

Strategic Planning Board

Agenda

Date:	Wednesday, 20th February, 2013
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.

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 1 - 8)

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. **12/4654N-Proposed residential development of up to 240 dwellings, convenience store tea room, access details, highway works, public open space and associated works, Land Off Queens Drive, Edleston for Gladman Developments** (Pages 9 - 58)

To consider the above application.

6. **12/3114N-Outline Application for Residential Development of up to 400 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works, Land South of Newcastle Road, Shavington & Wybunbury, Cheshire for Mactaggart & Mickel Homes Ltd** (Pages 59 - 150)

To consider the above application.

7. **12/4067M-Replacement service reservoir and valve house building, together with a temporary material storage area and a temporary contractor's parking area, Jacksons Edge Service Reservoir, Jacksons Edge Road, Disley for United Utilities** (Pages 151 - 178)

To consider the above application.

8. **12/1903C-Outline application for the erection of up to 160 dwellings, including landscaping, access and associated infrastructure and the demolition of 130 Congleton Road, Land North of Congleton Road, Sandbach, Cheshire for Taylor Wimpey UK Limited and Seddon Homes** (Pages 179 - 214)

To consider the above application.

9. **12/2426C-The Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1), Elworth Hall Farm, Dean Close, Sandbach, Cheshire for Rowland Homes Ltd** (Pages 215 - 276)

To consider the above application.

10. **12/4494N-Outline planning approval for up to 44 No. dwellings, vehicular access, associated garaging, car parking and landscaping. (All matters reserved except access), Hunters Lodge Hotel, Sydney Road, Crewe for Seddon Homes Ltd (Pages 277 - 310)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 30th January, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rachel Bailey, P Edwards, J Hammond, P Hoyland, P Mason,
B Murphy, C G Thorley, G M Walton, J Wray and D Newton

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr D Evans (Principal Planning Officer), Mr A
Fisher (strategic Planning and Housing Manager), Mr B Haywood (Principal
Planning Officer), Mr S Irvine (Development Management and Building Control
Manager), Mr N Jones (Principal Development Officer) and Mr R Law
(Principal Planning Officer)

127 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brown, Mrs J
Jackson and S Wilkinson.

128 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 12/3564N, Councillor J
Hammond declared that he was a member of Haslington parish Council
who were a consultee on the original application.

In the interest of openness in respect of application 12/3905C, Councillor
D Hough declared that he was a member of Alsager Town Council.

In the interest of openness in respect of application, 12/3905C, Councillor
Mrs R Bailey gave notice of shared land ownership in Walgherton, as
potential impact on this location was referred to during public speaking.

129 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

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

130 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

131 **12/3114N-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 400 DWELLINGS, LOCAL CENTRE OF UP TO 700 SQM (WITH 400 SQM BEING A SINGLE CONVENIENCE STORE), OPEN SPACE, ACCESS ROADS, CYCLEWAYS, FOOTPATHS, STRUCTURAL LANDSCAPING, AND ASSOCIATED ENGINEERING WORKS, LAND SOUTH OF NEWCASTLE ROAD, SHAVINGTON & WYBUNBURY, CHESHIRE FOR MACTAGGART & MICKEL HOMES LTD**

(Prior to consideration of the application, the meeting was adjourned from 10.45am until 11.00am in order for Members of the Board to read the additional updates which had been sent out at late notice. During consideration of the application, Councillor P Edwards arrived to the meeting, however he did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Councillor D Brickhill, the Ward Councillor, Councillor Mrs J Clowes, the Ward Councillor, Councillor S Hogben, a visiting Councillor, Parish Councillor David Duthie, representing Wynbury Parish Council, Mark Donlon, Chairman of Wynbury Action Group, Mr Langhorn, an objector and Mark Sackett, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for further information relating to viability.

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

(The meeting adjourned at 12.30pm until 12.45pm for a short break).

(The meeting adjourned for lunch at 1.45pm and reconvened at 2.15pm).

(Councillor P Hoyland left the meeting and did not return).

132 **OUTLINE APPLICATION FOR THE ERECTION OF 650 DWELLINGS, A PUBLIC HOUSE, A LOCAL SHOP AND ASSOCIATED INFRASTRUCTURE AND OPEN SPACE PROVISION TOGETHER WITH THE DEMOLITION OF THE FORMER CROSS KEYS PUBLIC HOUSE**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the Board resolve to amend the previous resolution in respect of application 11/1643N to read:

APPROVE subject to Section 106 Legal Agreement securing:

- Provision of 10% of the total units as affordable housing in perpetuity, with the mix on Phase 1 being 10% 1 bed flat, 30% 2 bed flat, 30% 2 bed house, 30% 3 bed house. The tenure split of the units on all phases to be 25% social / affordable rent and 75% intermediate tenure. The mix of house types for phase 2 and subsequent phases to be agreed as part of subsequent reserved matters applications. Social Rented and Shared Ownership dwellings to be transferred to a Registered Provider.
- Overage clause
- Provision of education contribution of £161,752.
- Provision of highways contribution of £1,683,426 towards Remer Street / Middlewich Street, Sydney Road Bridge Widening, Crewe Green Roundabout and public transport improvements.
- Travel Plan contribution of £5000
- Provision for public open space to serve the whole of the development to be agreed with the Council when details of layout are submitted for approval. This must secure the provision and future management of children's play areas and amenity greenspace. Submitted details must include the location, grading, drainage, layout, landscape, fencing, seeding and planting of the proposed public open space, transfer to and future maintenance by a private management company.

And the following conditions

1. Standard Outline
2. Submission of reserved matters
3. Plans
4. Air Quality assessment updates to be submitted with each reserved matters
5. Submission, approval and implementation of Construction Environmental Management Plan (CEMP)
6. Submission, approval and implementation of Travel Plan
7. Submission, approval and implementation of contaminated land preliminary risk assessment (PRA)
8. Submission, approval and implementation of contaminated land site investigation (SI)
9. Code for Sustainable Homes Level 3 assessment with reserved matters
10. Provision of detailed scheme of drainage
11. Reserved matters to make provision for allotment site (30 plots) within the development.
12. Breeding bird survey to be carried out prior to commencement of any works during nesting season
13. Provision of replacement hedgerows

14. Provision of detailed design and layout of the GCN mitigation area
15. retention of visually important trees
16. A scheme for the provision and implementation of a surface water regulation system
17. Management of overland flow
18. Provision and management of habitat creation
19. No discharge to Fowle Brook unless further information is provided to prove that the SSSI will not be adversely affected
20. Retention of important hedges
21. Notwithstanding detail shown – no approval of indicative residential masterplan.
22. Landscape design principles to be incorporated into final layout
23. Submission of landscape and ecological management plan
24. Submission of Arboricultural Impact Assessment
25. Submission of Arboricultural Method Statement
26. Submission of Comprehensive tree protection measures
27. A scheme for the provision and management of compensatory habitat creation
28. Each reserved matters application for commercial activities to be accompanied by a noise impact assessment
29. Submission of Noise Mitigation Measures with each reserved matters application.
30. Submission of details of detailed lighting plan with each reserved matters application.
31. Submission of details of bin storage with each reserved matters application.
32. The first phase of development for the occupation of 150 dwellings shall be accessed from the Stoneley Road Access, in accordance with the approved drawing (Drg No: CH004 03)”
33. No development of subsequent phases shall commence until a Phasing Plan for the proposed development has been submitted to and approved in writing by the Local Planning Authority which shall include inter alia details of the phasing of the proposed development and the triggers for the construction of: -
 - (a) Groby Rd Secondary Site Access;
 - (b) Remer St / Broad St / North St / Stoneley Rd Roundabout Improvement and site access;
 - (c) Remer St / Groby Rd / Maw Green Rd / Sydney Rd / Elm Drive Roundabout; and,
 - (d) Sydney Road Bridge MOVA.

The development shall be implemented in complete accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

- 34 Submission / approval of a feasibility study for the installation of Halt signs at Lime Tree Ave / Elm Drive junctions with Middlewich Street. If feasible signs to be installed.

35 Reserved matters to make provision for allotments to the rear of existing properties in Remer Street and bungalows to the rear of the existing properties in Stonely Road.

133 **12/3905C-OUTLINE APPLICATION FOR UP TO 34 DWELLINGS, INCLUDING THE CREATION OF MEANS OF ACCESS TO HASSALL ROAD, ALSAGER, LAND ADJACENT TO HEATH END FARM, HASSALL ROAD, ALSAGER FOR FRANK EVASON & MR ALLAN KEY**

Consideration was given to the above application.

(Councillor R Fletcher, the Ward Councillor, Town Councillor Mrs S Jones, representing Alsager Town Council, Hon.Alderman Derek Bould, President of Alsager Residents Action Group, Amanda Davies, an objector and Sally Cunliffe, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

The proposed development by reason of incursion of built form into the open countryside, would detract from the generally open character of the west side of Hassall Rd. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policy within the NPPF and would be an adverse impact which would significantly and demonstrably outweigh the benefits in terms of housing land supply.

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

(The meeting adjourned for a short break at 4.25pm and reconvened at 4.40pm).

(Councillor C Thorley left the meeting and did not return).

134 **PROPOSED ALTERATION TO THE MINUTES FOR APPLICATION 12/3564N, LAND OFF VICARAGE ROAD, HASLINGTON, CW1 5RR**

(Prior to consideration of the report, Councillor D Newton left the room and returned during its consideration, therefore he did not take part in the debate or vote on the item).

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report that the Board resolve to amend the S106 Heads of Terms to 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 or Gutterscroft

135 **REPORT TO AMEND THE RESOLUTION ON THE RESERVED MATTERS APPLICATION REF; 12/2217C PURSUANT TO OUTLINE PLANNING PERMISSION 11/1682C PROPOSING FULL DETAILS FOR THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR A RESIDENTIAL DEVELOPMENT COMPRISING 224 DWELLINGS, INTERNAL ACCESS ROAD, OPEN SPACE AND LANDSCAPING ON THE FORMER FISONS SITE, MARSH LANE, HOLMES CHAPEL**

Consideration was given to the above report.

(Simon Artiss, representing the applicant attended the meeting and spoke in respect of the report).

RESOLVED

That the Board resolve that its previous resolution in respect of application 12/2217C should still stand, with the deletion of condition no. 22 (below), and without a supplemental s106 legal agreement pending acceptance of submitted Affordable Housing Statement and POS schemes, approval of which should be delegated to the Head of Development Management and Building Control:

Condition no. 22:

- Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the LPA before any work is commenced on site:

1.1 A roundabout and spur accessing the site or suitable practical alternative

This part of the development shall only be completed in accordance with alteration thus approved.

136 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 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.

137 **LAND OFF QUEENS DRIVE, NANTWICH**

In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chairman agreed that this item be considered as an item of urgent business as the Board need to be aware of Counsels advice given the timescales prescribed by the Planning Inspectorate for the submission of evidence in respect of the forthcoming appeal.

Consideration was given to the above report.

RESOLVED

That the report be noted.

The meeting commenced at 10.30 am and concluded at 5.27 pm

Councillor H Davenport (Chairman)

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Application No: 12/4654N

Location: LAND OFF QUEENS DRIVE, EDLESTON

Proposal: Proposed residential development of up to 240 dwellings, convenience store tea room, access details, highway works, public open space and associated works

Applicant: GLADMAN DEVELOPMENTS

Expiry Date: 01-Mar-2013

SUMMARY RECOMMENDATION

APPROVE subject to Section 106 Agreement and conditions.

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.

Members will recall that the application was deferred at their meeting on 8th February 2013 to carry out a site visit to consider highways implications and to assess the proposal in the light of the forthcoming SHLAA document.

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 240 dwellings. There would be a broad range of block densities from 30-40

dwelling 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.

The application is a resubmission of application 12/2440N, which involved the same site area, but sought consent for a larger number of properties.

3. RELEVANT PLANNING HISTORY

12/2440N (2012) Refusal of outline planning permission for 270 dwellings

4. 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

5. 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.

Electricity North West

- 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 objects to the proposed development as above.
- Network Rail has three major road crossings within the town of Nantwich all of which fall within high risk categories in the company risk assessment process.
- Road traffic levels coupled with recorded incidents of crossing abuse and misuse currently gives concern. Network Rail therefore believes the proposed housing developments and the corresponding increase in road / pedestrian traffic within the town will import more risk onto the railway.
- The Queens Drive development at Edleston in particular in the design and access statement, states, "*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.*" There is a footpath which shows a pink line crossing over the level crossing with the comments that this would be a '*promoted walking route.*' With 240 dwellings at the site the promotion of the walking route over the level crossing would have the potential to see a material increase in the type and volume of traffic over the crossing and thence a potential increase in the level of risk at the crossing.
- The developers of these proposals should therefore provide funding to mitigate the imported risk from the increased number of residents in the area; this may include closure of the level crossings and replacement with footbridges or road bridges, subject to Network Rail approval.
- The developer at Queens Drive should eliminate all reference to the level crossing as a proposed walking route and should ensure that no access can be gained from the site.

- Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:
 - By a proposal being directly next to a level crossing
 - By the cumulative effect of developments added over time
 - By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
 - By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway
 - By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads
 - By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
 - By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
- Cheshire East Council is reminded that they have a statutory responsibility under planning legislation (Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) Order, 2010) 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.
- As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund infrastructure enhancements

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 (Qbar) 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.
 - 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

The Proposal

A revised outline application has been submitted for 270 residential units it proposes a single point of access taken from Queens Drive. The site access is located at the western end of Queens Drive near to the junction with Marsh Lane. Queens Drive is a residential road with footpaths on both sides and is approximately 7.5m wide.

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 flowing locations.

- Site access priority junction Queens Drive

- Marsh Lane /Queens Drive priority junction.
- Queens Drive/Welsh Row priority junction
- High Street/Waterlode/Welsh Row signals
- 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. There are bus stops a reasonable distance from the site, there are currently two bus routes service 53 and 72 that can be accessed by residents of the site. The railway station is further away from the site at 1600m walking distance and is unlikely that many rail users would normally walk this distance.

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 Road 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 and submitted a scheme that improves the operation of the junction but does not fully overcome the capacity issues and safety concerns of the junction operation.

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.

As the main concern of this application is the operation of the Welsh Row/ Waterlode junction, it is possible to mitigate the effects of this traffic by reducing the flow of traffic Welsh Row from this development by diverting trips to use Taylor Drive should the link be constructed to Edmund Wright Way. This inclusion of this link would allow the Highway Authority to consider the closure of Welsh Row at the Waterlode junction or introducing a one-way order. The sustainability of the site is considered poor and it can be improved by improving the frequency of service of the bus routes and also the implementation of the travel plan would have some benefits.

Therefore, the application is considered acceptable in highway terms should the applicant introduce the proposed improvements to the signal junction at Welsh Row/Waterlode junction and provide a financial contribution of £235,000 for the infrastructure link at Taylor Drive and £50,000 to improve bus service frequencies. The implementation of signals at the Queens Drive/Welsh Row would not be required should the infrastructure changes be agreed.

Education

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

Primary

- 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 $27 \times 11,919 \times 0.91 = £292,850$ towards primary education.

Secondary

- 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 space to accommodate the pupils of this age.

Revised Application

- Based on 240 dwellings instead of 270 the requirement is now £260,311.

Greenspaces

- No comments received at the time of report preparation.

6. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

Nantwich Town Council object on the grounds that

- the site is not included in the Nantwich Town Strategy and Cheshire East Development Strategy and is
- not favoured in the public consultation exercises undertaken by Cheshire East to date
- the development will lead to problems of highway safety on Queens Drive and Marsh Lane because of
- the capacity of the road network in this location
- the application makes no provision for a new school and the development will therefore place greater
- pressure on the existing school in Marsh Lane.

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.

7. OTHER REPRESENTATIONS

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

- The site is in the open countryside and therefore contravenes Cheshire East Planning Policy.
- The size of the development is far too big and will cause irrevocable damage to the countryside and natural environment.
- Any building works carried out in the open countryside will be detrimental to local wildlife and does not support the conservation of endangered species etc. there are despite what Gladman Homes say Barn Owls, Greater Crested Newts and Kingfishers in the area which will lose some of their natural habitats especially feeding grounds.
- The potential of pollution and reduction of feeding areas will also threaten the livelihood of flying insects, bats and birds.
- The impact of traffic will be catastrophic as an increase of at least 400 vehicles travelling along both Queens Drive, Marsh Lane and Welsh Row cannot be supported.
- Cheshire East has on many occasions expressed its support of maintaining Nantwich's market town atmosphere. This kind and size of development does not encourage this and will only contribute to the demise of Nantwich and its surrounding areas as we know them.
- There are plenty more brownfield, out of town sites and areas of development without encroaching into the open countryside and conservation areas. Do not allow Gladman Homes to brow beat the Council into having to allow this application.
- This development and the proposed Reaseheath/Kingsley fields one, which I also strongly object to, are purely for the benefit of landowners and developers and not for the good of Nantwich and its rural communities.
- Cheshire East should take a leaf out of Totnes' book and say no to the developers and listen to the people who actually live here.
- Objection to the proposed plans regard the amount of extra traffic that will be using both Queens Drive and Marsh Lane, there is the potential for at LEAST an extra 480 cars a day on these roads, they face heavy congestion already especially at peak times and I predict many more road traffic incidents involving both vehicles and pedestrians if these plans are agreed. On a more personal note looking at the proposed plans my property would be subject to a great increase in traffic noise and vehicle headlights

would light up our house everytime they left the development with it being opposite the planned entrance/ exit

- This development is outside the settlement boundary of Nantwich and is in open countryside.
- Enough sites for new new housing have already been allocated in the Draft Nantwich Town Local Plan, therefore new housing at this location is not needed.
- The main route in and out of this development will be via Queens Drive and Welsh Row. Welsh Row is already badly congested and cannot support the extra traffic that this development would generate.
- In the event of the Strategic Planning Board deciding in favour of the applicant, then the problem of increased traffic congestion needs to be addressed by the Section 106 requirements. In particular, most traffic into and out of the site will use either Queens Drive or Marsh Lane to access Welsh Row in order to either enter Nantwich or go further afield. Marsh Lane, in particular, becomes particularly congested during school starting and leaving times at Millfields School. So the Section 106 agreement should include a requirement to fund the completion of the long-delayed road link between Edmund Wright Way and Taylor Drive, including any compensation payments that may be due. Such a link would allow traffic to access Chester Road and Waterlode without having to use the extremely congested Welsh Row.

Inland Waterways Association

- The Inland Waterways Association campaigns for the conservation, use, maintenance, restoration and sensitive development of Britain's canals and river navigations. Established sixty years ago, it now has over 17,500 members.
- The application is for approximately 320 metres length of residential canalside development, thus substantially increasing the visual impact on the canal of the built environment of the town of Nantwich. The canal is a major tourism asset of the town. This site is currently designated as open countryside.

8. 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

9. 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.

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. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy NE.2 which protects Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

Emerging Policy

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).

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The NPPF consistently underlines the importance of plan – led development. It also establishes as a key planning principle the Local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent secretary of State decision's in Doncaster MBC it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but

this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing it is considered that a pre-maturity case can be defended in this case.

However, the 5 year supply is a minimum provision and not a maximum and given that there remains presumption in favour of sustainable development, which according to the NPPF *“should be seen as a golden thread running through both plan-making and decision-taking”* it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

Furthermore, and critically in this case, in respect of a previous application on this site, (12/2440N refers) Members will recall that at their meeting on 8th February 2012, they resolved not to contest a forthcoming Appeal against non-determination on the grounds of housing land supply. Therefore, notwithstanding the fact that the Council now has a demonstrable supply of housing land in excess of 5 years, it is not considered to be sustainable to refuse the application on these grounds.

Conclusion

- The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.
- Furthermore, in respect of a previous application on this site, (12/2440N refers) Members will recall that at their meeting on 8th February 2012, they resolved not to contest a forthcoming Appeal against non-determination on the grounds of housing land supply.
- Therefore, notwithstanding the fact that the Council now has a demonstrable supply of housing land in excess of 5 years, it is not considered to be sustainable to refuse the application on these grounds.

Economic Growth Implications

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;
- 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. These are considered to be important material considerations which weigh in favour of the development.

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)	
	Post box (500m)	700m
	Playground / amenity area (500m)	400m
	Post office (1000m)	700m
	Bank or cash machine (1000m)	700m
	Pharmacy (1000m)	
	Primary school (1000m)	955m
	Secondary School* (1000m)	1403m
	Medical Centre (1000m)	

	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
<i>Disclaimers:</i>		
<i>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.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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

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. Highways have also commented that the site is not large enough to warrant a new bus service and, although a Travel Plan has been proposed and not objected to by the Council, there is concern that residential travel plans are limited in terms of their effectiveness.

The site fails against only 3 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance and Nantwich is a key service centre in Core Strategy where we can expect development on the periphery. Development on the edge of a town will always be further from facilities in town centre than

existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distance exist between the town centre and the existing local plan allocation at Stapeley and the proposed development site at Kingsley Fields and, although the latter would probably be large enough have own facilities, not all the requirements of the checklist would be met on site.

Accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. However, these include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

Furthermore, highways have commented that it is possible to improve the non-car mode accessibility through suitable Section 106 contributions.

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 Council's 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. However, it is considered that these can be mitigated through proposed improvements to the signal junction at Welsh Row/Waterlode junction and provide a financial contribution of £235,000 for the infrastructure link at Taylor Drive and £50,000 to improve bus service frequencies. These could be secured through the Section 106 Agreement.

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.

However, the Strategic Highways Manager has indicated that the implementation of signals at the Queens Drive/Welsh Row would not be required should the infrastructure improvements at Taylor Drive be carried out.

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-ambles/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 £260,311 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 has previously 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.

10. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

Furthermore, and critically in this case, in respect of a previous application on this site, (12/2440N refers) Members will recall that at their meeting on 8th February 2012, they resolved not to contest a forthcoming Appeal against non-determination on the grounds of housing land supply. Therefore, notwithstanding the fact that the Council now has a

demonstrable supply of housing land in excess of 5 years, it is not considered to be sustainable to refuse the application on these grounds.

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.

Whilst, the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, measures could be secured to improve the accessibility of the site. The site is no less sustainable than many others, including both allocations and proposed allocations, on the edge of Nantwich. Furthermore, given that accessibility is only one aspect of sustainability it is not considered that a refusal on the grounds of sustainability could be sustained. Although the proposal would result in some adverse impact on pedestrian safety and congestion at the High Street/Waterlode/Welsh Row signal junction, this is not considered to be severe and could be adequately mitigated through appropriate Section 106 contributions.

It is therefore concluded that the proposal would not have any 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 approval.

9. RECOMMENDATION

APPROVE subject to Section 106 Agreement to secure:

- 1. Contribution towards mitigation at level crossings (amount to be confirmed)**
- 2. Education contribution of £260,311.**
- 3. Contribution towards towpath improvement works (amount to be confirmed)**

4. Contribution towards off-site footpath improvement works (amount to be confirmed)
5. Private residents management company to maintain all Amentiy Greenspace, public footpaths and greenways within the site, play areas, and other other areas of incidental open space not forming private gardens or part of the adopted highway
6. Improvements to the signal junction at Welsh Row/Waterlode junction
7. financial contribution of £235,000 for the infrastructure link at Taylor Drive
8. £50,000 to improve bus service frequencies.

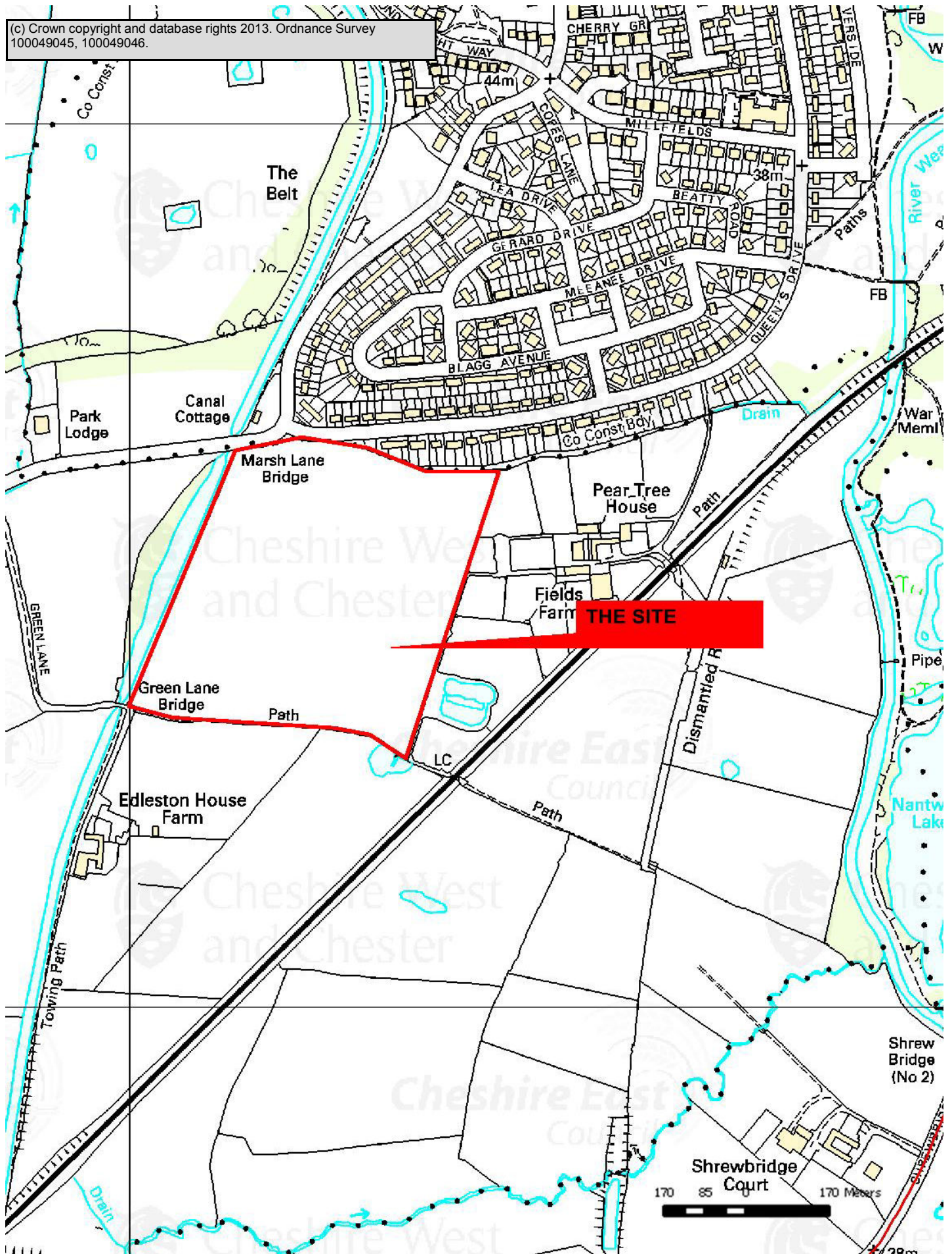
And the following conditions:

1. Standard outline
2. Standard outline
3. Plans
4. Submission / Approval / Implementation of details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Shropshire Union Canal
5. Submission / Approval / Implementation of Environmental Management Plan
6. Submission / Approval / Implementation of external Lighting
7. Submission / Approval / Implementation of noise mitigation measures
8. Submission / Approval / Implementation of Contaminated Land Assessment
9. No access to level crossing from site.
10. Discharge of surface water from the proposed development to mimic that which discharges from the existing site.
11. Submission / Approval / Implementation of Sustainable Urban Drainage System
12. 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.
13. Submission / Approval / Implementation of a scheme to limit the surface water run-off generated by the proposed development,
14. Submission / Approval / Implementation of a scheme to manage the risk of flooding from overland flow of surface water and any potential floodwaters from the Shropshire Union Canal
15. 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.
16. Surface water should discharge to soakaway and or watercourse as stated within the FRA submitted.
17. Reserved matters to make provision for 10% renewable energy unless impractical / unviable
18. Submission / Approval / Implementation of sustainability framework/strategy
19. Submission / Approval / Implementation of scheme for affordable housing to make provision for
 - 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
20. Submission / Approval / Implementation of tree and hedge protection measures,
 21. Submission / Approval / Implementation of a programme of tree works, an Arboricultural Method Statement,
 22. Submission / Approval / Implementation of a landscape scheme,
 23. Submission / Approval / Implementation of details of services locations
 24. Submission / Approval / Implementation of proposed future management of the new areas of planting,
 25. Reserved matters to make provision for retention of Important Hedgerows.
 26. All reserved matters applications to comply with provisions of the Masterplan and Design Code
 27. Safeguard breeding birds
 28. Ensure any reserved matters application includes detailed proposals for the proposed habitat creation areas including pond design, hedgerow creation, protection and enhancement etc.
 29. Ensure any reserved matters application includes additional provision for breeding birds and roosting bats
 30. Ensure any reserved matters application includes an up to date badger survey and mitigation proposals for any adverse impacts identified.
 31. Ensure any reserved matters application includes a 10 year habitat management plan.
 32. Reserved matters to make provision for a total of 9,450 sqm open space comprising of 4,050 sqm shared recreational open space and 5,400 sqm shared children's play space to include:
 - NEAP to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children including a cantilever swing with two support legs plus basket seat and a ground-flush roundabout. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
 - Multi Use Games Area.

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Application No: 12/3114N

Location: Land South of Newcastle Road, Shavington & Wybunbury, Cheshire

Proposal: Outline Application for Residential Development of up to 400 Dwellings, Local Centre of up to 700 sqm (with 400 sqm being a single convenience store), Open Space, Access Roads, Cycleways, Footpaths, Structural Landscaping, and Associated Engineering Works

Applicant: Mactaggart & Mickel Homes Ltd

Expiry Date: 14-Nov-2012

SUMMARY RECOMMENDATION

- **APPROVE subject to Section 106 Agreement and Conditions**

MAIN ISSUES

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,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education

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.

The item was deferred by Strategic Planning Board on 30th January 2013 for further information relating to viability.

1. SITE DESCRIPTION

The application site extends to 17.38 ha. The land is in agricultural use with arable use on the western open fields and pasture, including the keeping of horses on the smaller fields, within the eastern part of the site. The site is surrounded on all sides by residential development including residential estates to the north across Newcastle Road, double-sided ribbon development to the west on Dig Lane, and a mix of double and single-sided ribbon development to the east on Stock Lane. To the north west of the site there is a small modern residential estate at Hunters Field occupying a roughly square area south of Newcastle Road and east of Dig Lane. Adjacent to this and excluded from the site is an area of retained agricultural land and two semi-detached properties which are in separate ownership.

The site straddles the boundary between Shavington-cum-Gresty and Wybunbury Parishes and is relatively level. A water course, the Cheer Brook, runs generally east to west across the site but has been culverted in the past.

