayfish at Basford Brook.

Barn Owl

This species is well recorded from the general area of the proposed development. A roost and potential nest site were recorded near to the proposed link road during the 2012 surveys.

It is not anticipated that there would be any adverse impacts on the identified roosts/perches however there will be a loss of barn owl foraging habitat which is likely to be significant at the site level. Mortality resulting from road traffic collisions is likely to be significant at the local scale.

The loss of foraging habitat for barn owls will at least partly be compensated for by means of the grassland habitats created as part of the great crested newt receptor areas.

The risk of road traffic collisions can be mitigated through the avoidance of rough grassland habitats which may attract barn owls and the establishment of tall tree lines to encourage barn owls to fly high above the road. These measures are however unlikely to totally remove the risks posed to barn owls.

Barn owl nest boxes are also proposed in the southern newt mitigation area.

Kingfisher

This species has previously been recorded on the Basford East site. Breeding has however not been confirmed with the study area. The direct impact of the proposed development on kingfisher is not thought to be significant. However any pollution or disturbance of Basford Brook would have a significant impact on Kingfishers at the local level.

To compensate for the loss of potential Kingfisher nesting habitat the provision of Kingfisher nest tunnels is proposed. Noise disturbance of the brook corridor which may have an adverse impact on Kingfisher is however unavoidable and remains as a residual impact of the proposed development.

Other Protected Species

Two setts for other protected species have been recorded within the survey area. The setts are not anticipated to be affected by the proposed development. There will be a loss of foraging habitat associated with the proposed development. This loss of habitat is not however anticipated to be significant. Construction activities may however pose the risk of killing or injuring individual animals that venture onto the site. Additionally, road casualties associated with the operation of the road are likely to have a significant impact on the local population.

The provision of badger fencing and access tunnels are proposed as a means of reducing potential mortality associated with the proposed development. Potential impacts during the construction phase will be reduced by means of careful site management detailed within an environmental management plan. The Councils Ecologist advises that these proposals are in accordance with current best practise.

Breeding Birds

The proposed development is likely to have an adverse impact on birds in general including some species which are Biodiversity Action Plan priority species. Such impacts are likely to be local in scale. The use of the standard timing condition would be used to ensure that there would be no impact upon breeding birds.

Summary

The proposed development is anticipated to have an overall slight adverse impact upon nature conservation interests due to the unmitigated impacts associated with the proposed development

upon broad leaved woodland, trees, slow worm, barn owl and kingfisher. The residual impact of the development on woodland would reduce as the proposed tree planting matures.

Whilst outline mitigation proposals have been provided to address the ecological impacts of the proposed development the effectiveness of these will depend upon the finalised designs for the bridge crossings and inlet outlets associated with the brook and so must be regarded as indicative only at this stage. The Councils Ecologist therefore recommends that a condition be attached that detailed mitigation proposals be submitted to the LPA once designs have been finalised and prior to the commencement of works on site.

Flood Risk

The proposed road runs alongside Basford Brook and crosses several other unnamed watercourses. The Environment Agency Flood Maps indicate that there is potential for fluvial flooding to affect the development where the 1 in 100 year flood event outline extends beyond the river channel.

In terms of the construction phase, there is the potential for a temporary adverse impact due to the restriction of flow due to debris blocking the watercourse, increased water runoff or flooding from a temporary loss in flood plan storage. However it is suggested the good practice is followed and mitigation measures are implemented to reduce the impact to neutral.

In terms of the operational phase, there is the potential for adverse impacts due to the increased in paved areas, loss of floodplain storage, the culverting of the watercourse and the failure of pumping stations. In relation to this issue surface water run-off will be discharged into the watercourse at a rate no greater than the existing run off with detention basins or other temporary attenuation structures to store additional surface water during the construction phase. A Flood Compensation Area would also be provided as part of this development.

This information has been sent to the Environment Agency and a consultation response was awaited at the time of writing this report.

Surface Water Quality

Basford Brook is an EC designated river under the Freshwater Fish Directive. It is a Salmonid river (the ability to support Salmon and Trout) as it flows through most of the site and then becomes a Cyprinid river (the ability to support cyprinid fish such as Carp and Minnow). In addition, White Clawed Crayfish are present in this river and they are a protected species. The brook is classified under the Water Framework Directive as having moderate status and there are no nearby water abstractions (although Basford Brook has importance as a receiving watercourse and as a conveyor of seven effluent discharges upstream/downstream of the site). Overall, the ES identifies Basford Brook to be of high importance.

In terms of the other minor watercourses, these have also been taken into account in the assessment of the potential impacts of the road scheme.

The potential impacts upon water quality are from the construction phase and operational phase of the development. In terms of the construction phase:

- Procedures and mitigation measures will be adopted during the construction phase in accordance with the Construction Environmental Management Plan and will require a number of separate consents and licences from the EA
- A silt management plan will be produced which will aim to help prevent silt from entering the watercourses
- Storage and spillage emergency response measures will be provided

In terms of the operational phase, the proposed road is not predicted to cause a significant impact upon surface water due to road spillages or highway runoff entering the watercourses. Oil interceptors will be incorporated into the road design and will provide some containment of pollutants whilst a proposed attenuation pond west of the road before it crosses beneath the railway line would provide water treatment prior to discharge.

This information has been sent to the Environment Agency and a consultation response was awaited at the time of writing this report.

Impact upon Listed Buildings and the Historic Park and Garden

Given the separation distances and the existing landscape buffers it is not considered that the proposal would have a detrimental impact upon the setting of any listed building or the Crewe Hall Historic Park and Garden.

Archaeology

The ES assesses the archaeological potential of the site. The Councils Archaeologist has assessed the application and has suggested a condition to secure a report on archaeological mitigation.

Impact upon the Public Right of Way (PROW)

Basford FP1 is located to the west of the application site and the spur road would just cross the route of this PROW. This issue could be controlled by the imposition of an appropriately worded planning condition which would protect the route of the PROW.

Impact upon the Hazardous Installation

A TRANSCO gas pipe crosses the application site and this is classified as a hazardous installation. At the time of writing this report no consultation response had been received from the HSE. An update will be provided in relation to this issue.

11. CONCLUSIONS

The principal of the new road link is supported by local, regional and national planning policy as well as the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. The proposed CGLS would provide many highway benefits and would relieve highway congestion along Nantwich Road and on other routes within Crewe. The development would not have a detrimental impact upon residential amenity, landscape, trees, the surrounding Listed Buildings and the Historic Park and Garden, Archaeology or the Public Right of Way. Subject to appropriate mitigation and the

imposition of a number of suitably worded planning conditions the development would not have a detrimental impact upon protected species, ecology, surface water quality or flood risk.

As part of the committee update report an update will be provided in relation to drainage and flooding together with the comments of the Environment Agency and information in relation to the hazardous installation and the objection from the HSE.

12. RECOMMENDATIONS

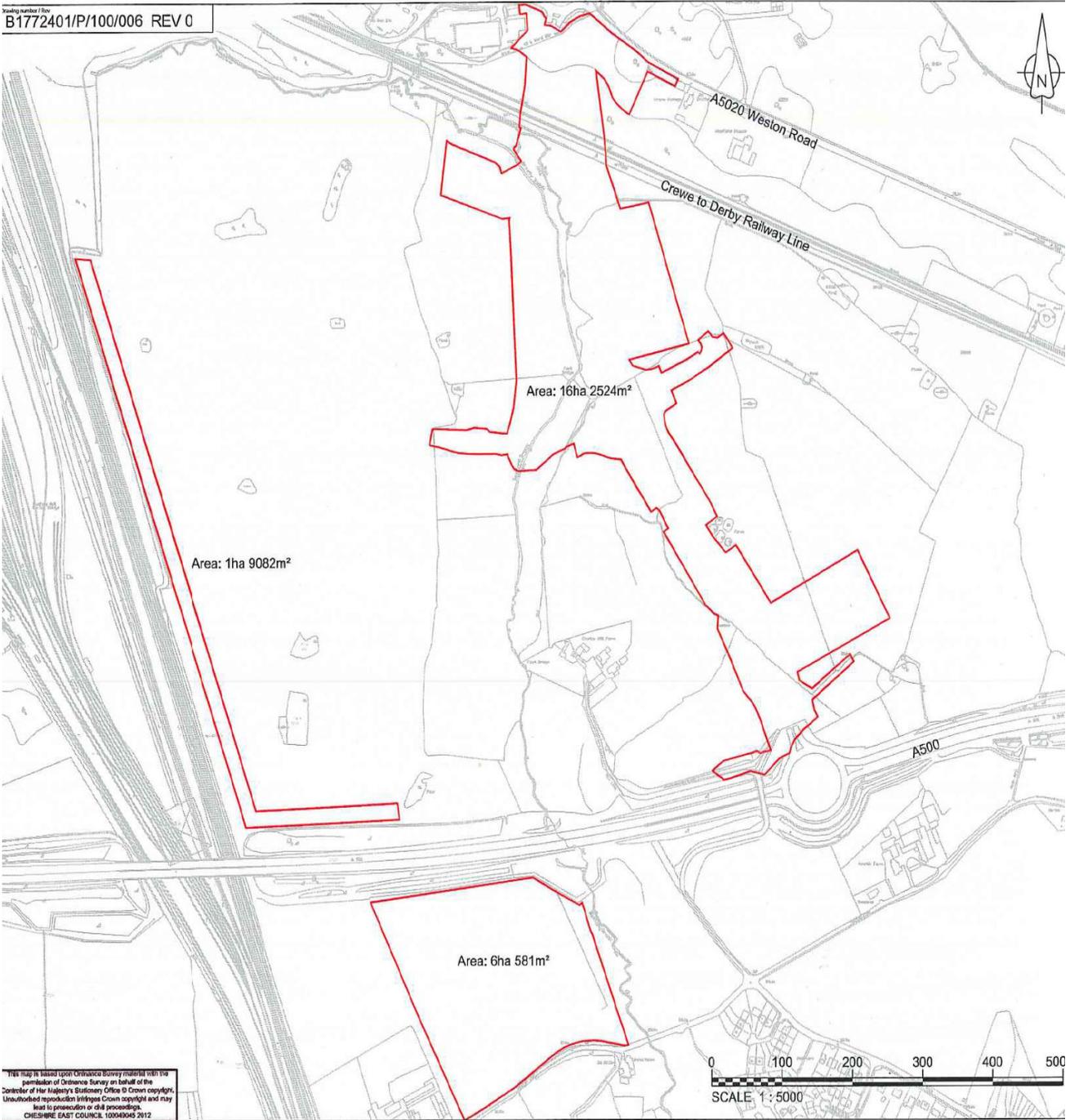
Approve subject to the following conditions;

- 1. Standard time 3 years**
- 2. Development to proceed in accordance with the approved plans**
- 3. Details of the diversion of PROW Basford FP1**
- 4. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.**
- 5. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing**
- 6. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA**
- 7. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA**
- 8. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA**
- 9. Implementation of the approved landscaping scheme**
- 10. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.**
- 11. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.**
- 12. Prior to the development commencing:**
 - (a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.**
 - (b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.**
 - (c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.**
- 13. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.**

14. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds
15. Submission of revised protected species mitigation method statements including detailed plans showing Badger fencing, Badger tunnels and barn owl boxes.
16. Submission of environment management plan for the construction phase of the development
17. Submission of ecological monitoring and reporting schedule.
18. Submission of a 10 year Habitat Management Plan
19. Details of all external lighting to be submitted and agreed in writing with the LPA
20. Soil stripping shall not commence on any phase until any standing crop or vegetation has been cut and removed.
21. The stripping, movement, ripping or loosening of topsoils and subsoil shall only be carried out when the material to be moved is sufficiently dry to minimise structural damage.
22. Throughout the operational life of the site all soil mounds shall be maintained and kept free of noxious and pernicious weeds.
23. Restriction on the height of topsoil mounds
24. All topsoil, subsoil and soil making materials shall be stored in separate mounds
25. Prior to soil stripping and formation of storage mounds, a scheme for grass seeding and management of all storage mounds that will remain in situ for more than three months shall be submitted for the written approval of the Local Planning Authority. Seeding and management of the storage mounds shall be carried out in accordance with the approved details.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Study number 150
B1772401/P/100/006 REV 0



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CHESHIRE EAST COUNCIL 10049045 2012

Application No: 12/3937M
Location: LONGLEA, LANGLEY ROAD, LANGLEY, CHESHIRE, SK11 0DR
Proposal: Erection of dwelling
Applicant: David Clarke
Expiry Date: 18-Dec-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Green belt policy;
- Impact of the development on character and appearance of the site and surroundings;
- Impact of the development on residential amenity;
- Highways;
- Landscaping & Trees.

REASON FOR REFERRAL

This application has been referred to Strategic Planning Board at the discretion of the Development Management & Building Control Manager.

DESCRIPTION OF SITE AND CONTEXT

The application site is located within the North Cheshire Green Belt and Peak Park Fringe Area of Special County Value (ASCV). The site falls within a ribbon of nine dwellings located on the northern side of Langley Road. The site slopes downwards from the road to the rear garden of the application site. Langley Road also slopes downwards from the east (Hollinswood) to the west (Greenacres), resulting in a change of levels. There is a large Beech tree on the front boundary protected by a Tree Preservation Order.

The application site comprises a partially constructed new dwelling. At the time of writing this report (23 November 2012) the shell of the dwelling has been erected and the roof trusses are on, but the building is not sealed or watertight.

In March 2012, planning permission was granted for a replacement dwelling. In August 2012, the dormer bungalow was demolished, and work commenced on a replacement dwelling.

Two problems arose as a result of this. Firstly, not all the necessary pre-commencement conditions were discharged (resulting in a breach of conditions), and secondly, the development was not built in total accordance with the approved plans. A small utility room was shown at basement level on the approved plans (as a result of the naturally occurring sloping land level). The level of excavation carried out has resulted in a lower ground floor being formed, resulting in a part two-storey, part three-story dwelling.

As the dormer bungalow has been demolished, technically, this application cannot be for a replacement dwelling, as there is nothing to replace. As such the description of development is "Erection of dwelling"

DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of a part two-storey, part three-storey dwelling, due to the change in levels on site.

The proposed development comprises a lower ground floor area consisting of a cellar, utility room, several voids and a covered hardstanding area. The ground floor proposes a study, kitchen, living room, sitting room and lounge area. Four bedrooms (two with en-suite) and a family bathroom are proposed at first floor level.

A terrace area has been partially formed to the rear of the ground floor, to take advantage of the views of the countryside. Towards the front of the dwelling, an integral double garage is proposed and is under construction.

The dwelling has been fabricated in a pale red brick. It is proposed that the roof covering will be a natural blue slate.

RELEVANT HISTORY

12/0078M Replacement dwelling
Approved 20 March 2012

POLICIES

North West of England Plan Regional Spatial Strategy to 2021

DP1 (Spatial principles applicable to development management)
DP7 (Criteria to promote environmental quality)
RDF2 (Rural Areas)
RDF 4 (Green Belt)

Macclesfield Borough Local Plan – saved policies

GC1 (New building in the Green Belt)
NE1 (Areas of Special County Value)
NE11 (Nature Conservation)
BE1 (Design principles for new developments)
DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)
DC6 (Circulation and Access)
DC8 (Requirements for Landscaping)
DC9 (Tree Protection)
DC35 (Materials)
DC37 (Landscaping)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill Housing or Redevelopment)
H13 (Protecting residential areas)

Other Material Considerations

National Planning Policy Framework
Section 9 – Protecting Green Belt Land

CONSULTATIONS

The following consultation responses are a summary. Full copies of the consultation response are available at Committee should Members wish to read the comments in full.

Building Control:

The construction methods adopted on site are in accordance with all relevant codes of practice and are in line with modern economical building procedures. The building as constructed would appear to comply with the submitted details from both a structural point & aesthetical point of view.

Environmental Health:

In order to minimise noise and disturbance to residents of neighbouring properties from construction works, it is recommended that an hours of construction be attached to any approval.

Nature Conservation:

No objection raised.

United Utilities:

No objection to the proposed development. If possible the site should be drained on a separate system, with only foul drainage connected into the foul sewer.

VIEWS OF THE PARISH COUNCIL:

Sutton Parish Council object to the application for the following reasons:

a) The submitted plans clearly show that this is now a 3 storey property, the scale and character of which is not in keeping with properties within the immediate neighbourhood or with other residential properties within the community of Sutton Lane Ends.

- b) The height of the rear elevation (now 3 storeys) of the proposed dwelling will impact on the natural fall of the ground and not be in keeping with the adjacent properties within the vicinity.
- c) The proposed terrace, now extending the floor level height over the extended basement is considered unneighbourly to adjacent properties.
- d) The first floor window, within the master bedroom, sited on the west elevation is considered unneighbourly to adjacent property – Greenacres.
- e) The ground floor window within the sitting room sited on the west elevation is considered potentially unneighbourly to adjacent property – Greenacres.
- f) The opening folding glass doors and balcony arrangement to the rear first floor master bedroom are considered unneighbourly to adjacent properties.
- g) The Parish Council also wish to draw attention to a possible registered covenant with the adjoining rear landowner requiring permission being sought, in respect of any development prior to such works being undertaken.

OTHER REPRESENTATIONS:

Representations have been received from the occupiers of the following properties:

1. Greenacres, Langley Road, Sutton SK11 0DR
2. Hollinswood, Langley Road, Sutton SK11 0DR
3. Brookbank, Langley Road, Sutton, SK11 0DR

The relevant planning objections made are:

- Over-development of the plot
- Close proximity to boundary is out of keeping
- Lack of access down the side of the house
- A three-storey property is out of keeping with the character of the area
- Unneighbourly development due to loss of light, loss of privacy due to overlooking and overbearing effect
- The lounge projects 3 metres forward of the building line
- Window detailing on the rear elevation is out of keeping
- Dwelling is significantly larger than that approved under 12/0078M, due to the extra floor
- IF this application was for a replacement dwelling (which this development is), it would be refused as it would be “materially larger” than the dwelling it replaced
- The proposal represents a 90% increase in floorspace
- Applying for this dwelling as an “infill dwelling” is an abuse of the planning system
- The development harms the openness of the Green Belt

- The dwelling adversely affects the character of Langley Road, which is an Area of Special County Value
- The lower ground floor will be used for habitable accommodation
- Concerns in respect of the use of Permitted Development Rights for further development
- The developers do not comply with the hours of work condition imposed on the previous application, and are still working on a Saturday
- Inadequate boundary treatment to protect privacy

Various objections/grievances have been raised in respect of the retrospective nature of the development and the planning process. Neighbours do not feel like they have been treated fairly.

APPLICANT'S SUPPORTING INFORMATION:

Planning, Design and Access Statement

OFFICER APPRAISAL

Green Belt

Paragraph 215 of the National Planning Policy Framework (NPPF) indicates that relevant policies in existing Local Plans will be given weight according to their degree of consistency with the NPPF (the closer the policies are to the Framework, the greater the weight that may be given).

Paragraph 89 of the NPPF indicates that the following should not be regarded as inappropriate development within the Green Belt: -

"limited infilling in villages.....under policies set out in the Local Plan"

Policy GC1 of the Macclesfield Borough Local Plan permits:

"Limited infilling within the settlements of Gawsworth, Henbury, Lyme Green and Sutton provided that the development is in scale and character with the settlement in question"

It is considered that policy GC1 is consistent with the NPPF and therefore should be given full weight.

On the Proposals Map (contained with the MBC Local Plan), Langley falls within the settlement of Sutton, therefore no objection can be raised in respect of infilling, the key consideration is whether the development is in scale and character with the settlement in question.

The test of whether the dwelling is *"materially larger than the dwelling it replaces"* is not relevant in this case, as the application before us is for the erection of a dwelling, not a replacement dwelling.

Scale, Character & Appearance

The dwelling is considered to be of a similar character and appearance to other properties along Langley Road. In terms of ridge height, it is 1.4m lower than Hollinswood to the east, but 0.42m higher than of Greenacres to the west, following the gradient of the road. The overall height of the dwelling and the eaves height sit comfortably with the neighbouring properties reflecting the declining ground level from east to west.

With the exception of the lower ground floor level, the partially constructed new dwelling mirrors the scale and appearance of the replacement dwelling approved under application 12/0078M. The ridge height is unaltered at 6.81m.

The new dwelling measures 15.7m in width. There is a 1.65m gap down the western side of the boundary (adjacent to Greenacres), but only 0.5m gap down the eastern boundary (adjacent to Hollinswood). It should be noted that the original dormer bungalow spanned the width of the plot, leaving a limited gap to the boundaries.

The depth of the dwelling is between 12.4m (for the main dwelling) and 15.0m (including the terrace area).

The property has been designed with a hipped roof in order to reflect the character of properties either side. The design and appearance of the house is considered acceptable in its setting, and on the site. It is set back 16m from Langley Road and generally reflects existing building lines. It is not visually prominent and is partially screened from the road by existing vegetation.

The property is situated within a ribbon of houses, where there is no clear prevailing house type or character. There are six two-storey properties and two dormer bungalows on this road. The partially constructed new dwelling has the appearance of a two-storey dwelling from the front elevation facing Langley Road. Due to the change in levels, the ground floor is 2 metres lower than the site entrance.

To the rear of the application site is a field. There are five trees and a hedge along the rear boundary, which are to be retained and provide a level of screening. The three-storey element of the dwelling can only be seen from the rear of the site (and from neighbouring gardens to an extent). Due to its limited visibility, it is considered that the third floor has limited impact on the character or appearance of the area.

In summary, the scale and appearance of the new dwelling is not considered to out of keeping with the settlement of Sutton.

Materials

The partially constructed dwelling has been fabricated in a pale red brick, which is considered in keeping with the character of the properties in the area. The roof is to be covered in a blue slate.

Area of Special County Value

The application site remains in residential use. It is located in a ribbon of development. The development is not considered to have an adverse impact on the character and appearance of the area.

Residential Amenity

Concern has been raised regarding the position of the dwelling in relation to the boundary with Hollinswood. The side gable is in the same position as the original dormer bungalow, although, it projects forward to a greater extent. There are four secondary / non habitable windows on the side gable of Hollinswood. An overlay has been provided showing the position of the original and new dwelling, and whilst there would be some loss of light to these windows, it is not considered this would be significant or to the detriment of living conditions.

The new dwelling does not breach the 45-degree line from front or rear facing windows from Hollinswood or Greenacres. It is not therefore considered that the new dwelling results in a loss of light, or has an overbearing affect.

Concern has also been raised in respect of the terrace and the potential loss of privacy. Members need to be aware that the original dormer bungalow had a balcony area and conservatory on the rear elevation, which projected 2.4 m further into the plot than the new terrace area.

The new terrace is situated at ground floor level. This is the same ground floor level as the original dormer bungalow. However, the excavation works have lowered the rear garden level, so the terrace now sits 2.65m above the rear garden. As the new terrace area is set further forward in the plot, it is not considered that the overlooking situation is any worse than the former situation or results in any significant loss of privacy.

A landscaping plan has been submitted which proposes a 1.8m high close boarded fence along the western boundary (adjacent to Greenacres), and retention of existing hedging. As stated in the landscaping section above, we consider further boundary treatment is required to protect the residential amenity of both neighbouring properties. Detailed elevation and sectional drawings have been requested to show the proposed ground levels, retaining structures and positioning of fencing along both boundaries.

The side facing window at first floor serving the master bedroom would allow direct overlooking. The neighbours at Greenacres and the Parish Council have raised concerns about this. It is considered a condition should be imposed to required obscure glazing to prevent overlooking.

In accordance with the comments received from Environmental Health, it is considered a condition is necessary to restrict construction hours given the quiet residential make-up of the area.

Highways

The existing access would be retained. There would be no significant increase in vehicle movements. Sufficient off street parking is available and there is considerable space for

turning within the site. For these reasons it is not considered the proposal would adversely impact upon highway safety.

Landscaping and Trees

The Beech hedge along side boundary with Hollinswood has been cut back to allow for the construction of the dwelling and is now quite sparse allowing views between the two properties. It is recommended that a fence be erected on top of the retaining structure to restore privacy. A low retaining structure will be required to support the bank.

There is a small gap in the coniferous hedge along the boundary with Greenacres allowing views between the terrace at Longlea and the patio area of Greenacres. A timber fence is proposed between the two gardens but further information is required about the proposed ground levels and fence height along this boundary.

It is recommended that detailed elevations and sections be submitted to show the proposed ground levels, retaining structures and fencing along both boundaries. The landscape scheme should also be revised accordingly.

If this information cannot be submitted prior to Committee, landscaping conditions will be required specifying the detail and timetable for implementation.

There is a large mature Beech tree adjacent to the existing access which is protected as part of Group 1 of the 1969 Jarman number 2 Tree Preservation Order (TPO). Neither a tree survey or arboricultural report have been submitted however, the application form recognises the presence of trees on and off site. Nonetheless the Planning, Design and Access Statement identifies that no alterations would be made to the existing access or existing parking and turning, the majority of which are in the Beech trees Root Protection Area (RPA). A condition should therefore be attached requiring a detailed tree protection scheme including ground protection at the point of access and along the driveway within the trees RPA.

The proposed dwelling would be a significant distance outside the trees RPA and therefore it is not considered there would be direct or indirect implications for the tree.

CONCLUSION

This application follows on from the approval of a replacement dwelling on this site in March 2012. The development was not carried out in total accordance with the approved plans, and therefore a further application has been submitted to regularise the situation. As the dormer bungalow has been demolished, permission has to be sought for the erection of a new dwelling, rather than for a replacement dwelling.

The National Planning Policy Framework and policy GC1 of the MBC Local Plan permit limited infilling in villages. Sutton is such a village where limited infilling is permitted, subject to development being in scale and character with the settlement.

The application site is situated within a ribbon of houses on Langley Road, where there is no clear prevailing house type or character. There are a mix of two-storey properties and dormer

bungalows on this road. The new dwelling has the appearance of a two-storey dwelling when viewed from Langley Road. It is considered that the new house reflects the scale and character of the surrounding area, and is not considered to out of keeping with the settlement of Sutton.

The new dwelling does not result in any significant loss of amenity to the occupiers of the adjoining properties

With the exception of the lower ground floor, the new dwelling has the same scale and appearance of the previously approved replacement dwelling. This is a material consideration in the determination of this application.

The development does not have an adverse impact upon trees or protected species.

The proposal is considered acceptable in all other respects and is therefore recommended for approval.

Application for Full Planning

RECOMMENDATION:

1. Development in accord with approved plans
2. Materials as per application
3. Submission of revised landscaping scheme
4. Revised landscaping scheme to include detailed plans for boundary treatment
5. Landscaping (implementation for retrospective planning application)
6. Protection from noise during construction (hours of construction)
7. Submission of construction method statement
8. Tree protection and service / drainage shall be in accordance with Cheshire Woodlands tree protection plan CW/6610-P-TP (Rev1)
9. Obscure glazing requirement - first floor window in the side (west) elevation

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CHESHIRE EAST COUNCIL STRATEGIC PLANNING BOARD

Date of meeting: 5 December 2012

Report of: Development Management & Building Control Manager

Title: Land at Mill Street/Lockitt Street, Crewe

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of application P07/0639 for Land at Mill Street/Lockitt Street, Crewe
- 1.2 The report has been presented to Strategic Planning Board because the original application for a mixed use development comprising residential, retail (food and non food), pedestrian/cycle link and associated car parking, landscaping, servicing and access was approved by the Board on 24 March 2010.
- 1.3 Further determinations were made by Strategic Planning Board on 25 August 2010 to alter Heads of Terms with respect to the delivery of the pedestrian/cycle link; and then on 9 November 2011 for changes to the affordable housing to be all affordable rent, and to the phasing plan.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the mixed use development has already been established by the previous resolution and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The application relates to a 3.95ha site which comprises a mixture of vacant and occupied single storey general industrial and warehouse buildings.
- 3.2 The site is bounded to the north and east by railway lines, residential properties to the south and Mill Street to the west. The site wraps around the existing Wickes DIY store which is excluded from the application site.
- 3.3 The site is allocated under Policy S.12.2 of the Borough of Crewe and Nantwich Local Plan as a mixed use regeneration area, and also forms

part of the Mill Street/Pedley Street sub area of the Crewe Rail Gateway Adopted Development Brief.

- 3.4 In March 2010, Strategic Planning Board resolved to grant outline planning permission for the redevelopment of the site for a mixed use development to include 1,329sqm retail food development, 2,787sqm comparison goods, 1,858sqm bulky goods, 53 dwellings (of which 35% affordable), a restaurant, the provision of a pedestrian/cycle link through the site connecting the train station to the town centre, landscaping, car parking, servicing and access.
- 3.5 The food retail store has indicatively been shown to be sited fronting onto Mill Street with the comparison/bulky goods retail unit backing onto Waverley Court. The scheme shows the residential properties to be predominantly located between the railway lines and the Wickes DIY store. The route of the proposed pedestrian/cycle link will pass the proposed retailing unit at the south eastern corner of the site, pass the front of the proposed restaurant over an “urban square” (which will be a shared surface) and will continue through the proposed residential development connecting to Mill Street at the north western corner of the site.
- 3.6 The original resolution to approve on 25 August 2010 is subject to completion of Section 106 Agreement making a number of provisions, including, inter alia:
- The provision of on site open space and equipped children’s playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked),
 - Affordable housing provision, which shall include a requirement that:
 - 35% affordable housing (split social rented / shared ownership)
 - Details of phasing of development to include, inter alia, provision of the pedestrian/cycle link in three sections to correspond with the first three phases of development
 - A scheme of public art to be agreed for the site
- 3.7 In November 2011 Board approved changes to the section 106 Agreement to take account of discussions between the developer and Wulvern Housing, such that it was agreed that the affordable houses were accepted as 100% affordable rent (not social rent/shared ownership).
- 3.8 Changes were also agreed to the phasing of the development which now showed four phases of development:

Phase 1: The provision of the Food Retail Store, 19 affordable housing units and the provision of the pedestrian/cycle link from Waverley Court to the public square, and from the public square to Mill Street;

Phase 2: The provision of the comparison and bulky goods retailing;

Phase 3: The provision of the market dwellings; and,

Phase 4: The provision of the restaurant and public square (which would complete the pedestrian/cycle link).

The legal agreement would be altered accordingly.