The boundaries are very clearly defined and contained by neighbouring residential development with the exception of the small area of retained agricultural land to the north west, and east of the Hunters Field estate. The northern boundary fronts directly on to Newcastle Road which, before the construction of the A500 Shavington Bypass, was the main road between Newcastle and the M6 Motorway in the east and Nantwich in the west. Residential roads of Dig Lane and Stock Lane run respectively to the south-west and south-east of the site to complete the triangular definition of the land, with the site backing on to rear gardens of properties on Dig Lane, Stock Lane and also Hunters Field.

The site is made up of a number of fields of varying size. The larger fields occupy the western, central and southern parts of the site which is predominantly in arable use. The north-eastern part is smaller pasture fields and paddocks defined by hedgerows and fences. There are groups of hedgerow trees on the site and several isolated trees which have been identified and which can be retained.

There are a few buildings on the site which include one residential property and a small number of mainly modern agricultural and equestrian buildings. None of the buildings on the site are Statutorily Listed or on a local list of historically important buildings. The site is neither within nor adjoining a conservation area.

A public right of way footpath runs directly through the site on a north-south axis between Newcastle Road and Stock Lane.

The land immediately surrounding the site generally comprises of residential properties fronting Newcastle Road on its north side, Stock Lane to the south-east and Dig Lane to the south-west. Beyond Stock Lane and Dig Lane lies agricultural land whereas to the north lies the main existing residential area of Shavington.

The B5071 Stock Lane/Crewe Road/Gresty Road and the Newcastle Road form the main traffic routes in the vicinity of the site and provide connections with Crewe and Nantwich town centres. The B5071 provides access to the Strategic Highway Network via the A500 Basford, Hough and Shavington Bypass which connects to Junction 16 of the M6 Motorway and the

Stoke-on-Trent/Newcastle conurbation to the east and the A51 connecting to Chester and the A55(T) to the north-west.

The site occupies part of a much broader flat landscape at approximately 60-65 metres above Ordnance Datum (AOD). In all directions the landform is very gently rolling at between 50 and 75 metres AOD and gives the overall impression of being a flat and relatively uniform area. A small number of minor watercourses and brooks (including Cheer Brook and Swill Brook) occur within slight depressions in this broad flat landscape.

The protected Wybunbury Moss nature area lies some 400m to the south of the site within a depression in the landform. This has Special Area of Conservation (SAC) status.

2. DETAILS OF PROPOSAL

The application is for a residential-led mixed use development comprising:

- a maximum of 400 dwellings,
- a local centre
- public open space
- associated infrastructure.

The development will include:

- a mix of open market and affordable dwellings,
- a network of interconnecting streets,
- linear green routes including pedestrian and cycle routes,
- a community hub/local centre, play area and village green on the Newcastle Road frontage,
- a park and nature conservation area in the west of the site.

The north-south footpath is proposed to be diverted through a protected green corridor as part of the scheme while entering and leaving the site on the current definitive map route.

Vehicular access to the site is proposed from two points off Newcastle Road. There will be additional pedestrian and cycle links including the existing public footpath across the site between Newcastle Road and Stock Lane, and other connections on to Newcastle Road. Details of the internal road layout and pedestrian and cycleway network will be addressed at reserved matters stage.

A mix of dwelling sizes, types and tenures will be provided including up to 30% affordable housing.

Lower densities are proposed on the western, southern and eastern edges of the development where the site adjoins existing rear garden boundaries. The core of the site and the Newcastle Road frontage areas and land around the community hub/local centre are proposed to be built to a higher density. The overall average density to deliver 400 dwellings is 31.7 dwellings per hectare on 12.6 net residential ha, excluding all areas of open space. The exact mix of densities and dwelling types can be determined at the reserved matters stage.

The dwellings will vary very slightly in height, with the significant majority (90%) of the new homes being 2 storey properties which are characteristic of the area. Taller buildings will be introduced at appropriate parts of the site

A mixed use community hub/local centre will be provided. This is proposed to be located to the east of the principal (eastern) site access on the Newcastle Road frontage. The community hub/local centre of 0.51 ha is proposed to adjoin a new play area and village green. It is intended to be complementary to the existing services in Shavington and this is reflected in the size of the proposal which is up to a maximum of 700sqm square metres. The envisaged uses include a neighbourhood foodstore of 400sqm and three smaller 100sqm units. There may also be residential development within the mixed use centre for example on upper floors or in freestanding units as part of a perimeter block design as part of the creation of attractive street frontages.

The proposals include a range of green spaces creating a green infrastructure network throughout the site. The green spaces are proposed to perform a range of functions ranging from formal recreation and play provision through informal recreation and amenity space to areas to be managed for their sustainable urban drainage and biodiversity roles. In total, the proposals provide a combined area of 3.97 ha of green space, providing a comprehensive landscape infrastructure across the site with areas of open space, tree and hedgerow planting and new habitat. The total usable area of open space proposed outside SUDS areas is 1.62ha The proposal includes an additional 0.25ha kickabout area within the large western SUDS area bringing the usable recreational area to 1.80ha and a further area of 2.17ha of open space is proposed on the site in the form of structural landscaping, additional SUDS and footpath corridors, making up the 3.97 ha total.

3. RELEVANT PLANNING HISTORY

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

4. 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

5. OBSERVATIONS OF CONSULTÉES

Environment Agency

No objection in principle to the proposed development but would like to make the following comments.

Flood Risk

- The site is shown on Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding.
- The submitted FRA explains that the discharge of surface water from the proposed development is to be restricted to 89.3 litres/second, which is acceptable in principle. Attenuation will be required for discharges above this rate up to the 1 in 100 years design

event, which is to include allowances for climate change. The submitted Illustrative Masterplan indicates that this attenuation can be provided within areas of Public Open Space on the site.

- The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures, are implemented and secured by way of a planning condition on any planning permission.

- o a scheme to manage the risk of flooding from overland flow of surface water,

- o The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from RPS, ref. AAC4908 Issue 3 dated 25/06/2012 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

2. Finished floor levels are set no lower than, the relevant 1 in 100 years plus climate change plus 600mm freeboard level.

Ecology

- Development that encroaches on watercourses and ponds has a potentially severe impact on their ecological value. Land alongside watercourses and ponds is particularly valuable for wildlife and it is essential this is protected.

- Pleased to see that the 'Illustrative Masterplan 500_004' indicates that the applicant intends to leave a buffer zone around the watercourses and ponds on site and that they intend to position the green open areas next to the watercourses and ponds.

- Request planning condition is included on any approval to ensure a scheme is agreed to protect the watercourses and ponds on site and to provide a 5 metre wide undeveloped buffer zone around them measured from top of bank, top of bank is defined as the point at which the bank meets normal land levels.

- The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- o plans showing the extent and layout of the undeveloped buffer zone.

- o details of any proposed planting scheme (for example, native species).

- o details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

- The proposed river channel and corridor shall be constructed in accordance with a scheme to include the following features:

- o Detailed designs of new watercourse corridor within the site, which is fully integrated as part of overall scheme design, in such a way as to positively contribute to the nature conservation, landscape and amenity value of the site

- o Plans showing the extent and layout of the undeveloped buffer zone between the new development and the stream.

- o This undeveloped buffer zone should be a minimum of 5 meters wide measured from bank top. Bank top is defined as the point at which the bank meets normal land levels. This zone should be without structure and domestic gardens

- o Details of planting schemes (for example native species)

o Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term. The Environmental Statement contains a management plan for the woodland areas, ideally there should also be a management plan for the watercourse and these two areas should be tied together.

- The opening up of sections of the culverted watercourse is welcomed, as this will provide increased flood protection from the watercourse. The Lead Local Flood Authority, Cheshire East Council, will be able to confirm whether their consent is required for this under the Land Drainage Act 1991.

- The de-culverted watercourse should be integrated into the overall development by where possible positioning houses so that they are front facing to the view the new landscape asset. This will integrate the river into the development better. It will also reduce house owners from tipping garden waste and encroaching into the riparian corridor which would cause long term damage.

- Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. Culverts cause the loss of and adversely affect natural morphology, fisheries and wildlife habitat including substrate and they can create barriers to fish passage through increased water velocities, shallow depths and eroded culvert entrances. Watercourses are valuable features of the landscape for people and wildlife. They provide vital water resources and recreational assets for people and support a diversity of wildlife. We seek to restore and enhance watercourses to a more natural channel wherever possible.

- The NorthWest river basin management plan requires the restoration and enhancement of water bodies to promote recovery of water bodies. Watercourse restoration will promote the recovery of the waterbody, currently the catchment has been classified as having moderate ecological potential, however it needs to reach good ecological status by 2027.

- The Illustrative Masterplan 500_004 shows dashed blue lines but it does not indicate what these are in the key. These dashed blue lines look to be culverting of a watercourse.

- The Agency are generally opposed to culverting because it involves the destruction of river and bank side habitat and the interruption of a wildlife corridor, acting as barrier to the movement of wildlife including fish. Article 10 of the Habitats Directive states that wildlife corridor networks should be protected from development, and, where possible, strengthened by or integrated within it. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- The Ecological Appraisal report (August 2012) includes records of water vole within 1 km of the proposed site. We also hold records of water vole on Cheer Brook downstream of the site, the non main watercourses on the proposed site are part of this watercourse and so could contain water vole. However the Ecological Appraisal report does not contain any assessment of the suitability of the habitat for water vole or any water vole surveys. If there is no disturbance to the watercourse and pond banks within the conditioned 5 metre undeveloped buffer zone then a water vole survey is not required. However if the applicant does intend to disturb the banks e.g. culverting, then a water vole survey may be required.

- The water vole (*Arvicola amphibius*) is fully protected under Section 9 of the Wildlife & Countryside Act, 1981 (Variation of Schedule 5, Order 2008).

Contaminated Land

- Based on the information provided it is concluded that the risks to controlled waters are low and therefore we have no requirements for further works at this time. However, if unsuspected contamination is encountered during the development we must be contacted to agree appropriate measures.

United Utilities

No objection to the proposal provided that the site is drained on a total separate system in full accordance with the FRA submitted.

Environmental Health

- The hours of demolition / 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
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
- In addition to the above, the applicant shall submit a method statement. The piling work shall be undertaken in accordance with the approved method statement. The method statement shall include the following details: details of the method of piling, duration of the pile driving operations (expected starting date and completion date), prior notification to the occupiers of potentially affected properties and details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted and approved. 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 is proposing a mixed use local centre on part of the site, and as such, noise levels from any services plant shall be designed to be 10dB below the existing background noise level at the nearest residential property.
- The applicant has submitted an acoustic report with the application. The report recommends that mitigation is implemented to ensure that occupants of the properties are not adversely affected by road traffic noise from Newcastle Road.
- In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant is required to submit a detailed scheme of noise mitigation prior to the development commencing.
- 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 applicant submitted an air quality impact assessment with the application. The report stated that the predicted impacts on pollutant concentrations as a result of the development were not predicted to be significant at any location in the immediate area

surrounding the site. This is accepted. The assessment at this time, did not however consider the traffic and emission impact of the development on the Nantwich Road Air Quality Management Area (AQMA), due to being well removed from the area.

- It has become apparent from reviewing traffic data that there could be a reasonable impact on Nantwich Road, including the area of the AQMA. Traffic modelled evening peaks in 2015 and 2030 have predicted an increase in delay of up to 20% on Nantwich Road which could lead to increases in idling vehicles and emissions in the AQMA. The AQ assessment needs to take this into consideration and provide mitigation against any such increases.
- In addition, the travel plan should consider low carbon infrastructure such as the provision of infrastructure designed to support low carbon (and low pollution) vehicles.
- There is a potential for dust generated during the construction phase of the development to have an impact in the area. As such I would recommend that a condition be attached to the application to ensure there is no adverse impact by virtue of dust generation during the construction phases of the development.
- With regards to the Travel Plan associated with the development, it is recommended that low carbon infrastructure is also considered.
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - ☐ The application area has a history of agricultural and potentially infilled pond use and therefore the land may be contaminated.
 - ☐ 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 for the site. Comments were provided on this report and these are required to be addressed.
 - ☐ As such, and in accordance with the NPPF, this section recommends that the standard conditions should planning permission be granted.

Education

- A development of 400 dwellings will generate 65 primary aged pupils and 52 secondary aged pupils.
- Taking into account primary schools within 2 miles of the development and secondary schools within 3 miles of the development and includes information on numbers on roll, capacities and forecasts, cumulatively the primary schools are forecast to be oversubscribed by 2013. In light of this a contribution of $65 \times 11919 \times 0.91 = £705,009$ is required
- There is sufficient places available within the local secondary schools to accommodate the pupils generated by this development

Public Rights of Way Team

- Object to this development proposal.
- The development is to affect Public Footpath No. 11 Shavington-cum-Gresty and Public Footpath No. 21 Wybunbury, as recorded on the Definitive Map of Public Rights of Way
- The Illustrative Masterplan shows that it is proposed to divert the affected rights of way. As part of the route appears to be shown on what would become the adopted highway, this will in effect be a part diversion and part extinguishment of these footpaths. DOE Circular 2/1993 Annex D states that the use of estate roads should be avoided wherever possible and

preference given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

- It is noted that the majority of the proposed diversion does go through the green areas of the development but there are sections shown on the estate roads; this is likely to attract objections to a diversion order.
- The developer has not yet applied for a permanent diversion of the route under the TCPA 90, this must be done as part of the planning application.
- The PROW unit may consider withdrawing their objection once this application for a diversion is made and they have assessed the suitability of the new route.
- Meanwhile the developer should not interfere with the public right of way in any way
- Standard advisory notes should be added to the planning consent relating to the maintenance and protection of the right of way during the construction phase.

Countryside Access Team

- The proposed development would affect a Public Right of Way known as Public Footpath No. 11 in Shavington-cum-Gresty and No. 21 in Wybunbury, as noted in the application. The application details proposals to divert the public footpath and upgrade its width, surface and signage to provide a 'joint pedestrian/cycleway'.
- The principal of this upgrade is welcomed, in order to increase the permeability of the site and accessibility of services for pedestrians and cyclists. The detailed specification of width, surface materials, barriers and signage will need to be agreed with the Public Rights of Way department. A commitment to a management agreement will be required to maintain the condition of this asset.
- The legal status of the joint pedestrian/cycleway will require agreement also, be that a Public Footpath with permissive cycle access, a Public Bridleway or a Cycle Track. It should be noted that the diversion of the public footpath will require the confirmation of a diversion order under s 257 of the Town and Country Planning Act 1990. There is no provision to upgrade the status of a public right of way through such an order, with an upgrade requiring a separate legal process.
- The proposed diversion of the public footpath, as shown in the Illustrative Masterplan, aligns part of the diverted route within the green infrastructure of the development. This is supported and would go some way to reinstating the current footpath provision which forms a popular local walking route. However, it should be noted that the proposed diversion of the public footpath would, in effect, involve the diversion of part of the public footpath and the extinguishment of two other sections of the public footpath as these sections are proposed to run along roads, presumed to be adopted public highways.
- Any closure of the public footpath during construction will require a Temporary Traffic Regulation Order from the Public Rights of Way team, with a suitable alternative path to be provided, if feasible.
- The improved crossing facility for pedestrians on Newcastle Road is supported. However, consideration should be given to this facility being made available to cyclists in addition, so as to continue the cycling facilities to be provided within the site across the road. The provision of a toucan crossing at this location would extend the linkages across the road which could otherwise act as a barrier to cycling.
- The cycling isochrones map contained in the application documents, indicate that the services and employment options of Nantwich is within an anticipated cycling distance of the development site. There are cycling facilities between Nantwich and Blakelow, but at present no cycling facilities between Blakelow and the development site. Likewise, the services and

employment options of Crewe are within the anticipated cycling isochrones, yet at present there is no continuous cycling facility between the development site and the town. Suggestions have been identified through the Council's statutory Rights of Way Improvement Plan to create these routes. Consideration should be given to the assessment and development of these facilities in order to truly link the development site to services and to encourage cycling as a mode of transport to reach those services.

- The inclusion of walking and cycling options within the Travel Plan Home Welcome Packs is supported.

Archaeologist

- Application is supported by an archaeological desk-based assessment,
- This study identifies some potential for Roman remains, largely on the basis of the discovery of three lead salt pans from the land to the north east, around the Swill brook, which are likely to indicate the presence of a Roman salt making site, perhaps similar to that excavated in Nantwich in 2001.
- A pre-determination geophysical survey would be an appropriate way to identify any areas within the application area requiring further archaeological mitigation. This advice is reflected in Paragraph 4.42 of the Planning Statement where it is stated that a geophysical survey will be undertaken in readiness for the determination of the application.
- The report has not been submitted but the consultant advises that there have been access difficulties on some of the land but that he has told the surveyors to do the areas that can be covered at present.
- The results are awaited and it is hoped that this should allow the identification of any areas requiring further investigation, with this work secured by condition.

Natural England

- This application is in close proximity to the Wybunbury Moss Site of Special Scientific Interest (SSSI) /Special Area of Conservation (SAC). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.
- Natural England therefore advise that this SSSI does not represent a constraint in determining this application. This proposal does not appear to affect any other statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- It appears that Natural England has also been consulted on this proposal to offer advice on the impact on a protected species. Natural England refer to their adopted national standing advice for protected species. Natural England have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Bats and Great Crested Newts and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence

- Natural England has no further comment to make and the further additional information (in relation to the application above), which the Council provided to them in 3 separate emails (dated: 21/01/2013), does not change their previous response dated: 14/09/2012.

Cheshire Fire and Rescue

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- Arson is an increasingly significant factor in fires and construction sites are a major target. Would advise at this stage consideration is given to development of a fire risk assessment
- Would advise consideration be given to the design of the refuse storage areas to ensure it is safe and secure. If this cannot be achieved means for securing wheelie bins against the building should be provided.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

Greenspaces

- Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 6,000sqm of shared recreational open space and 8,000sqm of shared children's play space which is a total of 14,000sqm of open space.
- In addition, the proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. The proposal states that a Neighbourhood Equipped area for Play (NEAP), with 12 pieces of equipment will be provided. It does not however provide details of exactly what is proposed. This information should be requested from the applicant. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic and should ensure that less able bodied children are catered for. All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.
- A Multi Use Games Area (MUGA) is also proposed. Again, further information should be requested from the applicant, with regard to exactly what is proposed.
- The (MUGA) should use the IAE Fencing "Shooter" Sportswall System 15m wide x 26m long x 1m high with open goals. It must be installed entirely in accordance with the

manufacturers installation instructions, polyester powder coated in red (RAL 3000), and at the location shown on Plan BHD4. Access gates must have lockable drop bolts, and have keepers installed into the base, to accommodate the drop bolts. The finished surface will be 50mm above the grass surround.

Excavation for Baseworks

- To accommodate the above, the baseworks will be 17m wide x 30m long. The contractor shall excavate where shown on the site plan to accommodate the equipment, pre-cast concrete edgings, sub-base, basecourse, and wearing course. All excavated material is to be removed from site to the contractor's tip, and the contractor must bear the cost of this within his rates.

Sub-base

- The sub-base will be 200mm consolidated depth of MOT Type 1 stone, well compacted with an 8 tonne roller.

Edgings

- Pre-cast concrete edgings shall be 150mm x 50mm, laid as shown on Standard Detail No. B18. with continuous bed haunching minimum 100mm depth; top of kerb to be 25mm proud of existing turf surrounds. Edgings shall be laid around the perimeter of the multigames area.

Base Course

- The Base Course will be dense Macadam to DOT Specification 906, with 20mm nominal sized crushed stone aggregate and 100 PEN Bitumen or C54 Tar Binder. The finished tolerances are to be the same as the finished surface. The depth of base course will be 60mm after final consolidation with no undulations, hollows, joints, seams or textural variation. To achieve the above, base course will have to be laid by machine. All basework will extend into the access areas 3m x 2m.

Wearing Course

- The Wearing Course will be a non-porous Hot Rolled Asphalt to BS594 Part 1, with a 10mm aggregate laid and consolidated to 40mm thickness to a 100mm crossfall. Surface evenness will not exceed 3mm under a 3m straight edge in any direction. The surface level from the agreed crossfall profile will not exceed 25mm at any point from end to end, as per the amended BS7044 Part 4.

Line Painting

- The contractor shall apply one primer coat of court binder, apply two coats of Decatone Acrylic paint in red, set out and apply line markings to 1 basketball court and 1 5-a-side football pitch (D's and spots only).

- An outdoor gym is also proposed, with 16 activities however further detail has not been provided. Again, further information should be requested from the applicant, with regard to exactly what is proposed. There should be a bitmac surfacing and it should be located no nearer than 25m to the NEAP.
- An area of allotments, with 20 plots is also proposed. They would need to be surrounded by 2.4m high metal palisade fencing painted green. The allotments should have bitmac surfaced roadways, plus a metered water supply, with one standpipe per plot. Again, further information should be requested from the applicant, with regard to exactly what is proposed.
- Two areas of community woodland are also proposed. They should be comprised of regionally native species; this could perhaps assist with the drainage issues for the site.
- The applicants confirm that the future management of the greenspace on the site will be carried out by a private management company.

Highways – Initial Response

The Proposal

Mactaggart & Mickel have submitted an application for a residential development on an existing agricultural site in the south of Shavington. The application is for up to 400 dwellings as well as a local centre including a 400m² convenience store.

The site forms a triangle bound by Newcastle Road to the north, Stock Lane to the east and Dig Lane to the west. There are existing residential properties backing onto the proposed site along both Stock Lane and Dig Lane.

Accesses are proposed from Newcastle Road. Two of these will be priority T-junctions providing vehicular and pedestrian access, as well as a separate pedestrian access close a proposed puffin crossing of Newcastle Road. An emergency vehicle access is also proposed onto Stock Lane, which will double as a pedestrian access to maintain the existing public right of way which passes through the site.

The speed limit on Newcastle Road past the site between the junctions of Stock Lane and Dig Lane is proposed to be reduced from 40mph to 30mph.

The internal site layout is shown in the Masterplan and the TA states that it will be designed in accordance with the DfT's Manual for Streets. A small car park will be provided in the local centre.

Key issues

In the vicinity of the site the pedestrian provision is currently poor with no footway on the south side of Newcastle Road or crossing facilities provided. Newcastle Road is currently subject to a 40mph speed limit on the section past the site where the proposed vehicular accesses are to be located.

With regards to the traffic capacity of the network in the vicinity of the site there are two areas of concern. The corridor towards Crewe along Gresty Road is an existing capacity concern, particularly the junctions to the north of the corridor with Nantwich Road. Traffic Master delay data (below) shows the issues in both the morning and evening peak periods. Also, in the vicinity of the Nantwich Road/South Street junction at the northern end of the Gresty Road corridor there are a high number of accidents over recent years.

Morning Peak

Evening Peak

The other corridor of concern is the A500 towards the M6 Junction 16. During the peak periods queuing occurs eastbound on this link towards the M6. This queuing can extend back from Junction 16 through the roundabout junction of the A500/A5020/A531. The Traffic Master data below shows the extents of delays on this section of the network.

Morning Peak

Evening Peak

Site Assessment

Local road network

In considering the access proposals, the design conforms to current highway standards and is of sufficient width to serve 400 units. Adequate visibility would be available in both directions from the access points, as part of the site proposals it is proposed to reduce the speed limit on the section of Newcastle Road between Stock Lane and Dig Lane past the site to 30mph. A 2m footway is also proposed along the southern edge of Newcastle Road past the site as well as improved bus stops in this area.

A Puffin crossing is proposed on Newcastle Road which will allow crossing in the vicinity of the existing footpath through to Cameron Avenue. There is also a proposed uncontrolled crossing of Newcastle Road closer to the junction with Stock Lane.

The distribution of traffic at the site accesses shows all left turners using the western access and right turners using the eastern access. This is unlikely as any pass-by/diverted trips to the local centre would use the western access, as would residents in the western half of the site, whilst those living in the eastern half would use that access. However, given the results of the operational assessments it is not thought the change in distribution would cause either junction to exceed its capacity.

The percentage increase in trips on Main Road is in excess of 100% in some peak periods, however this is partly due to the quiet nature of the existing road. Main Road is a residential road with significant amounts of on-street parking on in certain locations. In these locations this could lead to congestion, severance and loss of amenity through this residential area.

No account of trips generated by the local centre (shop/health centre/pre-school) has been included in the assessment. It is likely that this will generate some diverted and/or pass-by trips which will impact on the operation of the site access junctions. Again, however there

would appear to be sufficient capacity in the junction arrangements proposed to accommodate these additional movements. It is also not clear what the local centre will consist of and what volume of parking is proposed, the TA states a “small car park” will be provided. More information is required and parking will have to be agreed based on CEC’s emerging parking standards as a reserved matter

The proposed parking for housing appears acceptable.

The majority of residents will have to travel away from Shavington for work, leisure and entertainment. The existing public transport services are poor off peak / evening and as a result the developer has proposed to subsidise some improvement to the existing services. The developer has proposed a contribution of up to £215,000 towards this enhancement.

Strategic road network.

The Crewe SATURN model has been used to assess the impact of the development traffic and inform the flows required for the junction assessments. Due to the nature of the SATURN model there is an element of rerouting of traffic onto routes which may be considered unsuitable.

All committed and planned development within the area are included in the traffic model and the traffic included in the assessments,

It is expected that trips generated will be distributed across four key corridors:

- Newcastle Road to the Nantwich Bypass
- Rope Lane towards Crewe
- Crewe Road/Gresty Road to Crewe
- Newcastle Road or Crewe Road on to the A500 towards the M6

On these corridors there are a number of junctions that already suffer a significant amount of congestion throughout the day and particularly in peak periods. Of particular concern are the following junctions:

- A500/B5071 Roundabout
- Nantwich Road/South Street/Gresty Road
- Peacock Roundabout
- Alvaston Roundabout

Given the location of the development in relation to the strategic highway network, with good links to the M6, it could be expected to see commuters attracted to the development. As a result it is felt that there could be a larger proportion of traffic using the A500 route towards the M6, rather than the distribution used which reflects existing traffic patterns. This would affect the existing congestion issues on this link.

Also, with the expected distribution of traffic towards Crewe and the M6 the impact of the development traffic at the A500/B5071 Roundabout and Nantwich Road/South Street/Mill Street junction is expected to slightly worsen the existing capacity issues.

The developer’s modelling of the Nantwich Road/South Street/Gresty Road junction shows that the junction will operate within capacity in 2015 and 2030 both with and without the

development in place. However, this junction currently operates over capacity in the peak periods and other busy times during the day (see Traffic Master data above). The traffic distribution shows an increase in traffic at this junction and also potential rat-running on the nearby residential streets to avoid the congestion which already occurs. As a result the operation of the Nantwich Road/South Street/Mill Street junction and Nantwich Road corridor in this area is an area of potential harm arising from the development.

An improvement scheme has been identified by the council at this junction which would cater for the additional traffic that this application would generate at this junction along with improving traffic flow along Nantwich Road. Developer contributions of approximately £290,000 have so far been secured towards this improvement though this currently leaves an estimated shortfall of £230,000.

Congestion on Nantwich Road/Gresty Road corridor would be further exacerbated without the delivery of Crewe Green Link Road. However, this is a committed scheme with planning permission – and being funded from central Government and the council.

The applicant has proposed a financial contribution of £75,000 towards either the planned Nantwich Road/South Street/Mill Street junction improvement or the construction of the Crewe Green Link based on the proportionate impact of the proposals relative to overall flows. However, from our assessments this improvement is necessary to mitigate the impact of the development and that this contribution falls short of the current funding gap.

Finally, based on the premise that the Council's priorities for infrastructure (in this location) overall may be greater in respect of strategic transport infrastructure than full delivery of affordable housing at the local policy rate the applicant has proposed various levels of affordable housing which would allow for enhanced contributions towards strategic highway improvements in the area:

% Affordable Housing	Enhanced Strategic Transport Contribution
25	£400,000
20	£800,000
15	£1,200,000

If members were minded to accept an enhanced contribution towards the strategic transport networks that part of this would need to be earmarked to close any funding gap to enable the delivery of the South Street / Gresty Road junction improvement.

Conclusion

In the area local to the site around Shavington the network is expected to be able to cater for the expected increase in vehicle trips in terms of junction capacity, although on some local links an increase on the existing traffic levels is anticipated – though from a low base.

The improvements to Newcastle Road are likely to assist with the incorporation of the proposed development into the existing village, and mitigate the potential severance between the development and the rest of Shavington village. The proposed enhancements to the local bus services would be welcomed to serve any development and are considered to be sufficient to address any accessibility concerns of the proposal.

The cumulative impact of other committed sites has been effectively considered in the transport assessment and has been reflected in determining whether the mitigation from the proposed development is sufficient.

There are capacity concerns regarding some of the strategic junctions which traffic is likely to be routed through from the development. Particular concerns are the A500 corridor towards the M6, A500/B5071 Roundabout and South Street/Gresty Road junction, especially without the guaranteed delivery Crewe Green Link Road. The developer has proposed a financial contribution of £75,000 to address the impact of this derived from the proportionate impact of this development against existing and committed developments. It is noted that this is, on its own, insufficient to provide for the implementation of this scheme.

Consideration has to be given to whether the severity of the impact would warrant a refusal of the application. On balance, highways would have no objection subject to the full shortfall of funding (£230,000) being met from this development. If the proposed enhancement to funding strategic transport impacts is endorsed then the monies over and above what is required to deliver the junction improvement will be available to contribute towards the Crewe Green Link Road or the A500 link to the M6.

Highways – Additional Comments

Introduction.

Legal advice has been sought by Gladman, who are objecting to the scheme as to way the above application has been assessed in terms of relating the reduction in affordable housing provision to an 'enhanced' strategic highway contribution.

The Highway development control advice to planners highlighted the following concerns not referenced in the Legal opinion:

“of concern is the A500 towards the M6 Junction 16. During the peak periods queuing occurs eastbound on this link towards the M6. This queuing can extend back from Junction 16 through the roundabout junction of the A500/A5020/A531. The Traffic Master data below shows the extents of delays on this section of the network.”

The report also challenges the validity of the findings of the applicant's transport statement – namely:

“Given the location of the development in relation to the strategic highway network, with good links to the M6, it could be expected to see commuters attracted to the development. As a result it is felt that there could be a larger proportion of traffic using the A500 route towards the M6, rather than the distribution used [in the transport statement] which reflects existing traffic patterns. This would affect the existing congestion issues on this link.”

“The developer's modelling of the Nantwich Road/South Street/Gresty Road junction [in the transport statement] shows that the junction will operate within capacity in 2015 and 2030 both with and without the development in place. However, this junction currently operates

over capacity in the peak periods and other busy times during the day – again evidenced by the Traffic Master data.”

“There are capacity concerns regarding some of the strategic junctions which traffic is likely to be routed through from the development. Particular concerns are the A500 corridor towards the M6, A500/B5071 Roundabout and South Street/Gresty Road junction, especially without the guaranteed delivery Crewe Green Link Road.”