4.0 Proposals

- 4.1 Officers have been finalising the details of the s106 legal agreement but it has emerged through discussions with the applicant that there are a few further (primarily 'technical') changes that are required before the agreement can be signed.
- 4.2 There are two small areas of land that have been identified that are not owned by the applicant and therefore should not form part of the site edged red or the legal agreement. These small areas of land are owned by United Utilities and are located to the northern boundary of the site adjacent to the railway line. A revised site edged red, and a revised indicative layout plan have now been submitted which excludes these areas of land from the application.
- 4.3 Given the very small size of the two areas in comparison with the rest of the site there are no significant implications for the original outline permission of these changes.
- 4.4 The line of the footpath (and therefore the site edged red) where it enters/leaves the site at the far south eastern boundary of the site has also been tweaked to avoid crossing land that is also not within the applicant's control. This land is owned by Wulvern Housing who the applicant has been in discussions with regarding the provision of the affordable housing on the site. Although this means there is now a very short 'dog-leg' in the footpath it is not considered to threaten the principle of the footpath link.
- 4.5 The final change is to the phasing of the development. It has always been a requirement to provide the pedestrian/cycle link within the first phase of development. However, previously it was expected that the retail store would be within the first phase along with the 19 affordable units. Given the difficulties of securing an end user for the retail part of the scheme, it is now proposed that the scheme should include the provision of all of the affordable housing units, all of the market units and the pedestrian/cycle link in the first phase unless otherwise agreed in writing by the Development Management and Building Control Manager.

- 4.6 The National Planning Policy Framework has been introduced since the original decision and subsequent changes to the s106 have been made. There is a clear emphasis within the NPPF to support sustainable development. It is considered that the proposed mixed development scheme, incorporating affordable housing, improved pedestrian and cycle links within a town centre location represents sustainable development that complies with the updated policies and principles within the NPPF.

5.0 Conclusion

- 5.1 On the basis of the above, the proposed amendment to the site edged red, the indicative plan and the phasing of the development the changes are considered to be acceptable.

6.0 Recommendation

- 6.1 That the Board resolve to amend the previous resolution in respect of application P07/0639 to read:

The provision of on site open space and equipped children's playspace in accordance with Policy RT.3 of the Local Plan with any shortfall in provision to be made up by way of a developer contribution in lieu of public open space calculated at £1000 per house (index linked),

Affordable housing provision, which shall include a requirement that: 35% affordable housing be provided, of which 100% shall be affordable rented

Details of phasing of development to include the provision of the affordable/market housing and the pedestrian / cycle link within the first phase.

A scheme of public art to be agreed for the site

7.0 Financial Implications

- 7.1 There are no financial implications.

8.0 Legal Implications

- 8.1 Revisions to the site edged red are required to ensure pedestrian/cycle link phasing previously approved should be confirmed in a new resolution so that the Borough Solicitor has authority to execute a s106 Agreement in those revised terms.

9.0 Risk Assessment

- 9.1 There are no risks associated with this decision.

10.0 Reasons for Recommendation

- 10.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion whilst ensuring that the quality of this key section of a quality cross centre route from Train Station to Town Centre is not compromised.

For further information:

Portfolio Holder: Councillor Les Gilbert

Officer: David Malcolm – Area Manager

01270 686744

Background Documents:

- Application P07/0639

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Application No: 12/2440N
Location: LAND OFF QUEENS DRIVE, NANTWICH
Proposal: Outline Application - Proposed Residential Development
Applicant: Gladman Developments Limited
Expiry Date: 28-Sep-2012

SUMMARY RECOMMENDATION

RESOLVE to contest the forthcoming Appeal against non-determination on highways grounds.

MAIN ISSUES

- Principle of Development.
- Sustainability
- Loss of Agricultural Land
- Affordable Housing
- Highway Safety and Traffic Generation.
- Contaminated land
- Air Quality
- Noise Impact
- Drainage and Flooding
- Archaeology
- Built Heritage
- Countryside and Landscape Impact
- Forestry
- Hedgerows
- Open space
- Layout and Design
- Ecology
- Amenity
- Education
- Impact on Railway
- Impact on Public Right of Way
- Impact on Canal

REFERRAL

The application has been referred to Strategic Planning Board because it is a large scale major development and a departure from the Development Plan.

This application was submitted on 29th June 2012 and, following the subsequent public consultation period, generated significant objections from the Council's Design Officer and the Strategic Highways Manager. Since the closure of the consultation period on 28th August 2012, Planning Officers have been attempting to negotiate with the applicants in order to resolve the matters which were giving cause for concern. Whilst the design concerns have now been resolved, unfortunately, it has not been possible to establish a mutually agreeable solution with regard to the highways implications.

As a result the Strategic Highways Manager has recommended refusal of the application. Upon learning of this recommendation, the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

Therefore the purpose of this report is merely to seek the committee's resolution as to what its decision would have been had it been able to determine the application, and this will form part of the Authority's Statement of Case on the appeal. It is generally accepted that failure to do this, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case, and there may be possible costs implications.

1. SITE DESCRIPTION

The application site measures 9.90 hectares and lies on the south western edge of Nantwich. The site is defined and contained on two sides by Queens Drive to the north and the Shropshire & Union Canal to the west. To the east, Fields Farm and associated outbuildings and yards occupies a triangular shaped area of land in between the site and the railway line.

The site is agricultural land comprising a single broadly square pastoral field. A row of approximately 8 semi-detached houses face towards the site on the northern side of Queens Drive and a further 12 properties back onto the site on the southern side of the road. These are two storey late twentieth century red brick properties and are set back from the road behind drives.

There are 2 public footpaths that run along the boundaries of the site (one within the site boundary). Immediately west of the site, the towpath of the Shropshire and Union Canal is a well used path by walkers and fishers, with a seating area adjacent to the site and a listed milepost. The hedgerow along this boundary is intermittent with occasional trees.

At the north west and south west corners of the site attractive stone bridges over the canal (one a road bridge and the other a farm access track) are listed structures. The eastern edge is more open, and defined by a post and wire fence.

The Nantwich Circular Walk passes through the site along the southern boundary, linking across the railway on a level crossing into Nantwich. The southern boundary is defined by a hedgerow and occasional mature trees, with a group of trees in the south east corner

adjacent to an off site pond. This lower south east corner is boggy and appears to have potential for occasional flooding, with the existing footpath raised above ground level.

The contours within the site generally slope from west to east, with the canal at a high point of approximately 50m AOD on the western boundary. The land then rises up very slightly to the west of the canal to a minor ridge, before dropping down to the western boundary to a low point of 44m AOD in the south eastern corner. A minor shallowing of contours east of the existing listed milepost could be due to excavation of the canal, and allows views across the site from this position. In the wider context, the landscape is relatively flat, with land slowly rising to the west to a high point of approximately 60mAOD at Acton. To the east, the contours drop towards the River Weaver approximately 500m east of the site.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for a total of 7.6 hectares of residential development, providing up to 270 dwellings. There would be a broad range of block densities from 30-40 dwellings per hectare (dph), The development would provide for a broad mix of dwellings and house types, ranging from 2 to 5 bedroom units, offering a mix of market housing from first time homes to larger family homes. The housing mix would include affordable housing, which will be accommodated in small clusters and evenly distributed around the development.

The proposal also includes 2.04Ha of Public Open Space & Habitat Creation Areas. The open space will include informal recreation, footpaths and habitat creation areas. 0.17ha of ponds, will be created with areas of permanent water and ephemeral areas with grassland planting and 0.04ha of Equipped Children's Play Space (0.04Ha) would also be provided, offering toddler, child and teenage play provision. The play space would be set within an area of public open space. In addition, a tea room / convenience store would be located near the entrance to the site adjacent to the canal with outdoor picnic area and parking.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

3. PLANNING POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Policy L 2 Understanding Housing Markets

Policy L 5 Affordable Housing
Policy RT 2 Managing Travel Demand
Policy RT 3 Public Transport Framework
Policy RT 4 Management of the Highway Network
Policy RT 9 Walking and Cycling
Policy EM 15 A Framework For Sustainable Energy In The North West
Policy EM 16 Energy Conservation & Efficiency
Policy EM 17 Renewable Energy
Policy MCR 4 South Cheshire

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Sustainability Checklist

4. OBSERVATIONS OF CONSULTEES

Public Rights of Way

- The application is adjacent to public footpath Edleston No. 8 and public bridleway Edleston No. 1 as recorded on the Definitive Map. It appears unlikely, that the proposal would affect the public right of way, although the PROW Unit would expect the standard informatives relating to keeping the right of way open and safe for the public during the construction period to be added to any consent.

- The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026
- The Illustrative Masterplan, Design and Access Statement and Development Framework plan refer to a footpath along the southern edge of the proposed development site. This path is in fact a recorded Public Right of Way with public bridleway status, and is known as Public Bridleway No. 1 in Edleston parish. The public have existing rights of access along this route on foot, horse and bicycle.
- If the development will temporarily affect the public right of way the developer must apply in advance for a temporary closure of the route, preferably providing a suitable alternative route.
- This Public Right of Way forms part of a number of long distance and local circular routes including the Nantwich Riverside Loop and the Crewe and Nantwich Circular Walk. The Development Framework suggests that this route would be 'upgraded and resurfaced', any proposals for changing the surface of this route would require prior approval of the Public Rights of Way team.
- The Illustrative Masterplan suggests that the Public Bridleway would have an open aspect within the design of the site and this would be welcomed as offering increased natural surveillance of the path whilst not constricting its width or aspect. At present, users of this public bridleway pass through a gate on raised ground onto Green Lane and then descend a flight of steps to the canal towpath. The use of the proposed pedestrian/cycle links (indicated by point 5 on the Illustrative Masterplan) to connect the public bridleway with the canal towpath via a level path would offer a greater permeability for the site and improved accesses for future residents using the paths around the site.
- The proposal to create paths between the site and the towpath are supported, along with the proposals for additional paths within the green corridors of the site – research shows that people want options for walks from their homes so that they can build them into their daily routines. At the same time, access for cyclists should be promoted and the proposed paths should be designed, to best practice, as shared use routes to increase the accessibility of the site.
- The canal towpath along the western edge of the proposed development site is a recorded Public Right of Way with public footpath status and known as Public Footpath No. 8 in Edleston parish. It also has, however, permissive rights of access on bicycle. It should be noted that a recent improvement project was completed on this length of towpath to improve the width and surface for all users. The project included the installation of a bench, relocation of a mile marker and in filling of the towpath hedge with whips. The improvements made should not be compromised by the proposed 'potential area of mooring boats/picnic area/ café fronting canal' and the through passage of pedestrians and cyclists must not be hampered.
- The application documents refer to a proposed convenience store/tea shop. If such premises are considered viable in this location, then a direct path connection to the towpath for both walkers and cyclists should be designed, with cycle parking facilities outside the retail outlets.
- The permeability of the site to pedestrians and cyclists and accessibility to the facilities of the town centre will be a key issue. The proposed location of an access for pedestrians and cyclists (indicated by point 5 on the Illustrative Masterplan) at the current field gate to the immediate east of the canal bridge on Queens Drive may not be ideal; the visibility at this location is poor due to the bend in the road and the hump

back bridge. An access further east along Queens Drive may be more appropriate for non-motorised traffic heading towards the town centre, (which forms part of Regional Cycle Route No. 75).

- A key access route from the proposed development site through to the town centre will be via Nantwich Riverside Park, as noted in section 3.13 of the Interim Travel Plan. An assessment of the condition of the bridges across the River Weaver to accommodate the increased usage by pedestrians and cyclists to and from the development site will be required with contributions towards any works being sought from the developer should planning permission be granted. Further, the residents of the proposed development will require access to the railway station for leisure and commuting. The path alongside the railway between Shrewbridge Road and Wellington Road which acts as a direct route for this journey will require surfacing to bring it up to a suitable standard to accommodate the new footfall. Contributions should be sought towards this works should planning permission be granted.
- The development, as noted above, is on the route of a number of promoted routes. A number of these routes, which will be an attractive leisure consideration for prospective residents of the development, use Marsh Lane to the west of the canal. At present there is no pavement alongside Marsh Lane at this location and a suggestion has been registered under the ROWIP (Ref. W22) for the creation of such a facility for the safety of pedestrians using the promoted routes.
- The Application Form refers to the creation of new rights of way. However, there is no discussion as to the proposed status of these routes i.e. *Public Rights of Way* or other path status. The status and maintenance of any new route, whether on-site or off-site, would require agreement with the Public Rights of Way team and Highways and the corresponding due legal process completed should the route be dedicated or adopted. Contributions for ongoing maintenance will be required if maintenance is not to be undertaken through provision within a management company.
- In order to maximize the use of any proposed new or improved path infrastructure, destination signage and interpretation should be included within the design of the site and on the adjoining highway and public rights of way networks. The developer should be tasked to inform new residents about opportunities for local leisure walks and rides, including the promoted routes mentioned above, in addition to travel planning.

Canal and River Trust

No objections to the proposed development, subject to the following issues being addressed.

- It is acknowledged in the application documents that the public right of way running along the towpath of the Shropshire Union Canal will provide an important sustainable access and leisure route for residents of the proposed development. The increased use of this section of the towpath will result in an additional maintenance burden on the Canal & River Trust, particularly to the south of Green Lane Bridge where the towpath currently has a grassed surface. In addition, the means of accessing the towpath at Green Lane Bridge would benefit from improvements to make it accessible by all groups of towpath users.
- The applicant states that consideration will be given to the inclusion of planning contributions in addition to those listed in the draft Heads of Terms, subject to the appropriate tests of necessity and reasonableness. The Canal & River Trust is

satisfied that the upgrading of the 1.7km stretch of towpath between Bridge 90 (Green Lane) and Bridge 88 (Baddington Lane) would meet the statutory tests, being necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. In the absence of any improvement works, the condition of this stretch of towpath would deteriorate significantly due to the increased use by pedestrians and cyclists as a result of the development, to the detriment of all towpath users.

- Policy NE.11 of the adopted Borough of Crewe and Nantwich Replacement Local Plan states that *“Within river, watercourse and canal corridors, development which would have an adverse impact on....public access...will only be permitted where the reasons for the development clearly outweigh the conservation value of the river, watercourse or canal corridor.”*
- The towpath improvement works should either be secured in the form of a developer contribution or a requirement for the developer to carry out the works under the supervision of The Canal & River Trust. The surfacing and specification of the towpath works should match the recently improved stretch of towpath to the north of Green Lane Bridge, taking into account the setting of the Listed canal bridges and mileposts, and the works should also include improving the towpath access at Green Lane Bridge. Should the applicant prefer to make a contribution for the Trust to deliver these works, the cost is likely to be in the region of £200,000, although I must stress that this is a very broad estimate. Should the applicant confirm that this is the preferred method of delivering the improvements I would be glad to provide a more accurate cost prior to determination of the application.
- If the Council is minded to grant planning permission, it is requested that the following condition be attached:
 - *Prior to the commencement of development, details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Shropshire Union Canal or its users during construction of the development, shall be submitted to and agreed in writing by the local planning authority in consultation with the Canal & River Trust. The approved measures shall thereafter be implemented in full unless otherwise agreed in writing by the local planning authority.*
- It is also requested that the following informative is attached to the decision notice:
 - *“The applicant/developer is advised to contact the Canal & River Trust’s Third Party Works Team (01606 723800) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.*

Natural England

- Application does not appear to fall within the scope of the consultations that Natural England would routinely comment on.
- The application is not likely to result in significant impacts on statutory designated sites, landscapes or species.
- It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs

should seek the views of their own ecologists when determining the environmental impacts of this development.

- Recommend the use of Natural England Standing Advice
- Would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:
 - Green Infrastructure - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement,. Natural England would encourage the incorporation of GI into this development. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.
 - Protected Species - It is not clear from the information in support of this application what the impact on protected species will be. We would encourage the authority to ask the applicant to provide further information that clearly describes the impact of the proposal on protected species and any proposed mitigation together with evidence to show how they concluded what the impacts will be.
 - Local wildlife sites - If the proposal site could result in an impact on a Local Site1, Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework.
 - Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, would draw attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.
 - Local Landscape - This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by the Authority's landscape character assessment where available, and the policies protecting landscape character in the local plan or development framework. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Environmental Health

- Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and disturbance during the construction phase including piling techniques, hours of working, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.
 - The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- The applicant has submitted a noise report with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from road traffic and the nearby railway. Therefore, before the development commences Environmental Health require a detailed noise mitigation scheme to be submitted, to protect the proposed occupants from road traffic and rail noise. Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. The agreed scheme shall be implemented, and maintained throughout the use of the development.
- The assessment submitted with respect to potential air quality impact is satisfactory and the conclusions are accepted.
- Would however recommend that a condition be attached to the application to ensure there is no adverse impact by virtue of dust generation during the construction phase of the development.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The applicant has submitted a Phase I Preliminary Risk Assessment for contaminated land with the application, which recommends a Phase II site investigation be undertaken. This should include the area of the identified possible former pond.
- As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted to require the provision of a Phase II investigation and the submission and implementation of any necessary mitigation.

- Have considered the above planning application submitted on 10/7/12 and find it has no impact on our Electricity Distribution System infrastructure or other ENW assets, as it is outside our Network Distribution area. Any requirements for a supply of electricity will be considered as and when a formal application is received.

Archaeologist

- The application is supported by an archaeological desk-based assessment, which has been prepared by CgMs Ltd on behalf of the applicants. This study has considered the data held in the Cheshire Historic Environment Record, aerial photographic evidence, historic mapping, and readily-available secondary sources. It concludes that the lack of any indication for archaeological potential in the sources listed above and the distance of the site from the known area of Roman and medieval activity at Nantwich means that the site has a very low archaeological potential and, consequently, concludes that no further archaeological mitigation is justified.
- The County Archaeologist has carefully considered the conclusions of the report and, mindful of the size of the site and the results of recent evaluation work and watching briefs in similar locations (Stapeley Water Gardens, Swanley canal marina etc), have concluded that in this instance the archaeological potential is not sufficient to justify any further archaeological mitigation.
- A further issue concerns the effect of the development on the setting of Dorfold Hall Park, which lies immediately to the north-west of the development area beyond the canal, and is included in English Heritage's Register of Parks and gardens (Grade II). It must be admitted, however, that only the south-east corner of the park lies adjacent to the north-west corner of the proposed development and that the two are separated by the canal and Queen's Drive/Marsh Lane. In addition, the whole of the eastern limits of the park are already abutted by modern development so, in these circumstances, an objection on setting grounds would be difficult to sustain.
- Finally, it should be noted that as the supporting report is a cultural heritage study, it also includes a consideration of the effect of the development on Listed Buildings in the vicinity and the wider historic built environment. This area is the responsibility of the Council's Conservation Officers who will be able to offer any necessary advice.

Network Rail

Network Rail is placing a holding objection to the above proposal.

1. Green Lane Level Crossing:

- Network Rail are very concerned by the effect of the proposal upon the Network Rail level crossing at eastings 364367 / northings 351260.
- The level crossing is referred to as Green Lane (on the Shrewsbury – Crewe railway line), which comprises both a farm user worked crossing and public footpath crossings.
- A check of the rail services on the railway line via the Network Rail Rail Planner shows 26 services from Shrewsbury to Crewe commencing 05.44am until midnight and 27 services from Crewe to Shrewsbury from 04.54 to midnight. Therefore at a first view approximately 53 train passenger services per week day cross over Green Lane Level Crossing (this figure would need to be investigated further for each day of the week,

weekends and any night-time or any freight services and is therefore subject to revision).

- Network Rail would remind Cheshire East Council that they have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway under Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) Order, 2010.
- Level crossings are not only the type that highway users may be familiar with, i.e., warning signals, warning bells and barriers. The user worked crossings and footpath crossings are usually used by a single user, e.g. a farmer, moving his livestock from one field to another. Level crossings of this type have a telephone which feeds into the nearest signal box and it is with a call to the signal box that the user would determine if the railway was safe to cross.
- Whilst it appears that the final site development traffic would not have vehicular access to Green Lane Level Crossing, there is still the issue of construction traffic and the significant increase in foot traffic risk issues as a result of the potential 270 dwellings and their residents.
- Network Rail has objected in the past to similar developments in Nantwich which were ultimately granted by Cheshire East Council, these impacted upon a level crossing referred to as Cronkinsons. The increased usage as a result of that development has resulted in three near miss incidents within the last three years, and crossing misuse such as children playing chicken on the railway line.
- Network Rail believes that the proposed 270 dwellings complete with their residents (including minors and young children) will result in a material increase in the volume and material change in the type of traffic using the crossing, thus importing a risk to the railway potentially leading to very similar issues as seen at Cronkinsons.
- As a first principle, Network Rail would therefore wish to see the closure of Green Lane Level Crossing and its replacement with a footbridge which would remove all risk to the railway and all individuals. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund mitigation measures necessitated by commercial third party development. Network Rail would request that the developer is required to fund any mitigation measures identified as a direct result of the proposed development, including a footbridge.
- The National Planning Policy Framework states on pg.9-10, that, "*Plans and decisions should take account of whether...Safe and suitable access to the site can be achieved for all people.*" The provision of a developer contribution to fund a footbridge would see the proposal in line with the NPPF comments as well as Policy TRAN3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011
- Network Rail would also draw the attention of Cheshire East Council to a recent appeal decision where a proposal at Princes Risborough (Wycombe Council area) included an increase in the material and volume of traffic going over a level crossing. The inspector and Secretary of State acknowledged that no further planning applications should be considered unless it included the closure of the crossings. I include a copy of the appeal decision for the council's attention.

2. Nantwich Railway Station:

- The site is a little distance to the South of Nantwich railway station and therefore would be accessible principally by vehicle from the development.
- Currently at Nantwich Railway Station there is no formal drop off point or station parking. As Nantwich Railway Station has no formal drop off point and has no station parking Network Rail would seek developer funded contributions to install a drop off point and station parking to mitigate any additional pressures arising from the development by increased footfall as a result of the 270 proposed dwellings and their residents.
- Where growth areas or significant housing allocations are identified close to existing rail infrastructure it is essential that the potential impacts of this are assessed. Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by third party commercial development (as point 1).
- Network Rail would seek to work with maintenance teams and the Local Authority with external funding support towards possible upside access, drop off and parking. Network Rail Maintenance has occupied a small yard area we have in this locality which would need review, given the limited available sites nearby.
- Network Rail would also remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the Local Planning Authority, should use conditions as necessary.

Environment Agency

No objection in principle to the proposed development but make the following comments:

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- Request that the following planning conditions are attached to any planning approval as set out below.
 - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
 - The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water

and any potential floodwaters from the Shropshire Union Canal, has been submitted to and approved in writing by the local planning authority

- Following review of the Geo-Environmental Assessment (Phase 1) desk study the Agency are satisfied that the site is unlikely to pose a significant risk to controlled waters owing to the absence of historical, industrial land use. However the Agency consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and they would object to the application.
 - o If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

United Utilities

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

- This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system at a maximum discharge rate of 10 l/s.
- Surface water should discharge to soakaway and or watercourse as stated within the FRA submitted.

Highways

Initial report – 24th September 2012

Key issues

- In the submitted transport assessment the applicant has assessed the traffic impact of the development at various junctions on the road network. As with all residential schemes it is the morning and evening peaks where the largest impact arises and this impact has been tested at the following locations.
 - o Site access priority junction Queens Drive
 - o Marsh Lane /Queens Drive priority junction.
 - o Queens Drive/Welsh Row priority junction
 - o High Street/Waterlode/Welsh Row signals
 - o Chester Road/Waterlode/Welsh Row/Taylor drive signals
- In addition, to the above assessments CEC requested sensitivity testing at other strategic junctions within Nantwich.
- The distribution of trips from the development site has been undertaken and the majority of trips will use Welsh Road and pass through the junctions of Marsh Lane

/Queens Drive and Queens Drive/Welsh Row priority junctions and the through the signals at High Street/Waterlode/Welsh Row.

Site Assessment

- The transport assessment has identified impacts at two junctions Queens Drive/Welsh Row and at the High Street/Waterlode junction. At the Queens Drive junction with Welsh Row a traffic signal scheme is proposed in mitigation to the impact that would arise from the development, in that queues will form predominately on Queens Drive. Whilst it is accepted that the introduction of a signal junction would more than mitigate the impact of the development and would deal with the development traffic impact. However, the introduction of traffic signals would have an adverse impact on the conservation area by further urbanising Welsh Row.
- There are existing capacity problems at the existing signal junction at High Street/Waterlode/Welsh Row with long queues forming on the approach to the junction. The applicant has identified that the development traffic will have an impact on the junction and has submitted proposals to alter the operation of the signals to mitigate the development impact.
- Assessment of the wider strategic impact of the development has indicated that the development traffic once distributed on the road network has become dissipated and the level of impact at junctions further away from the site such as at the Alvaston roundabout is not considered to represent a material impact.
- In considering the sustainability, the location of the site is at the edge of the urban area in the south west corner of Nantwich, it is accessible by foot and cycle as there footpaths on both side of Queens Drive and also a path on Marsh Lane to that provides access to the nearby Millfields Primary School. However, it is more than a mile away from the town centre and is considered that this is a long way to walk in connection with retail shopping trips. There are local bus services that are close to the site but these are infrequent services and certainly no ones to be considered suitable for commuting purposes for residents of the development.

Conclusion

- The planning application is outline and therefore there are no comments regarding the internal arrangements of the site, the point of access is included in the application and there are highway concerns regarding the priority access design to the site.
- The traffic impact of the development has assessed the impact at a series of junctions in Nantwich, and as part of this assessment a sensitivity test has been undertaken on the wider impact on the primary route network. The impact of the development traffic on the strategic roads such as the A500 is not considered to be material as the development traffic has dispersed significantly as it travels away from the site.
- The main development impact of the site relates to Welsh Row as the vast majority of trips will use Queens Drive and Marsh Lane before accessing onto Welsh Row. There are identified capacity problems at the High Street/Waterlode/Welsh Row signal

junction and the applicant has recognised this issue and has been in discussion with the Highway Authority on proposals that would improve junction capacity so addressing the traffic impact. It is likely that a solution to the capacity issues at the junction can be found but at the time of writing this report there is no improvement solution agreed.

- A new signal junction is proposed at the Welsh Row/Queens Drive junction to address capacity problems and although this improvement in highway terms is acceptable it will have a significant impact on the Conservation Area.
- The accessibility of the site is considered poor in that it considered that most workday trips will be car based and there should be improvements made to improve sustainability of the site. It is possible to improve the non-car mode accessibility and discussions have been undertaken to improve public transport access, although no improvements have been tabled to date. In summary, although the accessibility of can be improved there are currently are no agreement in place in respect of this application.
- Therefore, there are a number of issues yet to be resolved to the satisfaction of the Highway Authority and I will recommend that the application is refused on the grounds of traffic impact, sustainability and also impact on the Welsh Row conservation area.

Update Report – 5th November 2012

- As indicated in my previous comments there were a number of highway concerns raised and although I was hopeful that these concerns could have been addressed by the applicant, this has proved not to be the case.
- With regard to the sustainability of the site, the access to public transport is poor and it has not proved possible to improve access to bus services for the site location. The consequence is that the vast majority of trips from the site will be car based and as there are known capacity problems on the road network the impact will be greater as there is very little modal split.
- There is an impact on the Conservation Area in Welsh Row, there is a significant traffic impact in terms of flow using Welsh Row associated with this development, the site would add some 25% more trips in the evening peak.
- The junction at the signal junction High Street/Waterlode/Welsh Row has capacity issues and a number of different models have been tested to improve the situation but although the capacity issue can reasonably be mitigated there is safety concern with the operation of the junction in respect pedestrians crossing the junction.
- Therefore, the previous recommendation and reasons for refusal remain valid.

Education

- It is anticipated that a development of 270 dwellings will generate 44 primary places and 35 secondary places.

- The attached spreadsheet shows these schools with capacities, numbers on roll and latest forecast figures. It also shows the developments catchment schools in Bold type as being Acton Primary School and Malbank School and Sixth Form College.

Primary

- The spreadsheet shows that at present there are 103 places available in the local primary schools, however the Councils pupil forecasts are showing that the number of available places in these schools are falling with forecasts indicating only 17 places available by 2017. Given that we anticipate 44 new places to be created and that our forecasts are indicating only 17 available by 2017 then we have a shortage of places available of 27. On this basis a primary contribution of $27 \times 11,919 \times 0.91 = \text{£}292,850$ towards primary education.

Secondary

- The spreadsheet shows the details of the local secondary schools but excludes the sixth form provision. Given that it is anticipated that the development will generate 35 primary aged children then it is expected that the local secondary schools have enough accommodation to accommodate the pupils of this age.

Greenspaces

- No comments received at the time of report preparation.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

- Objects to this development.
- Development on this site would be an extension of the built up area into the open countryside without any benefits to the town's infrastructure.
- The proposal would cause demonstrable harm to the character and appearance of the open countryside contrary to Policy NE.3 of the Adopted Local Plan.
- The proposed dwellings would result in an unacceptable level of traffic using Queens Drive and the adjacent roads into the town centre and would create problems on the highway network contrary to Policy BE.1 of the Adopted Local Plan.
- The site was not supported in the recent consultation with stakeholders on the proposed Town Strategy which will inform policy in the forthcoming Local Plan.
- In addition the site does not accord with the principles put forward by the Town Council in its submission regarding the Town Strategy, particularly in relation to the need to use brown field sites prior to new green field sites.
- Development of this site will also affect the enjoyment of the public footpaths in this area including the Circular Walk around Nantwich.

Acton, Edleston & Henhull Parish Council

The Parish Council objects to this planning application for the following reasons:

- The development of this site was the least favoured of the options considered by the group convened to consider the draft Nantwich Town Strategy. Part of this site is grade two agricultural land and should remain for agriculture if more suitable sites are available for development.
- The Parish Council is most concerned about the possible scale of development resulting from interest being shown in a number of sites around Nantwich and particularly those sites within the parishes of Acton, Henhull and Edleston (this site). Such large scale development could have the result of changing the character of the area and, if undertaken in a piecemeal fashion, will result in deficiencies in local services, lack of transport systems and unduly long journeys to work.
- A specific concern is the issue of access to the locality of the site. Road access is available by three roads. Marsh Lane, to the west, leads to Wrenbury via a humped back canal bridge. Marsh Lane to the north is so narrow that cars cannot pass each other on the move and then joins Welsh Row. Queens Drive also joins Welsh Row via a difficult junction. A recent scheme to better manage and limit traffic in Welsh Row has, at best, been of limited benefit and traffic queues at the traffic lights at the bridge and by Malbank School for much of the day. The development of this site will exacerbate these problems. Even the completion of the proposed link from Taylor Drive to Edmund Wright Way would do little to offset the impact of traffic from the proposed houses.
- If this application is approved the Parish Council considers that the link to Taylor Drive should be completed before houses are occupied and that a rural footpath from Dig Lane to near the canal bridge be provided as part of the circular Crewe and Nantwich walk.