The Highway development control advice therefore did not agree with the applicant’s analysis of nil highway impact.

Why the additional contribution is necessary and proportionate

Policy principles

Policy B2 ‘Enabling development’ of the adopted Cheshire East Council Local Transport Plan sets out the priority of addressing congestion issues on the A500 link to the M6.

Policy CO2 of the Emerging Policy principles sets out the requirements to deliver infrastructure improvements on the A500 corridor and other key areas.

The Draft Development Strategy sets out proposals for 6500 new dwellings over the Local Plan period. The proposed site at Shavington triangle is included as a preferred site to help deliver this target.

Highway Impact of the Shavington Triangle Site and justification for enhanced highways contribution.

The Crewe SATURN model has been used to assess the impact of the development traffic and inform the flows required for the junction assessments. Due to the nature of the SATURN model there is an element of rerouting of traffic onto routes which may be considered unsuitable. To avoid this undesirable redistribution it is necessary to provide capacity improvements at the existing capacity constraints.

The transport assessment was undertaken with the assumption that the Crewe Green Link Road scheme (A500 to A5020 link) is provided. This scheme relieves congestion on both Gresty Road, Nantwich road and other key urban links. Although the scheme has received Programme Entry status from the Government there remains uncertainties around delivery including statutory procedures and 3rd party funding.

Crewe’s highways network is highly constrained (a function of the number of rail crossings) and already suffers significant highway capacity issues.

As part of the supporting evidence work to direct and influence the emerging Local Plan, assessments of the scale of highway impact from a range of development scenarios have been undertaken. The work has been based on the (Department for Transport approved) Crewe traffic model. This has included an assessment of the necessary mitigation measures to unlock development. These measures will be set out in the Local Infrastructure Plan

supporting the Core Strategy and will be available for full public scrutiny. Key schemes will include:

- Crewe Green Link Road South
- A500 Dualling
- Capacity improvements at Peacock Roundabout and Alvaston Roundabout on the A51 Nantwich Bypass
- Remodelling of Crewe Green Roundabout
- Two-way working at Sydney Road Bridge
- The scale of investment necessary to deliver the required infrastructure is significant – and as such it is considered that, where viable, it is necessary to achieve maximum developer contributions towards the appropriate mitigation.

Taking these issues together it is considered that the contribution to strategic highways improvements is both warranted and necessary.

What the additional highways contribution would fund.

- Gap funding the necessary junction improvement works at Gresty Road/South Street. (£155,000). The balance of funding would:
- Assist in meeting the gap funding as necessary for the Crewe Green Link Road scheme (which is included as the base position in the transport assessment).
- Improvements to the A500 corridor – potentially as 3rd party match funding to a Pinch Point fund bid to widening the approach to J16.

Highways – Further comments following deferral

- “Consideration has to be given to whether the severity of the impact would warrant a refusal of the application. On balance, highways would have no objection subject to the full shortfall of funding (£230,000) being met from this development. If the proposed enhancement to funding strategic transport impacts is endorsed then the monies over and above what is required to deliver the junction improvement will be available to contribute towards the Crewe Green Link Road or the A500 link to the M6.
- On this basis the minimum position would be having to accept the revised offer of the development meeting the full costs of Gresty Road. However, they remain concerned about the wider strategic impact of the scheme and would press strongly for an enhanced contribution.
- Concern was also raised at committee on the traffic impact on Wymbunbury – looking at the transport assessment it confirms that the impact on routes through the village would be quite small as most traffic from the development routes (via the main access of Newcastle Road) to the A500 East/West or towards Crewe town centre. It would be difficult to justify a contribution to traffic management measures in this location.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Hough & Chorlton Parish Council

Strongly held view that this application has no valid grounds for approval and that the application should be refused for the following reasons:

1. Local Housing Needs

There is concrete evidence, including the recent Housing Needs Survey undertaken by Hough & Chorlton Parish Council that there is no foreseeable need for further housing development, in this area within the next ten years, which would justify building on this rural land.

This is green gap land and should only be developed where there is a proven local need. The most recent approvals for planning in Stapeley, Bridgemere, Reaseheath and Shavington more than meet local needs and so there is no case to approve further development.

This area is rural, not a “commuter settlement of modern housing estates” as is implied in this planning application. Moreover it is surprising to us to find it listed as a potential site in the Crewe Local Plan consultation exercise. We had been reliably informed by our local Councillor that this area comes under the jurisdiction of Nantwich and take great exception to the concept expressed in the local Crewe plan that this area would be seen as an ‘attractive’ gateway to Crewe. There is no obvious link to Crewe and to lose green belt land for this purpose, goes against all of the Council’s implied attitudes to using green belt land as a last resort.

2. Environment

There is clear evidence that if the development of this site goes ahead, it would result in significant loss of wildlife, including areas of habitat prioritised within the England Biodiversity Action Plan and that the ecological value of areas like the Wybunbury Moss, a site of SSI would be greatly diminished and potentially damaged once they were surrounded by houses.

The construction project alone would destroy the vital micro-habitat for wildlife and there is a significant danger that this disruption would drive away many protected and rare species.

On this basis alone, planning permission should not be granted.

3. Infrastructure

Our understanding is that PPPS 1 (Sustainable Development) seeks to create a sustainable, mixed community with good access to jobs and key services for all members of the community. It would appear that none of these factors has been incorporated into the rationale or supporting material for this application.

The site is prime Green Gap farmland. This proposal is a physical and visual intrusion into the open countryside, which is detrimental to the visual amenity of the villages surrounding it.

Furthermore, local schools are overcrowded already and public transport access is poor. We are about to lose the subsidy for the bus service to connect this area to Nantwich.

The sewers in this area are already notoriously over used and have constant problems of flooding.

Taking into account the amount of surface water generated from the proposed development and the current surrounding watercourses, this may cause flooding issues in the area. This drainage issue does also question the likelihood of potential damage to the Wybunbury Moss, as the water draining away could “starve” the Moss of its natural supply.

As such, the application fails to meet the infrastructure and sustainability criteria on any dimension.

4. Road Safety

The area is not served at all well by public transport, making it impractical for school or employment use. More houses will therefore mean more traffic, which is contrary to many of the planning guidelines for the development of Green Gap land. Existing pedestrian paths and cycle ways are well used for leisure, but will not in any way serve commuter purposes. Residents will have to rely on private cars and this will add significantly to the issues of road safety.

Our recent implementation of a SID in Hough village has identified road safety issues on the Newcastle Road and this application will exacerbate those and the traffic issues throughout Hough and Shavington.

5. Impact on and Contravention of existing planning policies.

It should also be noted that there are currently a number of current planning policies, white papers and government reviews taking place, which are very relevant to this proposed development and would further support refusing this application

6. Specific Proposals

We are disturbed to read that the developer is proposing to build structures with a maximum height of 10m around the perimeter of the site. A significant majority of the homes on Stock Lane and a majority on Dig Lane are single storey and this will have a significant adverse impact on these existing homes.

In summary, we believe there are no grounds to approve this application. On the contrary, the evidence is clear that it should not be approved and we strongly urge Cheshire East Council to refuse it

Wybunbury Parish Council

Listed below are the Parish Council Objections.

- It was refused inclusion in the 80's local plan by Michael Heseltine the then Secretary of State as it was outside the Crewe development area, being on the wrong side of the Newcastle Rd.
- It was again refused by the inspector for the Local Plan which is just coming to an end, on the grounds that it was good quality agricultural land & there was adequate land available within the Crewe town boundary with Brownfield land awaiting use.
- The Brownfield land is still not used up, there is an adequate amount to accommodate development within the old Crewe & Nantwich boundary without the use of good agricultural land.
- The facts stated in 3 are currently correct as per the document "Unleashing the Potential of Cheshire & Warrington", the RSS which was examined in public is still current. This is still a document that has not been revoked or superseded as Grant Shapps was challenged in the high court & had to let the current document stand until it was replaced. Therefore it must be considered when this application is looked at for approval.
- The RSS says that good agricultural land should not be considered if there are other sites that can be considered which comply with the criteria set out in the document.
- The RSS states that for the period 2003-2021, housing provision in the old C & N area should be 8,100 housing units with an average number of units per year of 450 with 60% of those built on Brownfield sites not Agricultural land.
- The infrastructure to sustain this development will put excessive pressure on the current, gas, electric, water, sewage system & the surface water disposal especially if some of the other proposed developments in Shavington are also approved in the next 12 months.
- To emphasize the surface water problem in December 2011 following a heavy rain storm the section of Dig lane by the sewage pumping station flooded to a depth of some 4 to 6 inches in water.
- On investigation by CEC highways division it was found that the ditch behind the pumping station required cleaning out. After some negotiation with the reluctant land owner the ditch was cleared but at the same time it was found that the ditch then feeds into a piped section of small diameter so another future blockage is likely. We therefore dispute the

developer's comments that the area intended to collect excessive surface water will be adequate to deal with any heavy rainfall within the new development; also if the outfall from the water collecting area is not adequate then the adjoining existing properties in Dig lane would be flooded.

- The pumping station in Dig lane has problems when there are periods of heavy rain as it also has to deal with surface water from a section of the B5071 which is pumped up from holding tanks in Moss lane along with the surrounding properties' sewage.
- The sewage system & pumping station were installed in the early 60s & designed to cope with the then demand. Some of the more recent approvals in the area have had to provide their own sewage treatment systems.
- The developer talks about the number of affordable properties that they will build along with enhancements to local facilities. These we would assume be under a 106 agreement or a CIL, but with this only being an outline application & with government proposals to reduce the number of affordable houses & the CIL contributions to local projects that developers need to build into their applications or can be approved as part of an application, their proposals look very optimistic at least & could be misleading to those looking at the application.
- The applicant talks about improvements to public transport. Who is going to fund it? CEC does not have the funds, or is it the developer & for how long or is their hope that the current operator will up his current service (no hard evidence to support it)
- The developer talks of shops & community facilities, there are adequate shops within easy walking range of the proposed development, the question is will the new shops effect the existing shop trade or will they never get built, but be replaced by even more houses
- The properties to be built are to house people who are going to work locally. Where when there are no new jobs on the scale to accommodate the people from this development, Will it be that, like other new estates in the old Crewe & Nantwich area they will mostly be dormitory houses for people who commute to either Manchester, Stoke or Birmingham?
- The land to be used is of good agricultural value & has been used continuously up to the present for producing mostly arable crops, with the remainder for grazing.
- Contrary to comment the land is not surrounded on all sides by houses only two sides have ribbon development & the third (Shavington) side has an open boundary to the Newcastle Rd except for a pair of cottages in the middle.
- Wybunbury Parish Council stated in its submission to the local plan Phase I that the parish only required a maximum of 30 properties over the next 20 years & these should be affordable or in-fill properties mainly within the village area itself. There should be no more large developments within the parish as stated in the parish plan for Wybunbury which was compiled by the parish plan group & confirmed by a recent housing needs survey compiled on behalf of CEC as part of their housing need demand survey for the borough.
- The land is also colonized by badgers & great crested newts & the mitigation measures proposed by the applicant would reduce the area where they could live & in the end lead to the eradication of this type of wildlife from their current habitat area.
- The loss to the local community of the views over open countryside & the walks over the fields towards Wybunbury will impact on the health & wellbeing of the local community as well as the residents surrounding the fields when there are adequate Brownfield sites in Crewe without the use of this land, it is only developer lead not for the benefit of the community as the developer tries to contend.
- The contractor's aims became quite evident when they objected to a recent application in Shavington as they must have feared that if it was approved it could effect their application with regard to housing numbers in the area.

- This development is another intrusion into the open countryside & will be followed by the infilling of all the open land in Shavington.
- The Parish Council supports the views of the Triangle Group & residents surrounding the development as well as residents of the Parish of Wybunbury, Hough & Shavington & request that this application is refused outline planning permission.
- An Emergency access on to Stock Lane has now been added to the previous plans shown by the developer. How is to be controlled as an emergency access or will it become a rat-run or short cut onto the estate, this access is after a bad bend in Stock lane were the traffic Max speed is 40 mph.
- This development would split the Parish of Wybunbury into two separate communities which is not good for Neighborhood cohesion or Community involvement when the government policy is Community cohesion & good Neighborhoods.
- The majority of this site lies within the Parish of Wybunbury not in the Parish of Shavington. Wybunbury lies within the Nantwich LAP area, so any large development should be considered in conjunction with the Nantwich local plan not the Crewe vision plan as Nantwich Town is nearer than Crewe Town. The parish of Wybunbury has always been associated with Nantwich Town rather than Crewe Town. So this application should be considered along with plans for development in or around Nantwich.

Shavington-cum-Gresty Parish Council

1.0 INTRODUCTION

1.1 This Planning Statement comprises an objection from Shavington cum Gresty Parish Council to an outline planning application submitted by Mactaggart and Mickel for residential and associated development on land south of Newcastle Road, west of Stock Lane and east of Dig Lane, Shavington/Wybunbury. All matters are reserved for subsequent approval. The site has been known as Shavington Triangle.

1.2 It is submitted alongside and to support the many other objections submitted by local residents of Shavington and Wybunbury to the same planning application.

2.0 THE CURRENT SITE

2.1 This is a large greenfield site comprising some 17.38 hectares and according to the submitted Planning Statement is to accommodate up to 400 dwellings plus a single convenience store, open space, access roads, cycleways, footpaths, structural landscaping and associated engineering works.

2.2 Its release for housing will have a major impact on the character of the area.

3.0 EXISTING PLANNING POLICY

3.1 The site lies outside the settlement boundary of both Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Local Plan 2011. (CNRLP) This is the current Statutory Development Plan for the area. The site is currently not within an area considered appropriate for new housing development.

3.2 It lies within an area of open countryside and policy NE2 applies as set out below.

Policy NE.2: OPEN COUNTRYSIDE

ALL LAND OUTSIDE THE SETTLEMENT BOUNDARIES DEFINED ON THE PROPOSALS MAP (SEE ALSO POLICIES RES.5 AND RES.6) WILL BE TREATED AS OPEN COUNTRYSIDE.

WITHIN OPEN COUNTRYSIDE 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.

AN EXCEPTION MAY BE MADE WHERE THERE IS THE OPPORTUNITY FOR THE INFILLING OF A SMALL GAP WITH ONE OR TWO DWELLINGS IN AN OTHERWISE BUILT UP FRONTAGE.

3.3 Quite clearly the proposal for residential development does not comprises one of the uses set out in the policy which will be permitted nor is it a use which is appropriate to a rural area. Further it does not comprise a small gap in an otherwise built-up frontage. The proposal is contrary to policy NE2 of the Local Plan. The release of this site would represent an ad hoc expansion into Open Countryside.

The Interim Planning Policy (IPP)

3.4 This document was adopted by Cheshire East Council on 24th February 2011. Its purpose is

“To manage the release of additional land for residential development through the consideration of planning applications to maintain a five years supply as an interim measure pending the adoption of the Local Development Framework Core Strategy.

The policy has been developed in a manner so that it would not prejudice the consideration of alternative options for the development strategy of the Local Development Framework.”

3.5 Cheshire East Council has recently published the Crewe Town Strategy for consultation as part of the LDF and this considers how the challenges facing towns and villages are to be addressed. It is inappropriate to consider the release of a significant housing site in Shavington/Wynbunbury Parish such as this now as this would clearly prejudice the consideration of alternative options for the development strategy of the LDF.

3.6 This is contrary to The Interim Planning Policy and as such this site should be rejected by the Council.

3.7 The release of this site would undermine the policies of the current Local Plan and pave the way for more challenges to its credibility. This would lead to an approach whereby planning permissions were helping to influence, drive and determine the strategy of the forthcoming LDF as it progresses towards the adoption of the Core Strategy. It would undermine public confidence in the LDF process and make a sham out of the public participation and consultation on which Cheshire East Council is placing so much emphasis.

Interim Planning Policy 1: Release of Housing Land

3.8 The text below is an extract from this document.

“3.2 Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the Crewe Vision. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Development Framework.

3.9 This site is located within Shavington cum Gresty and Wybunbury parishes and it is not located “adjacent to the Local Plan settlement boundary of Crewe”. This boundary is well defined by the railway line some distance to the north and of Shavington. As Shavington is not included within the area where there is considered to be land for housing development to meet the short term need for housing land in the Borough, there is an objection in principle to the release of housing at this time through this planning application.

3.10 Giving planning permission to this site in advance of establishing the appropriate level of future housing provision across Cheshire East would undermine the credibility of the LDF process. It would also mean that it would make it more difficult for committed brownfield sites in the area to be developed.

3.11 The Parish Council still remains to be convinced that there are not more brownfield sites in the urban areas of Cheshire East which can improve the Council’s 5 year supply of housing land. It urges the Borough Council to look more imaginatively at the opportunities offered by old employment sites.

The Revised Interim Planning Policy: Release of Housing Land (IPP2)

3.12 The Cheshire East Council confirms that

“This draft Revised Interim Planning Policy for the Release of Housing Land has been prepared to take into account changes in circumstances since the original Policy was adopted and to ensure that new housing development takes place in locations where the Council and the local community considers appropriate.”

3.13 This is Cheshire East Council’s response to the continuing challenge it faces in maintaining a 5 year supply of housing land.

3.14 So that there can be no doubt as the status of the CNRLP in respect of the determination of planning applications, the document also confirms that:

“Until the Local Plan is adopted, the Development Plan policies for Cheshire East relevant to the consideration of proposals for residential development are the saved policies of the Crewe and Nantwich, Congleton and Macclesfield Local Plans. The revised timetable for the Local Plan indicates a date for adoption of the Core Strategy in late 2013 and Site Allocations in late 2014.”

3.15 Despite the adoption of the IPP 1 In February 2011, the Council has still found the maintaining of a 5 year supply very challenging and has consequently sought to produce IPP 2 to address housing supply issues.

“Its purpose is to manage the release of additional land for residential development through the consideration of planning applications to maintain a 5 year supply of housing land in a manner that will not prejudice the consideration of alternative options for the development strategy of the Cheshire East Local Plan Core Strategy. The policy will only apply at such times that the Council is unable to demonstrate a 5 year supply of housing land and until such time as the Local Plan Core Strategy is adopted.”

3.16 The revised IPP 2 which now is also important to the determination of planning applications.

3.17 IPP1 has been successful in delivering more housing land:

“The Interim Planning Policy has been operating successfully since its adoption and has led to an increase in the supply of housing as expected. Developers have submitted planning applications on a number of sites adjacent to the settlement boundary of Crewe. Some of these planning applications have already been considered and approved by the Council, resulting in the approval of about 1,150 additional homes. In addition planning applications have been submitted for mixed use developments in Alsager and Macclesfield, although as yet undetermined”

3.18 The Council continues to recognise that Crewe will continue to play a strategic role in the delivery of new housing in Cheshire East:

“The development of Crewe remains fundamental to the development strategy for the Borough and the draft Revised Interim Planning Policy will therefore continue to facilitate the release of a limited number of housing sites on the edge of Crewe outside the Green Gap.”

3.19 The important phrase in the context of this application is “on the edge of Crewe.”

3.20 However, the Council recognises that it still faces a challenge in ensuring the availability of a 5 year supply of housing land:

“It is also clear that without a 5 year supply the Council remains vulnerable on appeal to speculative planning applications on sites where the Council would not necessarily wish to see development take place. It is therefore proposed that the main thrust of the Interim Planning Policy remains unchanged but that additional provisions are included in relation to allocated employment areas and in respect of housing development in other towns in the Borough.

Firstly, it is proposed that in the Crewe area the policy is amended to allow for housing development to take place on parts of allocated employment areas.

In respect of housing development on the periphery of other towns, there is a risk that allowing the release of major non Green Belt housing sites on the edge of towns other than Crewe would pre-empt decisions on the future development strategy for the Borough, which should be taken as part of the Local Plan process. The Council is currently engaged with local

communities in preparing town strategies for our larger towns, which will be used to contribute to the forthcoming Core Strategy and Site Allocations documents.

3.21 The Council is also proposing to amend its Interim housing policy by relaxing restrictions on developments in respect of small sites:

It is proposed therefore to broaden the policy to allow for modest housing developments on sustainable sites on the edges of towns other than Crewe. To avoid prejudice to the Development Plan process or undue harm to the countryside and settings of towns, the following key principles will be incorporated into the revised policy:

Developments should be small scale
Developments should not prejudice key strategic decisions about the growth of a town. Sites should not be within the Green Belt or the Green Gap

Impact on the countryside should be minimised.

Locations should be sustainable.

It is proposed that the revised policy should be used in the consideration of planning applications with immediate effect and will be considered to be a material consideration, although it is recognised that it will not carry full weight until is adopted by the Council following consultation.

3.22 It is clear that neither of these changes to policy give the green light to the release of the application site for residential development as it is not an employment site in the Crewe area nor does it comprise small scale development on the edge of a town. It is located beyond the village of Shavington in open countryside.

3.23 So to examine how the application site stands up against the relevant requirements of the new revised IPP 2:

- It is not adjacent to the settlement boundary of Crewe
- It is not well related to the built framework of the settlement;
- It does not uniquely deliver development that improves the supply, choice and quality of housing in Crewe. This could apply to any large housing site
- It does not support the delivery of the Council's overall vision and objectives for Crewe as it is not in Crewe or on a site well, related to the built framework of the town
- It is not adjacent to any of the identified towns or 9 service centres.

3.24 The Borough Council is clear in respect of its focus on Crewe as a strategic location for future development and equally clear as to how it views Shavington and by implication how it should determine this application as not in accordance with policy.

“Crewe is a principal town and will continue to be a focus for future housing development in the Borough as envisaged in the All Change for Crewe programme. Although the overall amount and direction for growth has yet to be determined, it is considered that there is scope for sufficient housing development to be brought forward adjacent to the Local Plan settlement boundary of Crewe (not including the village of Shavington) to meet the short term need for housing land in the Borough in a way that would not prejudice the preparation of the Local Plan.”

4.0 APPLICANT' PLANNING STATEMENT

SITE AND SURROUNDING AREA

4.1 The assertion that the site is located within the framework of Shavington is not accepted nor that it functions as a suburb of Crewe. Shavington is physically separate from Crewe and in planning policy terms divorced from the town by a swathe of agricultural land within a Green Gap designation. The village has its own separate identity and its residents view the village as a separate community distinct from the town of Crewe.

4.2 The purpose of the Green Gap designation is to preserve that separate physical identity.

4.3 The application site itself comprises a significant area of agricultural land beyond the bulk of Shavington village which lies to the north. The existing development along Dig lane and Stock Lane are only ribbons of development. The site is open for much of its length along Newcastle road.

4.4 It is considered that the site itself is more similar in character with the larger area of agricultural land in open countryside to the south west and south east.

4.5 It is acknowledged that the site lies outside the development boundary of Shavington and this is agreed but the site itself is an open area with the undeveloped frontage facing Newcastle Road which itself provides views from a public vantage point into the site.

4.6 IPP2 confirms that Crewe is a principal town and a focus for new development. There is no mention of a “wider Crewe area”. The IPP is very clear as to potential suitable locations for new housing development. These should be at the edge of the town boundary and well related to that physical boundary. This application site is not such a location as it is some distance beyond the boundary of Crewe and even outside the Shavington development boundary as accepted by the applicant.

NATIONAL PLANNING POLICY

4.7 Contrary to the applicant's view the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the development.

4.8 Such a decision would mean that other sites beyond the Shavington development boundary would be vulnerable from the pressure of new development and it would considerably undermine the CNRLP and IPPs 1 and 2.

4.9 The development of such sites not protected by the Green Gap policy would be very difficult to resist and the combined effect of such a release of land would be to prejudice future decisions which should be taken through the LDF about the locations of future development.

4.10 This would lead to considerable expansion of Shavington village which is positively excluded from new development by the IIP.

4.11 The strategic ambition to concentrate growth around Crewe does not envisage the release of sites such as the application site.

4.12 It is accepted that additional housing sites will be required over the LDF plan period. However sites of this scale should be considered through the LDF process.

4.13 The “call for sites” through the evidence gathering process of the SHLAA has resulted in the identification of sites in the Shavington area of over 2000 dwellings which are the subject of planning applications submitted, being progressed or the subject of preliminary discussions with Cheshire East and Shavington Parish Council.

4.14 The plethora of such sites makes it essential for Cheshire East to resist the release of the application site and ensure that the consideration of such sites is undertaken through the LDF process and through consultation on the Crewe Town Strategy document. This is ongoing at the moment.

Annex 1: Implementation

4.15 Contrary to the applicant’s view, the NPPF clarifies at para.215 and footnote 39 that until March 2013, decision takers may continue to give full weight to relevant policies adopted since 2004 in development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004, even if there is a limited degree of conflict with NPPF.

4.16 CNRLP 2011 was adopted in February 2005. It is an old style saved plan to which the one year exception does not apply. Therefore in accordance with the same para 215, due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the NPPF.

4.17 On the proposals map of the local plan, the site is located outside the settlement boundary of Shavington. The site lies in open countryside and therefore policy NE2 is relevant.

DEVELOPMENT PLAN CONFORMITY

4.18 The applicant points to the relevance of the fact that the Shavington/Wyburnbury area forms part of the Crewe Town Strategy area as support for planning permission being granted on this land.

4.19 It is clearly contradictory to comment that the Cheshire East Local Plan has not been advanced to a policy stage so limited weight can be given to it and the say that the Crewe Town Strategy, only published for consultation, contents can be relied onto support the

release of this site. The site cannot be appropriate for release given its scale and conflict with IPPs 1 and 2.

4.20 The site is not a countryside enclave in the settlement boundary of Shavington. The site lies outside and beyond the settlement boundary, divorced from the main part of Shavington village.

4.21 The applicant notes that:

- The planning application does not comply with policy NE2
- Proposed development that conflicts with an up-to-date Local Plan should be refused unless material considerations indicate otherwise.

4.22 The Core Strategy Issues and Options Paper 2010 puts forward three options for growth. However no reliance can be placed on this document since no decision has yet been made as to the level of growth appropriate for Shavington.

4.22 Strong objection is made to the applicant's assertion that the application site is in accordance with IPP2.

4.23 To meet the criteria in the IPP, the site needs to be well related to the built framework of Crewe not Shavington/Wybunbury. It is not. It fails on this first test. In addition, the village has only one settlement boundary and the site is not within it.

KEY MATERIAL PLANNING CONSIDERATIONS

4.24 It is accepted that Cheshire East does not have a 5 year supply of housing land, that the housing supply policies of the CNRLP are out of date and that it may be necessary to look at green field land to accommodate additional housing to meet the supply.

4.25 However it is considered that the approach taken by Cheshire East to look at sites well related to the edge of the built framework of Crewe, the potential of existing employment sites and smaller developments in or at the edge of other towns is the correct approach. Indeed it may be possible to look at all employment sites in sustainable locations to see if there is scope for releasing part of such sites for housing.

4.26 It is not accepted that large scale development on sites in the open countryside divorced from the largest settlements such as Crewe, as in this case, is a sound approach to take.

4.27 It is not considered that this site supports the All Change for Crewe Vision.

4.28 In respect of the delivery of affordable housing and recreational facilities, these are not unique material considerations which weigh in support of the application as all large sites would be expected to deliver such planning obligations. Many sites would also be able to argue strong sustainability credentials.

4.29 The Council has taken steps to increase housing supply through the IIP and is conscious of the need to increase housing land availability through the local plan process. It does not need to rely on the application site to increase housing supply.

4.30 The applicant seems to be making a case for the release of this site as follows:

“There is a strong strategic case for housing growth to be located at Shavington/Wynbunbury in the form of a strategic allocation as part of the Greater Crewe area which accords and responds to the Crewe Vision.”

4.31 The applicant now seems to be putting a case for an allocation through the LDF process.

4.32 This representation is supportive of an approach which looks to identify appropriate levels of growth and locations for new housing through the Local plan process not through the granting of planning permissions in advance of the LDF.

4.33 A response can be made to the applicant's strong case as follows:

- Crewe is to be a focus for new development but this site is not well related to the built framework of Crewe.
- The LDF will decide the level of growth and planning applications of this scale should not be used to circumvent and prejudice these future decisions.
- No decision has yet been made as to the locations for new development. Whilst Shavington is included in the Crewe Town Strategy document, no agreement has been reached that the village is to be a location for development on the scale proposed by this application.
- The Parish Council is opposed to Shavington being identified for major development in the Cheshire East LDF.
- The consideration of this application is not the opportunity to debate the merits of the appropriate level of development for Shavington or which sites if any should be released for housing.
- The sustainability credentials of the site do not justify planning permission when there are strong policy objections to its release for housing.
- There is not an excellent fit between the application proposals and the spatial vision for the area since this is not determined yet. What is clear is that the proposals are contrary to CNRLP and IPPs 1 and 2.

4.34 The fact that pre-application consultation has been carried with the local community is not considered to be a relevant material consideration as all competent applicants and agents should undertake such an exercise for large scale proposals as set out in the NPPF.

4.35 However it is noted that of the 92 responses received to the consultation, 70 were objections and none were received in support of the scheme.

5.0 LANDSCAPE AND VISUAL ASSESSMENT

5.1 It is possible to make an assessment of the site's character in the local landscape by a site visit which involves walking the public footpath which crosses and by walking along the roads surrounding the site.

5.2 When viewed from Newcastle Road, the site opens up and appears as part of a much larger area of open countryside beyond. This is because the houses on Stock Lane are only seen intermittently and are screened to some extent by existing mature tree cover.

5.3 The impression is not one of a site enclosed by existing ribbon development. This impression of a countryside location is further enhanced by the fact that a number of properties on Stock Lane are single storey dwellings. The impression remains that the site is not seen as part of Shavington village.

5.4 The site itself comprises a number of separate fields with hedgerows and hedgerow trees and this also helps to combat the appearance of being a site enclosed by built development.

5.5 From Stock Lane looking back towards Newcastle Road, the appearance of open countryside ends at Newcastle Road with the bulk of Shavington village beyond.

5.6 It is clear that a better impression of the character of the area is gained by site visit rather than merely looking at plans of the site.

6.0 DESIGN AND ACCESS STATEMENT

6.1 The section on Site location repeats much of what is contained within the Planning Statement. Suffice to say that the Parish Council does not agree with the description of the site in respect of its location vis a vis Shavington and its inferred relationship with Crewe

6.1 It is absolutely clear that the site comprises significant area of land in agricultural use which lies beyond the main part of Shavington Village.

6.2 Despite the description in para. 2.6 of a settlement fringe location, the site is clearly not an urban fringe location. It is not a degraded landscape but is in active agricultural use despite the difficulties mentioned in farming the land.

7.0 CONCLUSION

7.1 The application site is clearly outside and beyond the current well defined local plan settlement boundaries of Crewe and Shavington. It lies within an area which is not considered appropriate for development in the CNRLP.

7.2 The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside of the CNRLP which comprises the current statutory Development Plan for the area in which the application site is located.