6. OTHER REPRESENTATIONS

2 letters of objection have been received from various addresses making the following points:

- This site is outside that established town boundary and as such there should be a presumption against development.
- Gladman have a history of submitting speculative planning applications and taking them to appeal if necessary.
- The Council should resist this application as strongly as possible and do their very best to ensure that valuable farm land is not lost to unwanted and unneeded development.
- It will spoil a beautiful view. Existing residents have live near to the site for many years and to have 270 houses at the bottom of their gardens would be devastating.
- Also building here would put a massive strain on the roads, canal, schools and other infrastructure. The local schools have already struggled with the rise of intake since the building of the new estates in the area. Marsh Lane bridge could not take the extra traffic that would be brought up here, plus the new road put round Kingsley Fields was put there to take pressure off Welsh Row but building in Queens Drive would increase traffic on there again.

7. APPLICANT'S SUPPORTING INFORMATION:

- Landscape Assessment

- Design and Access Statement
- Phase 1 Contaminated Land Report
- Transport Assessment
- Affordable Housing Report
- Renewable Energy Statement
- Community Engagement Statement
- Air Quality Report
- Utilities Appraisal
- Archaeological Report
- Noise Assessment
- Planning Statement
- Social Economic Report
- Flood Risk Assessment
- Arboricultural Assessment
- Ecological Report
- S106 Heads of Terms
- Travel Plan

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development.

Policy Position

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy 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. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The value of the Interim Planning Policy lies in the fact that this represents the democratically decided expression of the Cheshire East Community on how housing supply should be positively managed ahead of the Local Plan. This accords with the sentiments in the NPPF which indicates that local people and their accountable Councils can produce their own planning proposals, which reflect the needs and priorities of their communities. However, it is not a development plan document or a supplementary planning document and accordingly

does not carry the same weight as a material consideration. This has been confirmed by previous Appeal Inspectors who have considered earlier versions of the policy.

The Written Ministerial Statement: Planning for Growth (23 March 2011) goes on to say “*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*” They should, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing; consider the range of likely economic, environmental and social benefits of proposals; and ensure that they do not impose unnecessary burdens on development.

It is clear that the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. However the same will apply to any of the residential proposals currently under consideration in and around Nantwich.

The Nantwich Town Strategy considered a number of development options around the town and these were subject to consultation that closed on 1 October. The results of that consultation will be considered at a meeting of the Board on 6 December. The recommendation at that meeting is that the future housing needs of Nantwich are met by two sites – one at Stapeley Water Gardens (around 300 homes) and the other at Kingsley Fields (around 1000 homes).

The Queens Drive site is of a scale and location that would be considered a strategic site and was indeed considered as part of the town strategy Consultation. Given the recommendation to the board on the 6 December, a clear route can now be provided for meeting substantial housing needs in Nantwich. Accordingly it would be inappropriate and inconsistent to consider approving a further additional site at this juncture.

Appeals

There are several contemporary appeals that also feed into the picture of housing supply in Cheshire East. At Elworth Hall Farm in Sandbach, a proposal for 26 homes was allowed on a small site on the outskirts of the town.

In contrast, appeal decisions on larger sites in the same town have not reached a conclusive outcome. Hindheath Road (269 homes) has been remitted back to the Secretary of State following a successful high court challenge, whilst at Abbeyfields (280 homes) the Secretary of State’s Appeal against the High Court Decision to quash his decision to dismiss the Appeal failed. Consequently the decision remains quashed and has been sent back to the Secretary of State to be redetermined.

In addition Members should also have regard to the appeal at Loachbrook Farm in Congleton (200 homes), which was allowed due to lack of a 5 year supply despite the Inspector acknowledging adverse impacts on landscape. This appeal is now subject to challenge in the High court

Meanwhile in Neighbouring Cheshire West & Chester, the lack of a five year supply and the absence of any management measures to improve the position were material in allowing an appeal for housing on a greenfield site in the countryside in the Cuddington Appeal case, which Members will be aware of from previous Appeals Digest reports.

Conclusion

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, unlike the site currently under consideration, is a small site almost surrounded by other houses and a logical 'rounding off' of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.
- The application site is of a size scale and location so as to be considered a strategic site. The Forthcoming development strategy makes significant additional provision for housing in nantwich
- Appeals indicate that significant weight can be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.”*
- These arguments are considered to be sufficient to outweigh the general presumption against new residential development within the Open Countryside as set out in the adopted development plan.

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. It is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing on the edge of Crewe to meet the supply needs of the authority. Therefore, the application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Although at an Appeal in Clitheroe, an Inspector stated that

“accessibility is but one element of sustainable development; it is not synonymous with it. There are many other components of sustainability other than accessibility. The concept includes such matters as meeting housing needs in general and affordable housing in particular; ensuring community cohesion; economic development; ensuring adequate provision of local health facilities and providing access for recreation in the countryside”.

Accessibility is a key factor of sustainability that can be measured. The methodology used by the applicant is informed by the Chartered Institution of Highways and Transportation (CIHT) document entitled ‘Providing for Journeys on Foot’. This document provides a range of standards on suggested acceptable walking distances. However, the applicant has decided that only the highest distance of 2000m (a preferred maximum for commuting, school and sightseeing), is to be appraised against, with no justification for this approach. The resultant assessment indicates that *“it has been demonstrated that the site is accessible by pedestrians”.*

The site is considered to be available but not suitable, achievable or deliverable by the SHLAA which states that the site is located on a *“bus route on Queens Drive”*

An alternative methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The North West Sustainability Checklist is supported by Policy DP9: Reduce Emissions and Adapt to Climate Change of the Regional Spatial Strategy for the North West, which states that:

“Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for

Developments (33), and should apply 'good' or 'best practice' standards wherever practicable".

The Regional Spatial Strategy for the North West currently remains part of the Development Plan for Cheshire East.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	Queens Drive, Nantwich
Open Space:	Amenity Open Space (500m)	400m
	Children's Play Space (500m)	400m
	Outdoor Sports Facility (500m)	725m
Local Amenities:	Convenience Store (500m)	700m
	Supermarket* (1000m)	1815m
	Post box (500m)	700m
	Playground / amenity area (500m)	400m
	Post office (1000m)	700m
	Bank or cash machine (1000m)	700m
	Pharmacy (1000m)	1815m
	Primary school (1000m)	955m
	Secondary School* (1000m)	1403m
	Medical Centre (1000m)	2010m
	Leisure facilities (leisure centre or library) (1000m)	1842m
	Local meeting place / community centre (1000m)	1852m
	Public house (1000m)	1426m
	Public park or village green (larger, publicly accessible open space) (1000m)	725m
	Child care facility (nursery or creche) (1000m)	955m
Transport Facilities:	Bus stop (500m)	240m
	Railway station (2000m where geographically possible)	1880m
	Public Right of Way (500m)	149m
	Any transport node (300m in town centre / 400m in urban area)	149m

Disclaimers:

The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.

** Additional parameter to the North West Sustainability Checklist*

Measurements are taken from the centre of the site

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

It is considered that the proposal does not meet the minimum standards of accessibility to the following facilities:

- Supermarket
- Pharmacy
- Medical Centre
- Leisure Facilities
- Community Centre

It is acknowledged that these are just guidelines and are not part of the development plan, and that all of the services and amenities listed are accommodated within the town of Nantwich. Furthermore, owing to their position on the edge of the town, it is not untypical for new suburban developments to be located further from some amenities than the ideal distances set within the toolkit. Such developments cannot be as close to these amenities as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings.

However, the Strategic Highways Manager has commented that the accessibility of the site is considered poor in that it considered that most workday trips will be car based and there should be improvements made to improve sustainability of the site. It is possible to improve the non-car mode accessibility and discussions have been undertaken to improve public transport access, although no improvements have been agreed to date.

Policy DP9 of the RSS relates to reducing emissions and adapting to climate change. It requires:

- proposals to contribute to reductions in the regions' carbon dioxide emissions from all sources;
- take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions
- to identify, assess and apply measure to ensure effective adaptation to likely environmental social and economic impacts of climate change.

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable. The developer has indicated that they are committed to ensuring

that 10% of the energy requirements of the development will be from decentralised and renewable or low carbon sources and would be willing to accept a condition to this effect.

As all matters are reserved with the exception of access, aspects of the design relating to climate change and sustainability cannot be discussed in detail at this stage. However, the applicant states that the target for the development is:

- To be compliant with Level 3 of the Code for Sustainable Homes, however it is unclear if this is intended to be the full requirements, or only those associated with energy efficiency (which is a mandatory requirement within Building Regulations).
- The scheme will look to incorporate renewable energy options that will provide 10% of the expected energy demand of the site, a requirement of existing policy.

Therefore, the scheme meets the minimum policy requirements in terms of energy efficiency.

However, the applicant claims that a justification for the site being considered sustainable is that the proposals achieve a high level of energy efficiency – *“existing building regulations Code at Level 3 gives ample scope within the hands of a Reserved Matters Application to meet these policy requirements in full. Furthermore this in itself represents a significant improvement over national minimal standards that are themselves evolving on an ambitious trajectory, unmatched anywhere in the developed world, and quite probably beyond”*.

It is considered that, despite the applicant’s claims, the approach to sustainable design is weak, especially given the rural edge location. The site could be achieving more, including passive environmental design objectives. Climate change adaptation could be a key principle alongside mitigation. The provision of 10% renewables and Code for Sustainable Homes level 3, is considered to be an un-ambitious target given that the proposal is in outline. Part of the site could be earmarked for an exemplar sustainable or self build scheme and localised plot by plot measures could be used to supplement the strategic SUDs Living walls/roofs could be incorporated into the scheme and the principle of delivering growing spaces within the development could also be established at outline.

The applicant therefore does not demonstrate how the scheme will achieve an exceptionally high energy efficiency standard and the information submitted does not support the justification for the site being considered to be exceptionally sustainable in this regard.

Nevertheless, given that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme can be secured as part of the reserved matters through the use of conditions, it is not considered that a refusal on these grounds could be sustained. However, it is considered that a sustainability framework/strategy could be required by condition to be developed for the site, to better address the issues.

Loss of Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- the need for the development is supported in the local plan;

- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

According to the Agricultural Land Assessment produced by the applicant, the agricultural land quality of the site is: 20% Grade 2, 70% Grade 3a; and 10% Grade 3b and 4.

Affordable Housing

The majority of the site appears to be in the Wrenbury parish, although part also appears to be in Nantwich. Therefore housing officers have considered the affordable housing need for both areas.

The SHMA 2010 shows that in the Wrenbury sub-area there is a requirement for 5 new affordable units each year between 2009/10 – 2013/14. This is made up of a requirement for 3 x 2 beds and 4 x 4/5 beds, (the SHMA 2010 identified a surplus of 3 beds therefore the net requirement is 5 units). The SHMA 2010 shows that in the Nantwich sub-area there is a requirement for 73 new affordable units each year between 2009/10 – 2013/14, comprising a need for 21 x 1 beds, 20 x 2 beds, 10 x 3 beds, 17 x 4/5 beds and 6 x 1/2 bed for older persons properties.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 286 applicants who have selected Nantwich, Queens Drive or Wrenbury as the area which is their first choice for a property. The breakdown of properties as required by these applicants is 80 x 1 bed, 113 x 2 bed, 68 x 3 bed and 9 x 4 bed. 95 of the applicants who need a 1 or 2 bed property have indicated they would consider a flat.

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units. The tenure split required is 65% rented affordable units, 35% intermediate tenure as per the recommendations of the SHMA 2010. The application indicates that the proposed development would be for up to 270 dwellings, this equates to a requirement for up to 81 affordable homes.

As this is an outline application, Housing Officers have only been able comment on the information provided, in which the applicant has committed to providing 30% affordable housing on site. This should be secured by way of S106 agreement, which should also include a requirement that full details of the affordable housing scheme are submitted for the Councils approval with each relevant reserved matters application.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting, in which case, the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

The Section 106 Agreement could also make provision for this detail to be agreed at the reserved matters stage, once the final layout has been determined.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state that

"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"

In summary, the Section 106 Agreement should make provision for the following:

- 30% of the dwellings to be affordable, (this equates to up to 81 dwellings.)
- The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure
- Affordable Homes should be pepper-potted (in clusters is acceptable.)
- The affordable homes should be built to the standards adopted by the HCA at the time of development and achieve at least Code for Sustainable Homes Level 3

- The affordable homes should be provided no later than occupation of 50% of the market dwellings (or 80% if the development is phased and there is a high level of pepper-potting of the affordable units)
- Any rented units to be transferred to an RSL

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which concludes that:

- Vehicular access to the development will be taken from a new priority access on Queens Drive.
- Parking provision and the internal site layout will be in line with the local standards contained in the Cheshire East Local Plan. A review of accidents over a five year period does not indicate any correlations that would suggest that highway condition, layout or design were significant contributory factors in the accidents.
- It has been demonstrated that the development conforms to and supports both national and local policy. The site is adjacent to a well-established residential area where pedestrian facilities already exist and are of a high standard with well-lit, well-used and well-defined footway networks close to the site. Similarly, the site benefits from proximity to existing cycle infrastructure. The walking and cycling infrastructure provides access to local services in Nantwich Town Centre within a reasonable distance. There are existing public transport facilities accessible directly from the site in the form of the bus services operating on Marsh Lane and Queens Drive. Nantwich Railway Station is a little over 2km from the site and is accessible via a short bus journey.
- The walking, cycling and public transport opportunities at the site constitute alternative modes of travel to the car which are considered to be realistic modes of travel for commuting, leisure and education based journeys.
- The results of the capacity assessments and percentage impact assessment indicate that the development traffic can be satisfactorily accommodated on the surrounding highway network, although mitigation measures may be required at two junctions. From a traffic and transportation perspective there are no reasons why the development proposals should not be granted planning approval.

The Strategic Highways Manager has examined the application and commented that it is not considered that the application will have a material impact on strategic routes such as the A500. However, he does have concerns regarding the impact on local roads and junctions within Nantwich Town Centre. In particular, the proposal will cause capacity problems at the Street/Waterlode/Welsh Row signal junction. He has commented that it is likely that a solution to the capacity issues at the junction can be found but at the time that the Appeal was lodged and this report was prepared there is no improvement solution agreed. Furthermore, there is safety concern with the operation of the junction in respect pedestrians crossing the junction.

In the absence of an agreed scheme of mitigation it is considered that the proposal would have significant and demonstrable adverse impacts in terms of highway congestion and would not constitute sustainable development. Under the provisions of Paragraph 14 of the NPPF therefore it should be refused.

The Strategic Highways Manager has also commented that a new signal junction is proposed at the Welsh Row/Queens Drive junction to address capacity problems and although this improvement in highway terms is acceptable it will have a significant impact on the Conservation Area. There would be a further impact on the Conservation Area in Welsh Row, as the proposal would result in an increase in vehicle trips along this road by 25% in the evening peak.

The Council's Conservation Officer has been consulted on this issue and commented that the introduction of traffic lights at this junction would have a less than substantial impact on the character and appearance of this historic route through the conservation area and the architectural and historic interest of the adjacent listed buildings.

It is particularly unwelcome at this point in time given the success of the recent works carried out to enhance the character and appearance of Welsh Row, using the section 106 funding from the Kingsley Fields development to the north of Welsh Row.

Whilst it is appreciated that the proposed new development to the south of Welsh Row may increase the future use of Welsh Row by traffic from that development, the need for additional traffic regulation needs to be questioned given the current lower traffic levels on Welsh Row as a result of the existence of the new by pass, and, the reduced traffic speeds on Welsh Row which have resulted from the recent introduction of the extended pavement widths at intervals along Welsh Row.

Ideally the need to introduce further traffic regulation at this point in time should be restrained, until the actual impact of the new development upon traffic flows along Welsh Row can be tested in reality following the completion of the housing development. However, we understand the requirement for highways impact to be assessed as part of the planning application and hence this might not be possible.

The presence of traffic lights in this historic town is currently limited to the cross roads at the junction of High Street, Waterlode, Welsh Row and the new by pass around Welsh Row. where they merge at a point beyond the bridge over the River Weaver, which has a wider more open feel than the Queens Drive junction and is surrounded by buildings which are largely modern which enables traffic lights to be a little more comfortably absorbed into the visual scene than would be the case at the narrower more historic pinch point at the junction of Queens Drive with Welsh Row.

It also needs to be recognised that the proposed introduction of traffic lights at the junction of Queen's Drive/Welsh Row would be unwelcome given the improvements to the street surfaces and street furniture which have recently taken place within Welsh Row using the Section 106 finance from the Kingsley Fields development.

Should further traffic regulation be found to be required an alternative that is less harmful needs to be considered prior to signalisation to obviate the need to introduce the level of

new street furniture and signage which would result if traffic lights were introduced. Alternatives might include the re-introduction of the one way traffic system which was in operation in recent years during the construction of the by pass and the works to improve the surfaces along Welsh Row.

Whilst it is accepted that the latter may require the introduction of new no entry signs, it is considered that they would not result in the introduction of as many signs in one place and would not have the high level of illumination associated with traffic lights.

If a traffic light system was to be proposed a design should be secured that minimises the number of lights, their height and size and associated signage and furniture to reduce its impact on the historic townscape

The use of low height black painted metal signs with any signage lettering in subdued colours and design would be the preferred option in any of these scenarios, in order to respect the historic character of the overall streetscene and to compliment its recently installed sympathetic street furniture and paving surfaces.

The Conservation Officer considers that a planning refusal on highway grounds could be supported by these observations but not as a sole reason for refusal. Any approval given or appeal which is successful could be conditioned to ensure that the type of approach used is restrained and in keeping.

Contaminated land

The developer has submitted a Phase 1 desk study for contaminated land, which recommends that a Phase 2 Geoenvironmental Assessment (Site Investigation) is carried out. The report identifies site investigation locations which could comprise trial pits or boreholes. Dependent upon the consistency of conditions encountered, the investigation could be phased. A trial pit investigation provides a better means of identifying trench stability for construction purposes and is less susceptible to conclusions on the nature of the underlying ground conditions being distorted by local variations. However, the requirement for further investigation by boreholes may well be identified by the initial Trial Pits, dependent upon conditions encountered and scheme proposals. Both forms of investigation would allow the ground to be sampled, logged and tested for geotechnical and contamination purposes as deemed necessary.

Foundation requirements can only be confirmed once physical site investigation works have been undertaken and soil conditions identified and assessed. It is considered that the risk of contamination issues impacting on the development proposals is low. However, this preliminary assessment can only be confirmed, or otherwise, once physical site investigation works have been undertaken and ground conditions sampled and assessed with testing as necessary.

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. They have examined the Phase I desk study and have endorsed its conclusions that a Phase II site investigation should be carried out. In accordance with the NPPF, they have recommended that conditions are imposed to secure

a Phase II investigation and any necessary mitigation that may be deemed necessary as a result of that work.

Air Quality

The developer has submitted an air quality report which states that a construction phase assessment has been undertaken to determine the risk and significance of dust effects from demolition, earthworks, construction activities and trackout from the proposed development. The assessment has been undertaken in accordance with the guidance on assessing the impacts of construction phase dust published by the IAQM.

The risk of dust effects is considered to be a medium to high risk category for earthworks, construction activities and trackout. Site specific mitigation measures will therefore need to be implemented at the site.

The significance of the dust effects has been assessed by taking into account the sensitivity of the local area and the risk that the activities might give rise to dust effects. The local area is considered to be of low through to high sensitivity. The significance of dust effects for earthworks, construction activities and trackout with the site specific mitigation measures in place, are considered to be negligible to slight adverse.

With regard to the operational phase, air quality at ten representative existing sensitive receptor locations has been considered in the air quality assessment. The existing receptor locations are all considered to be moderately sensitive

The air quality assessment has predicted that there will be a negligible impact on concentrations of NO₂ and PM₁₀ at all ten of the existing receptors considered, in 2014 and 2017 with the development in place.

All predicted NO₂ and PM₁₀ concentrations are well below the objective/limit values and no exceedences of the NO₂ and PM₁₀ annual mean air quality objectives of 40µg/m³ are predicted to occur, in 2014 and 2017, for both the 'without development' and 'with development' scenarios. Therefore, the imperceptible change would be described as negligible.

All existing receptor locations are considered to be moderately sensitive, and are therefore predicted to experience a negligible/not significant impact as a result of the proposed development when the magnitude of impact is considered along with the sensitivity of the receptor.

To summarise, the air quality assessment indicates that the proposed development generated traffic will have a negligible impact on existing sensitive receptor locations in 2014 and 2017. It is not therefore considered necessary to recommend measures to mitigate road traffic emissions.

With regard to proposed sensitive receptor locations NO₂ and PM₁₀ concentrations are predicted to be well below the respective annual mean air quality objectives for 2014 and 2017, at the proposed sensitive receptors considered. It is not therefore considered necessary to recommend measures to mitigate road traffic emissions.

The site is not located within or close to any designated Air Quality Management Areas. Therefore, having examined the report, Environmental Health have raised no objection in principle on Air Quality grounds. However, they have recommended the submission and implementation of mitigation measures to minimise any impact on air quality arising from construction dust. This can also be secured by condition.

Noise Impact

The site is located in close proximity to an operational main line railway. The applicant has submitted a Noise Report which concludes that the dominant noise sources, which will potentially affect the residents of the proposed residential development, include vehicle movements on Queens Drive, Marsh Lane and the local road network, and passenger train movements on the Manchester to Cardiff Railway line.

The results of the noise survey and assessment indicate that the required external noise limit of 55dB LAeq 16 hour will be met in outdoor living areas of the development. The proposed residential properties will themselves screen the majority of outdoor living areas from road traffic on Queens Drive, Marsh Lane, and the proposed site access, together with rail traffic on the Manchester to Cardiff railway line, further reducing noise levels in outdoor living areas

To achieve the internal noise levels required in living room and bedroom areas, in accordance with WHO 1999, standard thermal double glazing (which attenuates 26-29dB(A) from traffic dominated noise) in a solid brick or blockwork façade would be sufficient.

The implementation of the recommended glazing should ensure that internal noise levels are met in living rooms and bedroom areas across the site with the windows closed. However, with the windows open the attenuation provided by the façade will be no more than approximately 15dB(A), which would allow the internal noise limit to be exceeded in some living rooms and bedrooms located nearest to, and with a direct line of sight of Queens Drive, Marsh Lane and the Manchester to Cardiff railway line. Acoustic ventilation would therefore need to be installed in some habitable rooms.

The facades of the properties further into the site will be protected by the buildings themselves and/or screened by other buildings. Acoustic ventilation would not necessarily need to be installed in the living rooms and/or bedrooms of these properties.

The requirement for glazing and acoustic ventilation will be confirmed, on a plot by plot basis, at a reserved matters stage.

The report has been examined by the Councils Environmental Health officers, who have accepted its conclusions and raised no objection subject to the imposition of conditions requiring full details of proposed mitigation measures to be submitted, approved and implemented. As a result, it is not considered that a refusal on noise grounds could be sustained.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The findings of the report can be summarised as follows. The FRA has identified that the site lies in an area of Zone 1 Flood Risk. The canal is generally contained by the surrounding ground levels and the risk of a structural failure resulting in flooding to the development has been discounted. Whilst the canal is managed by the Canal and Rivers Trust, the risk of overtopping due to a severe flood event cannot be discounted. On this basis, development levels should be set to convey any overland flows safely through the site without impacting on property.

Some raising of ground levels alongside the existing watercourse system in the north east corner of the site will be required arising from the drainage development proposals. It is considered that this requirement will mitigate against any residual risk of flooding associated with this system.

It is proposed to connect surface water drainage into the existing ditch/watercourse system with flows limited to the Greenfield run off rate, thus mimicking existing run off in accordance with the NPPF.

The proposed drainage system will be designed in accordance with Sewers for Adoption 6 Edition to accommodate a 1 in 30 year event. The system will be put forward for adoption by United Utilities under a Section 104 Agreement and United Utilities will therefore become responsible for the long term maintenance of the new site drainage system.

Additional storage up to the 1 in 100 year plus climate change event will be contained above ground. Private drainage (i.e. not adoptable) serving houses within the development will be designed to current building standards

The FRA therefore concludes that it has been demonstrated, in accordance with the NPPF, that the development is not at risk of flooding from external sources, will not increase flood risk associated with the development and its environment and is therefore appropriate.

United Utilities and the Environment Agency were considering the submitted information at the time of report preparation and a further update on this matter will be provided to Members prior to their meeting.

Archaeology

The application is supported by an archaeological desk-based assessment, This has established that the site has low/nil potential for any archaeological evidence from the prehistoric, Roman and Saxon/Early-Medieval periods, and a low potential for sub-surface archaeological deposits from the Medieval/Post-Medieval periods to be present. In light of the above, it is concluded that as the archaeological potential of the site is minimal, no mitigation measures are required to address archaeological issues on the site.

The County Archaeologist has carefully considered the conclusions of the report and, has concluded that, in this instance, the archaeological potential is not sufficient to justify any further archaeological mitigation.

Built Heritage

Whilst the development is relatively close to the scheduled historic park and garden of Dorfold Hall, the presence of landscape and the separation of the site and screening arising from Marsh Lane Bridge minimises the potential for the development to impact upon its setting.

The setting of the 2 listed bridges could be adversely affected by development, particularly as they are structures set in open countryside, with the benefit of a landscape setting. However, if the development is carefully designed at Reserved Matters, then the significance of these assets could become better revealed and act as point of reference and townscape interest within the development

The canal has no formal designation, but it is considered a non designated heritage asset. It will be important therefore to respond positively to its setting in the design of development along the western edge of the site and to deliver the landscape buffer along this edge of the site. Development along this edge should take its cue from the relationship with the canal.

Countryside and Landscape Impact

The Council's Landscape Officer has examined the proposals and commented that the baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain; within this character type the application site is located within the Ravensmoor Character Area: ELP1.

The Landscape and Visual Assessment states that it has been carried out encompassing the 'Guidelines for Landscape and Visual Assessment' (GLVIA) published by the Landscape Institute and the Institute of Environmental Management and Assessment 2002.

The Landscape and Visual Assessment includes an assessment of local character areas – and identifies the following areas: the Lowland Plain (1), the Dorfold Hall Estate (2), Nantwich Outside of Conservation Area (3), Park along River Weaver Corridor (4), and Nantwich Town Conservation Area (5). Officers do not feel that the assessment has adequately addressed the landscape effects that the proposals will have for the Lowland Plain (1) and Nantwich outside of Conservation area (3) especially. They feel that the landscape significance for these two local character types would be greater than the assessment indicates.

The Landscape and Visual Assessment includes a visual assessment for 13 viewpoints and explains a visual impact for the chosen viewpoints. Officers do not agree with the sensitivity of the receptors for a number of these viewpoints and feel that the significance of visual impact may be more significant than the assessment indicates.

This is an outline application and as such it is difficult to comment on the illustrative layout in any detail, but the Landscape Officer does not feel that the proposals as shown will have a

significantly adverse landscape or visual impact. Consequently they do not feel that refusal on landscape or visual grounds could be substantiated.

Forestry

The site comprises a single field to the west of Nantwich adjacent to the canal. Tree and hedge cover is concentrated around the periphery of the site. The trees are predominantly Oak with some Ash and Poplar. There are established hedges to the north and south and sporadic lengths of hedge to the west adjacent to the canal. The vegetation is typical of agricultural land in the area. There are no currently statutory constraints on the trees.

The document FPCR Arboricultural Assessment dated January 2012 includes a comprehensive tree survey which accords with BS 5837:2005 trees in relation to construction. A total of ten individual trees and two groups of trees were surveyed.

The Council's Landscape Officer has considered the submitted information and commented that, as the application is outline, with only access included, it is only possible to make a general assessment of the development proposals based on the Illustrative Masterplan. In principle, the plan indicates all the existing mature trees could be retained. However; the feasibility of the proposal would only be tested by detailed analysis at reserved matters stage. Many of the trees contain a proportion of deadwood and many have wildlife value. Should the trees be placed in a new setting, their location within the layout and their future management will need careful consideration.

The Arboricultural Implication Assessment suggests a veteran Oak in the north east corner of the site would be adequately safeguarded in public open space. References are also made to the implications of the development on trees to the south east of the site. Unless the precise areas of open space are defined and agreed at outline stage, the Landscape Officer does not consider any weight can be afforded to this element of the report and, as stated above, would be seeking further details in due course.

No detailed landscape proposals are provided. Full details would be required at reserved matter stage. The provision of opportunities for additional native planting are to be welcomed although, the more formal planting and in particular the desirability of the formal avenue feature would have to be considered carefully in design terms.

Consequently, subject to conditions requiring:

- the submission, approval and implementation of tree and hedge protection measures,
- a programme of tree works, an Arboricultural Method Statement,
- a landscape scheme,
- details of services locations
- proposed future management of the new areas of planting,

it is not considered that a refusal on tree and forestry grounds could be sustained.

Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows 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. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The Ecological appraisal has assessed the ecological value of the hedges in accordance with the Regulations. It states that the hedge to the south of the site qualifies as 'Important' under the ecological criteria in the Regulations. All three hedges have a moderate score of +3 using the hedgerow Evaluation and grading system (HEGS) and are UKBAP priority habitats.

Policy NE5 of the Crewe and Nantwich Local Plan states, that the local planning authority will protect, conserve and enhance the natural conservation resources and proposals for development will only be permitted where natural features such as hedgerows are integrated into landscaping schemes on development sites.

Given that lengths of hedgerow are proposed for removal, it is considered that a natural feature, which has been identified as being ecologically important, would not be retained and integrated into the development. As a result, the requirements of this policy would not be met.

However, other than the removal of a section of hedge for the road and pedestrian access off Queen Drive, the Illustrative Masterplan would allow hedgerow retention and, for the most part, the hedges are shown outside private gardens. Consequently, it is not considered that a refusal on these grounds could be sustained. It would be preferable if all the hedgerows were outside private gardens, but this is a matter which could be addressed at the reserved matters stage. The retention of important hedgerows within the Reserved Matters design could be made a condition of the outline approval.

Although there is a general archaeological assessment, the submission does not include any specific reference to an assessment of the historic criteria of the Hedgerow Regulations. No consultation with the Cheshire Shared Services Archaeologist and Archivist appears to have taken place. The submitted extract from the 1842 Tithe map may indicate some lengths of hedge represent historic field boundaries predating the Inclosure Act.

However, as stated above, only a small length of hedgerow is shown for removal in order to create the site access. Therefore, even if the historic line of the hedgerow is considered to be important, (as its line follows that of the road), it could still be traced in the landscape following the implementation of the development. Therefore it is not considered that a refusal on the grounds of Policy NE.5 could be sustained.

Layout and Design

Whilst it is noted that this is an outline application, and that the submitted layout is only indicative, there are several key issues and areas of concern, which are as follows.

In terms of density, the figure of just over 35dph seems reasonable. However, there was concern that this could place pressure on both the site's intended green infrastructure and/or undermine the principles in the design and access statement to achieve a softer, lower density edge to countryside boundaries and the canal. It was therefore considered that the maximum yield should be reduced by approximately 10 to 15% to ensure these aspects can be delivered. The developer has responded by reducing the scheme to 240 dwellings, which is now considered to be acceptable.

The Council's Design Officer has examined the scheme and raised a number of issues and concerns. He comments that with regard to green infrastructure, the approach to creating open space alongside the canal and site edges is seen as positive but existing hedges should be reinforced. Additionally, the form of the central spine of green space seems to be at odds with the overarching character of informal blocks and edges to green space. A more organic edge to this space is therefore suggested. Also, there is also a question about whether this spine of open space is in fact in the right place to exploit all views. The high point to the south west of the site is a point where open space could be located to exploit long views to the town and to the hills to the east. Green infrastructure within streets should also be included to create a green network linking spaces, hedges and other features, particularly to create green routes running north-south. The LEAP is peripheral rather than being centrally located. This provision should be supplemented by local play opportunities in streets. This could be achieved within a 'home zone' type scheme as part of an imaginative approach to street design.

The street hierarchy is generally accepted, but continuous lanes would avoid the need for turning heads and create enhanced permeability. Pedestrian links to the canal should be further exploited and the built edge along this part of the development should positively relate to this asset in order to maximise views and visual relationship.

The practicality of parking is unclear, and as stated previously this could dramatically alter perceptions and impinge upon the principles within the illustrative design.

A positive aspect of the indicative layout is that externally orientated blocks are proposed. There should be strong building form at the gateway. There is the potential to create legibility within the scheme over and above the landmark/focal point opportunities identified in the Design and Access Statement. The design principles discussed in relation to appearance in the Design and Access Statement is encouraging. However, this should be carried through into the detailed design (with principles established in an intermediary design code). Specific, individually designed areas within the scheme could help to add to the sense of place/local distinctiveness. This could be targeted at landmark/focal locations and key urban design 'events' and spaces within the layout. For example, the canal side is an area where this approach should be employed.

More avenue tree planting along the main street would help to soften what could become quite a hard townscape. The site is rural edge and therefore it should also respond to that context to avoid jarring with the form of existing townscape on this edge of the town. The retention of hedges and trees is also commendable but this framework could be further enhanced within the site (in association with spaces, garden boundaries etc.), particularly in the lower density areas on the site edges.

The proposals to utilise Sustainable Urban Drainage Systems (SUDS) is to be welcomed but the opportunity should be taken to create a wider water framework within the areas of greenspace.

The design of the convenience store and tea shop should be of a high quality and its orientation should not impact adversely upon the listed canal bridge. Landscaping should be used to help soften the parking area.

It was considered that the majority of these issues can be addressed at the Reserved Matters stage, but that a detailed Masterplan and Design Code should be prepared, submitted and conditioned. This is in accord with the NPPF which endorses the use of Design Coding, which states at paragraph 59 that: *“Local planning authorities should consider using design codes where they could help deliver high quality outcomes”*.

This has now been submitted and considered by the Design Officer. He comments that the codes for individual areas were more detailed in relation to particular character areas in the sample. They were also supported by illustrative street scenes that help to articulate the character for particular areas to future developers in conjunction with precedent images.

The comments within the code relating to the canal side character area could mention encouraging more visual interaction on this frontage (balconies etc. on this side) and in terms of architectural influence and materials the relationship with waterside should be a driver. Similarly the relationship between the houses and the open space should, foster interaction by using balconies etc. where appropriate. This needs to be built into the landscape information for particular character areas. In relation to the Mews area, the codes do not include pre-amble/general principles unlike the other character areas and they could be stronger in emphasising the bespoke design of focal buildings and groupings to help to elevate the quality/enhance legibility. There is a danger that future developers purchasing the site will assume that a standard house type with some additional architectural features or a different material will be enough, when something more radical and innovative should be encouraged. However, these issues could be addressed at reserved matters stage.

With regard to the landscaping references within the Codes, the opportunity for long views to anchor the development and to take advantage of surrounding landscape character should be stressed. It is noted that large scale illustrative layouts for the areas of open space have not been included. However, given that this is an outline application, with landscaping being a reserved matter, it is considered that this can be adequately addressed by condition.

The sustainability information remains limited and there is little mentioned of climate change adaptation. This could be resolved by requiring a sustainability strategy to be developed and approved prior to implementation based upon some key principles embedded in the Design and Access Statement (mitigation and adaptation). This could be secured by condition.

In summary, therefore, it is considered that the reduction in the number of units and the additional Design Code information has addressed previous concerns and that, given that this is an outline application, and outstanding design issues can be addressed either through the imposition of appropriate conditions or at the reserved matters stage.

Open space

Policy RT.3: Provision of recreational open space and children's playspace in new housing developments, of the Replacement Crewe and Nantwich Local Plan, 2011 requires that

“in new housing developments with more than 20 dwellings, with the exception of sheltered housing, the local planning authority will seek the provision of a minimum 15 sq m of shared recreational open space per dwelling. Where the development includes family dwellings (i.e. those with two or more bedrooms) an additional 20 sq m of shared children's play space per family dwelling will be required as a minimum for the development as a whole”.

This policy requirement equates to a requirement of 4,050 sqm shared recreational open space and 5,400 sqm shared children's play space which is a total of 9,450 sqm open space.

The need to ensure access to open space is supported within the National Planning Policy Framework, which states that

“access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”.

The proposals for the site include a small children's play area of 0.04ha or 400sq.m, landscape buffering and informal open space. This falls significantly short of the open space requirements of the Replacement Crewe and Nantwich Local Plan, particularly as much of this open space provision, seems intended to either provide a habitat for great crested newts or acts as an outside seating area for the proposed tea room. Therefore, they will be of limited leisure or amenity value.

The proposal should provide a NEAP. This needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with two support legs plus basket seat and a ground-flush roundabout would also be desirable, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic. The remaining open space provision should include a Multi Use Games Area.

The type of greenspace requested is also supported by the following findings within the 'Key Service Centres Open Spaces Summary Report', which includes the following findings for Nantwich -

- There is a shortage of outdoor sports facilities of 18.04ha.
- There is a shortage of children's play space of 8.97ha
- There is a shortage of allotment sites, with sites required in accessible locations.

Whilst it is acknowledged that the submitted layout is only indicative, and that the above requirements could be secured at reserved matters stage, through the Section 106 Agreement, as initially submitted there was significant concern as to whether the required open space provision can be met within the site layout, whilst accommodating the number of

dwellings for which planning consent has been sought. However, the reduction in the number of dwellings has overcome this concern.

A private management company would be required to manage the greenspace on the site. However, this could be easily secured through the Section 106 Agreement.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales The Conservation of Habitats and Species Regulations 2010. ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

The application is supported by an acceptable ecological assessment, which has been examined by the Council's Ecologist. With the exception of the presence of hedgerows and the protected species issues discussed below, he advises that the proposed development site has relatively low nature conservation value.

Great Crested Newts

Great Crested Newts have been identified as breeding at two ponds just outside the boundary of the proposed development. The population is of a medium size. Whilst no ponds will be lost the proposed development is likely to result in a moderate impact on the local Great Crested Newt population through the loss of intermediate and distant terrestrial habitat and would also pose the risk of killing/injuring or disturbing any animals present within the development site when works are undertaken.

To mitigate the risk posed to individual animals, the applicant's ecologist recommends the erection of exclusion fencing and clearance of newts from the development footprint using standard best practise methodologies under license from natural England. To mitigate the loss of habitat the indicative layout scheme for the site shows an area of retained/enhanced habitat in close proximity to the breeding ponds and the creation of four new purpose designed amphibian breeding ponds.

The Council's Ecologist advises that, subject to two additional requirements the proposed mitigation and compensation will be sufficient to address the likely impacts of the proposed development on Great Crested Newts. The additional requirements are that firstly the newly created ponds are designed solely for nature conservation and do not form part of any SUDS scheme for the site and secondly that public access is excluded from the new ponds.

The Council's Ecologist recommends that if outline planning consent is granted a condition be attached requiring a detailed great crested newt mitigation strategy be submitted as part of any reserved matter application. The strategy should include:

- the retention and enhancement of all habitats within 50m of the identified breeding ponds,
- the detailed design of the new ponds,
- habitat creation through the open space areas and measures to exclude public access from the new ponds.

On the basis of the layout submitted, and in the light of other open space requirements, it was initially considered that the applicant has failed to demonstrate how this could be achieved whilst accommodating the proposed level of development. This added further weight to the concerns regarding the density and layout as described above. However, the reduction in the number of dwellings which has now been secured has also addressed this issue.

Hedgerows

Hedgerows are a Biodiversity Action Plan Priority habitat and a material consideration. The hedgerows bounding the proposed development site are of nature conservation value and importantly the hedgerow along the southern boundary of the site has been identified as being "Important" under the Hedgerow Regulations.

The submitted indicative master plan for the site shows the retention of hedgerows to the west and south of the site, but with a loss of hedgerow along the northern boundary.

A new hedgerow is proposed along the eastern boundary of the site. The Council's Ecologist advises that this new hedgerow is likely to be sufficient to compensate for any losses associated with the proposed development.

Badgers

Some evidence of badger activity was recorded on the site. However no setts were identified. Provided that an appropriate landscaping/habitat creation scheme is implemented it is unlikely that the proposed development would have a significant impact upon badgers. Any future reserved matters application should be supported by an up to date badger survey and a landscaping scheme sensitive to badgers.

Bats

No bat activity surveys have been undertaken. However it is likely that the site supports habitats that will be utilised by foraging and commuting bats to some extent. In addition a number of trees have been identified that have the potential to support roosting bats. From the submitted indicative master plan, it appears possible to retain these trees within an area of open space/semi-natural habitat and the Council's Ecologist is satisfied that the proposed habitat creation is likely to be sufficient to compensate for any loss of bat foraging/commuting habitat. The proposed development is therefore unlikely to have a significant adverse impact upon bats.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and to ensure additional provision is made for roosting bats and breeding birds.

Conditions

If outline planning consent is granted the ecologist recommends that conditions will be required to:

- Safeguard breeding birds
- Ensure any reserved matters application includes detailed proposals for the proposed habitat creation areas including pond design, hedgerow creation, protection and enhancement etc.
- Ensure any reserved matters application includes additional provision for breeding birds and roosting bats
- Ensure any reserved matters application includes an up to date badger survey and mitigation proposals for any adverse impacts identified.
- Ensure any reserved matters application includes a 10 year habitat management plan.

Amenity

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 270 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. However, if the additional areas of open space, as described above, are factored into the site layout, it is unclear on the basis of the information submitted whether 270 dwellings could still be accommodated on site whilst maintaining these amenity standards.

It is therefore unclear as to whether the proposed development, having met the open space, design and ecology requirements would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Education

The Education Officer has examined the proposal and has raised no objection subject to the provision of a contribution of £292,850 towards primary education. This could be secured through a Section 106 Agreement if the development was deemed to be acceptable.

Impact on Railway

Network Rail has submitted a holding objection due to concerns about increased traffic over a public footpath / farm crossing on the nearby railway. They have stated that they would require a financial contribution for a footbridge to be provided in order to overcome this concern. Although, at the time of report preparation, a precise figure for this contribution was awaited from Network Rail, it is considered that this could be secured by way of the Section 106 Agreement. Therefore, subject to this provision, it is considered that the Network Rail objection could be overcome and that a refusal on these grounds could not be sustained.

Network Rail have also requested a contribution towards provision of car-parking at Nantwich Station.

A planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Whilst it is acknowledged that the proposal will increase usage of Nantwich Station, provision of additional parking at the station would encourage the use of non-sustainable methods of travel. The sustainability appraisal above, has established that the proposal is sustainably located in relation to the station and is accessible by walking / cycling and public transport. As stated above, there is the opportunity to enhance provision for walking and cycling. Furthermore, there is no local plan policy to support contributions to off-site

provision of car parking. Therefore the proposed contribution would fail to meet the above tests and it is not considered to be a fair and reasonable request.

Impact on Public Right of Way

The development impacts on 2 public rights of way. These are the canal tow path (footpath no.8) and Public Bridleway No. 1(which runs along the southern edge of the site). The Public Rights of Way Officer has raised no objection to the proposal, subject to the Right of Way being maintained as safe and usable for the public throughout the development and any temporary closure, re-routing or resurfacing being approved through the appropriate channels.

However, the Public Rights of Way Officer has also identified that there is an opportunity to improve the quality of these two existing paths and providing new links to them from other parts of the site. The supporting information submitted with the application, indicates that this is the developers intention, and funding for off-site improvements to the rights of way could be secured as part of a Section 106 package. Although the Public Rights of Way Officer has raised some concerns about detailed aspects of how these improvements would be achieved, it is considered that these issues could be largely addressed at the reserved matters stage. However, in the light of the density and layout concerns expressed above, it is unclear as to how and where the footpath linkages within the site would be accommodated, whilst meeting all the other open space and design requirements as set out above.

In addition, the Public Rights of Way Officer has requested contributions to further off site works including, a pavement alongside Marsh Lane, an assessment of the condition of the bridges across the River Weaver and a path alongside the railway between Shrewbridge Road and Wellington Road.

The Public Rights of Way Officer has also queried the status and maintenance of any new route. However, it is considered that this could be dealt with via the management company established by the Section 106 Agreement.

Impact on Canal

As stated above, the site is located in close proximity to the Shropshire Union Canal. The Canal and River Trust have been consulted on the proposals and raised no objection in principle to the development subject to a condition requiring details of appropriate mitigation measures to prevent any risk of pollution or harm to the canal to be submitted, agreed and implemented.

The Trust has also highlighted the potential of the canal towpath to provide sustainable pedestrian and cycle linkages to the town centre and have welcomed the proposal to connect footpath / cycleway infrastructure within the development to it. Accordingly, they have requested a contribution towards off-site improvement works to the towpath. This could be secured through the Section 106 Agreement. Precise costs for this work were awaited at the time of report preparation and a further update on this issue will be provided in due course.

9. CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “*absent, silent or relevant policies are out of date*” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies are considered to be in line with NPPF advice.

The boost to housing supply is considered to an important benefit. The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and provision of primary school education and it therefore complies with the relevant local plan policy requirements for residential environments. The proposal is acceptable in terms of air quality, ground contamination and noise implications and will make adequate affordable housing provision.

Whilst the proposal will result in the loss of mainly grade 3 and 4 agricultural land, (which is not the best and most versatile agricultural land), it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land

On the negative side, the housing will be built on open countryside contrary to the provisions of Policy NE2 of the Local Plan, although the proposal will not have a significant impact on the landscape character of the area.

Previous concerns regarding the density of development which has been proposed have been overcome through the reduction in the number of dwellings and it is now concerned that the proposal can be accommodated on the site, whilst providing the required amount of public open space provision, a good quality of urban design, wildlife mitigation areas, hedgerows, trees, improved footpaths and green linkages. As a result, the proposal now demonstrates an adequate standard of design, layout and amenity.

However, the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, and no satisfactory measures have been put forward to improve the accessibility of the site. The development is therefore deemed to be unsustainable. Furthermore, the proposal would result in an adverse impact on pedestrian safety and congestion at the High Street/Waterlode/Welsh Row signal junction. This would constitute a significant and demonstrable adverse impact that would outweigh the benefits in

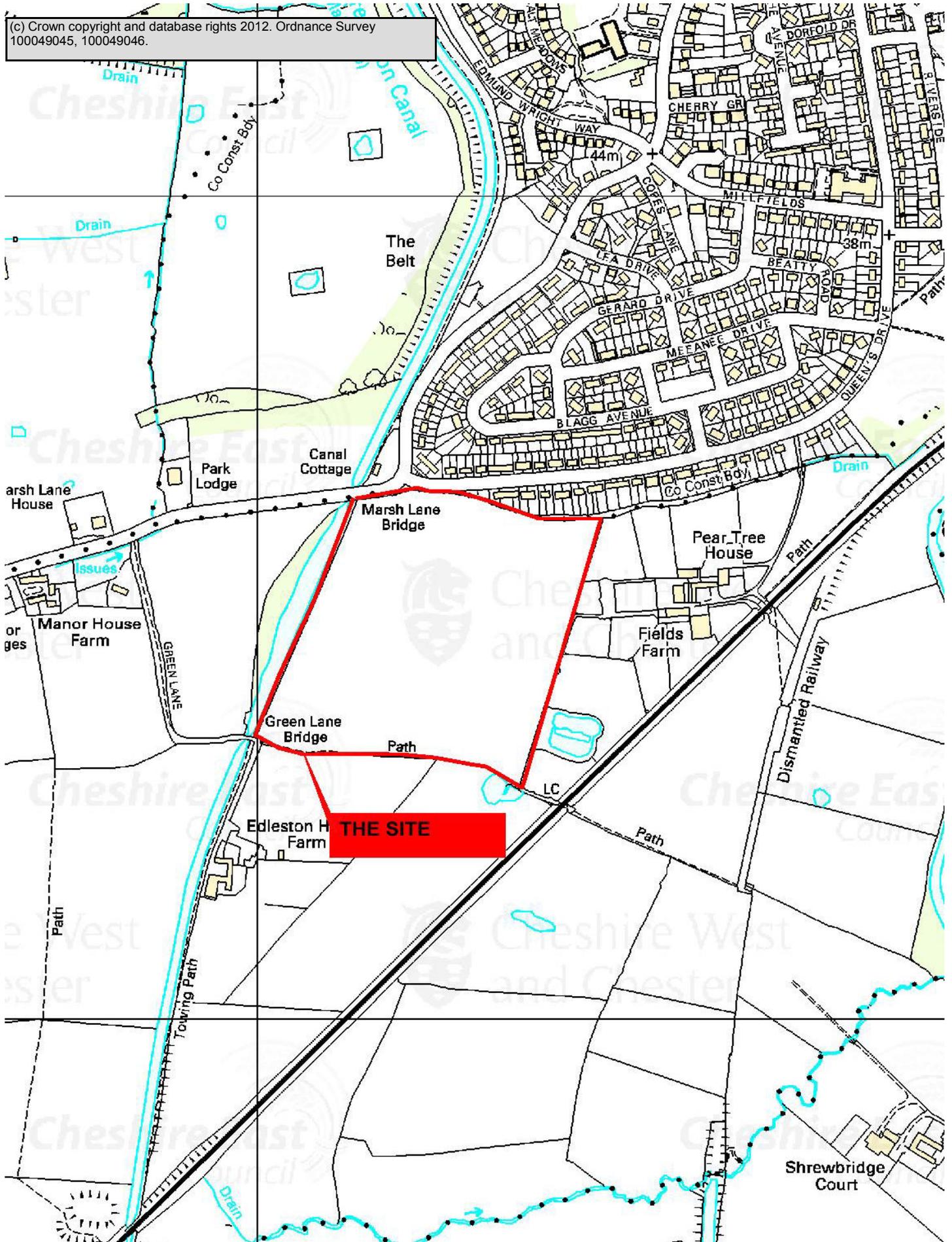
terms of housing land supply. Accordingly, under the provisions of paragraph 14 and 49 of the NPPF, the application is recommended for refusal.

10. RECOMMENDATION

RESOLVE to contest the forthcoming Appeal against non-determination on the following basis:

- 1. In the opinion of the Local Planning Authority, the proposal will cause capacity problems at the High Street/Waterlode/Welsh Row signal junction. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, when assessed against the policies at paragraph 32 and 35 of the National Planning Policy Framework and would be contrary to Policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 2. In the opinion of the Local Planning Authority, the proposal will cause danger to highway safety associated with the operation of the High Street/Waterlode/Welsh Row signal junction, particularly in respect pedestrians crossing the junction. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, when assessed against the policies at paragraph 32 and 35 of the National Planning Policy Framework and would be contrary to Policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 3. In the opinion of the Local Planning Authority, the accessibility of the site is considered poor in that it considered that most workday trips will be car based. It is possible to improve the non-car mode accessibility and discussions have been undertaken to improve public transport access, although no improvements have been agreed to date. The proposal is therefore considered to be unsustainable and the adverse impacts granting planning permission would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, when assessed against the policies at paragraphs 30, 32, 34, and 35 of the National Planning Policy Framework and would be contrary to Policy BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.**
- 4. The Proposed development represents a significant and substantial additional residential development on the periphery of Nantwich, which conflicts with Policy NE2 of the adopted Crewe & Nantwich Local Plan. Notwithstanding the provisions of paragraph 49 of the National Planning Policy Framework .the Development is of sufficient size that individually and cumulatively it conflicts with and undermines decisions regarding the scale, location and phasing of development contained within the Draft Cheshire East Local Plan Development Strategy. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, when assessed against the policies at paragraph 14 of the National Planning Policy Framework**

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Application No: 12/3025C

Location: LAND OFF GOLDFINCH CLOSE AND KESTREL CLOSE, CONGLETON, CHESHIRE

Proposal: ERECTION OF UP TO 40 DWELLINGS, OPEN SPACE, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS

Applicant: Michael Johnson, Seddon Homes Limited

Expiry Date: 02-Nov-2012

SUMMARY RECOMMENDATION

APPROVE subject to Section 106 Agreement and Conditions

MAIN ISSUES

Planning Policy And Housing Land Supply
Sustainability
Affordable Housing,
Impact on Good Quality Agricultural land
Highway Safety And Traffic Generation.
Flood risk and drainage
Layout and design
Amenity
Landscape Impact and Hedge and Tree Matters
Ecology
Education Infrastructure
Renewable Energy

REFERRAL

The application has been referred to Strategic Planning Board because it is a smallscale major development which is a departure from the Development Plan.

Another application for up to 40 dwellings submitted by the same Applicant at the same time as this application for a nearby site at the Moorings (12/3028C) is reported elsewhere on this Agenda.

1. SITE DESCRIPTION

The application site is some 1.83 hectares of land to the west of Goldfinch Close and Kestrel Close, Congleton with all matters other than access reserved for future determination. The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

The application site is surrounded by open countryside to the north, south and west and by residential properties to the east, with Goldfinch Close and Chaffinch Close forming cul de sacs adjacent to the eastern boundary of the site, both roads lead to Canal Road further to the east. Lambert Lane is located to the south of the field on the southern boundary of the site. The site has a network of existing hedgerows and trees and although agricultural land, has not been managed for a period of time.

1. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 40 dwellings with open space and associated infrastructure. Approval is also sought for the means of access from the existing housing estates via Goldfinch And Kestrel Drives. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

3. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats

H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance.

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)
Policy 11 (Development and waste recycling)

Regional Spatial Strategy

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

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Regional Development Agency Sustainability Checklist

5. OBSERVATIONS OF CONSULTEES

Environment Agency

No objection in principle subject to the following comment

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. A variable discharge rate is acceptable, although if a single rate of discharge is proposed, this is to be the **mean annual run-off (Q_{bar})** from the existing undeveloped greenfield site. This is contrary to what is included in the submitted Flood Risk Assessment (FRA), which explains that the discharge is to be restricted to the 1 in 30 years event.

And the following conditions:

- a scheme to limit the surface water run-off generated by the proposed development
- manage the risk of flooding from overland flow of surface water
- 5m minimum ecological buffer to the stream

United Utilities

No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system in accordance with the Flood Risk Assessment

County Archeologist :

No objection subject to condition that the site should be subject to a scheme of archaeological mitigation. This should consist of a programme of supervised metal detecting across the rest of the area to identify and record any artefacts present. If particular concentrations of material are located, more intensive work may be required at these specific localities. If only a general spread of artefacts is located, no further fieldwork is likely to be required. A report on the work will need to be produced and the mitigation may be secured by the condition given below:

Amenity Greenspace

There would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Some areas of Open Space (formal and informal) are indicatively illustrated within the application. These should be a minimum of 960m² in area in accordance with the Interim Policy Note on Public Open Space.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance: £ 11, 352.00 (for 960m²)

Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. Whilst there is a requirement for new open space, the existing facilities within the vicinity of the development are substandard in quality including a poor range of

facilities for the needs of the local community. An opportunity has arisen for upgrading of an existing facility at Townsend Road.

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

Enhanced Provision:	£ 8,790.72
Maintenance:	£ 28, 656.00

Strategic Housing Manager

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure. This equates to a requirement of 12 affordable units in total on this site if the development results in the maximum of 40 units. This would be split as 8 for social or affordable rent and 4 for intermediate tenure.

Strategic Highways Manager

The traffic impact of this proposal does not constitute a major development impact and the site is sustainably located. There are sections of footway that are narrow on Canal Road and these cannot be widening as the carriageway width in that section of road would be compromised. However, there is a minimal footway width available and this does allow pedestrians to walk without needing to use the carriageway.

No objections are raised subject to a scheme of Highways improvements on Canal Road, Canal Street and High Street, a scheme of improvements which include the provision of pedestrian refuges. The creation of a right turn lane on Canal Road into the estate as recommended in the Transport Statement is accepted. The right turn lane will also incorporate a pedestrian refuge.

Overall, the improvements put forward for Canal Road are considered appropriate to the scale of the development.

Environmental Health

- The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday: 08:00 to 18:00 hrs; Saturday: 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- Should there be a requirement to undertake foundation or other piling on site, it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 09:30 – 13:00 hrs; Sunday and Public Holidays Nil

- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment for contaminated land, which recommends a Phase II site investigation. As such, and in accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.

Education

- The proposal will have a material impact upon education provision in the locality. In the primary sector this will result in a need for provision for 6 additional pupils.

The contribution being sought for primary provision is $6 \times 11,919 \times 0.91 = \text{£65,078}$

Within the Secondary sector the proposal will generate 5 Secondary Aged pupils. Education Department calculations indicate that there will be sufficient capacity in the local secondary school to accommodate the secondary aged pupils which will be generated.

Ecology

No objection subject to conditions.

Public Right of Way

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

To the south of the site is public bridleway No. 1, known as Lambert's Lane. This public right of way is an important resource for travel and leisure and it is noted the proposal refers to the creation of a future link to Lamberts Lane. This is supported in principle

3 points arise:-

- Any proposal for housing could benefit in terms of permeability, accessibility and therefore sustainability were it to have a pedestrian and cyclist access onto public bridleway No. 1. The public bridleway is a key link east – west route for non-motorised users, connecting the canal towpath and railway station amongst other facilities and avoiding the town centre roads. Encouraging non-motorised travel is captured within the policies of the Local Transport Plan and Rights of Way Improvement Plan.
- The public bridleway forms part of the Congleton Southern fringes project which enhanced and promoted the network of public rights of way for leisure purposes: research for the statutory Rights of Way Improvement Plan has shown that residents want local circular walks. A link from the proposed development sites to the public rights of way network would offer this opportunity. Encouraging active leisure activities such as walking and cycling is captured within the policies of the Local Transport Plan, Rights of Way Improvement Plan and Ambition for All.

6. VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council object to this application and recommend that Cheshire East Council refuse the application on the following grounds:

- Long term traffic issues created by an estimated extra 320 vehicle journeys entering and leaving the estate on a daily basis. The entrance to the estate next to the Wellspring church can already be inaccessible at times due to hospital workers parking on one side.
- Increased traffic volume on Canal Street. This road is not suitable for heavier traffic flow due to its two narrower road sections heading towards the town centre creating pinch points.
- Concern at safety of pedestrians on Canal Road due to the extremely narrow pavement alongside Burns Garage and the likelihood of more accidents occurring.
- Impact on flora, fauna and wildlife in the area

7. OTHER REPRESENTATIONS

97 Letters and emails of objection have been received, full copies of which can be seen on the application file, many of these comments have also been applied by the same respondent to application 12/3028C. The following points are made:

Principle

- Loss of green field
- Loss of grade 3 agricultural land
- The houses are not needed. Many empty houses which need to be filled first
- Hundreds of houses are for sale, there is no need for more
- People are struggling to sell houses/get mortgages in the current economic climate
- Any shortfall can be met by the Brownfield sites
- The application goes against the Government guidelines as set out in the newly revised version of the planning rule book, which require brownfield sites in town centres to be developed first and recognises the "intrinsic value" of rural areas that are not protected as Green Belt.
- Development site 'F' (Congleton Town Strategy) is a Low Priority Development Area . Areas A-E in the Strategy should be developed first and F should be released after these areas have been developed.

- New dwellings in Congleton would be better placed in the northern sections of the town – where the Congleton Strategy seeks to direct growth together with the proposed bypass
- Not in line with the interim policy on the release of housing land
- The site is not as sustainable as the Application suggests
- Why should residents be punished for the lack of a local plan being in place

Highways

- Both Seddons applications are too large to be supported by the road network without a massive investment in infrastructure. All recent developments filter onto Canal Road. This will worsen an already bad situation
- The developments that have been approved in the area and this application will result in 200,000 traffic movements on Canal Road
- 71 dwellings have been developed in the local area – all using Canal Road
- The first part of Kestrel Close to Canal Street is frequently obstructed by parked vehicles (overspill from The War Memorial Hospital and Amory's Garage) reducing this section of carriageway to one lane.
- The footpath on Canal Road has pinch points where it is already very narrow and difficult for pedestrians, especially those with pushchairs, wheelchairs – the added traffic will worsen this
- Existing visibility to Canal Road from Kestrel Drive is inadequate
- Increase in traffic on Canal Road
- No further developments should not take place until Canal Road/Canal Street are brought up to modern traffic and pedestrian requirements.
- Pedestrian safety on Canal Road. Pedestrians have already been hit by passing vehicles wing mirror due to lack of pavement width and any increase in traffic will add to the congestion
- Pedestrian safety within the existing estate will be compromised by the additional traffic generated
- Construction traffic will have to enter and exit from the town centre thereby creating more traffic problems for an extended period of time.
- The site is in the wrong position for future growth

Infrastructure

- Schools can not cope
- There is no employment in the Town and residents will work elsewhere
- Increase in demand on drainage and sewage infrastructure in an area which has had problems
- Increased surface water run off could lead to town centre flooding

Loss of Open Countryside

- Loss of countryside view
- The land should be protected for future generations, once built upon it would be lost forever.
- Valuable green finger into the centre of Congleton

Amenity

- The development would have a negative impact on the quality of life of the existing populations
- Overlooking from new houses to existing houses
- Quality of life will be severely affected during construction
- Impact of scheme on landscape character has not been adequately assessed by the Applicant

Ecology

- The area is rich in ecology and protected species and other species such as frogs/toads/pheasants and partridges which are not protected but this area forms their habitat
- There are bats, owls, badgers, foxes, Pipistrelle Bats and nesting birds which are protected.
- Great crested newts are known to be within the general area . they could well be living in these fields as well. The Council should investigate this possibility.
- Lamberts Lane is a wildlife corridor
- The area has established protected trees and hedgerows. They should be protected as part of the bio-diversity of the whole site - to cut a swathe of trees and hedgerows such as these would be a travesty.
- The land is immediately adjacent to the Congleton wildlife corridor and increasing housing in this area will have a devastating effect on that population

Drainage and Flooding

- The has been serious flooding down Canal Road in the past. How can the system cope with the addition demands to be placed upon it?