7.3 The release of this site would represent an unplanned, ad hoc and unnecessary major intrusion into the open countryside beyond the confines of Shavington village and some distanced from the well-defined edge of the built framework of Crewe; and the Parish Council would question what evidence of need exists for this number of dwellings in this location.

7.4 The site's release for development will make it more difficult to resist the release of other sites beyond the edge of the village of Shavington.

7.5 The potential release of this site has very important implications for the village of Shavington as a whole. As a result of the SHLAA and the Council's "call for sites," it is one of a number of sites comprising 2000 dwellings currently outside the settlement boundaries of Crewe and Shavington which are in the pipeline for consideration by Cheshire East Council either as pre-application discussions, shortly to be submitted as applications or submitted applications.

7.6 The release of such a large site will make a number of other sites vulnerable to developer pressure such that the individual identity of Shavington would be lost and the whole community absorbed within the built framework of Crewe.

7.7 IPPs 1 and 2 are in place and 1 has been adopted by Cheshire East for Development Management purposes. This specifically excludes Shavington from its consideration and the requirement to provide sites to meet a 5 year housing supply. The Council has reviewed this document and has widened the criteria for or location of sites which can be considered acceptable to meet the housing supply but the release of this site for housing is still in conflict with IPP 2. Both documents do have weight in the consideration of the planning balance.

7.8 Despite the applicant's contention that some weight can be attached to the Draft Crewe Town Strategy, paragraph 7.8 and the statement below the list of sites makes it abundantly clear that these sites are not proposals and not all sites will be required to deliver the vision for the town. Nevertheless this is the appropriate mechanism for considering the appropriate levels of growth and the location of new housing development in the Crewe and Cheshire East area.

7.9 Whilst it is conceded that there is not a 5 year supply of housing land available in Cheshire East and some developers consider that policy NE2 is out of date because Cheshire East is willing to approve housing on some sites with an open countryside designation, development is only acceptable in those areas which comply with IIP1 and 2. This site does not so comply.

7.10 Contrary to the applicant's view the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the development. Permission on the land would increase the pressure to set aside policy NE 2 on land in a number of locations surrounding Shavington and would undermine the Development Plan. As such the proposal would be contrary to the NPPF. So the lack of a 5 year supply should not be seen as an overriding material consideration such to justify permission.

7.11 The release of such site will make it much more difficult to ensure the regeneration of Crewe and make brown field sites less attractive for housing development and investment by developers because of the availability of easier green field sites.

7.12 Planning legislation requires that planning applications are to be determined in accordance with the Development Plan unless material considerations dictate otherwise. It is not considered that such material considerations exist in this case.

7.13 Shavington cum Gresty Parish Council urges Cheshire East Council to refuse this planning application No 12/3114/N.

7.14 In addition it urges the Council to progress rapidly the LDF process and to remove the uncertainty and inconsistency which exists in the determination of planning applications for housing in the Crewe area. The Parish Council also wishes to actively engage in continued discussions with Cheshire East Council over the future planning policies for the Shavington area.

6. OTHER REPRESENTATIONS

Local Residents Representations

Letters have been received making the following points:

Principle of development

Greenfield

- There are areas of Crewe with part developments, most notably near Morrison's, where work has been suspended 'mid build'. There is no necessity to build on 'Greenfield sites'
- There are plenty of Brownfield sites available to meet local housing requirements of Cheshire East without the need to build on Greenfield sites such as the Triangle.
- Loss of green space – the area is a Greenfield site. There are Brownfield sites within Crewe and Nantwich which should be developed in advance of any Greenfield site being lost
- This is green gap land and should only be developed where there is a proven local need.
- It is important to remember that it is more difficult to reinstate green field / agricultural land once used for building than it is to use the existing 'brown field sites' (unused shopping centres, public houses etc) for development of housing.
- Planning Application based on strong association with Shavington and Crewe, probably to facilitate and justify the development of 'green-field' land (which this is) instead of utilising other more suitable and locally available 'brown field' land.
- My understanding is that the land in question has been designated as 'green-field' agricultural land and as such forms part of the green belt areas deliberately maintained in this area to prevent the excessive urban sprawl of Crewe from spoiling the Cheshire countryside
- proposed site is designated as 'green-field' agricultural land
- There should be a continued commitment to more town housing, utilising suitable derelict or previously developed (Brownfield) land and buildings.

- The development is being put forward as urban under the Crewe plan, 75% of the land is Greenfield located in the rural village of Wybunbury Nantwich and should be under the Nantwich plan and should be dealt under rural planning guidelines. Development of the "Triangle" would be a contravention of CE current policy
- November 2010 SHLAA states that already 'in planning' and on Brownfield sites there were approx. 12,500 units available. Add to this 3000 empty homes in Cheshire East and the government requirement can be achieved without the need to build on Greenfield land.
- The planned 400 houses on the Shavington Triangle is but the tip of the iceberg of on-going designated-greenfield site destruction throughout the Crewe and Nantwich area.
- The majority of land is active agricultural land. Its maize crop is an active contributor to the UK food chain and I believe this should be preserved.
- Under the NPPF 2012 (page 18, para 77) The Triangle is eligible for Local Green Space designation and as such this application should be considered as inappropriate in this context.
- The land in question is prime agricultural land which is also covered within CEC's planning policy as not developable.
- In 1998 and the agricultural land quality was stated to be Grade 2. Such sites should not be lost to development
- The field has been assigned agricultural grade 2 and 3a by MAF and DEFRA on over 76% of its entirety
- The land is primarily grade 2 and 3a which means that this proposed development contravenes the Crewe & Nantwich Replacement Plan 2011 which states that;
- this application clearly contravenes the NPPF (Page 26 paras 111 and 112
- Under the NPPF 2012 (page 18, para 77) The Triangle is therefore eligible for Local Green Space designation
- Development of the "Triangle" would be a contravention of Cheshire East current policy. As stated in Cheshire East documents linked to the "Triangle", "there would have to be a change of policy to approve the planning on this proposed development (Brownfield first then mixed sites.
- Within the saved Borough of Crewe & Nantwich Replacement Local Plan 2011 this site is designated as Open Countryside under Policy NE.2.
- Should not be giving up arable land lightly in view of the world shortages of food production
- Farming land needed for food production to achieve self sufficiency and to reduce greenhouse gases

Character

- Wybunbury has been a small, rural area with historical and traditional roots and a proportion of the village and its quiet, peaceful nature is now to be affected in a negative way
- Why not expand the large towns rather than destroying the small rural villages that are part of the English tradition
- The preservation of the quality of life of the existing residents is a fundamental prerequisite of all the officers and employees of Cheshire East.
- We need to see the countryside as countryside and not as available space to dump unwanted housing.
- The whole site is separated from Shavington Village by the Newcastle Road which has historically provided a robust 'physical barrier' identifying and separating two very distinct communities.

- Wybunbury (including the Triangle) reflects the village's medieval historical roots and its agricultural economy.
- This will permanently alter the unique characteristics of Wybunbury,
- Impact on existing Landscape and Built Character of area – the development will result in a change of landscape character from existing open arable fields with internal and boundary mature hedgerows, ponds, ditches and associated hedgerow trees to a largely built form.
- The size and scale of the development would have a significant effect on the size of the current villages of Shavington and Wybunbury and would merge the boundaries of the two areas.
- The land is open countryside which serves as a valuable buffer between Shavington and Wybunbury.
- Shavington is a succinct community with a quite different identity and separate from Crewe. This would double the size of the village substantially altering its character for ever.
- the effect of the development on the character of the neighbourhood

Need

- do not understand why there need to be more houses built when there are currently plans for building in the very close vicinity of Stapeley and many more in the Shavington area
- Is there any evidence that people would buy and that the demand is there?
- The five year target for housing in Cheshire East is 5750 new homes. In November 2010 there was potential for 8050 new homes on 'Brownfield' sites.
- There is concrete evidence that there is no foreseeable need for further housing development, in this area within the next ten years,
- There are houses in this area from small to large, whoever wants to live here, they can already...
- More homes and people will enrich our community.
- The number of houses on sale in the area around Crewe would suggest there is no shortage.
- There are currently more than 4,000 residential properties for sale within a 5 mile radius of Crewe, many of which have been on the market for some considerable time.
- There is certainly no demand for additional housing within the village of Shavington
- The number of dwellings specified in the proposal is far too many and is out of keeping with a "village" environment.
- A recent survey by Wybunbury Parish council identified no requirement for anything other than minimal new housing

Other Points

- Further affordable housing should be built in the existing towns, not in between them as the plan seems to be..
- there is no demonstrated requirement for additional housing on this scale, affordable or otherwise, in this area.
- Current economic climate does not seem to support the development of housing
- development, it is neither wanted nor needed and is deemed be of no benefit to local residents;

- I challenge the numbers used by Cheshire East for the five year supply of housing it is not correctly calculated. On my calculations there are already enough approved plots to meet the five year total plus a considerable buffer
- One of the key principles of Planning Policy Statement 9 states "The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests". Any development of this site would be in contravention of that key principle.
- PPS 1 (Sustainable Development) seeks to create a sustainable, mixed community with good access to jobs and key services for all members of the community. None of these factors has been incorporated into the rationale or supporting material for this application.
- The land is outside the settlement zone line on the last local plan
- It does not comply with the Interim planning policy as it is well away from the Crewe boundary
- it is not compliant with the council's Interim Planning Policy for the Release of Housing Land (IPP), nor the draft revised IPP;
- Should be dealt with under rural planning guidelines not urban.
- This site is enclosed on all sides with housing and is an excellent proposal.
- impacting on the tourism offer that links it to Nantwich's 'Hidden Gems' visitor economy along the A51
- there is a definitive PROW footpath that runs through the site whose character would be lost
- it is an area of recreation, community engagement rich wildlife, tranquility and of particular "local significance" to all who live next to it or access it via the PROW.
- in the context of transport congestion. Basford West and Basford East already have employment land permissions which are due to commence imminently
- Change of Use - the development will result in a direct change of use from open countryside to built form.
- It would be nice to think that Cheshire East Council cares about its residents.
- decisions being made by a council too far away and not residing in the area concerned.
- Why should Cheshire East approve this application when it is so far away from existing places of employment
- Where will all these extra people work? Are they all to commute out of the area?
- The site is so remote from local facilities and workplaces that any new residents would be forced to use their cars for all commuting.
- It would deter people from using local facilities
- the selection of this site is obviously due solely to a shape on a map.
- The application's only contribution to community is yet another retail outlet.
- There would be a significant increase in noise and light pollution in the area.
- This area is rural, not a "commuter settlement of modern housing estates" as is implied in this planning application.
- The proposed Steel Works and associated heavy traffic would have adverse effect on rural area
- it is not just a case of 'not in my back yard' but a case of standing up for local people's opinions, rights and quality of life.
- Over 800 local people responded by letter to Cheshire East Council objecting to this development when it was first proposed. This, with the letters received now must surely cause the council to consider the viability of this proposal.
- would result in a two third increase in the population of the village which would be totally unsustainable!

- Recent sub-divided developments in East Cheshire have been very unsatisfactory and we do not want similar disaster in this area.
- This proposal is purely a speculative application from a developer who has no interest in actually developing this site themselves.
- The recent public exhibition at St. Mark's church hall in Shavington, made a proposal for a housing estate of several hundred houses on what would be called "Shavington East". If the Shavington Triangle were to go ahead, there would be virtually no case to prevent this other development.

Highways

- how are the village roads going to cope with such traffic
- It is estimated that the development could mean nearly 1000 extra cars using roads that could not cater with that amount at peak times.
- Development will add a predicted 950 cars,
- the village lanes accommodate local horse riders daily and the traffic has to move slowly to allow for safety on the roads.
- The Shavington bypass was constructed to alleviate traffic problems on Newcastle Road. It has helped a great deal but the road still has busy periods. A large increase in traffic from so many new homes would have an adverse effect
- The increase in the number of homes in Wybunbury from 620 to 1,181 will result in 950 additional private cars using local roads. Current traffic volumes already exceed Department for Transport guidelines for urban roads
- Any further increase to the volume of traffic will lead to more congestion on urban roads which are already in need of repair and updating
- The traffic projections submitted to support the application would seem to be inaccurate and misleading suggesting that current and proposed traffic levels are acceptable
- Will result in car accidents, congested roads and possible fatalities
- The building of houses on this land would lead to increased car use, congestion and pollution on roads which are already very busy and dangerous
- This will increase congestion at 9.00 and 3pm
- There is barely any car parking next to Wybunbury School so the cars will have to block the narrow roads as parents wait for their children
- There will be a flood of cars into the small village at 9.00am and 3pm, where there are narrow roads and there is barely any car parking near to Wybunbury Delves Primary School at the moment
- At the top of Dig Lane the footpath ends and children will not be able to walk to Wybunbury school from the new estate.
- There are long queues on all routes into Crewe and to the M6 on weekday mornings, which would be significantly added to by the development of this site
- The estimates given for peak time commuting seem unrealistically low, and no account is taken of other essential journeys, to schools and shops for example
- The development of this site would add an additional 1,000 vehicles to our already congested roads and the infrequent bus service means that public transport is not a realistic alternative..
- Existing pedestrian paths and cycle ways are well used for leisure, but will not in any way serve commuter purposes. Residents will have to rely on private cars and this will add significantly to the issues of road safety..

- Current traffic volumes already exceed Department for Transport guidelines. Existing routes into Crewe town centre, railway station and M6 are frequently congested.
- Any increase in traffic will result in local roads; Wybunbury, Shavington, Hough, Blakelow and Walgherton etc. being used as 'rat-runs'.
- Dig Lane which is narrow in parts and Stock Lane already used as rat-runs
- The most direct access to the Shavington by-pass from this development would be seen to be through Shavington either via Goodalls Corner on to Crewe Road or via 'the Elephant triangle' to Main Road, Rope Lane and Chestnut Avenue. These routes are already busy and use would also increase as they are routes to and from the primary and secondary schools etc
- Although the plans always indicate that traffic would not increase greatly as they include footpaths and cycle paths to encourage walking and cycling to work and school etc this is usually a 'myth' as the current ethos is to use cars for safety, speed and ease of travel especially with families.
- Pavements – many of these are not only narrow but are in poor condition and are also used by people walking with 'buggy's' dogs, wheel chair users etc
- Traffic calming measures – these could contribute to further danger on a busy road where speeding tends to be a problem
- On the subject of traffic calming I cannot see this being an option as Newcastle Road is used as a relief road when the bypass is closed when an incident occurs on the A500, which it has been on several occasions.
- A recent traffic survey by local residents has shown levels on Newcastle Road, Stock Lane, Dig Lane, together with Crewe Road and Rope Lane are already at high levels with serious traffic queues and delays.
- The congestion at the Nantwich road crossing is already significant and can only be exacerbated by such a development.
- Main Road Shavington would be a natural outlet for traffic from the development... adding to the already hazardous situation in the centre of the village
- Main Road/Rope Lane are busy enough already without extra vehicles using them.
- At peak times there are queues of traffic from the Newcastle Road on to the Cheerbrook roundabout, and lengthy queues back from the Sainsburys roundabout, often all the way back to the junction with the A534 and beyond. On the return journey in the evening there are often very lengthy traffic queues on the A530 up to the Sainsburys roundabout,
- many drivers already using Colleys Lane and Wistaston Green Road as rat runs to try to avoid the queues.
- queues of traffic stretching back down Gresty Road, sometimes as far back as the junction with Gresty Lane
- The alternative route into Crewe is through Weston and past Crewe Hall, but the traffic along that route often tails back all the way through Weston village.
- Any traffic heading to Crewe would have to go through Shavington either via Crewe Road or Main Road and/or the Greenfields Estate
- limited parking in these villages and often the roads are used for parking with the amount of dwellings proposed this can only get worse and possibly lead to more accidents
- Existing pedestrian paths and cycle ways are well used for leisure, but will not in any way serve commuter purposes.
- The character of the public footpath would be lost as it would not be across open countryside.
- To plan only two access/exit roads from the site onto Newcastle Road is ill thought out

- Newcastle Rd might have the capacity to take the traffic from the proposed development but because the site is on the south side of the village, not near the bypass, all traffic to Crewe and the M6 will travel through the village
- The main road through the village is already congested with double parking which makes the centre of the village already very difficult to navigate

Transport

- There is not enough use of sustainable transport.
- The buses do not run often enough to allow for commuters and it is too far from the train stations to be able to walk.
- The infrequent bus service availability (hourly and two-hourly) will not encourage new residents to use public transport.
- The applicants' plans for cycle and pedestrian footpaths will not serve any useful purposes in providing commuter travel to local workplaces, shops, schools and services.
- local school bus to Nantwich which already operates at full capacity often leaving standing room only
- The current public transport services are insufficient to meet the future demand if this proposal were to go ahead.

Infrastructure (Education / Health / Electricity)

- Class sizes are already high and a limit of 30 is needed to ensure that the children's needs are met.
- Is there a plan to build a new school, shops to allow for this influx of people
- Is there a plan to build a new school with sufficient parking for staff and parents on the new development? (Currently no parking is identified)
- Wybunbury infant/junior school is oversubscribed.
- The schools in the area already have a large number of children not gaining the places they want, this will only get worse
- Wybunbury has a small rural village school – this would be threatened if proposed development goes ahead
- local schools are overcrowded already and public transport access is poor.
- The local doctors surgery and schools have room to take more patients and children
- Medical care is already a real issue in the area, having to wait days for a doctor's appointment
- Added pressure on emergency services
- There would be a requirement for additional healthcare facilities, schools and retail units. There is mention within the proposal of a 'single convenience store'
- this would put a considerable strain on existing infrastructure. It is estimated that additional effluent could amount to 45,000 tonnes per year.
- The existing infrastructure is struggling to cope with current usage, increasing the number of houses in the area risks overloading it further
- The sewers in this area are already notoriously over used and have constant problems of flooding
- In addition, local water supply pipes are inadequate for this size of development. Electricity supply around most of the surrounding area is by overhead line. Any development on the land would require significant investment in infrastructure.
- Gas and telephone services would come under pressure

- Additional shops on the development would only decrease the use of the existing shops further by dividing the custom and could therefore contribute to the closure leading to further decline of the village rather than enhancing it.
- Within the development the requirement to include space activities would require planned parking spaces.
- The area is already very well served with shops and services. The Co-operative, Nisa and the service station all sell groceries. There is a Post Office, an Off-Licence, several pubs and farm shops. More shops are not needed.
- with some students coming into the village from elsewhere (Wistaston, Willaston, etc); local shopping is very limited and means that new householders on the site proposed will have to travel to Crewe, to Nantwich or to the Potteries for their shopping,

Drainage Flooding

- what measures would be put in place to protect local properties land from flooding
- if new houses and roads are constructed that will take away natural drainage.
- if built on and could move the flood water to areas that are not currently affected or able to cope with it
- The Environment Agency has already stated concern over potential flood risk in the area
- any development on this site would seriously increase the risk of flooding to our property and surrounding areas..
- I am extremely concerned that any development on this site would seriously increase the risk of flooding to my property and surrounding areas.
- Flooding is a major issue in Dig Lane – United utilities having been called out recently
- the surface water drainage from the field east of the site via a pond and culvert actually increases the proximity of the site drainage to just 180 metres from The Moss.
- We know the “triangle” field floods regularly in periods of wet weather, where will all the contaminated water run to?

Ecology

- Bats nest in trees on the site and if driven out may never return
- There are birds of prey that nest on the site
- Residents have found newts and seen Great Crested newts
- Badgers, foxes, hedgehogs, bats, frogs, toads, newts and numerous species of butterfly are also present on the site.
- Wildlife cannot be restricted to one small area; clearly they are living across the fields and will be destroyed when the new development begins.
- what will happen to open ditches which homes wildlife which surround existing properties
- Close by is Wybunbury Moss, a Site of Special Scientific Interest and a unique example of schwingmoor, of international importance subject to policy NE6
- Site of Special Scientific Interest, risks being adversely affected by the management of 730 tonnes of rainwater (per inch) falling onto hard ground and draining into local water courses
- Development of this site would result in significant loss of wildlife, including areas of habitat prioritised within the England Biodiversity Action Plan and that the ecological value of areas like Wybunbury Moss, a site of SSI would be greatly diminished and potentially damaged

- Whilst the Applicant has attempted to show that this has been considered and there is no problem, the fact that until recently the Applicant was unaware of the nature/existence of Wybunbury Moss leads us to question his research and conclusion.
- Site provides an oasis for wildlife and a much needed area of green.
- Countryside protection policies would also be overruled if the new development was to go ahead as there is not enough use of sustainable transport
- This drainage issue does also question the likelihood of potential damage to the Wybunbury Moss, as the water draining away could “starve” the Moss of its natural supply.
- This triangle of land provides an important wildlife habitat and 56 species of birds have been recorded on the site in British Trust for Ornithology surveys, of which nine are on the Birds of Conservation Concern 3 (BoCC3) Red List having suffered a decline of more than 50% in the breeding population over the last 25 years. Several of these have actually bred on the site this year, and a further 14 on the Amber List.
- disruption would drive away many species, including some protected species which may never return
- many of the butterflies, moths and small mammals would disappear as their larvae are destroyed by the construction of houses.
- Development would be detrimental to wildlife
- The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interest. Any development of this site would be in contravention of that key principal.
- Numerous species of birds visit my garden including pheasant, fieldfare, great spotted woodpecker and jay etc. Buzzards circle above and bats fly around in the evenings.

Trees / Hedges

- ingress into the natural landscape and loss of green belt, trees and hedgerows needed to ensure suitable nesting and feeding sites are available to numerous birds and mammals.
- The ‘triangle’ is a green haven, surrounded by ribbon developments. Large native trees, mature hedgerows and grassland provide a rich wildlife habitat. whose usefulness would be minimal if surrounded by housing.
- Within the site there are a significant number of large native trees, several very mature hedgerows and areas of grassland which provide a rich wildlife habitat for badgers, foxes, hedgehogs, bats, frogs, toads and great crested newts and numerous species of butterflies.. Loss of habitat means loss of wildlife
- We have contacted Natural England and we believe the hedgerow to the south of Huntersfield meets the criteria of ‘ancient monument’ in terms of its size and age. Your report states quite clearly that trees and existing hedgerows will be preserved and the privacy of the residents will be affected by its removal
- The proposal is misleading as it shows a mature hedgerow screening the development adjacent to Huntersfield, when in fact the hedgerow will be removed by the development.
- Trees play an essential role in the reduction of air pollution and carbon emissions and cutting down trees and paving over large areas can only cause negative effects on air quality

Amenity (Overlooking / overshadowing / construction noise)

- This proposal is a physical and visual intrusion into the open countryside, which is detrimental to the visual amenity of the villages surrounding it.

- Properties would be overlooked with loss of privacy and visual amenity. and loss of light or over-shadowing by taller buildings.
- There is a need to retain open space within the built environment.
- Visual Impact of Development - the site is surrounded on all 4 sides by residential dwellings which afford open expansive views toward and beyond the site. Currently from our properties in Huntersfield there are open views across the fields towards St Chad's Church Tower in Wybunbury. If the proposed development were to be approved this valued view would be lost.
- Resident of Cameron Avenue which faces the proposed development and strongly object to any development on this land. Any development at all will increase volume of people walking through the avenue from the development and will impinge on privacy within the avenue
- will have an adverse effect on the residential amenity of neighbours on Stock Lane, Dig Lane and Newcastle Road, by reason of increased noise and disturbance, loss of privacy, and overlooking of existing properties;
- the visual impact of the development detrimental
- the loss of amenity to local residents for walking;
- the loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners;
- At the moment we have open aspect to the back and are not overlooked. We have been living at this address (Stock Lane) for 22 years. This planning Application will greatly impact on our privacy and lifestyle.
- The application also states some 10% of the homes would be three story town houses with a height of 13 metres, I see how these have ruined Nantwich and don't think there is any place for these in a rural village.
- Concerned that shops will attract traffic and noise from youngsters outside property
- the sheer size of the land concerned would effectively create a new village in itself and I am concerned that we would lose our ties to the Wybunbury Village community that we are proudly a part of.

Other matters

- Residents will have to sell their property (if it even sells!).
- They chose to move to a small, rural village which the Council now choose to overcrowd and turn into yet another 'mini town'.
- Residents paid for a Nantwich postcode, yet all of a sudden this is a Crewe extension area! How is this possible when the postcode states and costs a lot more!
- Sadly, rather than people moving to the area, they are instead leaving. concerned that the Scheme has got this Far, despite reassurances from Cheshire East, that there would be consultation with affected parties first
- Boundary between Shavington and Wybunbury, separate historical villages and they will in effect be merged into one mass of modern housing.
- Wybunbury has been a small, rural area with historical and traditional roots and a proportion of the village and its quiet, peaceful nature may now be affected in a negative way
- local house prices are affected due to overlooking a building site for several years.
- The Developers proposal states that the proposed development would be beneficial to both new and existing residence. There IS nothing beneficial about this proposed development.

- Building on this land would decrease the individual identities of the villages of Wybunbury and Shavington.
- This area is rural and not a 'commuter settlement of modern housing estates' as is implied in this planning application.
- We believe the Strip of land behind Huntersfield is common land and should only be used for grazing purpose only. It could be offered as local allotments
- The proposed dwellings are not of a design which is in keeping with the scale, character, or appearance of the area which is that of a rural village.
- why are we spreading out the village 'heart' centre?
- Rather than a community hub building perhaps the developers would consider including much needed 'sheltered type accommodation' for older residents so they can continue to live in Shavington.
- Have all other proposed development sites in Cheshire East been fully compared and evaluated on grounds of landscape sensitivity
- the lovely outlook my house has enjoyed for over 100 years would be destroyed completely and become just like any other housing estate in the UK.
- This development would destroy the enjoyment my family and I feel when walking or driving in this area, and simply leave it feeling like yet another over developed area of Cheshire.
- I live in Cameron Avenue which is across the road from the proposed development and I strongly object to any development on this land. There is an "entry" at the top of Cameron Avenue from Newcastle Road and any development at all will increase the volume of people walking through the Avenue and will impinge on privacy. I also feel that this will de-value the houses in the cul-de-sac.
- the residents would have to endure living next to a building site, which I was told by the developers would be ongoing for ten years.
- Cameron Avenue, a quite cul de sac will become a runway for hundreds of people to use as a thoroughfare with noise litter etc

McDire and Co on behalf of Taylor Wimpey

A letter has been received which concludes as follows:

- We support the principle of residential development on greenfield land on the edge of Shavington and outside Green Gap. National Planning Policy points to a presumption in favour of development in such circumstances, particularly where East Cheshire Council does not have a 5-year supply of housing land plus at least 5%. However we do not consider that the Triangle site is the right site for new housing development in Shavington. We consider the Triangle site to be less sustainable compared with the East Shavington site which, for reasons outlined above, firmly indicate that East Shavington is sustainable by comparison. Our Master Plan proposals show that East Shavington will also deliver an equal, if not better, level of community uses such as footpaths, cycle ways, open space in a more central location in the village with more direct access to a greater number of village residents than the Triangle.
- As you know, proposals for the East Shavington site have been developed by the landowners and Taylor Wimpey in recent years in parallel with Shavington Triangle. We have always preferred to follow Local Plan procedures and timetables over recent years and have done that, but the application for Shavington Triangle site, which runs counter to the Local Plan programme, has altered the situation. Whether we continue to follow the Local Plan or

submit a planning application it will always be our clients' intention to work closely with the authorities concerned and the local community

Harris Lamb

A letter has been received from Harris Lamb which can be summarised as follows:

- We have had regard to the submitted material and in particular the supporting planning statement. Our client's principal concern about this case is that it relates to the release of a quantum of housing land which is inappropriate for the size of the settlement in the context of the overall settlement hierarchy for Cheshire East. This would create an unsustainable pattern of development, causing significant and demonstrable harm. In terms of the development, the site is not allocated for development and is outside of a settlement boundary. Therefore, its release would be contrary to the objectives of both the adopted RSS and the Local Plan
- The situation in Cheshire East is that the Council's proposals for its new Development Plan are at a relatively early stage. In this context the RSS is still of relevance as is the adopted Local Plan. Although the emerging plan and be afforded relatively little weight at this stage it is instructive to see how the Council is proposing to structure its strategic settlement hierarchy in this plan and the proposed in this regard have been available for some time
- It is noted that in the emerging document that Shavington can be regarded as one of the larger villages in Cheshire East. However, this means that it is in the third tier in the settlement hierarchy with the principal towns being Crewe, Macclesfield and the key service centres being represented by the market towns.
- Local service centres are expected to accommodate only modest growth in order to meet local needs

G.V.A.

- On behalf of the HIMOR Group, GVA are instructed to object to the above planning application.
- The proposal entails the substantial expansion of the village of Shavington beyond its existing settlement boundaries, through the development of up to 400 dwellings and 700 sq m of commercial / community space.
- The proposal is predicated on the development serving and meeting the need for development in and around Crewe. The applicant's agents regularly refer in the supporting Planning Statement to the concept of a 'Greater Crewe' and place considerable reliance on the established and emerging emphasis upon Crewe as a focus for growth, as expressed in the Crewe Vision Statement 'All Change for Crewe' and documents of the emerging Local Plan.
- GVA wholly support the established and emerging focus on accommodating a significant proportion of the Borough's future growth in and around Crewe. However, Shavington is a separate, lower order settlement. It does not form part of, or represent a 'suburb' of Crewe. It does not have the significant infrastructure and facilities associated with the principal urban area and whilst its residents may rely upon and gravitate towards the town of Crewe, this is appropriate given its higher order status and relative proximity.

- Such a relationship is to be expected in a network of settlements where lower order, outlying villages function around a principal town. It does not however, follow that such settlements should accommodate the growth objectives and requirements of that higher order settlement. Rather, they should accommodate their own requirements, commensurate with the status, scale and character of the settlement and the facilities it has to offer, or could provide for. To do otherwise would markedly alter the function and character of such settlements and remove the distinction in hierarchy. This is particularly the case when such growth is unwarranted and the principal town can meet its own growth objectives and requirements by other means.
- This is entirely the situation in respect of Crewe and Shavington. Crewe has significant attributes that provide the opportunity for it to be a key economic driver and growth hub for the Borough. But it also has the ability to accommodate the required growth without reliance on lower order peripheral settlements such as Shavington. Suitable, available and achievable development opportunities exist within and particularly on the edge of the principal urban area, and hence better related to the town of Crewe. The concept of 'Greater Crewe' is not established but is being used by the applicants to justify a scale of development which is disproportionate to the scale of settlement which it will adjoin. Shavington is a separate settlement and the appropriate scale of development should be adjudged in the context of that settlement, not some wider 'Greater Crewe' concept that has no standing and would undermine the distinction in settlement hierarchy and character.
- On a final point, it is understood that the Council's Strategic Planning Board recently resolved to approve the Council's draft Development Strategy (due to be issued for consultation on 15 January 2013) as a material consideration to be used for development management purposes with immediate effect. This document has not yet been published (other than as a paper to the Board), no consultation has taken place on its content, no evidence has been published to support or justify its content and it has in no way been tested through the statutory plan-making process. Accordingly, no weight should be attributed to the document in the determination of this application.