Other matters

- Congleton War Memorial Hospital is not a full medical centre and is incorrectly assessed as part of the application
- Application Information is misleading

7. APPLICANT'S SUPPORTING INFORMATION:

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Section 106 Heads Of Terms
- Agricultural Land Classification Assessment

- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Statement of Community Involvement

Copies of these documents can be viewed on the application file.

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline form with only the access points being applied for, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply and the sustainability of the location, affordable housing, highway safety and traffic generation, landscape impact, hedge and tree matters, ecology, amenity, open space and drainage.

Principle of Development.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of these 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 other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy 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. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

The SHLAA 2010, identifies the site as part of a larger site with capacity of up to 120 units, as a *“Greenfield site on edge of settlement, considered to be sustainably located”*. It also states that it is a suitable site, with policy change. In addition the site is also described as available, achievable and developable (in years 6-10 onwards).

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East.

Accordingly once the 5% buffer as required by the NPPF is added, the Borough has an identified deliverable housing supply of 3.75 years.

With respect to the housing supply within Congleton specifically, there has been a low number of completions in the town of 346 units in the last 5 years, which equates to 69 units per annum. There is also a low level of commitments – currently there are full planning permissions for 147 net dwellings. There are outline permissions for 13 net dwellings, and on sites under construction there are 243 net dwellings remaining. There are also 149 dwellings subject to a S106 agreement.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;*
- or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

In September 2012 Congleton Town Council approved the final version of the Congleton town Strategy. This advocated that priority should be given to developing sites on the north side of Congleton that would support and facilitate the northern link road. This application forms part of a wider site identified as having a potential housing development for circa 300 houses (Area F) during the preceding Town Strategy Consultation. However the stakeholder Panel identified that priority should be given to those sites (Areas A,B,C,D) that contribute to the delivery of the northern relief road.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspectors view, the site which is within the open countryside and a departure from the Local Plan, would harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need

to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. However the Council is now challenging this decision via the high court and a decision on the case is still awaited. Equally decisions are awaited on appeals in Sandbach which also raise vital issues of prematurity.

In this case however a clear distinction can be drawn between those appeal proposals and the present application. Those applications relate to sites of a scale, nature and location such that they might be considered strategic development sites and thus could influence the future pattern of growth of a town. The same cannot be said of the current proposal which is much more modest in its scale, scope and impact.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The site is considered to be available, suitable and achievable
- The Cuddington Appeal in Cheshire West and Chester plus others else where in the country indicate that significant weight can be applied to housing supply arguments .
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

- *specific policies in the Framework indicate development should be restricted.”*

- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions which form a much larger incursion of built development into the surrounding open countryside.

In the light of these decisions and the primacy of the NPPF in the light of the lack of a 5 year housing land supply, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

Location of the site

The site is considered to be sustainable by the SHLAA. To aid the assessment as to whether this site comprises sustainable development, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on

the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. However, as stated previously, these are just guidelines and are not part of the development plan.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box (400m), Daven Road
- bank / cash point (900m) (High Street)
- primary school (550m), (Daven Primary School)
- Railway Station (1100m) (Congleton Station)
- public house (400m), Wharf Inn
- public park / village green (770m), Congleton Community Garden
- child care facility (480m),
- railway station (1400m).
- bus stop (350m) Canal; Road
- Public Open Space (300m) St Peters Road
- Pharmacy (850m) Park Lane
- local meeting place / community centre (250m), (Wellspring Methodist Church)
- medical centre Lawton House Surgery on Bromley Road. (960m)

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- post office (1200m), Mill Street
- leisure facilities (1200m), Congleton Leisure Centre
- a local shop selling food or fresh groceries (800m) Canal Road

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Notwithstanding neighbours challenge to whether the War Memorial Hospital can be considered to be a medical centre, all of the services and amenities listed are accommodated within the town centre and are accessible to the proposed development on foot via Canal Road and therefore it is considered that this small scale site is sustainable within the context of the Checklist Guidance.

Overall, it is concluded that the site is sustainably located and the presumption in favour of sustainable development in the light of Paragraph 49 of the NPPF should apply.

The application turns, therefore, on whether there are any **significant** and **demonstrable** adverse effects, that indicate that the presumption in favour of the sustainable housing development should not apply; this is considered in more detail below.

Affordable Housing

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure.

If the maximum number of 40 units as applied for were to be built on this site, this equates to a requirement of 12 affordable units in total on this site, split as 8 units for social or affordable rent and 4 for intermediate tenure.

The SHMA 2010 shows that for Congleton there is a net requirement for 33 new affordable units per year, this is made up of 7 x 1 beds, 3 x 3 beds, 13 x 4/5 beds and 15 x 1/2 bed older persons accommodation. The SHMA identified an over supply of 5 x 2 bed properties which is why their total net requirement is 33 new units per year.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 452 applicants on the housing register who require properties in Congleton or Congleton Town Centre, the number of bedrooms these applicants need are 175 x 1 beds, 142 x 2 beds, 70 x 3 beds and 6 x 4 beds. 59 applicants have not specified the number of bedrooms required. 109 of the applicants who require a 1 bed and 42 applicants who require a 2 bed have indicated they would consider a flat.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated

with the open market homes and not be segregated in discrete or peripheral areas. As this application is an outline application, Housing Officers are unable to comment on these aspects or in detail about the affordable housing provisions required. Nevertheless, they request that the applicant submits details of their proposed affordable housing scheme at the first reserved matters stage the details of the affordable housing scheme should include the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

The applicants preference is that the affordable housing is secured by way of the Planning Inspectorates model condition on affordable housing. The Applicant cites the Loachbrook Farm decision as justification for this.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state that

"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"

Loss of Agricultural Land

The applicant has submitted an agricultural land classification study which concludes that the proposal would involve the loss of 1.1 hectares of Grade 3A land (38% of the site) whilst the remainder of the site comprises Grade 3b.

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

These are where there is need for the development in the local plan, the development cannot be accommodated on land of lower agricultural quality and does not break up viable agricultural holdings

There is also guidance contained within the NPPF which states at paragraph 112 that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'

The area of high quality farmable land is not significant, measuring only 1.1 ha. At present, the site is extensively unmanaged and overgrown, with some significant areas of spoil left over from the previous housing development adjacent.

The remaining portion is of poorer quality. Due to its limited size and the existing site constraints separated from the larger open fields by mature trees and hedgerows and Lamberts Lane), it does not offer a contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity (1.1hect) of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this small scale development and assisting with the Council's housing land supply situation helping to relive pressure on less sustainable and preferential Greenfield sites elsewhere.

The lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land and the recent decision at Loachbrook Farm, Congleton which comprised a significantly larger development area (over 10hectares) of Grade 2 and 3a land.

At Loachbrook Farm, the Inspector considered that the 3500 additional houses to be provided in Congleton by 2030, as indicated the emerging Core Strategy (as being the Councils preferred sites for future development) and categorised as being developable by the SHLAA involved a preponderance of the best quality agricultural land in the area. The Inspector concluded that the loss of the agricultural land carried neutral weight, given that other preferred sites would involve a similar loss of the best agricultural land around the Congleton area.

Highway Safety and Traffic Generation.

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Transport Statement considers the accessibility of the site in terms of a choice of means of transport, including cycling, proximity to public transport facilities and walking and concludes that the site is highly accessible. With the additional infrastructure improvements proposed as part of this scheme, in the form of the Right turn lane into the site from Canal Road, and the proposed link into the Lamberts Lane cycleway from within this site.

The Transport Statement (TS) confirms that the development peak hour two way flows even in the busiest hour of the day would be around 30 vehicles. This equates to one additional two way trip every two minutes even at the busiest period of the day. This level of traffic is considered as imperceptible within the context of the traffic flow to this site.

The existing road layouts were originally designed to enable further development to take place and both Goldfinch and Kestrel Close comprise highways of 5.5m width with 2m pavements. As such there are no design or capacity reasons why 40 units cannot take place in either capacity or safety terms. The junction with Canal Road is of a reasonable standard and provides adequate visibility to meet standards.

The most common concern expressed within the comments received as part of the neighbour consultation process is whether Canal Road can accommodate any further development feeding onto it, having specific concern about the safety of the pedestrian environment on Canal Road. Much comment is made about existing deficiencies in the pavement width outside Burns Garage, referred to as a pinch point. The Strategic Highways Manager accepts these points but concludes that these are existing deficiencies to which this proposal would not make any worse.

It should also be noted that the applicant has offered to undertake a number of improvements within Canal Road, such as a pedestrian refuge within the right turn lane into the site and another pedestrian refuge on High Street, the Provision of formal kerbed 'build-outs' to improve pedestrian safety.

Canal Road is a major road within Congleton that not only links with Leek Road at the A527 but serves an existing mixture of both residential and commercial development. Whilst, there are points on Canal Road where the footways are narrow these are existing deficiencies in the existing road infrastructure and it has to be considered whether this development (either in isolation or conjunction with the other application submitted on the Agenda by the same Applicant) have such impact that it warrants refusal of permission.

The site can be accessed by foot and also by public transport and is not far from Congleton town centre and the location is well within national guidance distances for accessing non car mode services. The Highways Manager concludes that the site is located in a sustainable location.

The Strategic Highways Manager has considered the Transport Statement submitted with the application and considered the objections raised by respondents very carefully and reached the conclusion that the level of traffic generation which could be attributable to up to 40 additional dwellings does not produce a level of trips that can be considered material given the background traffic flows. Although it is accepted that Canal Road is busy especially as it enters the town centre, no over-capacity issues arise as a direct result of this application (either when considered in isolation or in conjunction with the Applicant's other planning application for a similar development on this Agenda).

The applicant however, having noted the concern of the Town Council in this regard, has submitted a scheme to change the priority at the junction with the High Street that gives northbound traffic on Albert Place priority thereby reducing any queuing travelling north into the town centre.

The Highways Engineer acknowledges that there are sections of footway that are narrow on Canal Road. It is his view that these cannot be widening as the carriageway width in that section of road would be compromised as would the Conservation Area. However, there is a minimal footway width available and this does allow pedestrians to walk without needing to use the carriageway, whilst this situation is not ideal, in the light of the guidance within Para 32 of the NPPF about only refusing development on highways grounds where the cumulative impacts are severe, the Highways manager could not recommendation refusal on this issue.

Overall, with the improvements put forward by the Applicant to Canal Road, which includes the provision of a pedestrian refuge in the right turn lane at the main site access with Canal Road would be an improvement to the existing situation for people living on this estate.

The Applicant's Highways Consultants has put forward a number of suggested alterations to the High Street which do not tie in with the Congleton Public Realm Strategy. In many respects the mitigation as put forward is highly engineered and fails to address the Public Realm in a sympathetic manner, however, a S106 commuted sum payment of £750 per dwelling (to a maximum of £30000) has been put forward by the Applicant as mitigation for the town centre impacts. This is offered as a Public Realm Contribution and is reasonably related to the development and is acceptable to the Highways Engineer.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment (FRA) models the risk of flooding from the site as being very low (1 in 1000 years) and concludes that the risk posed to the site of flooding is very low.

Upstream sewers are located on the adjacent estate road, which appear to have been designed to accommodate further flows from this site in conjunction with foul flows in the separate foul sewer.

In terms of surface water drainage the FRA identifies Sustainable Drainage Options (SUDS) will be used and that the detailed design of this would be agreed at the detailed design stage in consultation with the Environment Agency and the Local Planning Authority.

The Environment Agency have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Layout and design

The landscape of the area is considered to be the priority consideration in the overall design of this site. The site slopes away from the higher levels at goldfinch Close and Kestrel Close. Four areas of open space are provided indicatively which could be enhanced in the end layout to address other issues such as ecology.

Scale parameters are submitted with zones of 2 storey dwellings immediately adjacent to the existing residential estate in Kesrel Close and Goldfinch Close , with a further zone, interspersed with areas of Public Open Space, of up to 2 and a half storeys as the site falls away.

Although layout, external appearance and design are also reserved matters and the proposal seeks permission for up to 40 units, it is considered that an appropriate design and layout can be achieved whilst ensuring that the landscape is the primary influence. The existing design of the residential estate to the immediate north of the site is not considered to be the benchmark for this development.

Amenity

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. These conditions will be attached to the planning permission.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that up to 40 dwellings could reasonably be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Landscape Impact and trees/hedgerows

The site is currently unused agricultural land located immediately adjacent to a residential area. An overgrown mound of spoil left over from the previous housing development adjoins the residential boundary. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”*.

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees and although is agricultural land, has clearly not been managed for a period of time, nevertheless the existing vegetation and trees provide an attractive setting and significant screen to the periphery of the site, particularly from Lamberts Lane. The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

There are seven protected trees within and immediately adjacent to the application site (assessed as A and B moderate high category trees) in addition to a number of other unprotected trees and hedgerows.

The indicative site layout illustrates three of these protected trees (two Oak and a Sycamore to be located within formal public open space which is to be welcomed. It would appear that the internal road infrastructure as illustrated generally respects root protection areas of retained trees.

Although an outline application, in principle, the illustrative layout suggests that a form of layout could be achieved that would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points) and would allow for landscape and biodiversity enhancement measures which are welcomed.

Whilst footpath connectivity is proposed throughout the site to adjacent footpaths, it would be important to ensure that the routes did not compromise ecologically valuable habitats.

Ecology

The application has been the subject of a number of series for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Councils Ecologist.

It is the Councils Ecologists advice that;

Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The Council'd ecologist therefore considers that the proposed development is unlikely to have a significant adverse impact upon bats. However, any reserved matters application should aim to retain the existing trees and hedgerows to preserve the available bat habitat.

A number of trees have been identified within the submitted survey as offering potential roosting opportunities for bats. The Council's Ecologist has commented that a number of trees have been identified as offering potential roosting opportunities for bats. It appears from the indicative site layout that these trees will be retained within small areas of open space. A condition requiring the retention of these trees is appropriate.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. However, given that the application is outline only, a number of conditions are recommended to ensure that the recommendations of the submitted report are incorporated into any future reserved matters application. Subject to these recommendations being carried out, the favorable conservation status of the species will be maintained.

Habitats

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds.

The impacts of the indicative layout of the proposed development upon the badger are significant so that a Natural England disturbance license will be required. The Council's Ecologist is satisfied that the adverse impact of the development on other protected species can be mitigated in accordance with the submitted ecological information and mitigation. However, as the status of these species can change relatively quickly, it is recommended that a condition be attached to any outline permission that any reserved matters application be supported by an updated badger survey and a revised mitigation method statement should that be deemed necessary.

The proposed development site is likely to support breeding birds as well as provide badger habitat. The retention of the hedgerows within the proposed areas of open space (as ecological enhancement) will mitigate the impact of the development on breeding birds and badgers to some extent. If planning consent is granted, the Council's Ecologist advises that conditions be imposed to retain an ecological buffer to the western boundary of the site.

Education Infrastructure

In terms of primary schools, there are 9 primary schools within the 2 mile distance considered by the Council to be capable of serving this development. Whilst there is currently some capacity in these local schools, by 2015 the Council is expecting there to be 26 more pupils than places available at these schools. In light of this the will require a sum for every primary aged pupil generated of $6 \times 11,919 \times 0.91 =$ towards primary provision. This development, if fully developed up to the maximum 40 units a proposed would generate an additional pupil yield of 6 pupils.

As there is a capacity issue at the local primary schools, the education department have requested a contribution of £65,078 towards enhancing the capacity, based on the maximum development as applied for. This has been agreed by the applicant and would form part of the S106 Agreement should this application

The Council's Education Officer has examined the application and concluded that there is sufficient existing capacity within local secondary schools to absorb the predicted pupil yield from the development. Consequently, no contributions towards secondary education provision will be required in this instance.

Renewable Energy

The Applicant has submitted a Sustainability Statement in support of the application, which amongst other things, makes a commitment to develop a scheme which exceeds the requirements of the Building Regulations with respect to energy efficiency. It is also considered that the physical characteristics of the site is that buildings can be arranged within the site to maximise solar efficiency and to achieve a development that allows for a choice of means of transport to be used by future occupiers.

However, it is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. As this application is in outline form with all matters reserved except for access, no details of renewable energy proposals have been submitted. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted at the Reserved Matters stage, and subsequently implemented

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

The contribution of £30,000 to the Public realm Strategy will mitigate for the impacts of the additional traffic using the local highway infrastructure in the town centre.

As explained within the main report, affordable housing, POS and children's play space would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

9. CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is "absent, silent or relevant policies are out of date" planning permission should be granted unless

"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"

Or

"specific policies in this Framework indicate development should be restricted."

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies however are considered to be in line with NPPF advice.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a smaller, non strategic land release attached to an existing estate.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and will be required to provide for highway works to improve the pedestrian environment on Canal Road/Canal Street

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is no significant failure to meet these and all such facilities are accessible to the site. The improvements to the Canal Road pedestrian environment will encourage more walking. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some grade 3a agricultural land, this is not a significant part of the site and the site is main 3b land the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss. Much of the sites identified within the SHLAA would also result in the loss of the better grades of agricultural land.

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

In a negative sense, however, the housing will be built on open countryside contrary to the provisions of Policy PS8 of the Local Plan. Although the proposal will not have a significant impact on the landscape character of the area given the impact upon the area of the existing housing development will to some extent be screened by the existing topography of the site and the rather than a large scale intrusion into the open countryside, this remains an important adverse impact.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan Countryside policy and the loss of agricultural land are outweighed by the benefits of the proposal in terms of residential provision and the provision of 30% of the units as affordable housing. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

9. RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- Amenity green space contribution for on site provision:

Maintenance: £ 11,352.00

Children and Young Persons Provision,

Enhanced Provision: £ 8,790.72

Maintenance: £ 28, 656.00

- Education Contribution in lieu of primary provision of £65,078 (based on 40 units)
- 12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure
- Contribution to Public realm Strategy (£30000)

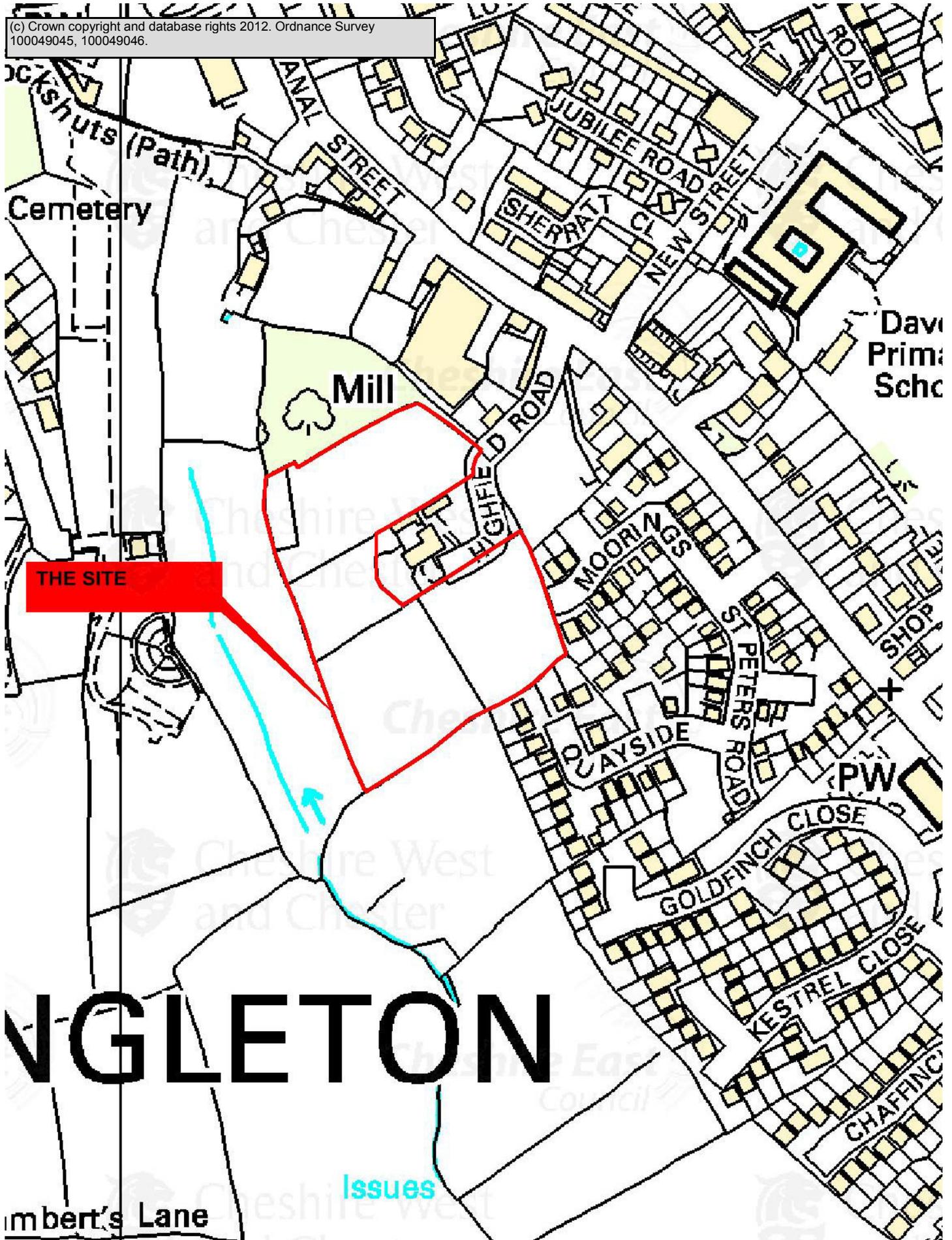
And the following conditions

- 1. Commencement – within 1 years of reserved matters**
- 2. Submission of reserved matters (all matter other than access) within 18 months or 12 months after the last reserved matter (whichever is later)**
- 3. Plans**
- 4. Tree and hedgerow protection measures**
- 5. Arboricultural Method statement**
- 6. Landscape maintenance and management**
- 7. Boundary treatment to be submitted with reserved matters**
- 8. Breeding Bird Survey for works in nesting season**
- 9. Bats and bird boxes**
- 10. Provision and management of at least a 5 metre wide buffer zone alongside the stream**
- 11. Updated protected species survey and method statement prior to commencement**
- 12. Submission of a scheme to limit the overland flow generated by the proposed development,**
- 13. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.**
- 14. Submission of a scheme of Sustainable Urban Drainage**
- 15. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.**
- 16. This site to be drained on a total separate system, with only foul drainage connected into the public foul sewerage system.**
- 17. The reserved matters application submitted pursuant to this outline planning permission shall provide a feasibility study, framework and schedule to improve pedestrian and cycling links between the site and Lamberts Lane**

18. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
19. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
20. Submission of scheme to minimise dust emissions arising from construction activities on the site
21. Submission of a Contaminated Land Phase II investigation.
22. Submission of Construction Management Plan
23. Reserved Matters to include details of bin storage.
24. Reserved matters to include 10% renewables
25. Landscaping to include replacement hedge planting/ use native species
26. Arboricultural Impact Assessment and Tree Protection Plan to form part of the reserved matters
27. Implementation of a programme of archaeological work in accordance with a written scheme of investigation
28. Reserved matters to incorporate existing and proposed levels and boundary treatments
29. Reserved matters to including design coding as per the Design and Access statement
30. Pedestrian refuge Canal Rd to be provided prior to 1st occupation
31. Any reserved matters application to be supported by a Badger Mitigation Strategy. The strategy to include detailed proposals for the provision and location of an artificial sett and appropriate linking habitat provision to ensure the sett has appropriate habitat links to the adjacent open countryside. The strategy is to be informed by the results of a further detailed badger survey which includes a bait marking study.

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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WIGLETON

Issues

Application No: 12/3028C

Location: LAND OFF, THE MOORINGS, CONGLETON

Proposal: ERECTION OF UP TO 40 DWELLINGS, OPEN SPACE, ASSOCIATED LANDSCAPING, INFRASTRUCTURE, ACCESS AND DEMOLITION OF PORTAL SHED

Applicant: Michael Johnson, Seddon Homes Limited

Expiry Date: 09-Nov-2012

SUMMARY RECOMMENDATION

APPROVE subject to Section 106 Agreement and Conditions

MAIN ISSUES

**Planning Policy And Housing Land Supply
Sustainability
Affordable Housing,
Impact on Good Quality Agricultural land
Highway Safety And Traffic Generation.
Flood risk and drainage
Layout and design
Amenity
Landscape Impact and Hedge and Tree Matters
Ecology
Education Infrastructure
Renewable Energy**

REFERRAL

The application has been referred to Strategic Planning Board because it is a smallscale major development which is a departure from the Development Plan.

Another application (12/3025C) for up to 40 dwellings submitted by the same Applicant for a nearby site at Kestrel Close and Goldfinch Close Congleton is reported elsewhere on this Agenda.

SITE DESCRIPTION

The application site is some 1.74 hectares of land to the west of The Moorings, Congleton and to the west of Highfield Road, Congleton with all matters other than access reserved for future determination.

The application site is surrounded by open countryside to the south and west and by residential properties to the east, with the Moorings forming a cul de sac adjacent to the eastern boundary of the site and existing dwellings with Quayside forming the boundary to the south east of the site. Both roads lead to Canal Road further to the east. Dense mature woodland abuts the northern boundary of the site. The site is in agricultural land use for grazing (sheep). There are distinct levels difference within the site with the land sloping upwards away from the Moorings has a undulating character and a central depression. Land levels further fall away from the site towards the cemetery in the wider distance. The site has a network of existing hedgerows and trees to the perimeter which provide an attractive setting and the site is strongly influenced by these characteristics.

DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of up to 40 dwellings with open space and associated infrastructure. Approval is also sought for the means of access from the existing housing estate via The Moorings. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance.

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)
Policy 11 (Development and waste recycling)

Regional Spatial Strategy

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

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Regional Development Agency Sustainability Checklist

OBSERVATIONS OF CONSULTEES

Western Power (Infrastructure)

A 33kV High Voltage overhead line crossing the site to the north of Highfield House. It is likely that this will need to be diverted.

Environment Agency

No objection in principle to the proposed development but would like to make the following comments:

- No development shall commence until a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved

United Utilities

No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system in accordance with the Flood Risk Assessment
- Access for operating and maintaining a 6" PVC water main which crosses the site will need to be retained . Therefore, a modification of the (indicative) site layout, or diversion of the main at the applicant's expense, will be necessary.

County Archeologist :

No objection subject to condition that the site should be subject to a scheme of archaeological mitigation. This should consist of a programme of supervised metal detecting across the rest of the area to identify and record any artefacts present. If particular concentrations of material are located, more intensive work may be required at these specific localities. If only a general spread of artefacts is located, no further fieldwork is likely to be required. A report on the work will need to be produced and the mitigation may be secured by the condition given below:

Public Right of Way (Countryside Development Officer)

Proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

To the south of the site is public bridleway No. 1, known as Lambert's Lane. This public right of way is an important resource for travel and leisure and it is noted the proposal refers to the creation of a future link to Lamberts Lane. This is supported in principle

3 points arise:-

- Any proposal for housing could benefit in terms of permeability, accessibility and therefore sustainability were it to have a pedestrian and cyclist access onto public bridleway No. 1. The public bridleway is a key link route east –west for non-motorised users, connecting the canal towpath and railway station amongst other facilities and avoiding the town centre roads. Encouraging non-motorised travel is captured within the policies of the Local Transport Plan and Rights of Way Improvement Plan.
- The public bridleway forms part of the Congleton Southern fringes project which enhanced and promoted the network of public rights of way for leisure purposes: research

for the statutory Rights of Way Improvement Plan has shown that residents want local circular walks. A link from the proposed development sites to the public rights of way network would offer this opportunity. Encouraging active leisure activities such as walking and cycling is captured within the policies of the Local Transport Plan, Rights of Way Improvement Plan and Ambition for All.

- The public bridleway No. 1 is in need of some drainage improvement works in order to ensure year round access for all for the predicted future usage. Contributions from any development at this site would be a key part in enabling proposed residents to access the public rights of way network in the area.

Amenity Greenspace

There would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Some areas of Open Space (formal and informal) are indicatively illustrated within the application. These should be a minimum of 960m² in area in accordance with the Interim Policy Note on Public Open Space.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance:	£ 11, 352.00 (for 960m ²)
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Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. Whilst there is a requirement for new open space, the existing facilities within the vicinity of the development are substandard in quality including a poor range of facilities for the needs of the local community. An opportunity has arisen for upgrading of an existing facility at Townsend Road.

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

Enhanced Provision:	£ 8,790.72
Maintenance:	£ 28, 656.00

Strategic Highways Manager

The traffic impact of this proposal does not constitute a major development impact and the site is sustainably located. There are sections of footway that are narrow on Canal Road and these cannot be widening as the carriageway width in that section of road would be compromised. However, there is a minimal footway width available and this does allow pedestrians to walk without needing to use the carriageway.

No objections are raised subject to conditions. The creation of a right turn lane and pedestrian refuge on Canal Road into the estate as recommended in the Transport Statement is accepted. A condition is suggested The Developer, in seeking to mitigate impacts upon the highway network as a result of additional movements closer to the town centre attributable to this development has undertaken to provide a financial contribution as a contribution to a scheme of improvements as part of the Congleton Urban Realm Strategy. This has been put forward being £750 per unit. If the 40 units as applied for were to be developed this would equate to £30,000.

Environmental Health

- The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday: 08:00 to 18:00 hrs; Saturday: 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- Should there be a requirement to undertake foundation or other piling on site, it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 09:30 – 13:00 hrs; Sunday and Public Holidays Nil
- No development shall commence until a scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment for contaminated land, which recommends a Phase II site investigation. As such, and in accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.
- No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained fully functional for the duration of the construction phase.

Education

- There are 9 primary schools within the 2 mile distance considered by the Council to be within the catchment. Education department information indicates that whilst there is currently some capacity in these local schools, by 2015 the Council is expecting there to be 26 more pupils than places available at these schools.
- The proposal will have a material impact upon education provision in the locality. In the primary sector this will result in a need for provision for 6 additional pupils.

The contribution being sought for primary provision is $6 \times 11,919 \times 0.91 = \text{£}65,078$

Within the Secondary sector the proposal will generate 5 Secondary Aged pupils. Education Department calculations indicate that there will be sufficient capacity in the local secondary school to accommodate the secondary aged pupils which will be generated.

Ecology

No evidence of roosting barn owls has been recorded at any of the trees around the site and no owls have been recorded during the various surveys undertaken. Therefore I advise that based on the information currently available the proposed developments are unlikely to have a significant impact upon barn owls.

Updated Ecological Surveys have been submitted during the course of the application. The Ecologist has considered the further information and raised no objection subject to conditions.

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council object to this application and recommend that Cheshire East Council refuse the application on the following grounds:

- Long term traffic issues created by an estimated extra 320 vehicle journeys entering and leaving the estate on a daily basis. The entrance to the estate next to the Wellspring church can already be inaccessible at times due to hospital workers parking on one side.
- Increased traffic volume on Canal Street. This road is not suitable for heavier traffic flow due to its two narrower road sections heading towards the town centre creating pinch points.
- Concern at safety of pedestrians on Canal Road due to the extremely narrow pavement alongside Burns Garage and the likelihood of more accidents occurring.
- Impact on flora, fauna and wildlife in the area

OTHER REPRESENTATIONS

112 Letters and emails of objection have been received, full copies of which can be seen on the application file, many of these comments have also been applied by the same respondent to application 12/3025C, although some are specific to this application. The following points are made:

Principle

- Loss of green field
- Loss of grade 3 agricultural land
- The houses are not needed. Many empty houses which need to be filled first
- Hundreds of houses are for sale, there is no need for more
- People are struggling to sell houses/get mortgages in the current economic climate
- Any shortfall can be met by the Brownfield sites
- East Cheshire should not be bullied into speculative development by ill thought out government targets
- Needs of the elderly should be the priority, not executive homes
- Development site 'F' (Congleton Town Strategy) is a Low Priority Development Area . Areas A-E in the Strategy should be developed first and F should be released after these areas have been developed. The sites closer to that proposed link road would be more suitable for development.
- New dwellings in Congleton would be better placed in the northern sections of the town – where the Congleton Strategy seeks to direct growth together with the proposed bypass
- Not in line with the interim policy on the release of housing land
- The site is not as sustainable as the Application suggests
- Why should residents be punished for the lack of a local plan being in place
- This planning application is developer-led. It lacks the management and co- ordination that plan-led developments would offer and which are needed for Congleton's growth.

Highways

- Both Seddons applications are too large to be supported by the road network without a massive investment in infrastructure. All recent developments filter onto Canal Road. This will worsen an already bad situation
- The developments that have been approved in the area and this application will result in 200,000 traffic movements on Canal Road
- 71 dwellings have been developed in the local area – all using Canal Road
- The footpath on Canal Road has pinch points where it is already very narrow and difficult for pedestrians, especially those with pushchairs, wheelchairs – the added traffic will worsen this
- Existing visibility from the Moorings to Canal Road is inadequate
- Increase in traffic on Canal Road
- No further developments should not take place until Canal Road/Canal Street are brought up to modern traffic and pedestrian requirements.
- Pedestrian safety on Canal Road. Pedestrians have already been hit by passing vehicles wing mirror due to lack of pavement width and any increase in traffic will add to the congestion

- Pedestrian safety within the existing estate will be compromised by the additional traffic generated
- Construction traffic will have to enter and exit from the town centre thereby creating more traffic problems for an extended period of time.
- The site is in the wrong position for future growth

Infrastructure

- Schools can not cope
- There is no employment in the Town and residents will work elsewhere
- Increase in demand on drainage and sewage infrastructure in an area which has had problems with such issues in the past
- Increased surface water run off could lead to town centre flooding

Loss of Open Countryside

- Loss of countryside view
- The land should be protected for future generations, once built upon it would be lost forever.
- Valuable green finger into the centre of Congleton
- Impact on protected trees and removal of hedgerows

Amenity

- The development would have a negative impact on the quality of life of the existing populations
- Overlooking from new houses to existing houses
- Quality of life will be severely affected during construction
- Impact of scheme on landscape character has not been adequately assessed by the Applicant

Ecology

- The area is rich in ecology and protected species and other species such as frogs/toads/pheasants and partridges which are not protected but this area forms their habitat
- There are bats, barn owls, buzzards, badgers, foxes, Pipistrelle Bats and nesting birds which are all protected.
- Great crested newts are known to be within the general area . they could well be living in these fields as well. The Council should investigate this possibility.
-
- The area has established protected trees and hedgerows. They should be protected as part of the bio-diversity of the whole site - to cut a swathe of trees and hedgerows such as these would be a travesty.
- The land is immediately adjacent to the Congleton wildlife corridor and increasing housing in this area will have a devastating effect on that population

Drainage and Flooding

The has been serious flooding down Canal Road in the past. How can the system cope with the addition demands to be placed upon it?

Other matters

- Congleton War Memorial Hospital is not a full medical centre and is incorrectly assessed as part of the application
- Application Information is misleading

APPLICANT'S SUPPORTING INFORMATION:

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Section 106 Heads Of Terms
- Agricultural Land Classification Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Surveys including confidential material pertaining to badgers, bat report, barn owl report
- Tree Survey
- Statement of Community Involvement

Copies of these documents can be viewed on the application file.

OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline form with only the access points being applied for, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply and the sustainability of the location, affordable housing, highway safety and traffic generation, landscape impact, hedge and tree matters, ecology, amenity, open space and drainage.

Principle of Development.

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for

the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of these 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 other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy 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. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

The SHLAA 2010, identifies the site as part of a larger site with capacity of up to 120 units, as a *“Greenfield site on edge of settlement, considered to be sustainably located”*. It also states that it is a suitable site, with policy change. In addition the site is also described as available, achievable and developable (in years 6-10 onwards).

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East.

Accordingly once the 5% buffer as required by the NPPF is added, the Borough has an identified deliverable housing supply of 3.75 years. With respect to the housing supply within Congleton specifically, there has been a low number of completions in the town of 346 units in the last 5 years, which equates to 69 units per annum. There is also a low level of commitments – currently there are full planning permissions for 147 net dwellings. There are outline permissions for 13 net dwellings, and on sites under construction there are 243 net dwellings remaining. There are also 149 dwellings subject to a S106 agreement.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;*
- or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

In September 2012 Congleton Town Council approved the final version of the Congleton town Strategy. This advocated that priority should be given to developing sites on the north side of Congleton that would support and facilitate the northern link road. This application forms part of a wider site identified as having a potential housing development for circa 300 houses (Area F) during the preceding Town Strategy Consultation. However the stakeholder Panel identified that priority should be given to those sites (Areas A,B,C,D) that contribute to the delivery of the northern relief road.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspectors view, the site which is within the open countryside and a departure from the Local Plan, would harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. However the Council is now challenging this decision via the high court and a decision on the case is still awaited. Equally decisions are awaited on appeals in Sandbach which also raise vital issues of prematurity.

In this case however a clear distinction can be drawn between those appeal proposals and the present application. Those applications relate to sites of a scale, nature and location such that they might be considered strategic development sites and thus could influence the future pattern of growth of a town. The same cannot be said of the current proposal, even when considered in conjunction with application 12/3025C, (reported elsewhere) which is much more modest in its scale, scope and impact.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The site is considered to be available, suitable and achievable
- The Cuddington Appeal in Cheshire West and Chester plus others else where in the country indicate that significant weight can be applied to housing supply arguments .
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted.”*

There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions which form a much larger incursion of built development into the surrounding open countryside.

In the light of these decisions and the primacy of the NPPF in the light of the lack of a 5 year housing land supply, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

Location of the site

The site is part of a larger site which is considered to be sustainable by the SHLAA. To aid the assessment as to whether this site comprises sustainable development, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. However, as stated previously, these are just guidelines and are not part of the development plan.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box (440m), Daven Road

- bank / cash point (720m) (High Street)
- primary school (400m), (Daven Primary School)
- Railway Station (1100m) (Congleton Station)
- public house (600m), Wharf Inn
- public park / village green (700m), Congleton Community Garden
- railway station (1400m).
- bus stop (400m) Canal; Road
- Public Open Space (250m) St Peters Road
- Pharmacy (850m) Park Lane
- local meeting place / community centre (350m), (Wellspring Methodist Church)
- medical centre (960m) Lawton House Surgery on Bromley Road
- post office (980m), Mill Street
- leisure facilities (1000m), Congleton Leisure Centre
- playground/amenity area 620m (Thames Close)

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. This is one such amenity :

- a local shop selling food or fresh groceries (810m) Canal Road

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Notwithstanding neighbours challenge to whether the War Memorial Hospital can be considered to be a medical centre, all of the services and amenities listed within the checklist are accommodated within the town centre and are accessible to the proposed development on foot via Canal Road and therefore it is considered that this small scale site is sustainable within the context of the Checklist Guidance.

Overall, it is concluded that the site is sustainably located and the presumption in favour of sustainable development in the light of Paragraph 49 of the NPPF should apply.

The application turns, therefore, on whether there are any **significant** and **demonstrable** adverse effects, that indicate that the presumption in favour of the development should not apply; this is considered in more detail below.

Affordable Housing

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure.

If the maximum number of 40 units as applied for were to be built on this site, this equates to a requirement of 12 affordable units in total on this site, split as 8 units for social or

affordable rent and 4 for intermediate tenure.

The SHMA 2010 shows that for Congleton there is a net requirement for 33 new affordable units per year, this is made up of 7 x 1 beds, 3 x 3 beds, 13 x 4/5 beds and 15 x 1/2 bed older persons accommodation. The SHMA identified an over supply of 5 x 2 bed properties which is why their total net requirement is 33 new units per year.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 452 applicants on the housing register who require properties in Congleton or Congleton Town Centre, the number of bedrooms these applicants need are 175 x 1 beds, 142 x 2 beds, 70 x 3 beds and 6 x 4 beds. 59 applicants have not specified the number of bedrooms required. 109 of the applicants who require a 1 bed and 42 applicants who require a 2 bed have indicated they would consider a flat.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas. As this application is an outline application, Housing Officers are unable to comment on these aspects or in detail about the affordable housing provisions required. Nevertheless, they request that the applicant submits details of their proposed affordable housing scheme at the first reserved matters stage the details of the affordable housing scheme should include the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

The applicants preference is that the affordable housing is secured by way of the Planning Inspectorates model condition on affordable housing. The Applicant cites the Loachbrook Farm decision as justification for this.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy. This is in accordance with the Affordable Housing IPS which states that

"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state that

"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"

Loss of Agricultural Land

The applicant has submitted an agricultural land classification study which concludes that the proposal would involve the loss of 0.4 hectares of Grade 3A land (25% of the site) whilst the remainder of the site comprises Grade 3B.

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

These are where there is need for the development in the local plan, the development cannot be accommodated on land of lower agricultural quality and does not break up viable agricultural holdings

There is also guidance contained within the NPPF which states at paragraph 112 that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'

The area of high quality farmable land is not significant, measuring only 0.4 ha. At present, the site is used for sheep grazing by a tenant farmer, who will relocate to other agricultural land within the vicinity. Although the Applicant has been asked where this is to be, no further information has been received.

The remaining portion is of poorer quality. Due to its limited size and the existing site constraints separated from the larger open fields by mature trees and hedgerows, the cemetery and golf course and Lamberts Lane), it does not offer a significant contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity (0.4hect) of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this small scale development and assisting with the Council's housing land supply situation helping to relive pressure on less sustainable and preferential Greenfield sites elsewhere.

The lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land and the recent decision at Loachbrook Farm, Congleton which comprised a significantly larger development area (over 10hectares) of Grade 2 and 3a land.

At Loachbrook Farm, the Inspector considered that the 3500 additional houses to be provided in Congleton by 2030, as indicated the emerging Core Strategy (as being the Councils preferred sites for future development) and categorised as being developable by the SHLAA involved a preponderance of the best quality agricultural land in the area. The Inspector concluded that the loss of the agricultural land carried neutral weight, given that other preferred sites would involve a similar loss of the best agricultural land around the Congleton area.

Highway Safety and Traffic Generation.

Access is being formally applied for with this application. This is to be via the existing highway network within the Moorings.

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Transport Statement considers the accessibility of the site in terms of a choice of means of transport, including cycling, proximity to public transport facilities and walking and concludes that the site is highly accessible. With the additional infrastructure improvements proposed as part of this scheme, in the form of the right turn lane into the site from Canal Road, and the proposed link into the Lamberts Lane cycleway from within this site.

The Transport Statement (TS) confirms that the development peak hour two way flows even in the busiest hour of the day would be around 30 vehicles. This equates to one additional two way trip every two minutes even at the busiest period of the day. This level of traffic is considered as imperceptible within the context of the traffic flow to this site.

The existing road layouts were originally designed to enable further development to take place and the Moorings comprise highways of 5.5m width with 2m pavements. As such there are no design or capacity reasons why 40 units cannot take place in either highway

capacity or safety terms. The junction with Canal Road is of a reasonable standard and provides adequate visibility to meet standards.

The most common concern expressed within the comments received as part of the neighbour consultation process is whether Canal Road can accommodate any further development feeding onto it, having specific concern about the safety of the pedestrian environment on Canal Road. Much comment is made about existing deficiencies in the pavement width outside Burns Garage, referred to as a pinch point. The Strategic Highways Manager accepts these points but concludes that these are existing deficiencies to which this proposal would not make any worse.

It should also be noted that the applicant has offered to undertake a number of improvements within Canal Road, such as a pedestrian refuge within the right turn lane into the site and another pedestrian refuge on High Street, the Provision of formal kerbed 'build-outs' to improve pedestrian safety.

Canal Road is a major road within Congleton that not only links with Leek Road at the A527 but serves an existing mixture of both residential and commercial development. Whilst, there are points on Canal where the footways are narrow these are deficiencies in the existing road infrastructure and it has to be considered whether these developments have such impact that its warrants objection. The sites can be accessed by foot and also by public transport and is not far from Congleton town centre and the location is well within national guidance distances for accessing non car mode services. the Highways Manager concludes that the site is located in a sustainable location.

The Strategic Highways Manager has considered the Transport Statement submitted with the application and considered the objections raised by respondents very carefully and reached the conclusion that the level of traffic generation which could be attributable to up to 40 additional dwellings does not produce a level of trips that can be considered material given the background traffic flows. Although it is accepted that Canal Road is busy especially as it enters the town centre, no over-capacity issues arise as a direct result of this application (either when considered in isolation or in conjunction with the Applicant's other planning application for a similar development on this Agenda).

The applicant however, having noted the concern of the Town Council in this regard, has submitted a scheme to change the priority at the junction with the High Street that gives northbound traffic on Albert Place priority thereby reducing any queuing travelling north into the town centre.

There are sections of footway that are narrow on Canal Road and these cannot be widening as the carriageway width in that section of road would be compromised as would the Conservation Area. However, there is a minimal footway width available and this does allow pedestrians to walk without needing to use the carriageway, whilst this situation is not ideal, in the light of the guidance within Para 32 of the NPPF about only refusing development on highways grounds where the cumulative impacts are severe, the Highways manager could not recommendation refusal on this issue.

Overall, with the improvements put forward by the Applicant to Canal Road, which includes the provision of a pedestrian refuge in the right turn lane at the main site access with Canal Road would be an improvement to the existing situation for people living on this estate.

The Applicant's Highways Consultants has put forward a number of suggested alterations to the High Street which do not tie in with the Congleton Public Realm Strategy. In many respects the mitigation as put forward is highly engineered and fails to address the Public Realm in a sympathetic manner, however, a S106 commuted sum payment has been put forward by the Applicant as mitigation for the town centre. This is offered as a Public Realm Contribution and is reasonably related to the development and is acceptable to the Highways Engineer.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment (FRA) models the risk of flooding from the site as being very low (1 in 1000 years) and concludes that the risk posed to the site of flooding is very low.

Upstream sewers are located on the adjacent estate road, which appear to have been designed to accommodate further flows from this site in conjunction with foul flows in the separate foul sewer.

In terms of surface water drainage the FRA identifies Sustainable Drainage Options (SUDS) will be used and that the detailed design of this would be agreed at the detailed design stage in consultation with the Environment Agency and the Local Planning Authority.

The Environment Agency have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Layout and design

The housing estate to the east of the site is characterised by rising streets which hits a plateau when it reaches the application site and thereafter is gently undulated until it starts to fall away. The landscape of the area is considered to be the priority consideration in the overall design of this site. The south west and eastern boundary are indicated to be Informal Open Space and an area of formal open space are provided indicatively which could be enhanced in the final layout to address other issues such as ecology. It is stated that protect trees and hedgerows will be retained

Scale parameters are submitted with zones of 2 and 2 and ½ storey dwelling indicated within the central portion of the site, enclosed with areas of Public Open Space, of up to 2 and a half storey's as the site falls away.

Although layout, external appearance and design are also reserved matters and the proposal seeks permission for up to 40 units, it is considered that an appropriate design and layout can be achieved whilst ensuring that the landscape is the primary influence. The

existing design of the residential estate to the immediate north of the site is not considered to be the benchmark for this development. It is important that the rural fringe location is the primary focal point for this scheme and this can only be achieved by a design coding condition.

Amenity

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. These conditions will be attached to the planning permission.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that up to 40 dwellings could reasonably be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Landscape Impact and trees/hedgerows

The site is currently agricultural land located immediately adjacent to a residential area. An electricity pylon traverses the site. There are well established hedgerows and tree belts/woodland to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”*.

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees to its boundaries and is in agricultural use. The application information indicates that all protected trees within and on the perimeter of the site will be retained, and that all unprotected trees will be retained as far as the indicative Masterplan allows. The existing vegetation and trees provide an attractive setting and the site is strongly influenced by these.

The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

Tree comments

Although an outline application, in principle, the illustrative layout suggests that a form of layout could be achieved that would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points) and would allow for landscape and biodiversity enhancement measures which are welcomed.

Whilst footpath connectivity is proposed throughout the site to adjacent footpaths, it would be important to ensure that the routes did not compromise ecologically valuable habitats.

Ecology

The application has been the subject of a number of series for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Councils Ecologist.

It is the Councils Ecologists advice that;

Habitats

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds.

Badgers

The level of additional survey work undertaken by the Applicant is acceptable. It is clear that the additional land located between the two proposed development sites has been subject to an acceptable level of survey.

The Ecologist is satisfied that the proposed development will not lead to a significant loss of badger foraging habitat. The supporting information submitted by the Applicant will adequately mitigate for any adverse impact of the development upon the identified badger sett. However as the application is outline a condition would be appropriate to ensure that any reserved matter application is supported by an updated badger survey and a revised/updated mitigation strategy.

Barn owls

Whilst barn owls have been reported as being active near this site by local residents there is currently no conclusive evidence of barn owls roosting/breeding on site and the grasslands on site provide very limited foraging opportunities for this species. A barn owl report has been submitted as part of the application and the Ecologist is satisfied that it is unlikely that the proposed development would have a significant adverse impact on barn owls.

Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The ecologist is of the opinion that the proposed development is unlikely to have a significant adverse impact upon bats. However, any reserved matters application should aim to retain the existing trees and hedgerows to preserve the available bat habitat.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The submitted indicative layout will result in the loss of some of the existing hedgerows on site. If planning consent is granted a condition is necessary to ensure that the loss of hedgerow is compensated for through the planting of new native species hedgerows.

Breeding Birds

If planning consent is granted conditions will be required to safeguard breeding birds and to ensure additional provision is made for breeding birds and roosting bats.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. However, given that the application is outline only, a number of conditions are recommended to ensure that the recommendations of the submitted report are incorporated into any future reserved matters application. Subject to these recommendations being carried out, the favorable conservation status of the species will be maintained.

Education Infrastructure

In terms of primary schools, There are 9 primary schools within the 2 mile distance considered by the Council to be capable of serving this development. Whilst there is currently some capacity in these local schools, by 2015 the Council is expecting there to be 26 more pupils than places available at these schools. In light of this the will require a sum

for every primary aged pupil generated of $6 \times 11,919 \times 0.91 =$ towards primary provision. This development, if fully developed up to the 40 units a proposed would generate an additional pupil yield of 6 pupils.

As there is a capacity issue at the local primary schools, the education department have requested a contribution of £65,078 towards enhancing the capacity. This has been agreed by the applicant and would form part of the S106 Agreement should this application

The Council's Education Officer has examined the application and concluded that there is sufficient existing capacity within local secondary schools to absorb the predicted pupil yield from the development. Consequently, no contributions towards education provision will be required in this instance.

Renewable Energy

The Applicant has submitted a Sustainability Statement in support of the application, which amongst other things, makes a commitment to develop a scheme which exceeds the requirements of the Building Regulations with respect to energy efficiency. It is also considered that the physical characteristics of the site is that buildings can be arranged within the site to maximise solar efficiency and to achieve a development that allows for a choice of means of transport to be used by future occupiers.

However, it is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. As this application is in outline form with all matters reserved except for access, no details of renewable energy proposals have been submitted. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted at the Reserved Matters stage, and subsequently implemented

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies however are considered to be in line with NPPF advice.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a smaller, non strategic land release attached to an existing estate.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and will be required to provide for highway works to improve the pedestrian environment on Canal Road/Canal Street

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is no significant failure to meet these and all such facilities are accessible to the site. The improvements to the Canal Road pedestrian environment will encourage more walking. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some grade 3a agricultural land, this is not a significant part of the site and the site is main 3b land the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss. Much of the sites identified within the SHLAA would also result in the loss of the better grades of agricultural land.

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

In a negative sense, however, the housing will be built on open countryside contrary to the provisions of Policy PS8 of the Local Plan. Although the proposal will not have a significant impact on the landscape character of the area given the impact upon the area of the existing housing development will to some extent be screened by the existing topography of the site and the rather than a large scale intrusion into the open countryside, this remains an important adverse impact.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on Countryside and the loss of agricultural land are outweighed by the benefits of the proposal in terms of residential provision and the provision of affordable housing. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- Amenity green space contribution for on site provision:

Maintenance: £ 11,352.00

Children and Young Persons Provision,

Enhanced Provision: £ 8,790.72
Maintenance: £ 28, 656.00

- Education Contribution in lieu of primary provision of £65,078 (based on 40 units)
- 12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure
- Contribution to Congleton Public Realm Strategy of £30,000

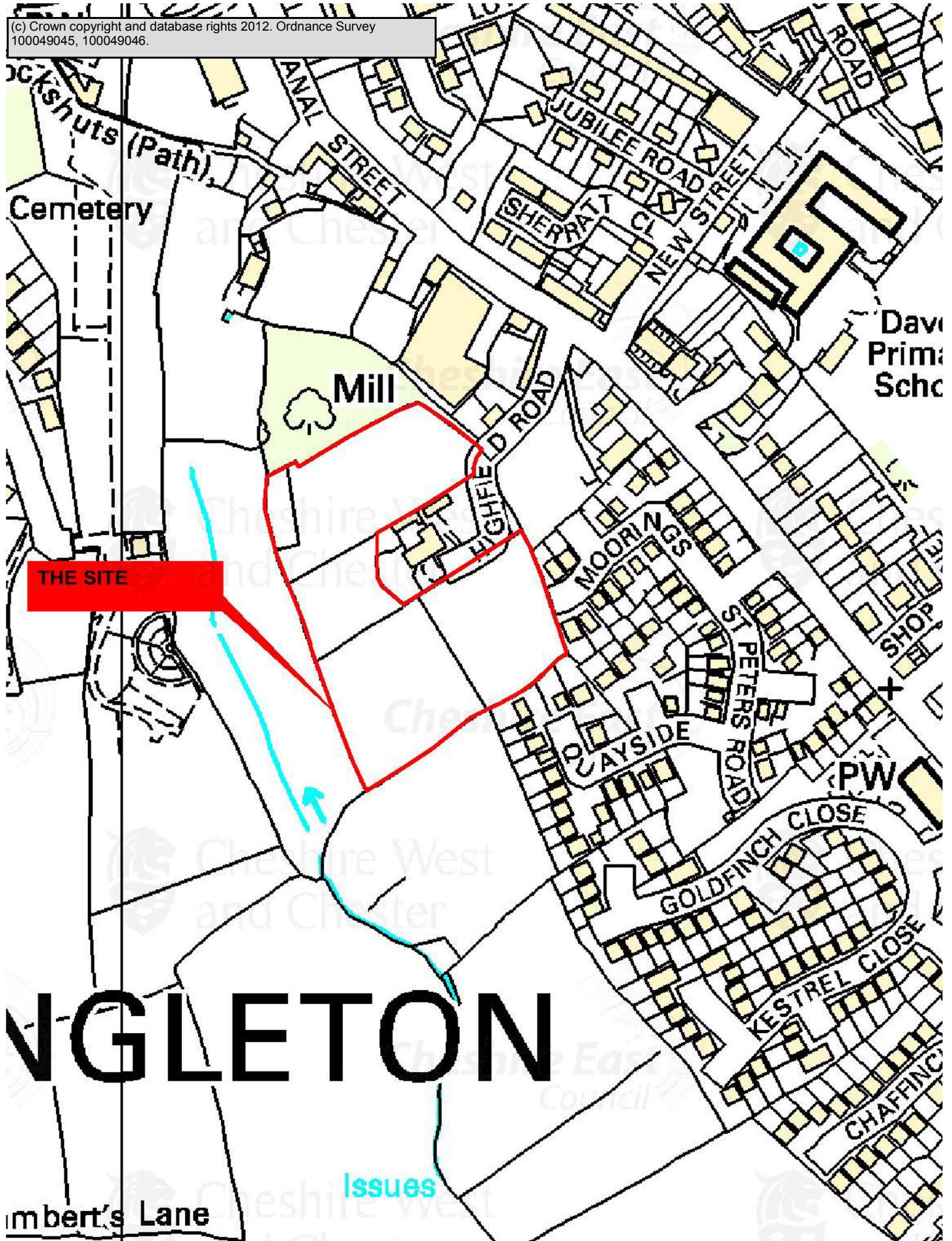
And the following conditions

- 1. Commencement – within 1 years of reserved matters**
- 2. Submission of reserved matters (all matter other than access) within 18 months or 12 months after the last reserved matter (whichever is later)**
- 3. Plans**
- 4. Reserved matters to include design coding in accordance**
- 5. Tree and hedgerow protection measures**
- 6. Arboricultural Method statement**

7. Landscape maintenance and management
8. Boundary treatments to be submitted with reserved matters
9. Reserved matters to make provision for habitat creation within indicative areas of open space
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes
12. Updated badger survey and method statement prior to commencement
13. Reserved matters to include details of 10% renewable energy provision
14. Submission of a scheme to limit the surface water run-off generated by the proposed development,
15. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.
16. Submission of a scheme of Sustainable Urban Drainage
17. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.
18. This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system.
19. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
20. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
21. Submission of scheme to minimise dust emissions arising from construction activities on the site
22. Submission of a Contaminated Land Phase II investigation.
23. Submission of Construction Management Plan
24. Right turn lane/Pedestrian refuge Canal Rd into to be provided prior to 1st occupation
25. The reserved matters application submitted pursuant to this outline planning permission shall provide a feasibility study, framework and schedule to improve pedestrian and cycling links between the site and Lamberts Lane
26. Landscaping to include replacement hedge planting
27. Arboricultural Impact Assessment and Tree Protection Plan to form part of the reserved matters
28. Implementation of a programme of archaeological work in accordance with a written scheme of investigation
29. Reserved matters to incorporate existing and proposed levels and boundary treatments
30. Reserved matters to incorporate design coding

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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Wigbert's Lane

Issues

WIGLETON

Application No: 12/0682C

Location: WOODSIDE, KNUTSFORD ROAD, CRANAGE, HOLMES CHAPEL, CREWE, CHESHIRE, CW4 8HL

Proposal: Creation of a New 27 No. Bedroom Hotel, 2 No. Garden Suites an a '19th hole' building with associated car parking.Minor Modifications to the Golf Course and Construction of 7 No. Dwellings to Kings Lane (as enabling development) for Community Leisure Facilities (Bowling green/Hut and 3 no tennis courts) to be provided within the Golf Course.

Applicant: Woodside Golf Club

Expiry Date: 27-Aug-2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

The principle of enabling development

Housing Land Supply

Sustainable Development

Affordable Housing

Tourism Related development

Jodrell Bank Interference

Landscape and Visual Impact

Design and layout

Highway Safety

REFERRAL

The application has been referred to Strategic Board because it is a major development comprising housing in the open countryside and is a departure from the Development Plan

1. SITE DESCRIPTION

The site comprises part of Woodside golf course which lies in the open countryside to the north of Holmes Chapel on the A50. The golf course comprises 9 holes, associated club house, car park and golf driving range. The golf course is accessed via the A50, a long

drive leads to the club house and golf driving range. The application site comprises circa 3.9 hectares of the golf course comprising the existing club house, car park, parts of the existing golf course playing area and a practice green. The site also extends to a circa 100m length of Kings Lane to the south of the site.

The application site is characterised by a large number of trees which define the nature of the area. A woodland tree preservation order (Kings Lane/Sandy lane (South) TPO 1997) adjoins the site and there are a considerable number of trees within the site. The golf course itself comprises 9 holes, tees, putting greens and fairways. A Bridleway passes through the golf course

The site is close to the M6 motorway. A small number of residential dwellings are located to the Kings Lane frontage and a further small number of large dwellings in generous gardens are located to Oak Tree Lane.

1. DETAILS OF PROPOSAL

The proposals are for a number of buildings across the application site. To the south, along the boundary with King's Lane the proposals include a small development of 7 no dwellings (5 detached and 2 semi detached), 4 of which are accessed off Kings Lane and 3 via a shared private drive; to the north of these is a 27 bedroomed hotel with 3 no detached suites next to the hotel, one of which is 'the 19th hole' function room, associated car parking and to the northwest the proposals include 3no tennis courts and a bowling green / bowling green hut. The hotel would incorporate a swimming pool, fitness suite, restaurant, and function rooms.