Cllr David Brickhill : Shavington Ward

- I object as the ward councillor for Shavington to this application.= for housing in the so called Shavington Triangle.
- The site is outside the settlement boundary of the current local plan
- It is contrary to policy NE2 of the local plan which is still in force regardless of the applicants opinion
- It does not comply with the Interim planning policy as it is well away from the Crewe boundary
- I challenge the numbers used by Cheshire East for the five year supply of housing it is not correctly calculated. On my calculations there are already enough approved plots to meet the five year total plus a considerable buffer.
- This development will prejudice the choice of the alternatives. So far there are 2150+ houses applied for or being applied for in or adjacent to Shavington. This would double the size of the village substantially altering its character for ever.
- Shavington is a succinct community with a quite different identity and separate from Crewe. It should not be considered as part of Crewe let alone a gateway to Crewe. The term gateway is hackneyed and meaningless unless used for the entrance to a house.

- Most of this site is in Wybunbury ward which is considered by Cheshire East to be part of Nantwich, not Crewe.
- Newcastle Road is unsuited as an exit for 400 houses. It is already heavily overused and subject to many collisions. Two speed cameras have already been installed which proves that additional traffic will be an addition unnecessary hazard.
- The remainder of the local infrastructure is already badly overloaded. The primary school is so full that local children cannot get in and have to go out of area schools. There are no places at local doctors surgeries unless you go private. There are frequent power cuts and reduced voltage and water and gas pressure. Surface water is already proving a problem, loss of Greenfield and additional paved surface will exacerbate this problem and give rise to sewage overflowing in our streets.
- In summary this is a thoroughly ghastly unplanned unnecessary intrusion into the countryside which will despoil Shavington in many ways.
- I give formal notice of my intention to speak at the committee hearing which should be in CREWE not Macclesfield

Cllr Janet Clowes: Wybunbury Ward

"I am writing in my role as Ward Councillor for Wybunbury following representations of opposition to the development of this site (known as the 'Triangle'), by:-

- Wybunbury Parish Council
- The Triangle Residents Action Group
- Other Local Residents of Wybunbury Ward.

Key objections fall into the following categories:-

1. The Identified Site

In this application, the Triangle is consistently referred to in terms of an inferred proximity and community integration with Shavington.

This is misleading as two thirds of the site is geographically located within the Wybunbury Parish. The whole site is separated from Shavington Village by the Newcastle Road which has historically provided a robust 'physical barrier' identifying and separating two very distinct communities. It serves the same purpose very effectively today.

Shavington is a recognized suburb of Crewe that initially developed as part of Crewe's railway and urban hinterland.

Wybunbury (including the Triangle) reflects the village's medieval historical roots and its agricultural economy.

This development, represents a 70% increase in the housing stock of this south Cheshire village.

This will permanently alter the unique characteristics of Wybunbury, impacting on the tourism offer that links it to Nantwich's 'Hidden Gems' visitor economy along the A51 (through its

historic pubs, leaning Wybunbury Tower, and the SSSI Wybunbury Moss - en route to Bridgemere Garden Centre).

This development is in direct contravention of NPPF that states that sustainable development must:

“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”(28:p9)

400 houses does not respect the character of the countryside and will undermine the small rural village characteristics that are so attractive to visitors.

2. The Landscape and Ecology

The Triangle has been an area of recognized agricultural and rural enterprise for generations. It is currently used for animal feed maize crops and equestrian activity and there is a definitive PROW footpath that runs through the site. The land is primarily grade 2 and 3a which means that this proposed development contravenes the Crewe & Nantwich Replacement Plan 2011 which states that;

“Development on the best and most versatile agricultural land (grades 1, 2 and 3A in the MAFF classifications) will not be permitted”.

So too, under the same plan (C&NRP 2011), the Triangle site is included as Open Countryside (Policy NE.2) where “...only development which is essential for the purposes of agriculture, ...or for other purposes appropriate to a rural area will be permitted.”

This ethos is repeated in the NPPF (2012) which 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.”

The Triangle is good quality agricultural land and this is confirmed in the applicant's own submission. In the context of the current SHLA which clearly highlights potential brownfield and poorer quality Greenfield sites in South Cheshire, this application clearly contravenes the NPPF (Page 26 paras 111 and 112)

The Triangle also enjoys areas of rough grazing, ancient hedgerows, water courses and grassed headlands. It is interspersed with a variety of mature and maturing trees, including mature oaks.

This offers an unusually mixed habitat for a very wide range of flora and fauna including areas prioritized in the England Biodiversity Action Plan. (A full report is provided by the Triangle Action group).

The PROW footpath crossing the site together with the historic linear development on two sides of the Triangle means that this area of Open Countryside offers local residents more than just a beautiful view over a field – it is an area of recreation, community engagement, rich wildlife, tranquility and of particular “local significance” to all who live next to it or access it via the PROW.

Under the NPPF 2012 (page 18, para 77) The Triangle is therefore eligible for Local Green Space designation. This designation may only be used:

- Where the green space is in reasonably close proximity to a local community it serves (The Triangle and Wybunbury Village clearly are.)
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example its beauty, historic significance, recreational value, tranquility or richness of its wildlife (The Triangle has a rich biodiversity, offers a tranquil green space that has remained accessible to, and a source of recreation for local residents for many years.)
- Where the green area concerned is local in character and is not an extensive tract of land. (The Triangle is both local in character whilst not an extensive tract of land.)

In the context of this designation, local policy for managing Local Green Space is consistent with policy for Green Belt.

3. Transport & Accessibility

a) The applicants make much of the walking and cycling routes to and from the site as methods of accessing employment and education. -This is impractical in the context of the geographical location of the site both in terms of distance and safety (for primary age children).

b) There is an emphasis on new residents attending Shavington schools and working in Crewe. However to date, Triangle residents have worked outside the area (or are retired), and children attend schools either in Wybunbury or Stapeley.

c) There is an emphasis on the use of public transport.- Unfortunately following recent consultations on patterns of transport use, with effect from January 2013 there will be a much reduced bus service along the Newcastle Road (the 44A will be withdrawn completely), and none of the remaining services correspond with commuting times. In short Wybunbury and Triangle residents are reliant, and will remain reliant on private vehicles or dial and ride services.

4. Road Congestion

As walking, cycling and public transport are neither viable nor sustainable in the context of this development, it is recognized that a development of 400+ houses will generate an additional 600-800 vehicles (dual car households are the norm in rural areas where both partners need to be mobile).

This might not overtly cause congestion on the Newcastle Road but will add to current congestion problems at recognized peak commuter times in the local area (eg accessing Junction 16 of the M6 between 7.30- 9.30am, travelling to Crewe Town via Crewe Road, Shavington and Gresty Road, accessing Nantwich or the Middlewich Road at the same times)

The 'Shavington Corridor' along Crewe Road and Gresty Road is particularly worrying in the context of transport congestion. Basford West and Basford East already have employment land permissions which are due to commence imminently, so too large planning applications for housing are already being considered on sites along this 'corridor' (indeed some have already received planning permission or have proceeded to appeal).

In the context of additional traffic density created by these developments, any more generated by a Triangle development will cause significant highways problems and increase 'rat-runs' along Wybunbury's already fragile country lanes.

4) Amenities and Infrastructure

Wybunbury is characterized by its historic buildings but it is also served by a village shop (with post office), St Chad's Church and community groups, a Village Hall, Wybunbury Delves primary school and two public houses (with restaurants). It is surrounded by popular PROW which attract visitors and has regular village events (such as The Fig Pie Wakes).

However the school is oversubscribed (as is Shavington Primary) and most older children attend schools in Nantwich (although some do attend Shavington high School).

An additional 400 houses will generate requirements for schools, dentists and GPs that cannot easily be met either by Wybunbury or by Shavington Village as these services are already fully subscribed.

There will also be pressures on services in terms of gas, electricity, water supply, drainage and sewage systems. These will require significant investment to bring this infrastructure up to capacity but this is not clearly audited in the application.

Local residents have grave concerns regarding run-off drainage. Solutions identified in the application (storage pools that drain into a culvert under Dig Lane) do not give sufficiently detailed calculations. This is already a 'wet area' within the site and the Dig Lane culvert is prone to regular flooding. Any additional 'controlled release' of run-off water will exacerbate existing problems.

5) Wybunbury Moss (National Nature Reserve)

Of serious concern is the site's link to Wybunbury Moss a Site of Special Scientific Interest.

Wybunbury Moss, Cheshire, is a deep basin mire of 'schwingmoor' structure, with a floating raft of peat up to 5 m thick overlying 13 m of water.

If the development of the triangle was to be approved then The Moss may be affected by the natural link between the underlying strata that supplies the water from the Triangle to The Moss (causing drying out and damage to the moss). Comments received from Natural England support this study:

"Natural England would seek to clarify any potential damage to Wybunbury Moss as this is a National Nature Reserve managed by ourselves. The Moss is preserved by sourcing its water through natural seepage and capillary action from adjacent fields, we would raise strong objections should this development site come through to planning".

The applicants documents state "the moss is within 400 metres of the site", this, on a direct measurement, is true, however what the applicant fails to mention is the surface water drainage from the field east of the site via a pond and culvert actually increases the proximity of the site drainage to just 180 metres from The Moss.

This is a major concern and should be raised with Natural England as an urgent issue that requires a more specialist investigation in order to ensure the long term stability of The Moss. In fact, the applicant shows (on their sustainability plans) the culvert leading to Cheer Brook starting approximately in the middle of the development - they have failed to carry out the correct research - the culvert actually starts on an adjoining field (recorded in Hough Parish Council domain) and feeds directly onto the Triangle via an underground culvert (this again has raised the concerns of local residents to its close proximity to Wybunbury Moss).

The NPPF 2012 (page 27 para 118) states;

“Proposed development on land within or outside a Site of Special Scientific Interest likely to have an effect on a Site of Special Scientific Interest...should not normally be permitted”

“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats...”

The Moss is one of only three sites of its kind and provides a unique ecosystem with site specific species. It has evolved over thousands of years and it is incumbent on us to ensure that unplanned development does not cause irreparable damage.

In summary:

1. This application does not comply with the Crewe & Nantwich Replacement Local Plan 2011 where the Triangle is identified as a site in Open Countryside and where development should be limited only to essential, agricultural purposes

2. this application does not comply with the Crewe & Nantwich Replacement Plan 2011 which states that;

“Development on the best and most versatile agricultural land (grades 1, 2 and 3A in the MAFF classifications) will not be permitted”.

3. This application does not comply with the NPPF 2012 which states that “local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

4. This development does not comply with the NPPF 2012 that states that sustainable development must:

“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”(28:p9)

5. Under the NPPF 2012 (page 18, para 77) The Triangle is eligible for Local Green Space designation and as such this application should be considered as inappropriate in this context.

6. The close proximity of Wybunbury Moss requires that the NPPF response to SSSI areas is closely heeded The NPPF 2012 (page 27 para 118) states;

“Proposed development on land within or outside a Site of Special Scientific Interest likely to have an effect on a Site of Special Scientific Interest...should not normally be permitted”

“Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats...”

7. The NPPF operates the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

o This application is economically unsustainable because:

☐ It undermines the local ‘hidden gem’ tourist and visitor economy of Wybunbury Village.

☐ It removes valuable agricultural land from the rural economic base in contravention of existing policies and the NPPF.

o This application is environmentally unsustainable because:

☐ It will destroy the rich biodiversity of the Triangle. (A development of this size will not accommodate the return of many of these recorded species).

- It cannot support a realistic 'green' transport agenda in terms of pedestrian and cycle routes to work and school.
- It will extend reliance on car transport in a rural area with negligible public transport provision.
- This development poses a real threat to the Wybunbury Moss, a rare SSSI that if damaged, may be irreplaceable.
 - o This application is socially unsustainable because:
 - Building in a Greenfield site outside the main environs of both villages will create an isolated community that will threaten other small retailers nearby and undermine social integration.
 - A development of this size will increase Wybunbury's housing stock by 70% and undermine its unique character as an historic rural village.
 - Such a large development in a rural environment will put immense pressure on local infrastructure and services that do not have the capacity to cope.

Cllr Clowes – Ward Member

- Cllr Clowes has submitted a number of documents related to the Wybunbury Moss and the 1992/3 application for the A500 Hough/Shavington/Nantwich extension. They were only recently found in the papers of (the late) Mr John Colbert by his wife, Parish Councillor Barbara Colbert.
- The Triangle Residents Group and Parish Council believe them to have material data that support concerns regarding the stability of the SSSI Moss ecosystem in relation to the wider hydrology and drainage systems of the surrounding area that will inevitably be fundamentally remodelled by this development proposal.
- She has read the Applicant's Ecological report and must also express some concern regarding the lack of factual scientific support data by the applicant and Natural England (to date), especially with regard to the very particular hydrology of the wider area surrounding the Moss that other organisations have identified as having a significant impact on this RAMSA site. The files attached relate to this, as do reports for which she has provided links (and key extracts).
- There is some repetition of biological data but I have retained this where it occurs to provide appropriate context to the material.
- The Highways Agency File contains a number of cross-sectional pages illustrating the bore hole survey that was carried out at that time, confirming the very high water table across this area.
- The last file includes two cross-sectional diagrams of the structure of the Moss and aquifer/surface drainage flows. These were previously sent u by Mr Mark Donlon but again help to contextualise the scientific data presented in these documents.
- Also included is an annotated historic map of the area as it offers a clearer understanding of the principal water courses across the Moss and surrounding area (including the application site). They still exist virtually as illustrated albeit with three culverts.
- There is also an annotated section of the Highways report to show how very close the A500 Route 4 proposal was sited both to the Moss and the application site.
- This route was rejected on environmental grounds at that time. These grounds are still 'material'.
- The additional material is as follows:-
 - o Section 1: Highways

- File 12/3114N Speed Indicator Device: Traffic data (December/January 2012/13): Stock Lane, Dig Lane, Main Road Wybunbury (This data was requested by the strategic highways planning engineer at a meeting with Shavington Parish Council at Westfields, Tuesday 15th January 2013.)
- o Section 2: Impact of development on SSSI Wybunbury Moss
- File Wybunbury Moss 001(b) : Nature Conservancy Council (13.06.1986) Map of area (scale 1:10,000) / Covering letter J A Thompson (Regional Officer) / Description & Reasons for Notification / Operations likely to damage the special interest. Letter (22.11.1989) C J Hayes (Asst Regional Officer) re: A500 routes
- File Wybunbury Moss 002(b) : Report of C J Hayes (English Nature) (30.04.1992) / (plus my annotated map of area for clarity: J Clowes 2013)
- File Wybunbury Moss 003(b) : Cheshire Wildlife Trust (Public Enquiry 25.03.1992) Report of David Harpley (Conservator of Cheshire Wildlife Trust) Description & Reasons for Notification (as in file 001(b)) Letter 13.02.1992 : Simon Young (Countryside Manager: Cheshire College of Agriculture)
- File Wybunbury Moss 004: Department Of Transport 19.03.1992 (Report of D J Lea – Regulation & Planning Liaison Officer) / Six (x6) sections of geological cross-sectional plan of area (April 1992) / Two (x2) maps of proposed A500 route 4 (with cross-section map-line)
- File : Moss Maps & Diagrams : - Ordnance Survey First order 7 Map (with superimposed annotations for context) - Geological cross-section & conceptual model of Wybunbury Moss: (Dr A M Fouillac et al, Environment Agency 2003/4) - Department of Transport: Proposed Route for A500 (Rejected) 1992 (with superimposed annotations for context)

G.V.A.

Having reviewed the content of the Officer Report, our client's original objection stands, but we also have further comment to make, on three specific points as follows:

1. Draft Development Strategy

Our representations were made before the publication for consultation of the Council's Draft Development Strategy (DDS), but made clear that the DDS should not when published carry any weight in the determination of this application. This was on the basis that the DDS is not sufficiently advanced and has not been subject to a full period of consultation. Our client, and I am sure many other parties, will be making substantive objection to many aspects of the DDS, and until those and other representations have been resolved, as necessary through Examination, no weight should be applied to this document.

Despite this, the Officer Report makes a number of references to and places some significance upon the proposed allocation of the application site within the DDS. At no point does the Officer Report make clear that no weight can be applied to this draft allocation in the determination of this application. This is an inappropriate basis on which to evaluate and determine the application, and would render as flawed any decision made on this basis.

2. Sustainability

The Officer Report presents a confused and inconsistent consideration of whether the proposal represents sustainable development.

The Report presents an analysis of the site against accessibility considerations and concludes that the proposal 'does not appear to be sustainable'. Yet later in the conclusions, it is stated 'Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be sustainable.' This reference to being sustainable is not in the context of other considerations; it clearly relates to matters of accessibility.

This apparent change in opinion within the same report is unexplained, and calls in to question the basis of the recommendation.

Whilst it is accepted that accessibility is not the only consideration determining whether development is sustainable, it is of considerable relevance. The Officer Report, particularly in its contradictory concluding comments, understates the relevance of this to the SPB, and in doing so fails to accurately reflect the locational context. As our original objection highlighted, this proposal must be considered as an application in Shavington, not some unfounded concept of a 'Greater Crewe'; this distinction is most readily illustrated by consideration of accessibility, against which the proposal (by the Officer's own evaluation) performs poorly.

3. Affordable Housing

The recommendation to the SPB is that the application should be approved on the basis of 15% affordable housing provision, substantially below the 30% expected by interim local policy. This is seemingly accepted by Officers in return for a £1.2m of Strategic Transport Contribution.

The 'strategic transport' the contribution is apparently intended to fund is undefined and not underpinned by policy. It does not form a sound basis for accepting a substantial reduction in the Council's expected level of affordable housing provision, would not satisfy the CIL Regulations and is not capable of being a material consideration in the determination of the application. A decision made on the basis of this recommendation would in our view be seriously flawed.

Spawforths

Spawforths have been instructed to OBJECT to the above planning application currently under consideration. These objections are made on behalf of our clients, The Co-operative Estates and Mr Witter who own the site known as 'Basford East'. The objections are made on the following grounds:

Conflict with the National Planning Policy Framework

We consider that the application proposals conflict with the Core Planning Principles contained within the NPPF (paragraph 17) and should therefore not be brought forward for development:

NPPF Core Principle

"genuinely plan-led, empowering local people to shape their surroundings".

The scheme subject to this planning application is not plan led. It does not allow for joint working with communities to enable the opportunity of determining their preferred choice of housing sites within the Borough: it is an opportunistic site being brought forward in a village which is not in line with the emerging Crewe Town Strategy.

NPPF Core Principle

“proactively drive and supports sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving places that the country needs”.

The scheme is not aligned with adopted and emerging development plan policies intended to optimise the drive towards and support of sustainable economic development. The Draft Crewe Town Strategy identifies alternative site options and identifies support for the Basford East and Basford West sites from key stakeholders. These sites are allocated for employment in the Crewe and Nantwich Replacement Local Plan; are favoured sites in the emerging Crewe Town Strategy (for mixed use development); and accord with the Interim Planning Policy on the Release of Housing Land which recognises the need for residential schemes to come forward for development in and around Crewe.

The Basford West and Basford East sites are the strategic employment sites within Crewe to deliver social and economic benefits for the District. They were recognised as such in the Document “All Change for Crewe” and are a key plank of the economic success for Crewe which drives the need for new housing. Incremental housing sites within villages (such as the application site) can undermine the ability to bring forward these key economic development sites by diluting the housing requirements away from them towards easier to develop incremental sites. The Draft Crewe Town Strategy and Interim Planning Policy on the Release of Housing Land direct development to appropriate locations which reinforce the economic future of Crewe in a plan-led way. The application site conflicts with this approach.

NPPF Core Principle

“take account of the different roles and character of different areas, promoting the vitality of our main urban areas....recognising the intrinsic character and beauty of the countryside”

The application proposal is for residential development to include the erection of up to 400 dwellings. The site is located outside of the settlement boundary of Crewe and Shavington as shown on the Urban Areas Inset Plan of the Crewe and Nantwich Replacement Plan and as such would fail to support Cheshire East’ strategy to focus development in the main urban areas and would have an adverse impact on the Open Countryside

Conflict with Development Plan Policies Consistency of Adopted Local Plan Policies with NPPF and conflict with Application Proposals

The NPPF indicates that Development Plans which have been adopted post-2004 should carry the full weight of their policies in relation to Section 38(6) of the 2004 Act (so long as there is only a "limited degree of conflict" with the NPPF) and provided that they were adopted in accordance with the Planning and Compulsory Purchase Act 2004. Whilst the Crewe and Nantwich Replacement Local Plan was adopted on 17 February 2005, it was adopted under the 1990 Act rather than the 2004 Act. On this basis, the Crewe and Nantwich Local Plan falls

within the terms of paragraph 215 of the NPPF and hence it does not benefit from a position whereby full weight is afforded to it as identified within the NPPF. The weight ascribed to relevant policies will therefore be dependent on their consistency with the NPPF.

Paragraph 214 of the NPPF states “for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this framework”.

Paragraph 215 continues by stating “in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

The NPPF (paragraph 14) indicates that sustainable development proposals should be granted if the plan is absent, silent or out of date. Since the Council cannot show a 5 year housing land supply, then it can be argued that the housing policies are not up to date. Spatially, however, the Crewe and Nantwich Local Plan is still up to date as it seeks to focus development within -and on the edge of - urban Crewe as a first priority and to protect the Open Countryside and Green Gap from development. It therefore fully conforms with the NPPF Core Principles 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”. As such, it is considered that the Crewe and Nantwich Local Plan should be awarded significant weight in this regard.

Conflict with Emerging Development Plan Policies and Conflict with Application Proposals

Paragraph 216 of the NPPF states that weight can also be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies of the NPPF.

The emerging Cheshire East Local Plan will supersede the Crewe and Nantwich Replacement Local Plan and form the new development plan for Cheshire East once adopted. The Council has now completed its consultation on a series of draft Town Strategies for Crewe, Handforth, Knutsford, Macclesfield, Nantwich and Poynton. It is expected the responses to these consultations will feed into a Development Strategy which will be consulted upon in January 2013 and used for development management purposes in early 2013. The Submission version of the Core Strategy is expected to be consulted upon in mid 2013 with adoption likely to take place early 2014. The application site is located within Shavington which is not identified as a priority for future development. Crewe is identified as a priority area for future growth in the emerging Town Strategy. It is considered that weight can be ascribed to the emerging Crewe Town Strategy because of its degree of conformity with the NPPF. The Crewe Town Strategy identifies a vision for Crewe, identifying that “Crewe is Open for Business” however it also recognises the strong Green Gaps between the towns of Crewe, Nantwich and the villages of Haslington, Weston, Shavington, Wisaston and Willaston which should be preserved to ensure the character of the individual settlements is maintained. The emerging Crewe Town Strategy is consistent with the NPPF in that Paragraph 17 of the NPPF recognises planning should “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". The emerging Crewe Strategy seeks to protect the Open Countryside and Green Gap from development and encourage development on sites within / adjacent to the main urban area of Crewe. As the emerging Town Strategies identify suitable sites for development (which do not include the application site), any decision to approve residential development on the application site would undermine this strategy for growth within the emerging plan and therefore conflict with the NPPF.

We consider that this application would not amount to sustainable development: it conflicts with the policies of the NPPF and development plan policies consistent with the NPPF.

Gladman

We do not object to the principle of development in 'local services centres' such as Shavington being provided outside the development plan making process because we recognise such settlements have housing requirements which need to be met now.

However, we do have serious concerns about the way the Council has approached the issue of reducing the affordable housing provision in this case. We may make further representations on this matter before 30th January.

In addition we would like to draw attention to a number of inconsistencies and what would appear 'muddled' planning logic in the Report which raise questions about how the application has been assessed and appraised.

Prematurity

The Officer's Report plays in aid the Loachbrook Farm and Richborough appeal decisions to demonstrate why the proposals would not be premature and why they would not prejudice the draft Development Strategy. This same advice and approach has been used by Officers to support other greenfield proposals on the edge of settlements in Cheshire East, and other proposals on the SPB Agenda for 30th January.

Whilst we welcome the Officer's recognition that both appeal cases were not considered to be premature, it does nevertheless highlight the inconsistency of the Council's decision to challenge the Loachbrook and Richborough appeals on the grounds that these they are, in the Council's opinion, premature and prejudice the draft Development Strategy. On the one hand the decisions are being used to justify housing proposals, and on the other hand the Council is challenging these decisions in the Courts. This seems especially confusing when the Council's other ground of challenge in the Richborough case relates to consistency of decision making.

Housing Land Supply

We welcome the acknowledgement in the Officer's Report (and other reports on the same Agenda) that the Council cannot demonstrate a 5 year supply of housing land. This is provided as justification for the grant of planning permission for this development (and other proposals on the same Agenda).

However, we understand that in less than two-weeks the SPB will be considering a new SHLAA which will purport to demonstrate that the Council will be able to demonstrate a 5 year supply of housing land. Further, we understand the Council very recently sought (and succeeded in obtaining) an adjournment of an Appeal at Gresty Green on the basis that it was no longer able to agree with the appellant that a 5 year supply of housing land did not exist.

Given the importance of taking all relevant material considerations into account, the position being reported to Committee appears incomplete and at odds with the Council's submission at the Gresty Green Inquiry.

We will review the new SHLAA as soon as it is available because we fail to see how a declared supply of 3.75 years will increase to over 5 year land supply in two-weeks time in absence of any significant planning approvals or substantial house building in the intervening period.

Accessibility

The Officer's Report contains an assessment of accessibility by reference to a range of facilities and services. The Assessment states "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." It also makes clear that the distances are measured from the centre of the site.

A number of facilities are shown as having a distance of 0m which implies they currently exist within the centre of the site (and the assessment explicitly states that the distances are based on 'current conditions'). The assessment is clearly wrong as, for instance there is no convenience store at the centre of the existing site.

Notwithstanding these comments, the Officer's assessment concludes that the site 'does not appear to be sustainable.' Approval of a site against this assessment is likely to be relied upon by future applicants.

Draft Development Strategy

Whilst we do not agree with the Council about how much weight should be attached to the draft Development Strategy, the Officer's Report draws support from the fact that the site is identified as a strategic site including 300 homes (rather than 400 as proposed in the application).

The text within the draft Development Strategy for Site Crewe 6 cross refers to the draft affordable housing policy SC4 within the draft Policy Principles document. Policy SC4 requires a minimum of 30% affordable housing and states "In exceptional circumstances, off-site provision, of housing for local needs, or a financial contribution may be accepted where justified, as an alternative to on-site provision." There is no suggestion that, in such exceptional circumstances, financial contributions can be used for anything other than affordable housing - as is being advocated in the Officer's Report. Seeking a highway contribution of £1.2m for an unidentified scheme which has no policy support to off-set

affordable housing provision (without any viability information) is not compliant with the CIL Regulations and it cannot be taken into account as a material planning consideration.

It is therefore entirely inconsistent to draw support for the proposals from one aspect of the draft Development Strategy, but ignore the provisions of the draft affordable housing policy. If the application is approved on the basis of this report, the Council will immediately undermine the weight it is attaching to the draft Development Strategy as it is picking and choosing which draft policies to apply.

It is wrong for a non-material planning consideration to be used as justification to reduce the amount of affordable housing (below policy requirements) which is necessary for people in Cheshire East who are in desperate and urgent need of new affordable homes. Providing affordable housing will have a dramatic and positive life changing impact on quality of life for these people. The Council needs to carefully consider the signal that will be sent to these people if the SPB approves the application on the basis of the approach advocated in this case.

Public Comments

It is noted that whilst summarising the comments made, the report does not state how many people have written to support or object to the scheme. This is an unusual omission in our experience of such Officer Reports in Cheshire East, as whilst the volume of interested persons is not a material consideration, it is a matter upon which Members are regularly informed.

Having reviewed the online application record for this scheme, there would appear to have been a considerable volume of public comment.

Summary

I hope these comments and observations are helpful and I trust that they will be conveyed to the members of the Strategic Planning Board to assist their consideration of the application – although it is only right that we place on record that we would have serious concerns with the soundness of any resolution to approve the application on the basis of the report as presented.

Gladman

- Gladman Developments Ltd have now obtained legal advice on the report to Strategic Planning Board
- The advice, identifies a number of flaws with the way the application has been assessed in the report in terms of relating the reduction in affordable housing provision to an 'enhanced' strategic highway contribution. Placing material weight on an unsubstantiated highway contribution could be contrary to the CIL Regulations.
- Maximising the provision of affordable housing is a key objective within the Council's Corporate Plan 2011-13. No development plan policy based justification is provided within the Report to explain why policy compliant affordable housing (by reference to Policy RES7 of

the adopted Local Plan; the Council's Interim Planning Statement on Affordable Housing; and Policy SC4 of the Council's draft Policy Principles document) has been reduced from 30% to 15%. If the approach advocated in the Report is replicated elsewhere with other proposals it will perpetuate the problems of housing affordability in Cheshire East which would not be sustainable. This would have far reaching consequences for people in Cheshire East who are in desperate need of life changing, affordable accommodation. Failure to provide sufficient affordable housing will also have adverse economic consequences for the economy of Cheshire East.

- Consequently, in the light of the advice we have received Gladman warn that if the SPB resolve to approve the application on the basis of the published Officer's Report they may commence proceedings to Judicially Review any subsequent grant of planning permission.

Edward Timpson M.P.

I wish to register the concerns of my constituents and their objections to the planning application 12/3114N which relates to building over four hundred new houses on existing agricultural land known locally as the Wybunbury or Shavington Triangle. This land is mostly (over 75%) within the parish boundary of Wybunbury and in a historically rural area of Cheshire, with local affiliation to the Nantwich countryside.

I have been contacted by and spoken to a significant number of local residents in large part living in close proximity to the proposed development and they have expressed the following concerns as strong reasons to refuse the application.

As a car driver myself, I see the increased congestion which the roads in the immediate locality suffer from. The main routes to Crewe are either through the centre of Shavington, where the roads are too narrow to accommodate heavy traffic, or via Crewe Road and Gresty Road, where at peak traffic time congestion results in excessive traffic queues. The proposed housing development of over four hundred new homes could result in a further eight hundred plus cars using the roads in the immediate locality, which would create even more congestion and traffic queues at peak traffic times.

The local residents are also greatly concerned that local schools are fully subscribed and the proposed development provides no further educational facilities.

A number of constituents have voiced their worry that there is evidence that if the development of this site goes ahead, it could result in a loss of wildlife and areas of habitat prioritised within the England Biodiversity Action Plan and that the ecological value of areas like Wybunbury Moss, a site of SSI, would be greatly diminished and potentially damaged forever once surrounded by houses. The construction project alone would destroy the vital micro-habitat for wildlife and entomological species and there is a significant danger that this disruption would drive away many species, which might never return.

I would urge the Strategic Planning Committee to listen to the views of local residents and reject this planning application.

7. APPLICANT'S SUPPORTING INFORMATION:

- Travel Plan
- Transport Assessment
- Planning Statement
- Statement of Community Involvement
- Site Waste management Plan
- Services Enquiries
- School Roll
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal
- Desk based Archaeological Assessment
- Design and Access Statement
- Bird Survey
- Arboriculture Assessment
- Air Quality Assessment
- Agricultural land Assessment
- Acoustic Report

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. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to

2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The SHLAA 2011 identifies the current application site, as suitable - with policy change, available, achievable, developable and therefore deliverable and it is anticipated that it will bring forward 300 units within the first 5 years. It therefore forms an important part of the identified 5 year housing land supply.

Emerging Policy

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. The results of that consultation was considered at a meeting of the Strategic Planning Board on the 6th December 2012. 1985 representations were received to the Crewe Town Strategy. This site was considered as site L2 in the Crewe Town Strategy. 95% of the 1985 representations responded to the question whether they agreed or disagreed with site L2 as a potential area of future development and of those 96% disagreed with site L2 being a potential area of future development. The recommendation at that meeting is that the future housing needs of Crewe are met by the following sites – Crewe Town Centre (200 dwellings), West Street / Dunwoody Way (up to 700 dwellings), Basford East (1,000 dwellings), Basford West (300 dwellings) and Leighton West (750 dwellings). Sites are also proposed at settlements surrounding Crewe including Shavington Triangle (300 dwellings) and Shavington East (300 dwellings phased post 2020). There are also proposals for new settlements at Crewe Hall / Stowford (1,000 dwellings – with potential additional development after the plan period) and at Barthomley (1,000 dwellings– with potential additional development after the plan period).

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The site is one of the sites identified in the Draft Development Strategy as a preferred option. The strategy envisages:

- Provision of 300 new homes (at approximately 20-25 dwellings per hectare);
- Including 'housing to meet local needs', in line with Policy SC4 in the Emerging Policy Principles document;
- Small scale retail development in the region of 600-700sqm, for local needs;
- Provision of:
 - o Community facility;
 - o Take away / restaurant;
 - o Incorporation of Green Infrastructure;
 - o Provision of appropriate Open Space including:
 - ☐ Village Green;
 - ☐ Multi Use Games Area;
 - ☐ Equipped children's play area;
 - ☐ Outdoor gym; and
 - ☐ Allotments;
 - ☐ Community woodland
- Improvements to existing and the provision of new pedestrian and cycle links to connect the site to existing and proposed residential areas, employment areas, shops, schools and health facilities;
- Consideration of any impact on the Wybunbury Moss Special Area of Conservation (SAC) and RAMSAR site and implementation of any mitigation measures; and
- On site provision, or where appropriate, relevant contributions towards transport and highways, education, health, Green Infrastructure, open space and community facilities

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle, the fact that local people should be empowered to shape their surroundings.

Conclusion

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. However, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle.

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”

Accessibility is a key factor of sustainability that can be measured. A 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	Land South of Newcastle Road
Open Space:	Amenity Open Space (500m)	0m
	Children’s Play Space (500m)	0m
	Outdoor Sports Facility (500m)	0m
Local Amenities:	Convenience Store (500m)	0m
	Supermarket* (1000m)	3760m
	Post box (500m)	817m
	Playground / amenity area (500m)	0m
	Post office (1000m)	817m
	Bank or cash machine (1000m)	597m
	Pharmacy (1000m)	2023m
	Primary school (1000m)	1563m
	Secondary School* (1000m)	1639m
	Medical Centre (1000m)	2023m
	Leisure facilities (leisure centre or library) (1000m)	1639m
	Local meeting place / community centre (1000m)	955m
	Public house (1000m)	700m
	Public park or village green (larger, publicly accessible open space) (1000m)	1696m

Child care facility (nursery or creche) (1000m)	1563m
Transport Facilities: Bus stop (500m)	355m
Railway station (2000m where geographically possible)	5538m
Public Right of Way (500m)	18m
Any transport node (300m in town centre / 400m in urban area)	18m

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).

On the basis of the above assessment the proposal does not appear to meet all of the accessibility criteria of the North West Sustainability Checklist. However, 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”.

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 supporting documentation submitted with the application does not provide any detailed information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme's design response to climate change adaptation
- other soft environmental measures.

The requirements of the RSS policy and a detailed scheme can therefore be secured as part of the reserved matters through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that:

"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 Statement 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:

- 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;
- ensure that they do not impose unnecessary burdens on development.

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.

Similarly, the NPPF makes it clear that:

"the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

In summary, in terms of its location, and accessibility the development is relatively unsustainable. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

Overall, the current lack of a five year housing land supply, the fact that this site is located predominately within the infill boundary line, and the economic growth benefits are considered, on balance, to outweigh the limited conflicted with local plan policy in terms of the scale of development, and the lack of sustainability in locational terms, the adverse impacts of which are not considered to be significant or demonstrable.

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.

The applicant has submitted an agricultural land classification study which concludes that:

- The agricultural land on the site comprises a mixture of mainly grades 2 and 3a with smaller areas of grade 3b land.
- Whilst the agricultural land on this site does comprise a proportion of grades 2 and 3a “best and most versatile” land as defined in the NPPF, the loss of such land on this site and the importance to be attached to it should be viewed within the context of the following key considerations:
 - o the quality of the land on this site is typical of much of the land to the south of Crewe and of land that has been developed for housing and other development uses within the vicinity of the site, where the quality of the land has not been considered to be an overriding consideration within the planning balance in terms of its agricultural productivity, only 10 ha (58%) of the site is currently being used for agricultural production. This represents less than 0.007% of the total County agricultural area
 - o the area does not comprise a local or regionally important specialist agricultural unit and the loss of this small area of productive land from a single larger farm holding would not affect the continued operation of this enterprise
 - o the likely agricultural productive use of the site is limited by the presence of housing development all around it, the location of a well used footpath located centrally north of south

across it, and the location of the farming enterprise associated with this land being located several miles from the site. The setting of the site and public access arrangements make it unlikely that the intensive agricultural land uses associated with the definition of grade 2 land would be likely to be established here and therefore that a cropping regime more typical of the grade 3a land definition would be likely to continue within the productive areas of the site

o the proposals include the retention of areas which can continue to be used for community based agricultural production, including allotments 0.17 ha and community orchards 0.4 ha.

The applicant has also argued that, as set out in the accompanying Agricultural Resources Report, the limited elements of best and most versatile agricultural land within the site are constrained by its land-locked nature, separation from the main farm unit and the urban fringe location. The evidence from DEFRA demonstrates there is a very high level of best and most versatile agricultural land in south Cheshire in less constrained conditions which will remain unaffected by the development. No precedent will be set for development on other areas of countryside around Shavington and Wybunbury beyond the containing framework provided by Dig Lane and Stock Lane.

They consider that only limited weight should be attached to Policy NE.12 given the shortfall in the housing land supply and the implications of the NPPF which state that, in such circumstances, relevant policies should be considered as out of date.

Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land. A such officers agree with the applicant's argument in this area.

Provision of Local Centre

The proposal includes provision of a local centre comprising a total of 700sqm square metres of retail floorspace made up of a neighbourhood foodstore of 400sqm and three smaller 100sqm units.

The site lies outside the town centres of Crewe and Nantwich, as defined in the Local Plan, where Policy S.10 states that major retail developments will be permitted only if all of a number of criteria are met. According to the supporting text major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m.

Similarly, the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. However, it goes on to state that local planning authorities should only require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

The Local Plan policies have been saved. As a result, it is concluded that the proposal is in accordance with the up-to-date development plan. The total floorspace within proposed local centre would remain under the 2,500sq.m. Therefore, under the provisions of both the Local Plan Policy and the NPPF, it is not necessary for the developer to demonstrate that there is a proven need for the development; a sequential approach to site identification has been

followed; or that the proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of another shopping centre. Furthermore, the proposed local centre would improve considerably the sustainability credentials of the site. The revised proposal is therefore acceptable in terms of retail impact.

Affordable Housing

The site is located in both the Shavington and Wybunbury Parishes. The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units. However it also states that for rural settlements with a population of less than 3,000 that the Council will negotiate for an appropriate element of affordable housing on all sites of more than 3 dwellings or larger than 0.4ha in size, and that the minimum proportion will generally be 30%.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Wybunbury & Shavington, there is a requirement for 31 new affordable homes each year between 2009/10 – 2013/14. This is made up of an annual requirement for 5 x 1 bed, 10 x 2 bed, 4 x 3 bed and 7 x 4/5 bed dwellings. There is also a need for 4 x 1/2 bed older person's accommodation.

In addition to the information taken from the SHMA 2010, Cheshire Homechoice, which is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, indicates that there are currently 102 applicants on the housing register who have selected either Shavington or Wybunbury as their first choice. The number of bedrooms these applicants require are 28 x 1 bed, 44 x 2 beds, 20 x 3 beds and 5 x 4 beds (5 applicants haven't indicated the number of bedrooms they need)/ 25% of the applicants who need a 1 bed and 16% of applicants who need a 2 bed have state they would accept a flat.

To date, there has been no delivery of the affordable housing required between 2009/10 – 2013/14 in the Wybunbury and Shavington sub-area. Therefore, as there is affordable housing need in Wybunbury and Shavington, there is a requirement that 30% of the total units at this site are affordable, which equates to up to 120 dwellings. The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents of affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

Although this is an outline application and the type and tenure of the affordable housing has not yet been submitted Housing Officers suggest that the mix of affordable housing units be based on the housing need information taken from the SHMA 2010 and the housing register should be 25% x 1 bed, 40% x 2 bed, 20% x 3 bed and 15% x 4 beds.

As this is an outline application Housing Officers can only comment on the information provided, which is that the planning statement states that 30% affordable housing will be provided. Of the affordable element, 65% would be provided as rent (social or affordable) and 35% as intermediate tenure. If the application is approved therefore, the affordable housing requirements for this site are as follows:

- 30% of the dwellings should be affordable, this equates to up to 120 dwellings.
- The tenure split of the affordable housing required is 65% rented, 35% intermediate tenure, which equates to 78 dwellings provided as either social or affordable rent and 42 dwellings provided as intermediate tenure.
- The mix of affordable homes should ideally be 25% x 1 bed, 40% x 2 bed, 20% x 3 bed and 15% x 4 beds.
- 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 CFSH L3
- The affordable homes should be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.

These requirements could be secured through the Section 106 Agreement

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which concludes that:

- The proposed development site offers the opportunity for sustainable travel to a range of different facilities and land uses. The site connects with the existing network of pedestrian footways that operates within the Shavington area, offering the opportunity for potential residents to undertake journeys to a number of different facilities / land uses and to public transport stops on foot. Cycle facilities are provided within the Shavington and Wybunbury area which, when combined with the existing road network, facilitate cycle trips to and from the site. The site is situated within a reasonable walking distance of bus stops located on Newcastle Road, Stock Lane and Greenfields Avenue which are served by bus routes providing access to locations such as Crewe and Nantwich.
- The development proposals include measures to improve sustainable transport link within the area. A joint pedestrian / cycleway will be provided through the site which will link onto footways running along Newcastle Road and Stock Lane. Facilities including a Puffin crossing, an uncontrolled crossing with central refuge and a footway running along the southern side of Newcastle Road will be provided as part of the proposals. The speed limit along Newcastle Road will be reduced from 40mph to 30mph to reduce traffic speeds along the road and to create a safer environment for all road users. The proposals also involve the improvement of waiting facilities at 2 bus stops situated on Newcastle Road and the provision of funds to enable evening bus services between Newcastle Road, Nantwich and Crewe to be operated.
- A total of 28 injury accidents have been recorded within on the local highway network over the latest 5 year period. Analysis of the accident locations and causes does not indicate that there are any significant clusters or common causes to suggest any significant road safety concerns. Considering the levels of vehicular trip generation estimated to result from the development proposals, it is concluded that the proposed development is not likely to significantly increase accident rates on the highway network and therefore no road safety improvements, in addition to the proposals along Newcastle Road, are proposed as part of the development.
- The operation of the existing highway network has been assessed based on surveyed traffic flows and a SATURN model using two future assessment year scenarios. The

SATURN modelling report concludes that the development proposals will result in a generally minimal impact on the highway network. Following detailed assessment of junction capacity levels on the 'local' and 'strategic' networks the conclusion that the proposed development will have a minimal impact on the operation of the highway network is maintained. The provision of mitigation schemes to enhance highway capacity levels in the area are therefore not considered to be warranted.

- It is therefore considered that, in transportation terms, there are no overriding or sustainable reasons why the development proposals should not be approved.

Through the application and recent discussions, the applicant has agreed to:

- Underwrite the cost of introducing evening bus services between Crewe and Nantwich via Shavington (effectively extending the existing day time service) up to a maximum cost of £215,000.
- Contribute £85,000 towards upgrading existing bus stops on Newcastle Road and other improvements and crossing facilities at Newcastle Road to encourage and promote sustainable travel.
- Contribute £75,000 towards either a planned improvement of the northern end of the Gresty Road corridor into Crewe and / or the construction of the Crewe Green Link based on the proportionate impact of the proposals relative to overall flows.

The Strategic Highways Manager has raised concerns that a £75k contribution towards highways improvements is insufficient to mitigate the impact of the development on the wider highway network. He has confirmed that he would recommend a refusal of the scheme for the following reasons:

1. Impact on the South Street/Mill Street/ Nantwich Road junction
2. Cumulative impact of development on the A500 corridor.

In response, the applicant has offered a contribution of £230,000 which would provide the full funding for the South Street improvement scheme. In addition, based on the premise that the Council's priorities for infrastructure overall may be greater in respect of strategic transport infrastructure than full delivery of affordable housing at the local policy road, the applicant invites the Council to consider the following options in respect of affordable housing provision and enhanced financial contributions towards strategic highway improvements in the area. This approach has been considered to be appropriate in the case of other large scale proposals.

Affordable Housing %	Enhanced Strategic Transport Contribution
30	£230,000
25	£400,000
20	£800,000
15	£1,200,000

The provisions of any 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.

It is considered that a strategic transport contribution of £230,000 would adequately mitigate the impact of the development on the Strategic Highways network and would also be policy compliant in respect of affordable housing (ie 30%), and all the other heads of terms. On this basis, Planning Officers are satisfied that the requested contribution also fairly and reasonably related in scale and kind to the development and, on the basis of the above, consider that the requested contributions meet the requirements of the CIL Regulations. Furthermore, as the scheme is now policy compliant and all outstanding impacts are adequately mitigated, it is not necessary for the developer to demonstrate a viability case, and therefore the additional information requested by Members at their last meeting is no longer required.

The additional information received from Cllr Clowes includes additional highways data. This was forwarded to the Strategic Highways Manager for consideration. He has confirmed that his original recommendations remain unchanged. On this basis, and subject to the contributions as set out above, it is not considered that a refusal on highways grounds could be sustained.

Contaminated land

The developer has submitted a Phase 1 desk study for contaminated land, the findings of which concludes that

- The site currently consists almost solely of Greenfield. A farm house and associated barn are located towards the eastern end of the site. A third farm building is identified towards the northern boundary of the site adjacent to Newcastle Road
- The site is situated within an area dominated by residential properties
- The site is underlain by superficial deposits comprising Glaciofluvial Deposits which are classified as a Secondary A Aquifer over low permeability Glacial Till. The underlying bedrock comprises the Wych Mudstone Member which is described as a structureless red brown mudstone and is classified as a Secondary B Aquifer. The low permeability clay is likely to provide significant protection to the underlying Secondary B Aquifer
- Several small streams and ponds are situated on site and in the immediate vicinity. The streams drain towards the west and enter the River Weaver approximately 2km to the west of the site. These surface water courses represent moderately sensitive receptors.
- A detailed historical maps review indicates that the site and surroundings remained largely undeveloped with the exception of residential properties. No medium to high risk land uses have been identified on the site or in the immediate vicinity. No potentially significant contamination sources were identified on site or in the immediate vicinity during the site visit.
- Based on the findings of the report the risk associated with soil and groundwater contamination to human health and controlled waters receptors is considered to be low.
- No site investigation or further environmental risk assessments are considered to be necessary prior to redevelopment.

The report has been examined by the Council's Environmental Health officers, who have accepted its conclusions and raised no objection subject to the imposition of conditions requiring an updated contaminated land Phase I report to assess the actual/potential contamination risks at the site to be submitted. Should the updated Phase I report recommend that a Phase II investigation is required, to be carried out and the results

submitted to, and approved in writing by, the LPA. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement to be submitted. The remedial scheme in the approved Remediation Statement must then be carried out and a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted prior to the first use or occupation of any part of the development.

Air Quality

The developer has submitted an Air Quality Impact Assessment which concludes as follows:

- The assessment has considered nuisance dust effects during the construction phase and the air quality effects due to the operation of the proposed development. In addition, the suitability of the proposed development site for its intended use in the context of air quality has also been considered.
- A risk assessment of construction-related effects has been undertaken using the GLA Best Practice guidance. The assessment of air pollution during the construction phase suggests that the impacts are likely to be in the high risk category, without mitigation. Impacts during the construction of the proposed development, such as dust generation and plant vehicle emissions, are predicted to be of short duration and only relevant during the construction phase. Implementation of mitigation measures set out in the London Best Practice Guide for high risk sites should reduce the impact of construction activities to medium, or even low.
- Detailed atmospheric dispersion modelling has been undertaken for the first year in which the development is expected to be fully operational, 2017. Pollutant concentrations are expected to be below the relevant objectives at the façades of existing and proposed receptors. Changes in pollutant concentrations associated with the operation of the Proposed Development at existing receptors are not expected to be significant. Using professional judgement, the overall significance of effects is considered to be 'negligible'
- The Proposed Development does not conflict with measures set out in CEC's Air Quality Action Plan. There are no constraints to the development in the context of air quality.

The Environmental Health officer has examined the report and accepted the majority of the conclusions, subject to conditions relating to the submission of a scheme to minimise dust emissions during construction.

However, Environmental Health also comment that the assessment, did not consider the traffic and emission impact of the development on the Nantwich Road Air Quality Management Area (AQMA). It has become apparent from reviewing traffic data that there could be an impact on Nantwich Road, including the area of the AQMA. Traffic modelled evening peaks in 2015 and 2030 have predicted an increase in delay of up to 20% on Nantwich Road which could lead to increases in idling vehicles and emissions in the AQMA. The AQ assessment needs to take this into consideration and provide mitigation against any such increases. This can be secured by condition. In addition, the submission of a travel plan to encourage low carbon infrastructure such as the provision of infrastructure and sustainable travel to reduce the Air Quality impact should also be the subject of a condition. Subject to the imposition of the above conditions, it is not considered that a refusal on air quality grounds could be sustained.

Noise Impact

The developer has submitted with the application an Acoustic Report. The report states that:

- Prevailing noise levels at a proposed development site have been recorded, and an assessment of the site made in relation to BS 8233:1999.
- A noise model has been created to predict the impact of existing road traffic on the site.
- The site is subject to varying levels of environmental noise, predominantly attributable to road traffic on Newcastle Road.
- Due to this, noise impact, specific glazing and ventilation will be required in order to provide attenuation capable of enabling the criteria to be achieved.
- It is considered that suitable internal noise levels within habitable rooms could be achieved by specifying appropriate glazing and ventilation systems.
- If installed correctly, to the above specification, and in accordance with manufacturers' recommendations, such glazing and ventilation can enable the required internal acoustic environment to be achieved within the proposed development.
- Noise levels across the vast majority of the site are very low during daytime. Properties located near to the Newcastle Road are subject to a higher level of noise exposure.
- Noise levels over the majority of the site are very low during the night-time, with those properties adjacent to the Newcastle Road subject to slightly higher levels.
- This site is generally subject to very low levels of noise impact, and therefore considered ideal for residential occupation.

The report has been examined by the Councils Environmental Health officers. They 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 proposed residential development on Land South of Newcastle Road, Shavington and Wybunbury has been assessed with regards to flood risk.
- Hydraulic modelling has indicated the flood plain resulting from the 1 in 100 year + cc and 1 in 1000 year rainfall events.
- It has been illustrated that the development will not increase flood risk elsewhere.
- The measures proposed to deal with the effects and risks are appropriate.
- The exception test is not required for this assessment as the majority of the development site is located within Flood Zone 1. A small area adjacent to the water course is located within Flood Zone 2, and the development has a vulnerability classification of "more vulnerable". Areas within Flood Zone 3 are not proposed for development.
- Other origins of flooding have also been assessed and it has been found that there will be no increase in risk of flooding from land, groundwater or sewers as a result of this development.

- There are no anticipated negative impacts associated with the proposed development. Positive social, economic and environmental impacts will result from the proposed development provided mitigation measures outlined in Section 5 are adhered to.
- The Environment Agency have provided approval in principle to this report.
- The proposed on site drainage system will be suitable to attenuate flows up to and including the 1 in 100 year + 30% rainfall event.
- Space has been created within the development concept to provide areas for the storage and treatment of surface water.
- The discharge rates through the existing outfall culvert will not be increased by the proposals.
- The onsite sewers will be offered to United Utilities for adoption under a Section 104 agreement.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Layout and Design

The applicant has submitted a comprehensive Design and Access Statement, the content of which is largely supported in design terms. The comprehensive nature of the statement from a design perspective should also be noted. This will form a sound basis upon which to further manage design quality, should the scheme be considered acceptable.

Whilst sample layouts are provided to test certain parts of the site (a sample from each character area), it would have been preferable to see a testing layout for the whole site to better examine the potential of the framework to accommodate the upper number proposed in the application. With this in mind, the Council's Design Officer has concerns that when it comes to the Reserved Matters stage the 400 unit maximum figure could lead to a more cramped scheme than is suggested by the information in the D & A statement, or may impinge upon strategic design objectives set out in the statement. It is therefore suggested that a reduction in the maximum number should be considered to ensure that the character of the development is in tune with its surroundings (a reduction in the region of 10% is considered appropriate). This could be secured by condition.

The Newcastle Road frontage currently has an open character and is opposed by lower density housing with reasonable sized frontages. The Design and Access information identifies this area as part of "character area 2", which is higher density (33-45 dph) but notes that the Newcastle Road frontage would be 20-32dph. The Council's Design Officer has commented that he understands the urban design rationale for a higher density centre but the fringes should reflect the relationship and character of nearby housing and of the local environment. Therefore, it is suggested that the front block onto Newcastle Lane be re-defined as character area 1 with the associated density parameters for that block reduced. This would contribute toward the suggested reduction in numbers discussed above and the detail could be agreed at the Reserved Matters stage. Around the shared boundaries with existing properties it is suggested that further greening take place to help soften the relationship. This could be achieved through the Reserved Matters layout and the landscaping conditions.

In terms of design quality, it is suggested that a condition be attached to refer back to the detail in this Design and Access Statement and that it also require further design information to be provided as part of the Reserved Matters.

Built heritage

There are no designated heritage assets in proximity to the site. A couple of more historic, former farm properties on Newcastle Road and off Stock Lane may be deemed of some local interest. In proximity to these it is suggested that enhanced landscape be secured around the boundary to further soften the relationship. This could be secured at the Reserved Matters stage as part of the detailed landscape scheme

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. A minimum private amenity space of 50sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings, particularly in light of the suggested reduction in numbers referred to above. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Countryside and Landscape Impact

The Council's Landscape Officer has considered the application and commented that the site landscape is dominated by a mix of farmland fields of varying sizes and its landscape character is strongly influenced by the surrounding settlement edge uses and activities. The site is enclosed on all sides by existing residential development, apart from the northern boundary along Newcastle Road, which has an open, partly hedged boundary, with residential development along the northern side of Newcastle Road – overlooking the proposed development site. The site is strongly influenced by the existing settlement edges around the boundary and the Landscape Officer would agree that visually the site is very well self contained with a ZVI (Zone of Visual Influence) that is limited to the existing surrounding residential properties, the public footpath and Newcastle road to the north.

There are no landscape designations on the application site and the Landscape and Visual analysis correctly identifies that within the Cheshire Landscape Character Assessment the site is located within the boundary of an area of Urban landscape type, this is surrounded by the wider 'Lower Farms and Woods' Landscape, specifically Character Area 7 Barthomley Character Area. Although the site displays some of the characteristics of the Barthomley

Character Area and would presumably historically have been part of that character area, the site has been physically isolated from the wider landscape type because of the development of housing around the whole of the perimeter of the site, along Newcastle Road, Stock Lane and Dig Lane.

The existing remaining hedgerows and field boundaries are in variable extent and condition. The Landscape Officer would agree with the assessment's view that the existing landscape is in a poor to reasonable condition, with noticeably poor hedgerow condition, gaps in hedgerows, particularly along the Newcastle Road boundary and also a number of post and wire boundaries within the site. The landscape condition and landscape sensitivity of the site have both been assessed as Low / Medium. It is considered that the site has the landscape capacity to accommodate future residential development, providing that this is well planned and takes due account of the existing landscape characteristics and features of the site.

This is an outline application and although a Concept Plan (RPS Drg No. 500_004) has been included, the Landscape Officer is of the opinion that in the development of a site Masterplan, the key objectives of the Landscape Framework proposals as identified (5.4), should be addressed, namely:

- Respect existing landscape and townscape characteristics of the site (principally the mature trees and some 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 public open space, new trees, structure planting, hedgerows and other mixed habitats and open spaces;
- Adopt an appropriate landscape management and maintenance regime to ensure the successful establishment and continued thriving of the existing and new planting and landscape areas.
- Retention of the north-south pedestrian link across the site and extension of this wherever possible to increase the connectivity throughout the site. New footways and/ or cycleway provision throughout the proposed development

This could be dealt with at the reserved matters phased and secured through appropriate conditions.

Forestry

The application is supported by an Arboricultural Assessment (fpcr Environment and Design Limited on behalf of Mactaggart and Mickel dated August 2012 Rev A) which provides a tree survey and assessment of existing trees based on their current condition and which may be affected by the development proposals.

The trees within the site are currently not protected by a Tree Preservation Order and the site is not located within a designated Conservation Area.

The report identifies a total of 53 individual trees and fifteen groups of trees within the site which have been categorised in accordance with the current British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. The categories identify:

- 7 'A' (High Value) category individual Oak trees;
- 20 'B' category individual Oak, Sycamore, Alder Scots Pine, Ash and Willow;
- 24 'c' category (low value) trees
- 2 'U' category trees (a Pear and a Beech) which are deemed unsuitable by virtue of their condition.

Of the 15 groups of trees, 4 groups have been categorised a category 'B' (moderate) and 11 as category 'C' (low value) trees.

The submitted illustrative masterplan appears to show most of the A and B category trees shown for retention within open/amenity space, with the internal road layout also respecting retained trees, although it is difficult to assess whether the layout entirely respects the requirements of BS5837:2012 and the root protection areas (RPAs) of retained trees due to the scale of the drawing. It is anticipated that, in this regard, some modifications may well be required to the road layout at the more detailed application stage.

Areas shown for residential amenity on the illustrative master plan also interface with existing trees shown for retention. Again the requirements of BS5837:2012 needs to be satisfied at the detailed application stage in terms of root protection areas and provision for adequate private amenity space between retained trees and proposed buildings.

One category C Oak (T10) within the central south western section of the site has been identified for removal and is described as storm damaged with a woodpecker hole. In this regard the Landscape Officer raises no principle objections to its removal.

The Landscape Officer comments that he is mindful that this application is an outline application of up to 400 dwellings and, in this regard, it is not altogether clear whether the maximum number of dwellings quoted would be achievable on the site taking into account the constraints. However, the proposed reduction in numbers would assist with this issue. Clearly there are trees within the site that have been identified as high and moderate value in terms of their contribution to the wider amenity of the area, and the retention of these trees should be considered in terms of the overall design and landscaping of the development. Where it is deemed expedient, consideration shall therefore be given to protecting those trees identified as contributing to the amenity of the area. This is a matter which would need to be addressed at reserved matters stage and through appropriate tree protection conditions.

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. The criteria cover the ecological, historical and archaeological significance of the hedgerow.

Policy NE5 of the Crewe and Nantwich Local Plan states, inter alia, that the local planning authority will protect, conserve and enhance the natural conservation resource proposals for development will only be permitted where natural features such as hedgerows, are, wherever possible, integrated into landscaping schemes on development sites. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Two hedgerows on site (H4 and H5) have been identified as 'Important' under the ecological criteria of the Hedgerow Regulations. Whilst, some of the hedgerows on site including the two important hedgerows can be retained as part of the indicative master plan, the proposed development will result in the significant loss of hedgerow.

The Tree Report does not refer to the hedgerows located within the site; some reference is made to hedgerows within the Landscape and Visual Appraisal supporting document, but principally deals with them in term of landscape importance. No reference is made the hedgerows in terms of historical and archaeological importance and therefore the Landscape Officer stated that further clarification should be sought from the applicant on this matter.

A Hedgerow Assessment (Schedule 1 Part II para 5A Archaeology and History) has now been submitted and is considered to be acceptable.

The submitted assessment identifies 13 Hedgerows deemed to be 'Important' under the Archaeology and History criteria. It should be noted that the Indicative Layout will result in some Important Hedgerow loss namely Hedgerow H15, H9 and part of H7. The layout will therefore require adjustment to account for their retention at Reserved Matters. A condition should therefore be applied to ensure retention of those Important Hedgerows identified.

Education

The Council's Education Officer has examined the application and concluded that a development of 400 dwellings will generate 65 primary aged pupils and 52 secondary aged pupils.

Taking into account primary schools within 2 miles of the development and secondary schools within 3 miles of the development and information on numbers on roll, capacities and forecasts, cumulatively the primary schools are forecast to be oversubscribed by 2013. In light of this a contribution of $65 \times 11919 \times 0.91 = £705,009$ is required. This can be secured through the Section 106 Agreement. However as this is based on 400 dwellings, and it is proposed to reduce the numbers accommodated on site and the application is submitted in outline, the Section 106 will need to make provision for a formula approach to the calculation of the final contribution to a maximum provision of £705,009.

The secondary schools have sufficient places to accommodate this development.

Open space

Policy RT.3 requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 6,000sqm of

shared recreational open space and 8,000sqm of shared children's play space which is a total of 14,000sqm of open space.

In addition, the proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. The proposal states that a Neighbourhood Equipped Area for Play (NEAP), with 12 pieces of equipment will be provided. It does not however provide details of exactly what is proposed. However, this can be secured through the Section 106 Agreement.

A Multi Use Games Area (MUGA) is also proposed. Again, the detailed specification should be incorporated into the Section 106 Agreement.

An outdoor gym is also proposed, with 16 activities. However further detail has not been provided. Again, a detailed specification, with regard to exactly what is proposed, should be a requirement of the Section 106 Agreement.