The houses are submitted as an enabling development for the provision of the tennis courts and bowling green which are proposed as being community facilities for use by local people for a nominal fee and yearly membership fee.

The car parking provision for the hotel and lodges will be 40 spaces and there are 10 additional spaces located to the south of the proposed bowling green. The existing car park comprising 92 spaces to the rear of the club house is unchanged.

2. RELEVANT PLANNING HISTORY

The Golf course has had a series of permissions in the 1990's relating to the change of use of the site to a golf course but there is none particularly relevant to the details of this application.

3. PLANNING POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

DP4 – Make best use of resources and infrastructure

DP5 – Managing travel demand

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change
RDF1 – Spatial Priorities
W7 Principles for Tourism Development
L1 Health, Sport Recreation Cultural and Education Services Provision
RT 9 Walking and Cycling
L4 – Regional Housing Provision
EM1 - Integrated Enhancement and Protection of the Region’s Environmental Assets
MCR4 – South Cheshire
EM17 Renewable Energy
EM18 Decentralised Energy Supply

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)
Policy 11 (Development and waste recycling)

Local Plan Policy

PS5 Villages in the Open Countryside
PS8 Open Countryside
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E5 Employment development in the Open Countryside
E16 Tourism and Visitor Development
PS10 Jodrell Bank Radio Telescope Consultation Zone
RC1 Recreation and Community facilities Policies

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance

Other Material Considerations

NPPF

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

North West Regional Development Agency Sustainability Checklist

4. OBSERVATIONS OF CONSULTEES

Jodrell Bank

Concern is raised about the impact that the development will have upon the operations of the telescope. This development appears to be in a direct line of sight to Jodrell Bank . There is little in the way of shielding by terrain, although there will be intervening 'clutter' from trees and residential developments in Goostrey.

The path loss is likely to be approximately 130 dB (at 1.4 GHz). Given the scale of the development, there are likely to be multiple devices operating any one time and Jodrell Bank are therefore concerned that radio interference generated from this development could exceed the ITU threshold and therefore the proposal will likely impair radio astronomy observations at Jodrell Bank Observatory.

United Utilities

No objection to the proposal. It should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Environmental Health

No objection subject to the following

- The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday: 08:00 to 18:00 hrs; Saturday: 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- Should there be a requirement to undertake foundation or other piling on site, it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 09:30 – 13:00 hrs; Sunday and Public Holidays Nil

- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment for contaminated land, which recommends a Phase II site investigation. As such, and in accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.

Strategic Highways Manager

The proposed mixed use development traffic generation does not have a material impact on the local highway network and no objections are raised in respect of highways impact.

The hotel and community facilities are accessed via the existing golf club access. The main access to the site is via the A50 Knutsford Road. Works to the main access are proposed to mitigate for the additional traffic generated. This is acceptable to the Strategic Highways Manager

However, sites are required to be sustainably located and this development does not have good footpath links and also has a very infrequent bus service that passes the site.

Therefore, there are elements of the proposal such as use of community facilities that are not sustainably located and as such objections are raised.

Housing

The proposed development exceeds 3 dwellings or 0.2ha so there is a requirement for affordable housing. As the proposed number of dwellings is 7 the requirement to deliver 30% affordable housing would be 2 affordable homes as the tenure split could not be provided as per our required 65% social rent, 35% intermediate split, 1 affordable home should be provided as social or affordable rent and 1 provided as intermediate tenure.

The Strategic Housing Market Assessment 2010 identified a need for 45 new affordable homes between 2009/10 – 2013/14 for the Holmes Chapel Rural sub-area (which also includes Goostrey, Swettenham & Twemlow), made up of a need for 6 x 2 beds, 1 x 3 bed and 2 x 1/2 bed older persons units. The Big Stone House development accommodates 10 units therefore there is a need for 35 affordable units in the sub – area.

The proposed houses are larger 4 and 5 bedroom properties and these would be unsuitable to meet the affordable housing need in the Holmes Chapel Rural sub-area – the evidence shows a highest need for 2 bed affordable homes, therefore in this instance a financial contribution would be more appropriate.

The financial contribution required in lieu of provision of affordable housing on site is calculated as being £204,567.

Visitor Economy

- Visitor numbers to the area for 2010 was 13.29m. It is clear from the data, that day visitors are the biggest market to Cheshire East, accounting for 10.39m of the overall visits. When comparing this to the overnight market, this is significantly lower; in 2010 there were 1.39m nights spent. This clearly highlights the potential of expanding that market with an improved destination offer
- Total value of east Cheshire's visitor economy is worth £578m, however the accommodation sector only accounts for £66m, highlighting the potential for growth.
- Over three quarters of establishments in Cheshire East are categorised as small with 10 or fewer rooms or units, highlighting the need for larger establishments.
- Guest Accommodation accounts for over half (55%) of all establishments in Cheshire East with Self Catering accounting for 28% of the total. Hotels make up just 6% of establishments in the area, albeit that they account for over 30% of total bed spaces

Sports Development Officer

There are a number of tennis courts and clubs in the local area. Cranage Hall (1 mile away) has 1 court, Goostrey Tennis Club (2 miles away) has 3 courts, Holmes Chapel Leisure Centre (2.5 miles away) has 4 courts and The Victoria Club, Holmes Chapel (2.5 miles away) has 3 courts. There are also community tennis facilities in Sandbach, Middlewich and Knutsford.

There are also bowls facilities at Cranage (1 mile away), Goostrey (2 miles away) and The Victoria Club, Holmes Chapel (2.5 miles away) which have clubs operating from them.

Tree Officer

The relationship between proposed dwellings and roadside hedge and trees on the Kings Lane frontage is such that future residents could suffer from some shading and dominance issues. Proposed areas of hard surfacing extend into tree root protection areas and would require special construction techniques. Whilst protective tree conditions could be applied, the residential development could have long term negative impacts on trees the loss of which would be detrimental to the character of the area. To some extent potential tree losses could be mitigated by additional planting although no detailed landscape proposals have been provided.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Cranage Parish Council – No objection to the application

6. OTHER REPRESENTATIONS

70 Representations of support have been received via email and letter. Addresses quoted include Cranage and Holmes Chapel and extend to Wilmslow, Winsford, Knutsford, Alsager, Congleton, Haslington, Preston, Stockport, Sandbach, Twemlow and Middlewich. The majority of these are from members of the golf club.

Fiona Bruce MP has written in support of the proposal on the grounds that the proposal will provide for 'much needed family based, all age sporting facilities in the local area'

'Friends for Leisure' – A Congleton based Group which offers friendship and leisure opportunities to disabled children and young people across Cheshire East support the proposal. They focus on enabling disabled young people to access mainstream leisure opportunities within their local community, in the same way as their non-disabled peers. They have had positive feedback from their members about activities they have undertaken at the golf club

Over the last two years Friends for Leisure have been able to use the facilities at Woodside Golf Club during summer holiday programmes and we would welcome any addition to the existing facilities

A Middlewich based business who has done business with the Golf Club offers support on grounds that the proposal will create jobs and growth

Representatives of local sports teams such as football and basketball (Cheshire Hornets) have submitted representations of support on the grounds that they will be able to use the facilities for training and will enable them to secure more players/develop their teams.

The Bowls Section of Alsager Golf & Country Club consider the proposal would be a welcome addition to the Bowling fraternity in this part of South Cheshire., at a time when a number of local clubs are struggling to provide & maintain the facilities the local Bowling Leagues & Associations require. Alsager Bowls Club support the proposal.

Grounds for support expressed in the representations

Scheme will extend facilities at the golf club, which will assist in its future viability

Job Creation

Add to tourism and be beneficial to the economy

Contribution to tourism for the area

The Homes are high quality

Local People from Cranage will be able to have a family membership (£5 per annum) and thereafter use the facilities for a nominal fee.

Enable Improvements at the golf club

Will improve sports facilities in the local area

Proposal will add to the range of sports available, can potentially play golf, swim, possibly work at the site

Proposal is in keeping with the rural area

The reasonable prices to be charged would be a bonus for families

The proposal may lead to other improvements (e.g. a afternoon bus service in Byley)

Attracting people from other areas into Woodside would create more business in the area

Proposal will give young people somewhere to pass their time being encourage to play different sports

Will enable the club to expand the number of holes, provide the area with further sports facilities(tennis, bowls etc)

Will enable golf club members to play different sports

The additional houses will add value to other houses around

12 letters/emails comprising Objections have been received. The addresses quoted are from local residents (quoting addresses in the immediate locality to the site) The grounds of objection are :

Contrary to the Local plan

Development is out of place with Cranage

Houses would set a precedent

It appears that the housing comes first with no guarantees over the new golf club facilities or community facilities.

Houses are not in keeping with the area

Proposal offers nothing that is not already available

If the hotel is a reasonable business proposition then why is there a need for funding through the construction of 7 houses?

All construction traffic/servicing for the lodges and proposed hotel is via Kings lane which is a single track road and entirely unsuitable for these types of traffic demands.

Increased traffic to Kings Road as a result of the proposed dwellings

Unclear if the proposed facilities sporting facilities are for the sole use of residents or whether they are to be shared with hotel guests

Cranage already has a bowling green, according to the application detail is 'rarely used' – why then is this bowling green necessary?

Cranage has tennis courts , just over a mile away so no need for the proposal

The proposed tennis courts and bowls facilities will take support away from the existing tennis court and bowling green in Cranage

as residents would need to travel to the golf club and facilities by car as there is The proposal will result in more car borne traffic – there is no footpath to enable people to walk there to prevent people having to use their car.

The plans are not what have been shown in pre-consultation

There are 3 Hotels within 2 miles of the site the cottage 2 miles down the road, cranage hall 500 yards away and a newly re-furbished 25 bedroom hotel only 1 mile away – is there any need for this hotel. We should be supporting these businesses not cutting their legs from under them

The vast majority of support comes from members of the club or the family

No Guarantee the facilities for the community would ever happen and there is no guarantee for the community that they will be able to benefit from the proposed facilities

No proven need from the development

Impact upon the service lane for local residents

Impact upon infrastructure – sewers/drains cant not cope with the amount of development

The proposals can not fit on the site without 'buying up land'

Site is Open Countryside

Majority of people in Cranage other than Oak Lane, Middlewich Road and Kings Lane know nothing of the proposals

Most supporters are from outside the area

Will the Hotel ever be built or will it be that only the houses are built

Many other hotels are closing down

Are the trees on site protected

The proposed community use can not be enforced via S106 – the community facilities would have to be gifted to the Council

The crowded nature of the housing layout is out of character with the area Residents of the area should be asked what recreational facilities they want rather than being offered facilities that already exist in the area

7. APPLICANT'S SUPPORTING INFORMATION:

- Waste Management Plan
- Geo-Environmental Statement
- Individual Renewable Energy Assessment, Sustainability Appraisal and Climate Change Statement for the Houses, Lodges and the Hotel (Individually)
- Flood Risk Assessment
- Design and Access Statement
- Transport Assessment inc framework Travel Plan
- Section 106 Heads Of Terms
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Statement of Community Involvement including questionnaires
- Business Plan for Hotel
- Tourism Strategy and Market Need Assessment
- Building Costs Estimates

Copies of these documents can be viewed on the application file.

8. OFFICER APPRAISAL

The Concept of Enabling Development.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are normally put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case the 7 new dwellings that are proposed are contrary to planning policies because they would constitute development within the Open Countryside, where there is a general presumption against new residential development. Accordingly, the application has been advertised as a departure. The case for the Applicant for the housing being treated as enabling development is that the funds that would be generated by the development of these houses would enable the Applicant to fund the delivery of the community facilities in the form of a bowling green/hut and 3no tennis

courts for the use of the people of Cranage (the tennis courts are also referred by the Applicant as Multi -Use Games facility however no plans have been provided to illustrate this).

The Proposal also includes a 27 bedroom hotel, with swimming pool, fitness suite, restaurant, and function rooms. None of these items however, are put forward within the planning application as part of the community facilities, although a number of the replies from people to the public consultation exercise, and within the comments received as part of the neighbour consultation process within this application appear to have an expectation of being able to use more than the tennis courts and the bowling green as part of the community facilities.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development.

With specific regard to Enabling Development, Para 55 of the NPPF seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and specifically refers to the circumstances where enabling development is appropriate and states;

*'.. Local planning authorities should avoid new isolated homes in the countryside unless there are **special circumstances** such as (amongst other things)*

- *where such development would represent the optimal viable use of a **heritage asset** or would be **appropriate enabling development** to secure the future of **heritage assets**;*

The NPPF goes on to say at paragraph 140:

*"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would **secure the future conservation of a heritage asset**, outweigh the disbenefits of departing from those policies."*

In determining this case, the housing is put forward as being the enabling development to fund the delivery of the community facilities - the tennis courts and the bowling green/ bowling green hut.

The community facilities are not a heritage asset as referred to within the NPPF and there are no listed buildings/heritage assets on this site. Accordingly, it is considered that to treat the housing as enabling development would be a mis-application of planning policy in this instance.

It is not possible for the Local Planning Authority to split a planning decision. Given the location of the site in Open Countryside and the general presumption against housing proposals in such locations, it therefore follows that consideration should be given to whether there are any other material planning considerations which would outweigh the general presumption against the creation of housing in the open countryside. These will be dealt with below :

Housing Land Supply

The NPPF clearly states at paragraph 49 that:

*“Housing applications should be considered in the context of the presumption in favour of **sustainable** development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;*
- or*
- *specific policies in the Framework indicate development should be restricted.”*

The location of the houses

The site is in an isolated position as part of an existing golf course accessed via Knutsford Road and having a small area of frontage to Kings Lane. The houses will be accessed via Kings Lane.

To aid the assessment as to whether this site comprises a sustainable location for the residential development, and thus whether the policy presumption in favour of the sustainable housing development in the light of Para 49 of NPPF should apply in this case. The toolkit which was developed by the former North West Development Agency is a good rule of thumb.

With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. However, as stated previously, these are just guidelines and are not part of the development plan.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case, the Application, in keeping with the isolated rural nature of this site, significantly fails the majority of these sustainability distances.

An assessment undertaken by Officers indicates that the houses were within a sustainability compliant distance for a post box (Kings Lane/Oak Lane) and a bus stop on Knutsford Road (which has an infrequent service)

The purpose of this assessment is to provide an indication of the extent to which potential future users of a site could walk to access key services and amenities.

The Applicant considers that the golf club house is a community facility with a club room that can be available, the applicant also proposes to provide a post office on site and a retail store and a bank machine will be provided in the hotel. However, it is clear, even if there was a retail shop selling day to day groceries/ post office performing all the functions such as payment of bills/car tax etc were to be provided on this Golf Course part of the site, such facilities could not be controlled in planning terms and such facilities/ works of operation development do not form part of the application, in any event.

However, It is acknowledged that sustainable development extends to more than merely locational characteristics of a site. Key extracts from the NPPF which have a significant bearing on the appraisal and determination of this application , including the hotel are :

There are three dimensions to sustainable development: economic, social and environmental...The economic role is about...contributing to building a strong, responsive and competitive economy...The environmental role is about...contributing to protecting and enhancing our natural, built and historic environment...These roles should not be undertaken in isolation...

A set of core land use planning principles underpin plan-making and decision-taking, which include (amongst many other things)...*supporting a prosperous rural economy by taking a positive approach to sustainable new development...support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship...*(Para 28 NPPF)

Policy RDF2 of the Regional Spatial Strategy notes that in rural areas innovative and flexible solutions are needed towards supporting a more diverse economic base whilst maintaining support for agriculture and tourism.

It is noted that tourism is an important factor in diversifying and strengthening the rural economy but needs to be sustainably located. The RSS also notes that the majority of rural areas are used for agriculture, forestry and various other land based industries including fisheries. It states that such activities should be supported where they are sustainable in nature and contribute to the rural environment and economy.

Policy W6 notes that development for tourism should seek to deliver improved economic growth and quality of life, through sustainable tourism activity in line with the principles of Policy W7 and RDF2. Development should be of an appropriate scale, and be located where the environment and infrastructure can accommodate the visitor impact.

Policy W7 states that plans and strategies for tourism development which improves the region's overall tourism offer, promote facilities which extend the existing visitor season, harness the potential of sport and recreation and improve the public realm and developments which are viable in market and financial terms. The maintenance and enhancement of existing tourism development will be supported where proposals meet environmental and other development control criteria. There are no specific policies in relation to the provision of holiday accommodation in the RSS.

Tourism Related Development and the Community Facilities

A 27 bedroom hotel and 2 self catering garden suites forms part of the application. The proposed tennis courts and bowling green are not for the exclusive use of local residents so it is entirely likely the facilities would also be available to any future guests of the hotel or users of the golf course (as suggested by the representations submitted in support of the application).

The Tourism Department advise the following (with respect to tourism related development in Cheshire East as a whole):

- Cheshire East figures for 2010 (latest figures available) show that staying visitors are increasing but the proportion of staying visitors needs to be increased:
 - Day visitors contributed £402m (70% of the visitor spend)

- Staying Visitors contributed £176m (30% of the visitor spend)
- Within a radius of 3 miles of Cranage there is only one medium/large hotel currently open; Cranage Hall. It is anticipated that the target market of these 2 hotels will be sufficiently different to compliment each other. There is one other hotel close by, Ye Olde Vicarage Hotel which has been closed for 2 years. This hotel is currently closed but is in the process of being renovated.
- The nearest hotel and golf course accommodation is the Mere Golf & Spa Hotel outside of Knutsford. The clientele for this establishment would be different to that of Woodside Golf Club.
- Of all recorded accommodation within Cheshire East, less than 1% is rated at 5 Star and only 21% is rated at 4 Star. However the 4 Star sector is predominately bed & breakfast accommodation, as there are only 9 hotels within Cheshire East that are classed as 4 Star.
- Total value of east Cheshire's visitor economy is worth £578m, however the accommodation sector only accounts for £66m, highlighting the potential for growth within that sector.
- Over three quarters of establishments in Cheshire East are categorised as small with 10 or fewer rooms or units, highlighting the need for larger establishments.
- Guest Accommodation accounts for over half (55%) of all establishments in Cheshire East with Self Catering accounting for 28% of the total. Hotels make up just 6% of establishments in the area, albeit that they account for over 30% of total bed spaces.

The Hotel Accommodation will be aimed at golfing clientele and will comprise a modular construction in three parts which the Applicant will develop over time. 27 bedrooms, a Michelin Star restaurant, a swimming pool and fitness suite, 2 self catering garden suites and a '19th' hole function suite will be developed overlooking the golf course. The Business Plan sets a series of aspirations.

The Applicant has confirmed, however, that the Hotel is a stand alone element of this scheme and could be independently provided without the need for any enabling development.

There are undoubted benefits of the proposal in terms of job creation within the tourism sector and the additional economic activity in the local economy that that this would bring. The site is however, very isolated and future guests, particularly if they are on a golfing holiday will more than likely arrive at this site via their own car. Given the isolation of the site and lack of connectivity via footpaths/PROW's there would be little choice other than to use their car if future guests wished to visit the wider area or the village of Cranage. The development therefore is very likely to be almost exclusively car based. Whilst the Travel Plan submitted refers to possible car sharing by workers, and this is a benefit, little consideration has been given to how visitors to the hotel and users of the community facilities will be able to utilise a choice of means of transport to the site.

Jodrell Bank Interference

The University of Manchester objects to the proposals on the basis of the potential interference from electrical items within the properties and the hotel affecting the working of the telescopes at Jodrell Bank.

Jodrell Bank Observatory conducts world-leading research using the 76-m Lovell Telescope. In addition, it operates e-MERLIN as a UK national facility, an array of telescopes in which signals from other radio telescopes across the UK are combined, together with those at Jodrell Bank, to produce images at radio wavelengths with similar detail to those produced by the Hubble Space Telescope. The team studying pulsars use the Lovell Telescope for much of their work and is recognised as one of the leaders in this field, using detailed timing observations to make the tests of Einstein's theories of relativity and probe the physics of objects so compact that a teaspoonful would weigh a billion tons.

The University of Manchester, Regional Development Agencies, and national research funding bodies have invested millions of pounds over the last few years in the development and operation of the telescopes and equipment as well as the development of a new Discovery Centre to communicate this research with the public.

The astronomical signals studied by radio astronomers are extremely weak: that is such large dishes equipped with the most sensitive receivers, cooled to less than -250 C are used. Many radio observatories are located in remote regions away from sources of terrestrial radio interference, in some cases with legal protection against interference and residential/commercial development. The observatory at Jodrell Bank, must rely on consultation within the local planning procedure.

The threshold for harmful interference to radio astronomy observations is set out in the recommendation of the International Telecommunications Union (document ITU-R 769). This quantifies the average flux density from a harmful interfering source, as received at the by a telescope, (assuming that the telescope is not pointed towards the interfering source (0dBi gain).) This threshold is used both nationally and internationally to protect radio astronomy observatories. This threshold is also used as the basis of shared access to parts of the radio spectrum administered by Ofcom in the UK. In particular, there is a 50km protection zone for recognised spectrum access (RSA) centred on Jodrell Bank Observatory and other radio telescopes in the UK, which is taken into account by Ofcom for the planning of radio links and the licensing of other radio transmission equipment. The basis of the protection is that emission from a planned link or equipment should not exceed the ITU-R 769 threshold at that frequency.

Many domestic devices and appliances produce radio emissions, whether intentionally or otherwise, across a wide range of frequencies. Consequently unintentional emissions occur at frequencies used at Jodrell Bank and internationally for radio astronomy.

This approximate calculation indicates why observations are already affected to some degree by radio interference from many sources. The fact that they can still make world-class observations is because in most cases, strong, short-lived interference can be recognised and removed from the data. Lower-level continuous interference can increase the general noise level and means that in general observations need to be made for longer and hence at greater cost to achieve a given sensitivity.

These calculations are indicative and approximate: In practice, the strength and nature of interference varies greatly, as does the ability to mitigate the effects of interference using sophisticated signal processing techniques and careful editing of data. Clearly,

astronomers at JBO are able to operate at present, and carry out experiments, but they often rely on a wide range of techniques to reduce the impact of interference. This takes considerable effort and every increase in interference requires more effort and further developments in signal processing and analysis. Moreover, each increase in interference has the potential to make certain observations impossible, depending on the characteristics of the new source of interference. This is already starting to happen in some cases.

The potential for interference increases with the number of dwellings and the scale of the development and its distance from Jodrell Bank and the above approximate calculations show why we are concerned about a development of this size.

A recent Ofcom study suggests that for a typical house, the effective number of devices in terms of interference, is between 2 and 13. For the mixture of houses, garden suites, hotel and leisure facilities in the original proposal, Jodrell Bank estimate that the equivalent total number of devices might be between the range of 30 to 200.

With additional shielding, a single device would be below the threshold by a factor of 3 - 7. The whole development could therefore exceed the threshold by a factor of 4 - 66. This is a cause for concern for Jodrell Bank.

The continued operation of the Telescope is a very important material consideration to which significant weight is given.

Landscape Impact

The Landscape and Visual Impact Assessment submitted with the application identifies the National and Cheshire East baseline landscape character and describes the landscape in the locality of the application site.

The Cheshire Landscape Assessment 2008, adopted in March 2009, identifies this area as being in Landscape character Type 1, Sandy Woods. The key characteristics of which are large areas of woodland, active and inactive sand quarries, low density settlement and recreation features such as golf courses. Within this character type the application site is within the Rudheath character area (SW2), an area that appears as a flat, large scale landscape due to large fields, many of which are defined by blocks of trees. The M6 forms a significant impact in this landscape, although the presence of mature roadside planting means that it is not as visually intrusive as it might be. The application site itself has many of these characteristics and is very representative of this character area.

To the north of the application site, set well within the grounds of the golf course and screened by substantial tree belts in the wider landscape there lies the hotel building with a number of detached suites and associated car parking. To the northwest of these the proposals include the tennis courts and a bowling green.

The visual analysis does indicate that there will be views of the hotel building from the bridleway (BR8 Cranage) that crosses the golf course, but states that the proposed residential properties along King's Lane 'will themselves screen the proposed hotel

complex from the southwest'. While it may be the case that the proposed residential dwellings along King's Lane may screen the proposed hotel complex, these dwellings will themselves have a significant and detrimental landscape and visual impact upon the area.

To the south, along the boundary with King's Lane the proposals include a number of dwellings, the Councils Principal Landscape Architect is of the opinion that the significance of landscape impact of the proposed dwellings along King's Lane would be moderately adverse, rather than 'neutral' or slightly adverse, as indicated in the landscape assessment submitted in support of the application. It is also considered that the visual impact will be far more significant than the assessment indicates, especially for the proposed dwellings along King's Lane, an area that is currently agricultural in character and that will, with these proposals become suburban in character.

The proposals need to address the landscape and visual impact the at the hotel complex itself would have, particularly from Bridleway BR8, located to the north of the proposed hotel. The proposed site plan shows little attempt at mitigation.

Whilst this could be addressed by condition, the same could not be said in respect of the proposed residential development along King's Lane which would have a significantly adverse landscape and visual impact on the surrounding area. The housing part of the proposals is considered contrary to policy GR5 of the Congleton Borough Local Plan, since in landscape character terms it neither respects or enhances the landscape character of the area.

Design and Layout

The Hotel and Garden Suites

The hotel is a substantial building comprising part basement, ground and 2 upper floors. It is sited close to the existing single storey club house and car park. The building would contain timber framed details to the frontage but would in the main be of brick construction with extensive areas of glazing to the frontage.

Whilst a tall building, it is relatively well screened from areas outside the site. The Garden Suites are in essence self catering units adjoining the hotel. Their design mirrors that of the hotel.

The Houses

The properties are traditional pitched roofed dwellings which incorporate many features such as gables and window head details that are typical of many farmhouses. From a design perspective, there are other substantial detached properties in the vicinity on Kings Land and taking into consideration the overall height of the previously approved office building, it is considered that the design of proposed dwellings would be in keeping with the character of the surrounding houses.

Highways – Traffic Generation, Sustainability

The site is located in a rural location and some distance from Holmes Chapel, whilst, the A50 Knutsford Road does not have congestion problems and therefore the traffic associated with this proposal can be accommodated on the road network and there is likely to be sufficient parking capacity on site to not give rise to any highway safety concerns on the surrounding road network.

The main concern regarding the development is one of sustainability and accessibility of the site to a choice of means of transport. It is considered that the proposals various elements will almost be totally car based as the site is situated in a isolated rural location.

There are community based facilities proposed at the site. A great deal of representation has been received from community groups, sports clubs which demonstrates that a variety of groups are hoping to use the community facilities', including Basketball teams, a local football team and Alsager Bowls Club.

The site, however, is isolated and not close to a choice of means of transport. The area is not well served by public transport and the A50 Knutford Road contains no pavement for its length to the closest bus stops. In addition, the local bus service is infrequent. If use is to be made of these facilities by the community then as the site is not linked by footpaths, walking to the site is not possible and using the limited bus services along the A50 is not a realistically practical alternative.

The applicant has provided a travel plan as part of the application to encourage modal shift. However, it is considered most green travel initiatives will struggle as the Hotel guests will be car based, trips to use the community facilities would also be car based as public transport is very infrequent.

It would be possible for the staff to car share but this depends usually on staff living or travelling from similar locations. Therefore, overall the travel plan would not have any effect on modal shift for visitors to the site, in the opinion of the Highways Manager.

Traffic generation would not have a material impact on the local highway network and there would be sufficient car parking. However, sites are required to be sustainably located and this development does not have good footpath links and also have very infrequent bus service that passes the site.

Therefore, there are elements of the proposal such as use of community facilities that are not sustainably located and as such the Highways Manager objects to the proposal.

Ecology - Protected Species & Nature Conservation

The Nature Conservation Officer has concerns that the Ecological Phase 1 report originally submitted, did not include the results of a protected species records search. This was subsequently submitted and showed that roosting bats, badgers and Great Crested Newts do not present a constraint to the site.

A tree on site has been identified as having potential to support roosting bats. This tree is identified as Target Note 1 on the submitted phase 1 habitat survey map. However, the

Application detail is unclear as to whether the tree is to be removed. A condition, could however, ensure the tree is retained.

Evidence of hedgehog activity has been recorded on site. This species is a Biodiversity Action Plan species and hence a material consideration.

The proposed development is unlikely to significantly affect his species and the ecological assessment includes brief proposals to mitigate any risk of hedgehogs being disturbed or injured.

Conditions could be imposed to ensure the protection of breeding birds and that the hedgerow on the eastern boundary of the site should be retained and it is considered that these would meet the necessary tests in Circular 11/95.

Affordable Housing

This application was initially submitted without any contribution of affordable housing. However, in settlements of less than 3,000 population, lower thresholds will apply. It goes on to state that monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives.

The Strategic Housing Market Assessment 2010 identified a need for 45 new affordable homes between 2009/10 – 2013/14 for the Holmes Chapel Rural sub-area (which also includes Goostrey, Swettenham & Twemlow), made up of a need for 6 x 2 beds, 1 x 3 bed and 2 x 1/2 bed older persons units. During the course of the application, Cranage Parish Council took the decision not to sell the land adjacent to 5 Middlewich Road for 10 affordable units.

Therefore due to the site being in a settlement with a population of less than 3,000 and the proposed development exceeding 3 dwellings or 0.2ha there is a requirement for affordable housing. As the proposed number of dwellings is 7 the requirement to deliver 30% affordable housing would be 2 affordable homes as the tenure split could not be provided as per our required 65% social rent, 35% intermediate split, 1 affordable home should be provided as social or affordable rent and 1 provided as intermediate tenure.

The proposed houses were larger 4 and 5 bedroom properties and these would be unsuitable to meet the affordable housing need in the Holmes Chapel Rural sub-area which shows a highest need for 2 bed affordable homes, therefore in this instance a financial contribution would be more appropriate.

The dwellings being proposed at this site are larger 4 and 5 bedroom houses with sizes between 190m² and 220m² with an estimated OMV of £625,000, on this basis, the

Strategic Housing Manager has advised that a financial contribution of £204,567 would be appropriate in lieu of on site provision of affordable housing. The Applicant has recently accepted this. The Applicant initially considered that there was no affordable housing requirement.

Members will be aware, however, that this financial contribution, given that the housing is submitted as enabling development for the community leisure facilities inevitably results in a recalculation of the amount of enabling development necessary to provide the community facility.