An area of allotments, with 20 plots is also proposed. They would need to be surrounded by 2.4m high metal palisade fencing painted green. Further information, with regard to exactly what is proposed, should be provided as part of the Reserved Matters and secured through the Section 106 Agreement.

Two areas of community woodland are also proposed. They should be comprised of regionally native species and perhaps could assist with the drainage issues for the site. The applicants confirm that the future management of the greenspace on the site will be carried out by a private management company. This will also be built into the Section 106.

Ecology

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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that

would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council's Ecologist has commented as follows:

Protected/Priority Species

Bats

The site supports habitats that are being utilised by bats for foraging and commuting, however I advise that habitat present is relatively limited and the usage of the site by bats is accordingly low.

A number of trees on site have been identified as having potential to support roosting bats. However, no evidence of roosting bats within these was recorded during the survey and it appears from the submitted master plan that it will be feasible to retain these trees within areas of open space/semi natural habitat.

No bat survey has been undertaken of 90 Stocks Lane. The submitted master plan appears to indicate this property will be removed as part of the proposed development. However, the applicants have agreed to the retention of this property by means of a planning condition. Accordingly no surveys of this property are required.

Water Vole

Confirmation has now been received that a water vole survey of the site has been undertaken. No evidence of this species was recorded and accordingly the Council's Ecologist has advised that this species does not present a constraint on the proposed development.

Common Toad

Common toad is a biodiversity action plan priority species and hence a material consideration. This species has been recorded as breeding at one of the ponds at this site. Whilst the breeding pond will be retained the Council's Ecologist advises that the proposed development will result in the loss of a significant area of terrestrial habitat associated with the breeding pond.

Breeding Birds

The proposed development site has the potential to support breeding birds including a number of Biodiversity Action Plan priority species which are a material consideration for planning. A number of species have been recorded during the surveys undertaken to inform the ecological assessment and in addition anecdotal records for the presence of a number of other additional species including lapwing have also been identified. Whilst the proposed open spaces areas will provide habitats for some of the bird species present on site the Council's Ecologist advises there will be a loss of habitat for some species such as lapwing which are associated with more open habitats.

If planning consent is granted the Council's Ecologist recommends that the conditions are required to safeguard breeding birds:

Barn owls

The submitted ecological assessment states that an owl pellet was recorded near to one of the small buildings on site however no information has been provided as to which species of owl the pellet relates. It is now impossible to confirm the species of owl that had been present on site. However, a single pellet is likely to be indicative of a low level of usage and the Council's Ecologist advises that as a commuted sum is to be provided to offset the potential loss of habitat on site this would also be adequate to address any potential loss of barn owl foraging habitat.

Other Protected Species

Other Protected Species have been recorded on site. It is likely that removal of their habitat will be required to facilitate the proposed development. This would be done under the terms of a license from Natural England. A outline method statement for this work has been provided and it is proposed that the loss of the habitat on site will be compensated for by means of the provision of artificial habitat.

The proposed mitigation is therefore acceptable. However the Council's Ecologist recommends that a condition to any permission granted requiring any future reserved matters application to be supported by a survey and mitigation proposals.

Habitats

Ponds

Ponds are a local Biodiversity Priority habitat and hence a material consideration. There are four ponds on this site that the submitted ecological assessment states will be retained and enhanced as part of the proposed development.

The retention of these ponds is welcomed. However to ensure the ponds retain their nature conservation value the Council's Ecologist recommends that the ponds should not be utilised as part of any sustainable urban drainage scheme for the site and the ponds should also not be linked by flowing water.

The Council's Ecologist recommends that any out-line planning permission granted should include a condition requiring any reserved matters application to be supported by detailed proposals for the retention and enhancement of the on-site ponds.

Hedgerows

Hedgerows are a Biodiversity Priority habitat and a material consideration. In addition two hedgerows on site (H4 and H5) have been identified as 'Important' under the Hedgerow Regulations.

Whilst, some of the hedgerows on site including the two Important hedgerows can be retained as part of the indicative master plan the proposed development will result in the significant loss of hedgerow.

Wybunbury Moss

The proposed development is located 400m to the north of Wybunbury Moss (national nature reserve, Special Area of Conservation, Ramsar). The submitted ecological assessment includes a scoping assessment which concludes that there are unlikely to be any adverse impacts on the moss as a result of the proposed development.

Natural England have been consulted on this application and their views obtained on the potential impacts of the proposed development upon Wybunbury Moss. They have concluded that there would not be any significant adverse impact in this case. Subsequently, additional information was received from local residents, via Cllr Clowes and Mr. Mark Donlan with regard to the impact on Wybunbury Moss. This has been forwarded to Natural England, who have confirmed that their initial advice still stands.

Conclusion

The proposed development site has some broad nature conservation value in the very local context. The Council's Ecologist recommends that the potential residual adverse impacts associated with the scheme includes the loss of; hedgerows, semi-improved grassland, common toad terrestrial habitat, breeding bird and potential barn owl foraging habitat, associated with this development be off-set by means of a commuted sum secured by means of a section 106 agreement. The commuted sum could be used to deliver habitat creations within the Meres and Mosses Natural Improvement Area (NIA) which is located to the immediately to the south of the proposed development site.

The applicant has offered an appropriate commuted sum and consequently advise that there are unlikely to be any residual ecological issues associated with the proposed development..

Impact on Public Right of Way

The public rights of way team have objected on the grounds that the submitted masterplan shows diversion of the public right of way across the site, and no diversion application has submitted. Furthermore, they are concerned that whilst part of the proposed route is through greenspace, part is along a road, which would be discouraged.

However it should be noted that the application is submitted in outline and the masterplan is only indicative. It is considered that the exact route of the footpath could be agreed at reserved matters and that appropriate conditions could be attached to ensure that the path runs through greenspace and is fronted by houses rather than running between back gardens or in alleyways, which would discourage natural surveillance and footpath use.

The Countryside Access Team, have acknowledged that the application represents an opportunity to upgrade the route to make it more accessible to all users including cyclists. The precise detail of the route, specification and surfacing can be agreed at reserved matters, and provision can be made for its maintenance via the management company that would be set up through the terms of the Section 106 Agreement.

Archaeology

The archaeologist has commented that the archaeological report submitted with the application was missing a geophysical survey data for part of the site and that this was awaited. No further comment has been provided to indicate that this has been received. It is therefore considered to be appropriate to secure this, and any necessary mitigation which may be required as a result of its findings, via condition.

9. CONCLUSIONS

The site is within the Open Countryside where, under Policy NE.2, there is a presumption against new residential development. However, the site is identified as deliverable within the next 5 years in the SHLAA and forms part of the Councils identified 5 year supply of housing land. It is also a preferred option in the emerging Development Strategy. The development of the site is therefore considered to be acceptable in principle.

Following conclusion of the on-going negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space and monies towards highway improvements and the future provision of primary and secondary school education.

It would also provide the policy compliant level of affordable housing provision (30%). Consequently, it is not necessary for the developer to demonstrate a viability case. Therefore, the additional information requested by Members at their last meeting is no longer required.

The proposal is considered to be acceptable, subject to appropriate conditions, in terms of its impact upon residential amenity, contaminated land, air quality, noise impact, layout and

design, built heritage, forestry, 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 not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some of the best and most versatile agricultural land, in accordance with recent Appeal decisions on the matter, it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss.

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.

With regard to the impact on hedgerows, two hedgerows have been identified as being important when assessed against the criteria under the Hedgerow Regulations. However these are shown as retained as part of the indicative master plan and conditions can be applied to ensure that this is carried through into the reserved matters.

With regard to ecology, including the impact on Wybunbury Moss, protected species and other habitats, the Councils Ecologist and Natural England are satisfied that any effects can be adequately mitigated.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on Countryside and affordable housing issues are outweighed by the benefits of the proposal in terms of residential provision.

Given the scale and location of the development, its relationship to the urban area and its proximity to other services, subject to the necessary outstanding information being submitted, and no objections being raised by the relevant consultees, 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.

10. RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- 30% of the dwellings to be affordable.
- The tenure split of the affordable housing required is 65% social or affordable rent, 35% intermediate tenure.
- The mix of affordable homes to be 25% x 1 bed, 40% x 2 bed, 20% x 3 bed and 15% x 4 beds.
- Affordable Homes should be pepper-potted (in clusters is acceptable)
- The affordable homes to be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.

- Underwrite the cost of introducing evening bus services between Crewe and Nantwich via Shavington (effectively extending the existing day time service) up to a maximum cost of £215,000.
- Contribute £230,000 towards upgrading existing bus stops on Newcastle Road and other improvements (including speed limit reduction and crossing facilities) on Newcastle Road
- Contribute £75,000 towards either a planned improvement of the northern end of the Gresty Road corridor into Crewe and /or the construction of the Crewe Green Link.
- Education contribution to a maximum (i.e. capping indexation) of £705,009 calculated on a formula approach based on the number of dwellings.
- Provision of a NEAP with 12 pieces of equipment – specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of a MUGA – specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of an outdoor gym with 16 activities – specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of allotments with 20 plots– specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.
- Provision of community woodland
- Management plan for open space in perpetuity
- Provision of a local residents management company to maintain all on site open space (including, inter alia, the NEAP, MUGA, gym, allotments, woodland, general amenity openspace, village green, nature conservation area, drainage areas and any other areas of incidental open space not within private gardens or the adopted highway).
- Commuted sum of £50,000 to be used to deliver habitat creation within the Meres and Mosses Natural Improvement Area

And the following conditions

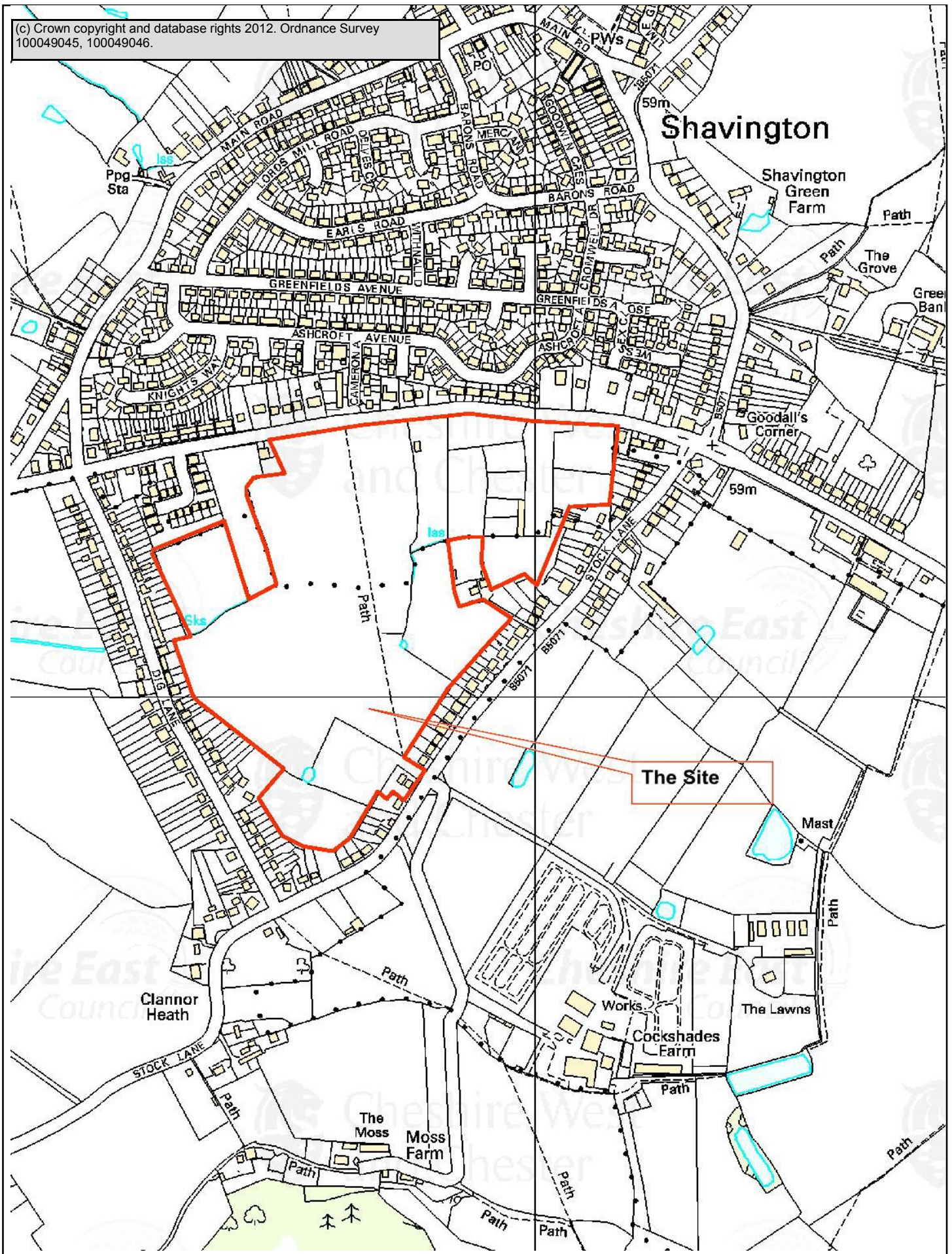
1. Standard Outline
2. Submission of reserved matters
3. Plans
4. No approval for indicative layout
5. Submission / approval and implementation of a scheme to manage the risk of flooding from overland flow of surface water,
6. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from RPS, ref. AAC4908 Issue 3 dated 25/06/2012 and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Finished floor levels are set no lower than, the relevant 1 in 100 years plus climate change plus 600mm freeboard level.
7. Submission / approval and implementation of a scheme is agreed to protect the watercourses and ponds on site and to provide a 5 metre wide undeveloped buffer zone around them measured from top of bank. The undeveloped buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping/. The schemes shall include:
 - plans showing the extent and layout of the undeveloped buffer zone.

- details of any proposed planting scheme (for example, native species).
 - details demonstrating how the undeveloped buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
8. The proposed river channel and corridor shall be constructed in accordance with a scheme to include the following features:
- Detailed designs of new watercourse corridor within the site, which is fully integrated as part of overall scheme design, in such a way as to positively contribute to the nature conservation, landscape and amenity value of the site
 - Plans showing the extent and layout of the undeveloped buffer zone between the new development and the stream.
 - This undeveloped buffer zone shall be a minimum of 5 metres wide measured from bank top. This zone shall be without structure and domestic gardens
 - Details of planting schemes
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the long term.
9. Reserved matters to make provision for houses to face waterfronts and footpaths
10. The site shall be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse. No surface water will be allowed to discharge in to the public sewerage system.
11. Submission / approval and implementation of details of Sustainable Drainage Systems (SuDS).
12. The hours of demolition / 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
13. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
14. Submission approval and implementation of a piling method statement.
15. Submission approval and implementation of details of location, height, design, and luminance of any proposed lighting
16. Noise levels from any services plant shall be designed to be 10dB below the existing background noise level at the nearest residential property
17. Submission approval and implementation of noise mitigation measures for properties adversely affected by road traffic noise from Newcastle Road to provide for
- the internal noise levels defined within the “good” standard within BS8233:1999.
 - provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements.
18. Submission of revised Air Quality assessment to take into consideration Nantwich Road and mitigation against any impact.
19. Submission / approval and implementation of dust mitigation during development.
20. Submission of updated archaeological report
21. At least 10% of predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.
22. Provision of sustainable design strategy / plan
23. Submission of construction details for access / roads
24. Provision of access / roads

25. Provision of visibility splays of 2.0m x 43m in both directions at each of the access points.
26. Provision of parking
27. Submission of updated contaminated land report.
28. Development to be in accordance with principles set out in Design and Access Statement
29. Submission of Statement Design principles to take into account, the Master Plan, the Parameters Plan and Phasing Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the multi use games area, the children's play areas and allotments;
 - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
30. Maximum number of units to be 360
31. Submission / approval and implementation of boundary treatment
32. Submission / approval and implementation of materials
33. Submission / approval of landscaping
34. Implementation of landscaping
35. Important hedgerows and trees to be retained and to be incorporated within reserved matters layout
36. Submission of tree and hedgerow protection measures
37. Implementation of tree and hedgerow protection measures
38. Replacement hedge planting
39. Reserved Matters to include details of bin storage.
40. Breeding Bird Survey for works in nesting season
41. Provision of bird boxes
42. Retention and enhancement of the on-site ponds.
43. Submission / approval and implementation of Construction management plan
44. Retention of no.90 Stock Lane
45. Any future reserved matters application to be supported by a survey and mitigation proposals
46. Provision and implementation of Travel Plan
47. Provision of new footway to Newcastle Road prior to first occupation

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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ADDITIONAL COMMITTEE REPORT FOR 20TH FEBRUARY 2013 STRATEGIC PLANNING BOARD

Application No: 12/4067M

Location: JACKSONS EDGE SERVICE RESERVOIR, JACKSONS EDGE ROAD, DISLEY

Proposal: Replacement service reservoir and valve house building, together with a temporary material storage area and a temporary contractor's parking area.

Applicant: United Utilities

REASON FOR THE REPORT

Members will recall that this application was deferred from the 9th January 2013 Strategic Planning Board for the following reasons:

1. For further information in respect of the discounted sites
2. Consideration of the impact of using the disused quarry for the temporary material storage area
3. Clarification of the number of motorists that would be displaced as a result of the road closures

APPLICANT'S SUBMISSION

United Utilities have provided the following summary in respect of the discounted sites:

Jacksons Edge Service Reservoir site

- Not enough room on site

Disley Amalgamated Sports Club

- Could not reach agreement with the landowner
- Would cause disturbance to playing field users
- Would still need the road closure

Field to East of Disley Amalgamated Sports Club

- Could not reach agreement with landowner
- Would cause disruption to the properties to the north of Jacksons Edge Road
- Would still need the road closure

Golf Course

- Could not reach a satisfactory agreement with the landowner that would have:
 1. ensured to the landowners satisfaction that viability of the Golf Course business could be maintained
 2. enabled the timely replacement of Jacksons Edge SR (a strategically important part of the water supply network serving 40,000 customers).
 3. Use of the golf course would also cause disruption to the properties on the northern side of Hilton Road

Quarry

- Would require the complete clearance of the quarry, and filling of voids, to use the site as a temporary material storage area
- Would destroy protected habitats, woodland and harm the character of the landscape, which would take 20-30 years to rejuvenate
- Unacceptable in planning policy terms
- Need to separate the topsoil, subsoil & mudstone for re-use
- Extremely impractical due to the 10 metre change in levels between the quarry edge and the quarry base
- Would still require the closure of Jacksons Edge Road for up to 25 weeks to move material from the reservoir to quarry and back, therefore this option would not be of any benefit over the field option
- Would require an internal haul road, which would cause permanent harm to the heathland
- Public opposition to this site would be likely

Any Site Beyond Jacksons Edge Road

- Discounted due to sustainability considerations and highway impacts

Impact on the use of the disused quarry

United Utilities consider that the use of the quarry may raise different objections, for example in respect of the loss of amenity, biodiversity, woodland and landscape.

Mitigation measures would reduce the impact of the development on the field. It would be returned to its former condition, with little or no impact on trees, protected species or landscape. The use of the quarry could cause long term or permanent damage to protected trees, habitats, protected species and its landscape value and would take 20-30 years to rectify.

The NPPF aims to conserve and enhance biodiversity and recognises the importance of the natural environment to our wellbeing. Policy protection for the natural environment is clear within the Macclesfield Local Plan and runs throughout the NPPF. In the NPPF, the emphasis has moved beyond legally protected species to all national and local priority species.

Traffic Impact

In respect of the traffic impacts United Utilities advise:

- They are agreeable to banksmen at either end of Light Alders Lane to manage the periods of closure to allow residential access only, with half barriers
- The impact of the proposals on the overall volume of traffic on the A6 is considered to be negligible. Many vehicles currently use Jacksons Edge Road as a rat run, but will be unable to do so during the periods of road closure. During these periods, these vehicles will have to stay on the A6. This will not add vehicle movements or change the overall volume of traffic
- They currently estimate the road closure as being approximately 25 weeks in total, throughout the 3 year construction period. This is very much worse case scenario estimates and they hope to reduce the time periods

HERITAGE OFFICER'S COMMENTS IN RESPECT OF USING THE DISUSED QUARRY

Our Nature Conservation, Forestry and Landscape Officers all have significant concerns in respect of the use of the quarry.

Ecology

There are a number of features present at the disused Jackson's edge Quarry that are of nature conservation importance. In order of importance these are:

1. Lowland Heathland habitats and associated species of rich grasslands
2. Broadleaved Mixed Woodland and wet woodland habitats
3. Badgers

Heathland is an internationally important habitat and is both a Local and UK Biodiversity Action plan priority habitat. 40% of lowland heathland has been lost since 1949. In the mid 1990s 45 lowland heathland sites remained in Cheshire, amounting to only 49 ha of dry heath habitat in the County. There have been further losses of this habitat since the 1990s. In recognition of the importance of this habitat, Cheshire East Council has expanded considerable effort in maintaining and restoring heathland habitats on sites within its own land ownership.

The heathland at the disused quarry is associated with species rich grassland habitats which compliment the heathland habitat mosaic. The grassland habitats appear to be of significant nature conservation importance, supporting a high number of plant species including marsh orchid. The grassland habitats within the quarry may also possibly qualify as UK Biodiversity Action plan priority habitat (and be hence a material consideration).

The disused quarry supports mixed deciduous woodland. Tree species present include Oak, Rowan and Birch with goat willow, and hazel being present in the wetter areas. This habitat type been identified as being a UK Biodiversity Action Plan priority habitat in recognition of its ecological importance.

Cheshire is a poorly wooded county with approximately half of the national average of woodland cover. All woodlands in Cheshire have consequently always been considered to be of significant nature conservation value. This is reflected in local plan policy

Badgers and their setts receive protection under the Protection of Badgers act 1992. This legislation was introduced as a result of persecution and ill treatment of badgers rather than as a measure to safeguard badgers from extinction. The legislation makes it an offence to:

- Kill, injure or take a badger
- Cruelly ill treat a badger
- Damage, destroy or obstruct a sett

Surveys of the quarry during 2011 and 2012 identified the presence of two outlying badger setts within the disused quarry.

As badgers are a protected species any activity that may disturb a badger sett or affect badgers foraging habitat is capable of being a material consideration for planning. This duty is highlighted under paragraphs 123 and 124 of ODPM Circular 06/2005 *Biodiversity and geodiversity Conservation – statutory obligations and their impact within the planning system*.

The presence of badgers, woodland and heathland and grassland habitats would all require consideration as 'material considerations' during the determination of any future application for a works compound or material disposal area within the disused quarry. Extensive usage of the quarry for this purpose is likely to totally destroy these habitats.

The potential impacts on badgers could potentially be reduced to an acceptable level by means of an appropriate mitigation method statement and conditions.

The loss of woodland, heathland and grassland habitats within the quarry would have a significant adverse impact upon nature conservation interests in the Borough. The woodland and grassland habitats at the quarry are of significant value moreover, Heathland habitats are particularly scarce in Cheshire.

Arguably, it is inappropriate to pursue a scheme that would result in the loss of lowland heathland, whilst work is being undertaken elsewhere.

Forestry

On the 18th March 1991, a Tree Preservation Order was served which protects the trees located on the Jacksons Edge Road frontage and extending 60 metres in a north north/easterly direction back into the discussed quarry under a Woodland designation (W1). The circumstances behind the serving of the Order are that Planning Permission and a site licence existed for tipping on the site which allowed for the retention of the road side woodland. Preliminary enquiries were made concerning residential development on the site which would have been inconsistent with the retention of the woodland. On the 4th June 1991, Macclesfield Borough Council confirmed the Tree Preservation Order without modification.

The woodland as a whole including those trees protected by the 1991 Tree Preservation Order are visually prominent from Jacksons Edge Road and the public footpath which extends around the edge of the quarry. This visual prominence contributes significantly to the

well treed nature of the area, characterised by the mature treescape and sylvan setting of Jacksons Edge Road and its surroundings.

Woodland is defined as land spanning more than 0.5ha with trees higher than 5 metres and a canopy cover or more than 10% or trees able to reach these thresholds in situ. Cheshire, as a County is poorly wooded with less than half the natural average of woodland coverage. The retention and preservation of woodlands is considered to be of significant nature conservation and amenity value, supported by local plan policy.

Following the closure of the quarry, a significant amount of natural regeneration has established augmenting the more established trees located around the periphery of the site. Natural colonisation and regeneration are the process by which woodland species become established from seeds dispersed naturally from local sources. The mixed deciduous woodland includes species such as Oak, Silver Birch, Rowan, Sycamore, and Goat willow, with a developing under story and broad age classification of trees identified.

The loss of woodland in order to facilitate the temporary storage of material would have a negative impact on the amenity and biodiversity of the quarry woodland, causing long term damage to protected trees and those worthy of formal protection, as such, would be contrary to the Local Plan saved Policy DC9. Reinstatement of the area would take between 20 -30 years to re-establish a degree of permanence.

Landscape

The woodland, heathland and other habitats within the quarry are part of the Borough's Green Infrastructure and contribute to the attractive wooded character of the Jacksons Edge area of Disley. If the quarry were used as a compound and materials store, the loss of the woodland and other habitats would be harmful to the character and appearance of the local landscape and would reduce the amenity value of the area.

Loss of the woodland, particularly the more mature TPO'd trees on the site frontage, would have an adverse impact on views from Jacksons Edge Road and from the northern part of Light Alders Lane. It would also have an adverse impact on the two footpaths which run around the perimeter of the quarry. Users of these footpaths currently have attractive views of the woodland, heathland, bluebells and other habitats within the quarry. These adverse impacts would be long-term. It could take around 20 to 30 years following completion of the reservoir works for newly planted trees to have a comparable impact in the landscape.

Cheshire has only 4% tree cover compared with a national average of 11%. Over the years, Cheshire East and Macclesfield Borough Council has expended considerable resources to create, manage and enhance woodlands through the planning process, capital works and also through grants to private landowners for landscape conservation projects.

Disley lies within the former area of the Royal Historic Forest of Macclesfield (policy NE8) and this area has been a particular focus for woodland planting and management over the years. The Council's Millennium Wood site, off Mudhurst Lane, Disley is a good example of this work.

Use of the quarry for storage and removal of the woodland would be contrary to existing and emerging policy. It would be contrary to saved policies NE7, NE14 and DC9, which seek to retain and enhance woodlands, wetlands, heathland and grasslands. It would not be consistent with the emerging Green Space Strategy and it would not be in accordance with policies SE4 - 'The Landscape' and SE5 - 'Green Infrastructure', which seek to maintain a wide variety of natural landscapes, biodiversity habitats, green spaces, and rural areas within the Draft Policy and Principles Document, which is currently undergoing public consultation.

It would be inappropriate to allow the quarry to be used as a compound and materials store when there is an alternative site in close proximity. The field off Light Alders Lane could be restored to its current condition and appearance within one or two years following completion of the reservoir works.

CHESHIRE EAST HIGHWAYS

The results and analysis of the traffic count on Jacksons Edge Road are awaited, and will be provided to Members prior to the Committee meeting.

CONCLUSION AND RECOMMENDATION

It is considered that alternative sites for the temporary material storage compound have been fully explored and exhausted.

The disused quarry is not considered to be a viable option for the following reasons:

1. Adverse impact on lowland heathland habitats, grasslands, woodland, protected species and harm to the character of the landscape, which would take 20-30 years to rejuvenate
2. Significant engineering problems due to the 10 metre change in levels between the reservoir and quarry
3. Would still require the closure of Jacksons Edge Road for up to 25 weeks to move material from the reservoir to quarry and back. Therefore this option would not be of any benefit over the field option

The traffic count on Jacksons Edge Road is not anticipated to reveal high levels of traffic on this route. A further update will be provided prior to Strategic Planning Board to provide additional information on this point.

No further representations have been received.

On the basis of the information above, it is concluded that the field off Light Alders Lane remains the best site for the temporary material storage compound as the land could be restored to its current condition and appearance within one or two years following completion of the reservoir works. Therefore, subject to the outstanding highway information, the recommendation of approval remains, subject to the conditions set out in the original committee report and the 7 highway conditions recommended in the update report.

UPDATE REPORT TO 9TH JANUARY 2013 STRATEGIC PLANNING BOARD

APPLICATION NO: **12/4067M**

LOCATION: JACKSONS EDGE SERVICE RESERVOIR, JACKSONS EDGE ROAD, DISLEY

PROPOSAL: REPLACEMENT SERVICE RESERVOIR AND VALVE HOUSE BUILDING, TOGETHER WITH A TEMPORARY MATERIAL STORAGE AREA AND A TEMPORARY CONTRACTOR'S PARKING AREA.

UPDATE PREPARED: 8 JANUARY 2013

ADDITIONAL SUPPORTING INFORMATION

At Member's site visit on 4th January, a number of queries were raised by Members in respect of the road closure of Jacksons Edge Road and the diversion of Public Footpaths. The attached documents have been prepared by United Utilities and give further detail in respect of these matters, but in summary, the following information is provided:

1. Road Closure

A full road closure is required at Jacksons Edge Road to ensure the safety of all vehicle users. There is a high risk of vehicular impact as road is very narrow in parts and average speed of existing traffic is high. In addition it is essential due to the poor condition of the road due to the large soil movement.

Construction is currently programmed to commence in February 2014 and is expected to be completed within 3 years. The precise timing of the road closures will be determined by the appointed Contractor's programme of works, but will be underpinned by a requirement to minimise construction disruption to the local community and to ensure continuity of water supply to our customers.

Five road closures are proposed.

1. Excavation of Compartment No.1 and Valve-house:

Estimated Road closure for 7-weeks.

2. Reinstatement & Landscaping of Main compartment No.1 and Valve-house:

Estimated Road closure for 5-weeks

3. Excavation of Compartment No.2:

Estimated Road closure for 2-weeks

4. Importing Engineering Fill to Compartment No.2:

Estimated Road closure for 4-weeks

5. Reinstatement & Landscaping of Main Compartment No.2:

Estimated Road closure for 7-weeks (Combined time of 5 weeks plus 2 weeks)

The total **estimated** period for the road closure is 25 weeks during the 3 year project.

“Access only” signage is proposed at either end of Jacksons Edge Road and either end of Light Alders Lane. Furthermore, United Utilities have indicated that they would be agreeable to the provision of a Banksman on Light Alders Road during peak hours, e.g. 08.00 -10.00 & 16.00 – 18.00 Mon-Fri, (subject to approval from CEC Highways) during the 1st road closure to deter non-residents from using Light Alders Road as a “rat run”. This matter can be resolved via condition as part of the Traffic Management Plan.

The road closure/traffic light control between the material storage area access and the service reservoir access should be sufficient to discourage motorists leaving the A6 to use Jacksons Edge Road as a ‘rat run’ as there will be no time gained in doing so.