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenity of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space), sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity space provided for the new dwellings would be satisfactory. There is no objection to the dwellings in amenity terms. In addition, the hotel element and the proposed sporting facilities are some distance from the

Whilst some objections have been raised by local residents concerning disturbance during building works, it is considered that conditions could be imposed that would adequately safeguard amenity.

Heads Of Terms

The applicant has submitted that they would be willing to enter a s106 legal agreement in respect of affordable housing.

Draft Heads of Terms were also submitted that sought to allow the use of the community facilities for the people of Cranage. Such a proposition would be very difficult to monitor and enforce and since it is not the intention of the Applicant to provide the community facilities for their exclusive use of the residents of Cranage, any such S106 Agreement would be tantamount to buying a planning permission and would not comply with the CIL Regulations.

However, if Members would wish to grant permission, the following heads of terms is appropriate;

- The payment of £ **£204,567** in lieu of on site provision of affordable housing

Payment of the commuted sum would be requested prior to first occupation of the proposed development and the legal agreement would need to be signed prior to determination

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of a commuted sum payment in lieu of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

10. RECOMMENDATION

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

There are benefits, namely the contribution to tourism and potential employment generation in the rural area and the economic benefits that would be generated as a result of the tourist and employment development, however. these would not outweigh the policy presumption against the housing in the Open countryside.

The proposal as put forward can not be treated as enabling development because the provision of the houses to put the funding in place for the provision of tennis courts and a bowling green/hut (i.e. the community facilities) which will be made available for the use of local residents as well as others is not a heritage asset nor or there any heritage assets on the site.

In addition. there is insufficient public benefit arising from the proposed dwellings as an enabling development for the community facilities given the isolated nature of the site away from the main settlement of Cranage the proposed community facilities will be car dependent and therefore unsustainable.

Whilst the LPA does not currently have a five year supply of housing, the dwellings are not sustainably located and therefore the presumption in favour of sustainable development in line with Para 49 does not apply. Accordingly in terms of housing land supply the Development Plan is not out of date.

The community facilities as proposed are remote and inaccessible to a choice of means of transport. Users will be reliant upon their car and whilst a Travel Plan has been submitted,

it fails to mitigate for the inherently unsustainable location of the proposed community facilities.

The proposals will adversely affect the Jodrell Bank Telescope and the proposed dwellings will adversely impact upon the Landscaped and Visual Character of the area.

The proposed housing development would be contrary to the Open Countryside Policies and for the reasons identified can not be treated as being enabling development. The economic benefits and tourism generated would not outweigh the presumption against the inappropriate and unsustainable development.

RECOMMENDATION

Refuse for the following reasons:

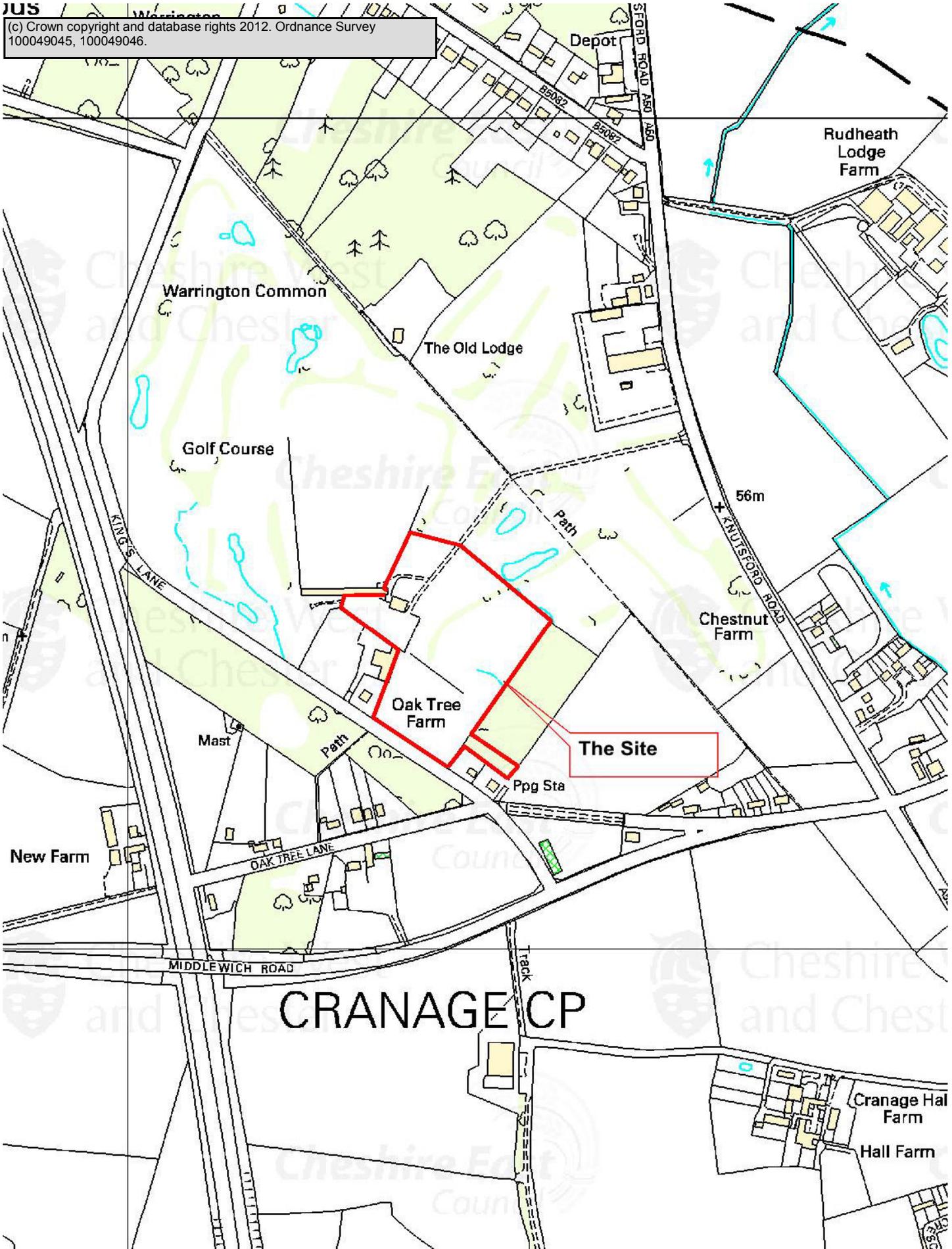
In the opinion of the Local Planning Authority, there is insufficient public benefit arising from the scheme to outweigh the harm in terms of new residential development in the Open Countryside. The proposal is therefore contrary to the provisions of Policy PS8 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the advice given in the National Planning Policy Framework in respect of enabling development.

The proposed dwellings located to the Kings Lane frontage will result in the erosion of the landscaped character of this rural location. To allow the development would be detrimental to the visual amenity and landscape character of this area of open countryside, contrary to policies PS5 (Villages in Open Countryside) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review 2005.

The proposed site for the community facilities are in an isolated position away from the village of Cranage. Roads from the site to Cranage are unlit, do not have footways and do not have a frequent bus service. Accordingly users of the community facilities would be reliant upon the motor vehicle to access the site. This is contrary to Policy RC1 of the Congleton Borough Local Plan First Review and Policy L1 of the North West of England Plan Regional Spatial Strategy to 2021

The proposal, by virtue of its scale and of amount of radio interference generated will have a detrimental impact of the scheme on the efficient operation of the Jodrell Bank Observatory and its internationally important work. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 that seeks to limit development that impairs the efficiency of the Jodrell Bank radio telescope.

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Application No: 12/3020N

Location: New Start Park, WETTENHALL ROAD, REASEHEATH, NANTWICH, CHESHIRE, CW5 6EL

Proposal: Removal of Condition 1 of 09/4331N - Change of Use as a Residential Caravan Site for 8 Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstandings and Provision of Foul Drainage

Applicant: Mr Gwyn Hamilton

Expiry Date: 26-Sep-2012

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Site History;
- Main Issues;
- Principles of Development;
- Sustainability; and
- Demonstrable Need

DESCRIPTION OF SITE AND CONTEXT

The application site is situated wholly within the open countryside, adjacent to an equine complex which includes a small stable block and outdoor manege. The site measures approximately 1.2 ha and is laid out for 8 caravan pitches. The access has been taken from an existing field gate with a gravelled drive way running through the first field towards where the pitches are located.

The site itself lies approximately 1.7km from the edge of Nantwich, west of Reaseheath Agricultural College. There are a number of residential properties within the vicinity, with the nearest being located approximately 68m away to the east.

The boundaries of the site are defined by hedgerows comprising native species. The hedge line is punctuated at sporadic intervals with mature trees.

DETAILS OF PROPOSAL

This application is for the removal of condition 1 relating to a temporary consent attached to planning application 09/4331N at New Start Park, Wettenhall Road, Reaseheath, Nantwich.

RELEVANT HISTORY

09/4331N - Change of Use of Land to Use as a Residential Caravan Site for 8 Gypsy Families, Each with 2 Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstanding and Provision of Foul Drainage – Refused – 15th June 2010 – Appeal Allowed – APP/R0660/A/10/2131930 – 21st January 2011

10/2810N - Change of Use of Land to Use as a Residential Caravan Site for Eight Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Layout of Hardstandings and Provision of Foul Drainage – Refused – 16th September 2010

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework
Planning Policy for Traveller Sites

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.2 (Open Countryside)
NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
E.6 (Employment Development within the Open Countryside)
RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries)
RES.13 (Sites for Gypsies and Travelling Showpeople)

Cheshire 2016 Structure Plan Alteration:

HOU6 (Caravan Sites for Gypsies)

Other Documents

Interim Strategy on Gypsy and Traveller Accommodation Needs

CONSIDERATIONS (External to Planning)

Ecology: No objections

Environment Agency: No objections

Landscape: No objection subject to a scheme of landscaping.

VIEWS OF THE PARISH / TOWN COUNCIL

After only one and half years we believe it is too early to consider this. The Parish Council accepted, albeit reluctantly, the Inspectors decision to grant five years temporary permission. This was given under his assertion that five years was a reasonable period to enable Cheshire East to put together their plan for legal alternative sites for gypsies and travellers. Therefore, as a Parish Council we conclude that Cheshire East should be given this time and the temporary permission should run its' course.

Cheshire East is taking its responsibilities to the needs of Gypsies and Travellers very seriously and money has been allocated to initiate the process of developing alternative legal sites, and this process should be allowed to continue in order that this allocation is not wasted, and that sites without permanent planning consent do not default to permanent sites during this period which was the basis of the Inspectors decision

The inspector further concluded that the site was harmful to the local area, but that the need for sites outweighed this at that time hence the temporary permission. Since that time circular 1/2006 has been superseded by new guidance published March 2012, and this document clearly suggests that this five year period should be adhered to.

The Inspector also concluded in his report that the location of the site was unsustainable. As a Parish Council we see that nothing has changed fundamentally to change this and that the sustainability is still as poor as it was when the temporary permission was granted, and the change of the temporary permission to permanent would be contrary to the National Planning Policy Framework.

As a Parish Council we have a responsibility to the residents in the immediate area adjacent to the site, and to their rights. There has been some activities carried out by New Start residents that are contrary to the quality of life previously enjoyed by these residents prior to December 2009:

- light pollution from site lighting that is not sensor activated, but remains on throughout the night time hours, clearly outlining the site from several hundred metres away. Street lighting totally unsuitable to the area was removed after resident protest and local councillor intervention
- the regular pumping of foul smelling water at weekends onto Wettenhall Road, exacerbating the already high level of the water table and flooded ditches in the area, and leaving a long stretch of the highway flooded for many days. Hedges opposite the site are also showing signs of "die back".

OTHER REPRESENTATIONS

20 letters of objection have been received regarding the proposed development. The salient points raised in the letters of objection are as follows:

- Five years temporary permission has already been granted, so that the Council could identify alternative sites;
- The land in question is agricultural land not building land;
- The park is out of character with the surrounding landscape;
- The proposal is already causing traffic problems in the area and there is likely to be an accident;;
- If this application is approved the park will continue to grow;
- The site is poorly located;
- The proposal is clearly in conflict with Local Plan policy and National Policy;
- The proposal is an inappropriate form of development within the open countryside;
- Cheshire East is taking its responsibilities to the needs of Gypsies and Travellers very seriously and money has been allocated to initiate the process of developing alternative legal sites, and this process should be allowed to continue in order that this allocation is not wasted, and that sites without permanent planning consent do not default to permanent sites during this period which was the whole basis of the Inspectors decision;
- The inspector further concluded that the site was harmful to the local area, but that the need for sites outweighed this at that time hence the temporary permission. Since that time circular 1/2006 has been superseded by new guidance published March 2012, and this document clearly suggests that this five year period should be adhered to;
- The Inspector also concluded in his report that the location of the site was unsustainable. I cannot see that anything has fundamentally changed to change this, and that the sustainability is still as poor as it was when the temporary permission was granted There is also a view, that I also adhere to, that the change of the temporary permission to permanent would be contrary to the National Planning Policy Framework;
- Environmental concerns raised by the Inspector remain relevant. The temporary nature of the permission sought to avoid "permanent harm". This leads me onto two further points, in that light pollution occurs through out times of darkness which is not in keeping with the rural location i.e. at night it gets dark!; and I recently witnessed New Start Park pumping liquid via pipes from their entrance out onto Wettenhall Road, subsequently flooding the ditches and partially flooding Wettenhall Road, which means vehicles move to the road centre and further emphasizes the lack of pedestrian walk ways which the residents of New Start Park do not have down Wettenhall Road. This is at best aided by the permissive right through Reaseheath College, which the Inspector noted "cannot be regarded as permanently available", remains permissive only.
- The local highway network is dangerous and is not safe for pedestrians;
- There are no facilities in the locality;
- It is my view that all previous comments on sustainability still apply and the site is not appropriate for the location of a residential caravan site. In particular, there are access issues along Wettenhall Road, with no public transport and no safe walking arrangements. There is a walking route to Nantwich through the grounds of Reaseheath College but that only covers part of the distance between New Start Park and local amenities. As this is a "permissive" access, only granted at the discretion of Reaseheath College, then it is not an access that can be relied on in perpetuity.
- I see that the letter from Philip Brown Associates Ltd states "New Start Park and its residents have become accepted in the local community." It is interesting to note that the letter does not go on to provide evidence to support this statement because it is untrue. We are a law abiding community and unlikely to harm the site in any way but

that does not mean we accept it. I think the comments of local residents show how much opposition there is to the site.

- Mr Brown's letter seeks to demonstrate that the travellers are helping the Council by reducing the need for the Council to find spaces for residential pitches. It also implies that there is insufficient time for the Council to meet its obligations in this matter. As a local resident, I would expect the Council to give this matter priority and achieve the deadlines for identifying suitable sites.

Reaseheath College

- We object to the establishment of a gypsy site as it has a significant adverse impact on the immediate location and surrounding area. The character of the site is alien in the landscape and looks urban in character which is detrimental to the area being exceedingly rural and with no infrastructure;
- Similar views were confirmed by the Inspector following an appeal hearing in late 2010 and he supported the fact that the site does not represent a sustainable and acceptable location;
- Since the Gypsies occupied the site in 2010 there is significant safety concern for pedestrians and drivers on the Wettenhall Road in the area as a result of pedestrians from the Gypsy site accessing a permitted cycleway which runs through Reaseheath College;
- We note that the inspector made it abundantly clear that the temporary permission was granted for a maximum of five years by which time the provision of permanent sites by Cheshire East Council would have increased sufficiently to accommodate these families. The temporary permission would therefore cease in 2016 and there is consequently a significant amount of time to enable the permanent and more suitable site accommodation to be made available and thus we see no justification for the removal of Condition 1;
- We do not think that this site should be made permanent and the granting of the temporary permission should not set a precedent for the granting of permanent permission.

A report from Civitas Planning Limited acting on behalf of Poole Residents dated 10th September 2012

- This application is premature. The Council is spending a lot of money on redoing the GTAA and looking at future sites for gypsy/travellers;
- There is no change in the applicants personal circumstances;
- The site is in a unsustainable location and is contrary to Local Plan and National Policy;
- The site is far removed from essential services;
- The site is prone to flooding;
- The applicant is of the opinion that the Council will not be able to fulfil its obligations in relation to number of gypsy pitches. However, as previously stated the Council is spending lots of money on producing a new GTAA and looking for sites within the Borough.

APPLICANT'S SUPPORTING INFORMATION

Supporting Statement

OFFICER APPRAISAL

Site History

Members may recall that an application was submitted for the change of use of land to use as a residential caravan site for 8 gypsy families, each with 2 caravans, including improvement of access, construction of access road, laying of hardstanding and provision of foul drainage. This application was refused planning permission on 15th June 2010 for the following reasons:

The development represents an inappropriate and unjustified visual intrusion in the open countryside due to the introduction of hardcore and the siting of caravans which is considered to have an adverse impact on the character and openness of the surrounding area contrary to the provisions of Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The application fails to provide the Local Planning Authority with sufficient information to assess the appropriate mitigating measures required for the loss of wildlife habitat contrary to the provisions of Policy NE.5 (Nature Conservation Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policy RES.13 (Sites for Gypsy and Travelling Showpeople) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained within Circular 01/2006.

Once the decision notice was issued the applicant appealed and the appeal was allowed subject to a number of conditions. This application is for a variation of condition and the applicant is proposing to vary Condition 1, which was attached to the permission via an Inspector's decision (Appeal Reference: APP/R0660/A/10/2131930). The condition is as shown as follows:

'The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the local planning authority'.

In reference to the above Appeal the Inspector concluded that 'On balance, I find that the positive factors in favour of the appeal do not outweigh the harm I have identified. Given this conclusion, I have considered whether a temporary permission should be granted. Temporary permissions are suggested in Circular 01/2006 (paragraphs 45 and 46) where new sites are likely to become available at the end of any temporary period'.

Therefore, whilst the Inspector acknowledged there was a need for the additional pitches, he tempered this by stating additional, more sustainable sites may come forward over the next few years.

Main Issues

The main issue in this case is the justification for removing the condition imposed by the Inspector at appeal, with consideration given to:

- (a) Whether the site proposal is in a sustainable development; and
- (b) Whether, if there is any harm and conflict with policy, there are material considerations which outweigh the harm and conflict, including the need for more gypsy sites in the area, the likelihood and timescale for identified needs to be met through the development plan system.
- (c) Any change in circumstance since the Inspectors decision.

Principles of Development

As with national planning guidance, Policy NE.2 (Open Countryside) of the Local Plan seeks to safeguard the countryside for its own sake and prevent non-essential development that may cause harm to the character and appearance and openness of the countryside.

However, policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, rural settings are acceptable in principle for gypsy and traveller caravan sites. The applicant argues that a degree of harm to the character and appearance of the countryside is unavoidable but points out that Government advice suggests that in most cases this visual harm can be satisfactorily mitigated with appropriate landscaping. However, whilst the need for gypsy and traveller accommodation is a consideration, both development plan policies and Government guidance require, in addition, consideration of the impact on the surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessing local services.

Sustainability

Planning Policy for Travellers Sites clearly enunciates that travellers sites should be sustainable economically, socially and environmentally and states that local authority planning policies should:

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;

h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

It is clear that the key principals of national and local planning policies are to promote sustainable patterns of development in order to reduce the need to travel and the dependence on the private car. It has been suggested that a bus travels along Wettenhall Road at various intervals in the day, but this bus service would appear to be infrequent. The nearest service centre to the application site is Nantwich and there is a distance of approximately 1.7km separating the two sites. Therefore, it is considered that the application site is in an isolated rural setting and is removed from any settlement, shop(s), school(s), community facilities or place(s) of employment. Wettenhall Road is typical of many rural highways being twisty, unlit and without footways. The road is wide enough for vehicles to pass each other with relative ease.

As previously stated the Planning Policy for Traveller Sites has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges that '*Local Planning Authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan*' (paragraph 23). However, it does not state that gypsy/traveller sites cannot be located within the open countryside.

The document makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorized sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorized encampment.

These are all benefits to be considered in the round when considering issues of sustainability. The Inspector found that '*I have found that the site is poorly located for access to shops, services, facilities and the nearest primary school. Taking into account the wider consideration of sustainability applicable to gypsy cases, I have found that the location of the site still has serious shortcomings in relation to accessibility*'.

It is considered that the location of the site is such that it is almost inevitable that the private car will be needed to access even those facilities relatively close to the site. It is generally acknowledged that as distance increases the likelihood of car use becomes generally greater. According to Policy RES.13 (Sites for Gypsies and Travelling Showpeople) states (amongst other criteria) that sites should be within easy reach of local services and facilities. The policy does not specify the modes of transport that are to be utilised. However, it is considered given the location of the site, the surrounding highway network and the lack of street lighting and pavements in the area, the main mode of transport will be the private car.

Overall, it is considered that the application site is not in a wholly sustainable location and the proposal would conflict with advice advocated within Policies RES.13 (Sites for Gypsies and Travelling Showpeople) and HOU6 (Gypsy Caravan Sites).

Demonstrable Need

Planning Policy for Traveller sites advocates that local planning authorities should ensure that their policies promote peaceful and integrated co-existence between the site and the local community and ensure that traveller sites are sustainable economically, socially and environmentally. The key characteristics identified for a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. The need to take account of the diverse range of housing requirements across an area, including the need to accommodate Gypsies and Travellers, is an important consideration.

A sequential approach to the identification of sites in Site Allocations Development Plan Document (DPD) is advocated, requiring Local Planning Authorities to consider locations in or near existing settlements with access to local services first. Local Planning Authorities should be able to release sites for development sequentially, with sites being identified in DPDs being used before windfall sites. However, at present the Council has not produced a DPD and no suitable alternative sites have been identified as part of the Local Development Framework process.

Additionally, Planning Policy for Traveller Sites clearly states in paragraph 9 criterion (a) that local planning authorities should, in producing their Local Plan identify and update annually, a supply of specific deliverable site sufficient to provide five years worth of sites against their locally set targets. However, at present the Council does not have a five year supply of traveller sites. Furthermore, as previously stated, no specific site provision is made for gypsies and travelers in the development plan at present.

This document goes on to state that if a *'local planning authority cannot demonstrate an up-to date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision'* (paragraph 25). It is considered in light of the lack of availability of a five year supply of gypsy/traveller sites and given the factors already cited any permission which should be granted will be for a temporary five year period. This will allow the Council to see if any more sustainable and deliverable sites can be identified and brought forward.

Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA) was completed in May 2007. In Cheshire East, the GTAA identified an overall need for between 37-54 permanent residential pitches and 10 pitches for transit provision by 2016. The Council are part of the Strategic Gypsy & Traveller Partnership across the sub region and together the authorities have secured future funding from the Homes and Communities Agency (HCA) to deliver new sites. Previously this funding was accessed to extend the Council run site, Astbury Marsh, by 2 pitches (which have now been constructed).

Since the GTAA in May 2007, when the number of pitches was 101, there have been four new sites approved with permanent permission, giving an additional 11 pitches and 2 sites with temporary permission for 9 pitches (this includes this site, temporary permissions do not

count towards the GTAA figures). The application for 10 pitches at Parkers Road, Crewe was withdrawn. A recent application for Land off Spinks Lane, Pickmere (12/1113M) for 3no. pitches was refused planning permission on the 8th August 2012 and land lying to the north west of Moor Lane, Wilmslow (12/1144M) was refused planning permission on the 6th July 2012.

Furthermore, an appeal decision at land at Wynbunbury Lane, Stapeley (November 2009) found that *'there is undoubtedly an immediate need for further pitch provision both in Cheshire East and regionally'*.

This view was further endorsed at the current site, when the Inspector stated *'that there is little or no prospect of the Council being able to successfully address the challenge in Circular 01/2006 to increase significantly the number of gypsy and traveller sites in appropriate locations. I conclude that there is an urgent and substantial unmet need for permanent residential pitches for gypsies and travellers in Cheshire East which needs to be addressed'*.

The GTAA is the most up to date document the Council has in relation to need for Gypsy/Traveller sites. Therefore, it is an important material consideration, which is regularly used by the Council in assessing applications. Furthermore, Planning Inspectors have never questioned the validity of the GTAA and they also use it to assess any Appeals. Indeed the recent Inspectors decision was based upon the GTAA figures and considered that the need identified was 47 to 64 pitches to 2016. The appeal (at Thimswarra Farm (APP/R0660/A/12/2173171)) identified the need to be 14 and 31 pitches (although this included 24 pitches approved nearly 3 years but has yet to be implemented).

The Council are to appoint consultants to redo the GTAA (as agreed by Cabinet on the 23rd July 2012) in 2013. Following on from the new GTAA the Council will make specific land allocations which are likely to be made in due course as part of the Local Plan. The Council concedes that the relevant Development Plan Document is unlikely to be adopted before December 2014. Therefore, it is unlikely that sites allocated would, in all probability, begin to become available until at least mid-2015. However, the Council is confident that as part of the new Local Plan more sustainable sites will be allocated making up the current shortfall in pitches and this will be achieved by 2015. Consequently, it is considered granting permanent planning permission for this site, which has previously stated is not in a sustainable location will be in conflict with the aims and aspirations of the new Local Plan. The applicants temporary permission is due to expire on the 21st January 2016, which is when the sites will have been allocated in the new Local Plan. Furthermore, the applicants agent had been advised not to submit the current application, due to it being premature.

Change in Circumstances

The Inspector at appeal determined that a temporary consent should be given due to the site's unsustainable location and the potential for the Council to have identified policies and strategies in place over the next few years.

This situation has not changed. The Council is formulating its policies through the Local Plan process but also actively seeking to find and pursue sites where possible.

The situation has not therefore changed since the Inspector reached the conclusions at appeal, and therefore should be refused accordingly.

CONCLUSIONS AND REASON(S) FOR THE DECISION

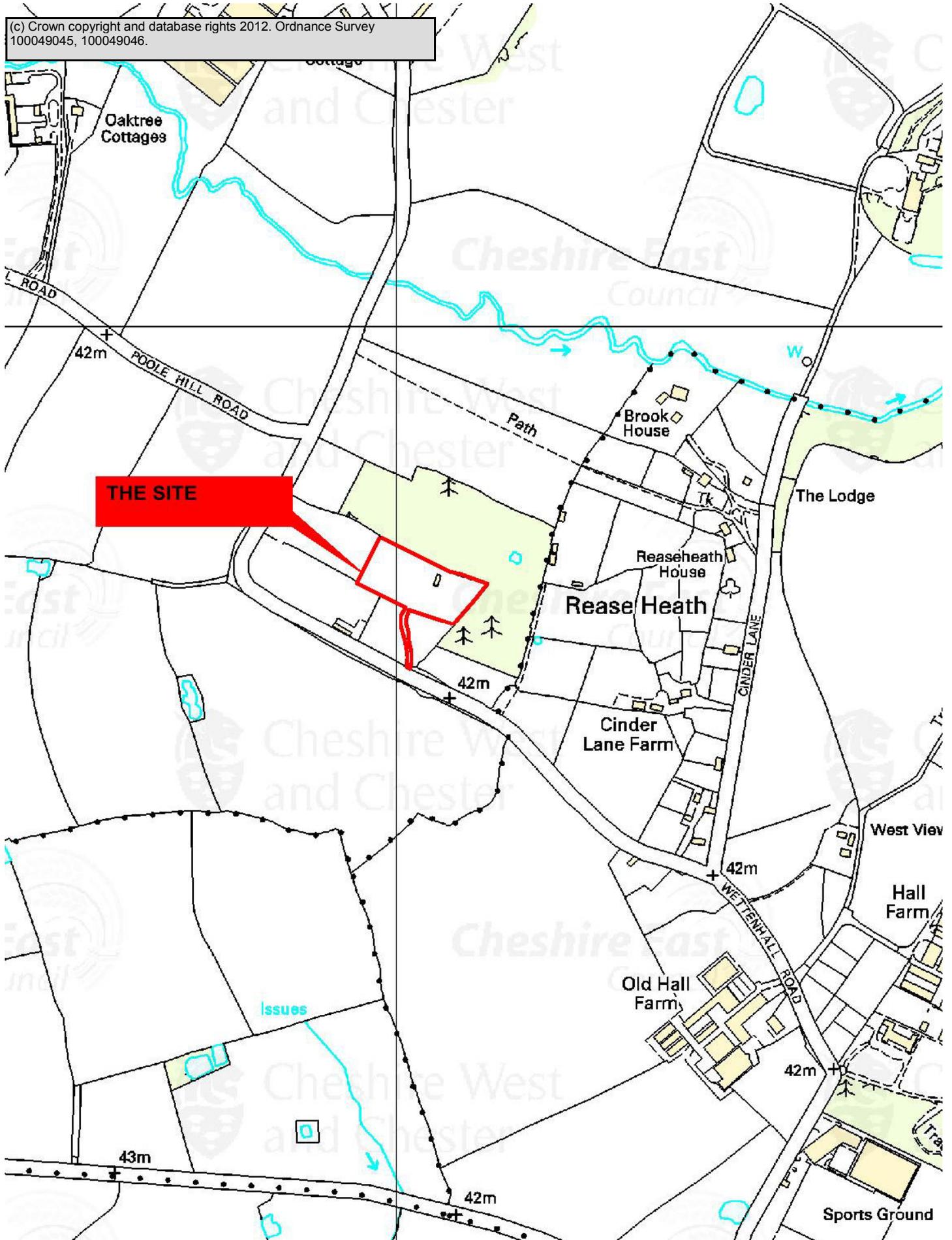
The site has been identified as unsustainable, and while there is still an identified need for Gypsy/Traveller sites across Cheshire East the Council does have a strategy through the Local Plan process to seek to address this need. This process will take some time, but there is an identified timescale in the Strategy and it is expected that sites will come forward before the expiry of the temporary consent.

The removal of the condition and to allow this as a permanent site at this time would be premature to the process, and would represent unsustainable development.

RECOMMENDATION: Refuse for the following reason

- 1. It is acknowledged that the site is poorly located in order to access shops, services and other community facilities and the site is located in an unsustainable location. Consequently, it is considered granting permanent planning permission for this site, which is not in a sustainable location will be in conflict with the aims and aspirations of the developing new Local Plan and guidance advocated in Policy RES.13 (Sites for Gypsies and Travelling Showpeople) and advice advocated within Planning Policy for Traveller Sites, the National Planning Policy Framework and the Councils Interim Strategy on Gypsy and Traveller Accommodation Needs**

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

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