United Utilities appreciate that there will be some disruption as a result of the road closure and they doing all they can in conjunction with Cheshire East Highways to keep disruption to a minimum. They will adhere to the requirements set out by Cheshire East Highways at all times during construction.

2. Public Rights of Way Closure and Diversion Plan

The development will temporarily affect a number of PRoWs and some temporary closures/diversions will be required to maintain the safety of the public during construction. Please refer to map attached. Footpaths will be affected as follows:

- Disley FP5 – Temporary closure for up to 3 years (duration of construction period. This closure is to enable construction of the new Service Reservoir. A diversion route is available along existing PRoWs.
- Disley FP11 & FP13 (and possibly FP12) – Temporary closure for up to 3 years (duration of construction period). This closure is required because both of these footpaths emerge on Jacksons Edge Road, within the proposed construction working area. For the safety of the public, closure of these footpaths will serve to discourage public access to Jacksons Edge Road for the duration of construction. United Utilities is currently exploring the possibility of:
 - a temporary diversion along existing informal footpath routes and within the field containing the excavated material storage area. For such an arrangement, walkers would be safely segregated from construction working areas.
 - providing a diversion along existing walked routes within Disleybank Wood. However, this is subject to obtaining appropriate landowner agreement. If we can obtain the agreement

of the landowner, this would allow FP12 to remain open with a diversion route continuing within the field off Light Alders Lane.

In addition to the above temporary closures/diversions, the installation of the scour route will affect Disley FP4. A temporary closure will be required for approximately 6 months within the first 18 months of construction. A diversion route is available along existing PROWs.

United Utilities has consulted with Cheshire East's PROW Officer and Disley Footpath Society to develop a considered approach to these temporary closures and diversions. Further discussions are proposed to agree more precisely how any temporary closures and diversions will be implemented.

3. Parking for Contractor's vehicles

The amount of contractor's parking at the Sports Club is considered sufficient. This allowance will be a constraint for the contractor. If necessary, the contractor will have to bus in staff to minimise parking need. There will be no contractor's parking on Jacksons Edge Road.

ADDITIONAL CONSULTATION RESPONSE

CHESHIRE EAST HIGHWAYS

CEC Highway Engineers advise that there is a need to provide a temporary storage area on the south side of Jacksons Edge road so that the topsoil removed can be re-used on the new reservoir. If this area was not available it would significantly increase the number of construction traffic removing materials from the site.

The applicants have indicated that Jacksons Edge Road will be closed on 5 separate occasions during the project and that these closures may occur for a significant length of time. As the work on site will not commence until 2014, the detailed programming has not yet been undertaken so specific dates on the closures are not available but it is essential that Jacksons Edge Road is closed for safety reasons. There will be a steady flow of construction traffic during working hours using this 200m section of Jacksons Lane travelling between the temporary storage area and the site and given its narrow width and poor alignment the risk of collisions with members of the public needs to be removed.

The diversion route will be signed and will be via Buxton Road and Buxton Road West A6, Signs will be erected to state that 'access only' is available to Light Alders Lane.

Should the planning application be approved, UU will need to apply to CEC Highways for a formal Traffic Regulation Order for the road closures and although it has been agreed in principle that closures of Jacksons Edge Road can occur, specific details on need for the length of closure required will need to be presented before CEC agrees to the temporary road closures.

LANDSCAPE

Our Landscape Officer advises that the revised landscape scheme addresses our concerns about the northern boundary, as it now includes a native hedge and some trees to the rear of 31 & 33 Hilton Road. An area for advance woodland planting is identified to the rear of 60 Jacksons Edged Lane and Ash has been omitted from the planting mixes. An area of heathland restoration is now proposed to the northwest of the site.

Further details about the establishment and management of this and other habitats is required. Details are also still required for the temporary storage area off Jacksons Edge Lane/Light Alders Lane. The outstanding matters can be resolved through the originally proposed conditions.

LEVELS

There will be an increase in ground level from between 0.7m to the west of the site and 3.6 metres to the east of the site, due to the creation of bund behind the valve house. The valve house measures 4.35 metres in height.

Toward the centre of the site, the increase in ground level will be approximately 2.4m.

The site will maintain the appearance of a field, with raised embankments. The Valve House will be visible from the entrance to the site.

CAPACITY OF THE NEW SERVICE RESERVOIR

The new Service Reservoir has a capacity of 18 mega litres, made up of two 9 mega litre compartments, which is a very similar capacity to the existing reservoir.

CONDITIONS

With the exception of condition No.8 in respect of a cycle access along Jacksons Edge Road, the additional conditions recommended by Stockport Metropolitan Borough Council (in their consultation response dated 2nd January 2013) are accepted and it is recommended they are attached to any approval.

RECOMMENDATION

The additional information submitted by the applicant is helpful in respect of describing the road closures and the diversion of the Public Rights of Way. The further consultation responses are duly noted, and additional conditions carried forward. There is no change to the recommendation of approval.

ORIGINAL COMMITTEE REPORT TO 9 JANUARY 2013 STRATEGIC PLANNING BOARD

Planning Reference No:	12/4067M
Application Address:	Jacksons Edge Service Reservoir, Jacksons Edge Road, Disley
Proposal:	Replacement service reservoir and valve house building, together with a temporary material storage area and a temporary contractor's parking area.
Applicant:	United Utilities
Application Type:	Full
Grid Reference:	396780 384990
Ward:	Disley

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

- Whether the development represents inappropriate development, and if so, whether there are any "*Very Special Circumstances*" that clearly outweigh the harm caused by inappropriateness and any other harm
- Highway implications
- Residential amenity
- Impact on landscape character and visual amenity
- Ecological implications

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

Jacksons Edge Service Reservoir is located at the top of Jacksons Edge Road, opposite Disley Amalgamated Sport Club. The reservoir is a single compartment 18.2MI capacity reinforced concrete tank built in 1912. It receives water from Wybersley Water Treatment Works via High Lane Service Reservoir and Pumping Station. It supplies water to over 40,000 customers in the surrounding area.

The application site consists of the Service Reservoir construction site plus additional areas for temporary material storage and temporary contractor's parking.

These additional areas required for temporary excavated material storage and car parking are needed due to space constraints within the main development site.

Jacksons Edge Service Reservoir

The existing reservoir site consists of the covered service reservoir together with various structures, housing controls and staff welfare facilities. The site is mainly formed of short cut grassed areas with areas of tree planting. There are mounded areas to the eastern perimeter of the site assumed to be from the original construction.

The site falls within the north Cheshire Green Belt, and is surrounded by residential properties to the north and east, the Amalgamated sports club to the south, and a public right of way to the west, and the disused quarry.

Temporary material storage

The proposed temporary material storage area is located off Jacksons Edge Road. It is located on private land and is a Field currently used for grazing horses. The site is bounded to the north by Jacksons Edge Road; to the east and south by mature woodland and public right of way (Disley FP11) and to the west by Light Alders Lane and residential properties beyond.

The closest residential property is number 68 Jacksons Edge Road. Other properties within 50m of the proposed temporary material storage area are located to the west of this area on Light Alders Lane and the eastern most end of Lyme Road.

Temporary contractor's parking area

The proposed temporary contractor's parking area is within an existing parking area at Disley Amalgamated Sports Club off Jacksons Edge Road. The site is bounded to the north by Jacksons Edge Road with residential properties and the reservoir beyond, to the east by a hedgerow with grazed Field beyond, to the south by a sports Field; to the west by tennis courts.

The closest residential properties are located immediately to the north of Jacksons Edge Road.

The service reservoir site and the temporary material storage area will be linked by a section of Jacksons Edge Road.

BACKGROUND

In 2002, a survey of the reservoir identified cracks to the walls and roof with water lost through seepage from one wall. Particular observations were made to the Northwest corner of the reservoir where two large cracks were identified along the length of the corner of the roof extending down the walls and across the reservoir floor.

Crack monitors were installed and temporary repairs were undertaken by sealing the roof cracks. Additional surveys have since been carried out, which revealed that the condition of

the reservoir structure is gradually deteriorating with the progressive loss of integrity increasing the risk of bacteriological contamination of the drinking water and structural failure of the reservoir over time.

To reduce the risk of bacteriological and structural failure and also the risk of interruptions to supply, there is an urgent need to replace the reservoir.

DETAILS OF PROPOSAL

Planning permission is sought for:

1. Replacement Two Compartment Service Reservoir

A replacement two compartment service reservoir. In order to maintain a water supply to customers, the first compartment of the new reservoir will be constructed and commissioned prior to the existing service reservoir being demolished. This will enable the second reservoir compartment to then be constructed.

2. Demolition Works

Various demolition works are proposed, including the demolition of the original service reservoir, the two valve houses, the meter house and the stone boundary wall (which will be rebuilt).

3. Valve House

The proposed valve house is structurally integrated with the new service reservoir. Its main function is to accommodate and provide adequate access for the operation, installation and removal of all pipework, control valves and instrumentation.

The valve house is to be constructed of reinforced concrete, complete with a rendered block work outer skin, which is to be finished with sandstone paint. To minimise the visual impact of the structure all galvanised steel elements, such as access doors, vents and hand-railing are to be finished in black.

The proposed location for the valve house has been selected due to the size limitations of the site and the requirement to position it away from the main structural cracking of the existing service reservoir. Positioning the valve house and associated access to the west of the service reservoir would require a particularly deep excavation which would only exacerbate the cracking issue. In addition this would result in increased volumes of arising material.

4. Temporary Access & Hardstanding

The new service reservoir will be served by a new heavy duty bitmac (similar appearance to tarmac) access road, which is to be connected to the existing site access road. Therefore, there will be no permanent alterations to the existing access point on to Jacksons Edge Road. The bitmac road will connect to a reinforced concrete hardstanding area outside of the proposed valve house.

5. Permanent Lighting

As part of the new development, it is proposed to install 50Lux level lighting at the main access gates on Jacksons Edge Road and adjacent to the new valve house. All other lighting will provide a 10Lux level. The use of the external lighting system is anticipated to be infrequent and will mainly be required for the first and last part of the working shift during winter months. Lighting will also be limited to the access gate, access road and valve-house.

To minimise the impact of the two pole mounted (2m high) spotlights, the fixing direction has been selected to minimise lights shining directly into adjacent properties. The steel pole mounts are to be finished in black.

5. Landscape Reinstatement

It is intended to reuse all of the arising site materials within the reservoir embankment construction and boundary landscaping.

6. Temporary working areas

Temporary working areas are required to enable the new service reservoir to be constructed and reinstated. The working area is sufficient to enable the phased construction of the new Service Reservoir and also the proposed scour pipeline

7. Excavated material storage

Excavated material from the Service Reservoir site will be stored within a temporary material storage area on land off Jacksons Edge Road/Light Alders Lane. This material will then be utilised as backfill and in the landscape reinstatement of the Service Reservoir site. The excavated material storage area needs to be of a sufficient size to accommodate the required volume of material. In order to screen the storage area from view an approximately 2m high top soil bund will be constructed to the south and west of the site, which will be seeded with an appropriate grass mix. The topsoil mound and sections of the subsoil mounds will be seeded to minimise the potential for impact from wind-blown dust.

The temporary material storage area will require an access to be created off Jacksons Edge Road. This access will be removed and the boundary of the Field with Jacksons Edge Road reinstated following completion of the works.

8. Welfare Facilities

The welfare facilities for construction staff will be located at the Jacksons Edge Service Reservoir site and will consist of 6No cabins of size 9.15m x 3.03m, stacked triple height, and 6No cabins of size 5.55m x 3.03m stacked double height. The cabins will provide facilities consisting of site offices, meeting rooms, a drying room and welfare facilities (i.e. kitchen, dining, toilets, etc.).

9. Temporary contractor's car park

The temporary contractor's car park is proposed to be located at Disley Amalgamated Sports Club. The access will need to be a two way access/egress for the duration of the construction period and will, therefore, require widening. It is anticipated that there will be parking for up to 36 vehicles.

Permitted Development

It must be noted that Permitted Development rights exist for some elements of the works. In particular, the scour pipeline route and connecting lengths of pipeline and working areas adjoining the works.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP3 Sustainable Economic Development
DP7 Promoting Environmental Quality
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
RDF4 Maintenance of the Green Belt

Local Plan Policy

GC1 Green Belt
NE2 Protection of Local Landscapes
NE11 Nature Conservation
NE14 Nature Conservation Sites
BE1 Design
DC1 Scale and design
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC13 Noise creation

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS

Archaeology:

An archaeological desk-based assessment was commissioned by United Utilities in order to establish the archaeological impact of the proposals and define the scope of any archaeological mitigation that may be required.

The first point to note is that although the report considers all aspects of the development, it is clear from the supporting documentation, that much of the work is defined as permitted

development. This applies particularly to the pipeline which will run east from the reservoir, which will affect a number of archaeological features where it passes through open ground. In this area, an archaeological watching brief represents appropriate mitigation but this will be achieved through discussions with United Utilities rather than by a condition secured through the planning process.

Within the part of the development requiring planning permission archaeological mitigation is only required in the temporary materials storage area, where the areas stripped of topsoil should be inspected and any archaeological deposits recorded. A report on the work should also be produced and the may be secured by condition.

Environment Agency:

The Environment Agency has no objection in principle to the proposed development but advise that the plans indicate that a stone soakaway is to be installed around the perimeter of the bunded area. It will need to be ensured that there is no possibility of contaminated water entering the soakaway without prior treatment.

Environmental Health:

Environmental Health raise no objection, subject to the following comments :-

The accompanying documents including the Design Access Statement and Construction Dust and Air Quality statements detail the intended actions towards the control and minimisation of noise and dust throughout the working period. It has been noted that such actions include the provision of a contact number to nearby residents in terms of possible problems / concerns.

It is recommend that approval is granted on the basis that the recommendations put forward in the accompanying documents are implemented throughout the demolition and construction work.

Forestry:

The application process has been subject of extensive discussion between all parties which has established a general principle in terms of the way forward in respect of the application process and implementation from an arboricultural perspective.

The main body of the relevant information in terms of tree loss and protection is contained on the three tree constraints plans. These clearly detail those trees to be removed in order to facilitate the engineering development footprint, the requisite haul roads and access to the storage Field. The tree losses correlate with the acceptance that was concluded as part of the various site visits, and are considered to be the minimum which allows the project to proceed.

The majority of the tree loss will be visible from the public vantage point of Jacksons Edge Road and the public footpath which extends from the road to the Golf Course. The losses will have both an impact in terms of the immediate and the wider landscape aspect and the amenity of the area. This needs to be balanced in terms of the requirement to provide a replacement Service Reservoir and the quality of any replacement landscape scheme. The

need to establish a balance in respect of both ecology and tree/landscape priorities will have a bearing on the content of an acceptable landscape scheme.

Highways:

CEC Highways have had some pre-application discussions with the applicant. They are aware that Stockport MBC have also had discussions with the applicant, as part of the road closures and temporary works lie within their jurisdiction, and they will need to agree with any necessary Traffic Regulation Orders (TROs) and other matters such as footpath closures.

Given that we have a degree of control over the operations through matters such as TROs, we can ensure the co-operation of the applicant. The following condition is recommended:

"Prior to the commencement of development a Method Statement shall be submitted to and approved in writing by the Local Planning Authority, which outlines the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park. The development shall then be constructed in complete accordance with the method statement."

Public Rights of Way:

The PROW unit advise that there has been prior consultation with them, however, they do not have jurisdiction to grant temporary closures on public rights of way for longer than 6 months. The suggested period of 3 years for closures on Footpaths nos. 5, 11 and 13 will be at the discretion of the Secretary of State, however, they do not anticipate that this will cause a problem, subject to the provision of alternative routes, which are clearly signposted.

Various informatives / recommendations have been submitted for the applicant's consideration.

Sport England:

No comment.

Stockport Metropolitan Borough Council (Highways):

Stockport MBC Highway engineers have provided initial comments in respect of the proposals. A more detailed response will be provided prior to Committee. They advise that providing agreement can be reached with respect to:

- 1) Removal / amendment of the existing traffic calming on Carr Brow
- 2) Temporary traffic restrictions on Carr Brow
- 3) The temporary traffic calming arrangements
- 4) Replacement traffic calming arrangements
- 5) Resurfacing / reconstruction of Carr Brow, if required, following completion of the works
- 6) Traffic Management
- 7) Wheel wash / road cleaning
- 8) Cycle access along Jacksons Edge Road (in addition to pedestrian access)

then the proposal should not have a significant adverse impact on the local highway network.

United Utilities:

Initially concerns were raised by the Developer Services and Planning team at United Utilities, as they didn't appreciate that this is a United Utilities project which will clearly take account of their own existing apparatus. Their initial comments have now been withdrawn.

VIEWS OF THE PARISH / TOWN COUNCIL

Disley Parish Council recognises that this project will have a major impact on many residents of Disley over a considerable period of time.

However, Disley Parish Council also recognises that this work is essential to ensure the future water supply to Disley and its environs.

The Parish Council is satisfied that United Utilities have explored all possible options to mitigate disruption to residents and have carried out an extensive consultation process. In view of this Disley Parish Council does not object to this application.

OTHER REPRESENTATIONS

Thirteen letters of objection/comment have been received to date. The key objections are in respect of:

Traffic issues

- The project is going to run for a minimum of three years and will require three road closures of Jacksons Edge Road for 6-8 weeks at a time causing huge disruption.
- Proposal will result in further traffic congestion on the A6.
- Has the impact of the SEMMMS road been fully considered?
- The closure of Jacksons Edge Road will lead to the creation of a "rat run" down a single track road (Light Alders Road) and onto Lyme Road as an escape from the often congested A6.
- It is understood that Light Alders Lane is to be closed and made available as "access only" to local residents, but how is this going to be enforced?
- There is no footpath on Light Alders Road
- Is there adequate space for parking/loading/turning
- Stockport and Cheshire East Highways divisions will not get involved with highway closures unless there are continuing problems.
- No meaningful traffic survey of Jacksons Edge Road or Light Alders Road has been carried out.

- There have been several near fatal accidents on Jackson's Edge in recent years. The introduction of heavy goods vehicles on this strip of road is dangerous to traffic and pedestrians.

Residential amenity

- Our property directly overlooks the site, and loss of privacy would ensue for our bedrooms and bathrooms which directly overlook the Field.
- Noise pollution from heavy plant and machinery will cause significant disturbance and loss of the quiet enjoyment of my garden and home.

Siting of the excavated material

- Either the disused quarry or the golf course should be used to store the excavated material; this would prevent spreading the disruption or require Jacksons Edge Road to be closed. These options should be reconsidered.
- The quarry would rejuvenate more quickly than the Field.
- Not all avenues have been explored in respect of the siting for the excavated material storage.

Use of Light Alders Lane Field

- There is a restrictive covenant on the Field for use as agricultural or grazing land
- Light Alders Lane Field is sloped, at the moment water runs down straight onto the Lane. With the disruption to this Field there is the danger of more excess water and mud and the concern of slippage.
- If the application is approved, a condition should be attached to any permission to prevent the Field being used for general storage; the siting of cabins; plant and machinery or the parking of vehicles. No floodlight should be permitted on any part of the Field.
- Following completion of the project, the Field should be re-instated fully to meadowland, the contours should be reinstated and hardcore and fencing should be removed.

Landscaping

- No planting to screen the works on the south side of my boundary wall is planned.
- Loss of trees

Ecology

- We are aware that there are owls, bats and other species present in the Field and surrounding tree and woodland. Little investigation of the impact to wildlife has been carried out for the Field.

Risk of flooding

- Lyme Road and Light Alders Road already have drainage capacity issues. Light Alders Road drains (or lack of them) often overflow, and as a direct result our property and the surrounding roads are at increased risk from water damage should there be increased run-off from the Field.

Pollution

- Development will generate noise, dirt, dust and carbon dioxide emissions from heavy vehicles

Public Rights of Way

- Development will result in closure of footpaths

Response from United Utilities

- UU advise that the proposal does not take into account their requirement to maintain the water main and a revised site layout plan is required of a major diversion prior to work commencing.

Insufficient Consultation

- Only 200 people attended the two public meetings
- No explanation about why second compartment is so close to rear boundary – affecting properties on Hilton Road
- No indication is given in the application about any temporary measures that will be installed or constructed to minimise the impact of noise, visual intrusion and dust during the construction work.

APPLICANT'S SUPPORTING INFORMATION

The follow statements have been submitted in support of the application:

- Arboricultural report
- Archaeology report
- Badger report (confidential document)
- Construction dust and air quality assessment
- Construction noise and vibration assessment

- Design and Access Statement
- Ecology report
- Vehicular and Pedestrian Traffic management plan

Within the Design and Access Statement, United Utilities advise that they looked at a number of areas as potential sites for the site compound and material storage area and has discussed the options at length with the local community. The following locations for a temporary excavated material storage area have been considered prior to making this planning application:

Discounted Options:

1. Disley Golf Course

This specifically related to an area encompassing the 16th tee and fairway plus the practice area to the rear of residential properties on Hilton Road. The land owner had a number of concerns about the potential impact of the project on their business. The proximity of this area to the Service Reservoir would have aided the construction of this scheme. It would also have had benefits in terms of reducing the public highway and traffic impacts. There were, however, significant concerns which led to the option not being pursued further:

- An initial study showed that 3 additional holes would have to be relocated to ensure the course retained its 18-hole status. This would have required significant works to the 3 additional holes to occur at least 2 years prior to the commencement of construction of the proposed new reservoir. As a result this would have had major programme implications and would have delayed works to replace the deteriorating service reservoir.
- Further to this, there would be some potential construction impacts to residents on the northern side of Hilton Road with gardens adjacent to the golf course.
- The temporary haul route would impact upon an area of heathland habitat. Dry heath is a UK BAP Priority Habitat.

2. Jacksons Edge Quarry

The residents of Light Alders Lane asked us to consider the use of the quarry site. An internal constructability review showed a temporary compound location within the quarry to be feasible. However, during pre-application consultation with Cheshire East Officers, it was confirmed that such proposals would cause long term damage to protected trees and habitats, and also impact on protected species. In addition to this, it was confirmed that the site's landscape value would take many years to recover. In light of other options available to us which avoid these impacts, such significant harm to the natural environment is wholly unsustainable and contrary to local planning policies and the National Planning Policy Framework. This option was therefore not pursued further.

Chosen Option:

Field off Jacksons Edge Road/Light Alders Lane

Whilst it is acknowledged that the proposed site compound within the Field has some potential for impacts on surrounding residents, mitigation measures are to be incorporated during construction that will minimise this impact. The temporary excavated material storage area whilst being present for up to 3 years will, ultimately, be for a temporary period and the land will be returned to its former condition with limited impact on existing trees, protected species and the landscape.

OFFICER APPRAISAL

Principle of Development

The application site is located within the Green Belt, where there is a presumption against inappropriate development.

The National Planning Policy Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances, and that “Very Special Circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant accepts that the proposed development represents “inappropriate development”, and has submitted a case to demonstrate that “Very Special Circumstances”.

They contend that given the nature of the development proposals (i.e. essential water supply infrastructure) and the need to replace the Service Reservoir in the proposed location, it is considered that in this instance Very Special Circumstances exist to allow the development to be approved.

It is noted that the applicant has carefully considered the siting of the Excavated Material Storage Area, and it is regrettable that the golf course and the disused quarry cannot be used, for the reasons outlined above, as this would have reduced the impact of the development in respect of visual amenity, road closures and general disturbance to residents.

Consideration of the harm

Openness

The proposed Service Reservoir Compartments will be predominantly underground, and therefore will have the appearance of a grassed mound. This element is therefore not considered to an adverse impact on the openness of the Green Belt.

There are other elements of the development which will have an adverse impact on openness, namely the Valve House, which is a permanent building positioned to the east of the reservoir, creating 258 square metres of floorspace and measuring 4 metres in height. In addition, the temporary works including the siting of the welfare facilities, the access road,

hardstanding and the Excavated Material Storage Area will harm openness, but only for a three-year period.

Visual Amenity

The most visible element of the proposals will be the Excavated Material Storage Area on Light Alders Field. It will be clearly visible from Jacksons Edge Road, and Light Alders Lane, and the properties within the vicinity of the site. The existing Service Reservoir is well screened, and therefore the Valve House, temporary haul road, access road & area of hardstanding will not have a significant impact on visual amenity. Two permanent spotlights are proposed at the main access gates on Jacksons Edge Road, which have the potential to harm visual amenity, although the use of the lights proposed is limited.

Consideration of the Very Special Circumstance case

The Very Special Circumstance case that the applicant has put forward has some merit. The new two compartment Service Reservoir is urgently required to ensure a continued safe supply of water to 40,000 customers in the surrounding area.

Whilst the temporary works will harm openness and visual amenity, after the three-year period they will be removed and the land fully re-instated. Therefore, they will not cause permanent harm to the Green Belt.

The permanent development falls within the confines of the existing Service Reservoir site. Mitigation measures are proposed such as mounding and mature landscaping to screen the development from nearby residential properties and surrounding areas.

The applicant also proposes grass seeding the temporary topsoil mound on the Field, to improve visual amenity.

It is considered that the Very Special Circumstance case submitted clearly outweighs the harm caused by inappropriateness, and the harm caused to openness and visual amenity. As such, the scheme is considered acceptable in principle by officers.

Highway Implications

Summary:

- The use of a material storage Field to reuse site soil for the new reservoir will significantly reduce the amount of construction traffic which would otherwise use the A6, Carr Brow and Jacksons Edge Road during the project.
- A 200m section of Jacksons Edge Road from the entrance of the service reservoir site to the material storage Field entrance will be closed for through access of vehicles for approximately 5 separate periods during the project. Pedestrian access will be maintained during this time. Residents will be contacted prior to this occurring.
- At all other times traffic light control will be in place on the same section of road.

- Resident access will be maintained at all times.
- A one-way system for visiting delivery works traffic will be in place. Delivery works traffic will access the temporary material storage area and the Jacksons Edge service reservoir site off the A6 via Carr Brow and leave via Jacksons Edge Road back on to the A6.
- It is proposed that parking may be limited on one side of Carr Brow at times during the project to prevent congestion on the road. Residents will be contacted prior to this occurring.
- Existing traffic calming measures on Carr Brow will be temporarily removed and reinstated on completion of the works. It is proposed that traffic calming cushions will be installed on a temporary basis.
- It is proposed that the following local roads will be “Access Only” during the periods when Jacksons Edge Road is closed during the project: Light Alders Lane, Alders Road which leads to Lyme Road, Carr Brow, Wybersley Road and Jacksons Edge Road.

Cheshire East and Stockport Metropolitan Borough Council’s Highway engineers have been consulted on the proposals, and raise no objection in principle to the proposals, subject to conditions.

Design

The Valve House has a functional design. It is not considered to have a detrimental impact on the character of the area.

Residential Amenity

Concerns have been raised by local residents particularly in respect of noise & disturbance from the construction vehicles & development. Their objections are duly noted. However, it is considered that the need for the new Service Reservoir is so important that it outweighs the potential harm. It should also be noted that there are very few residential properties within the immediate vicinity of the site that would be affected by the development.

Our Environmental Health Officer has carefully considered the proposals, and raises no objection, subject to conditions.

Landscape

The landscape proposals do not include any hedge or tree planting along the northern site boundary to screen views of the reservoir embankment from the rear of 31 and 33 Hilton Road. The grassed embankment would not be unsightly but these properties currently have pleasant views of the woodland on the site boundary. This matter has been discussed with the United Utilities landscape architect, who has confirmed that the engineers will not permit any planting on the embankment. It is essential that they are able to inspect regularly to check the integrity of the embankment and will only permit close mown grass on this structure.

However, UU have offered to provide some planting within the gardens of these properties and they are currently in discussions with the residents to agree details. This is a private matter between the parties.

The landscape proposals are generally acceptable but amendments and further details are required:

- Ash must be omitted from the proposed planting scheme to avoid the spread of ash dieback disease (*Chalara fraxinea*).
- Further details about the establishment and maintenance of the proposed woodland, woodland edge, wet meadows, bluebells and heath areas are required.
- Advance planting in the vicinity of 60 Jackson Edge Road should be indicated if possible.
- Details for the height, profile and grass seeding of the temporary screen bunds plus specifications and timescales for the restoration of the temporary storage area off Jacksons Edge Road & Light Alders Lane.

Details should be submitted for the height, materials and colour for the proposed acoustic fencing that will be erected around the site perimeter for the duration of the works to screen and protect the adjacent properties.

A ten year management plan is recommended to ensure that all proposed habitats establish and are properly managed to mitigate for the loss of protected woodland and other habitats.

A revised landscape plan will be required to resolve these matters; this can be resolved through an appropriately worded condition.

Nature Conservation

Habitats

The proposed development would result in the loss of a number of habitats of nature conservation importance including woodland, diverse grasslands, and small areas of lowland heathland. Local Plan policy NE14 is therefore pertinent to this application.

The applicant proposes to compensate for the potential impacts of the proposed development on these habitats by reinstating them on site following the completion of the works.

Bluebells (a Biodiversity Action Plan species and hence a material consideration) have been recorded on site. This species will be adversely affected by the proposed development due to the loss of woodland from the site. To mitigate the potential impacts of the development on this species, it is proposed to translocate the existing population to Bollinhurst reservoir prior to the commencement of development. The new woodlands will then be planted with native bluebell bulbs following the completion of works.

It is considered for the most part, the potential impacts of the proposed development upon valuable habitats have been satisfactorily addressed. However, the landscape proposals plan refers to an area of heathland to the north west of the service reservoir as being 'protected throughout construction'. However, the haul road is shown as encroaching within this area. Clarification of the potential impacts of the haul road on this area of heathland is required. If

this area of heathland is to be impacted by the proposed development proposals for its reinstatement are required.

Finally, a wet meadow grassland mix is proposed for the re-instated service reservoir grasslands.

Badgers

Badgers are known to forage on the proposed development site. It is not anticipated that the proposed development would have an adverse impact upon any identified sett. There will be a temporary loss of badger foraging habitat associated with the proposed development, the impact of which is likely to be low.

Bats

It is not anticipated that the proposed development would have a significant impact upon bats.

Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread biodiversity Action Plan species. Measures to safeguard breeding birds are included in the submitted ecological survey report.

It is anticipated that the issues raised in respect of the heathland habitat will be addressed prior to committee. An update report will be provided which will clarify these matters.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In conclusion, whilst the proposal represents “inappropriate development” in the Green Belt, it is considered that Very Special Circumstances exist, which clearly outweigh the harm to the Green Belt: namely the provision of essential infrastructure to provide safe water to 40,000 people in the area.

The Excavated Material Storage Area is considered to be the most harmful element of the proposals from both a visual amenity and residential amenity perspective, and will require the closure of Jackson Edge Road on 5 occasions for a 6-8 week period each time, which will cause significant disruption locally. However, it is considered that the provision of the new Service Reservoir is so important that the temporary harm should be accepted.

It is considered that the landscape, forestry and ecological issues can be adequately mitigated.

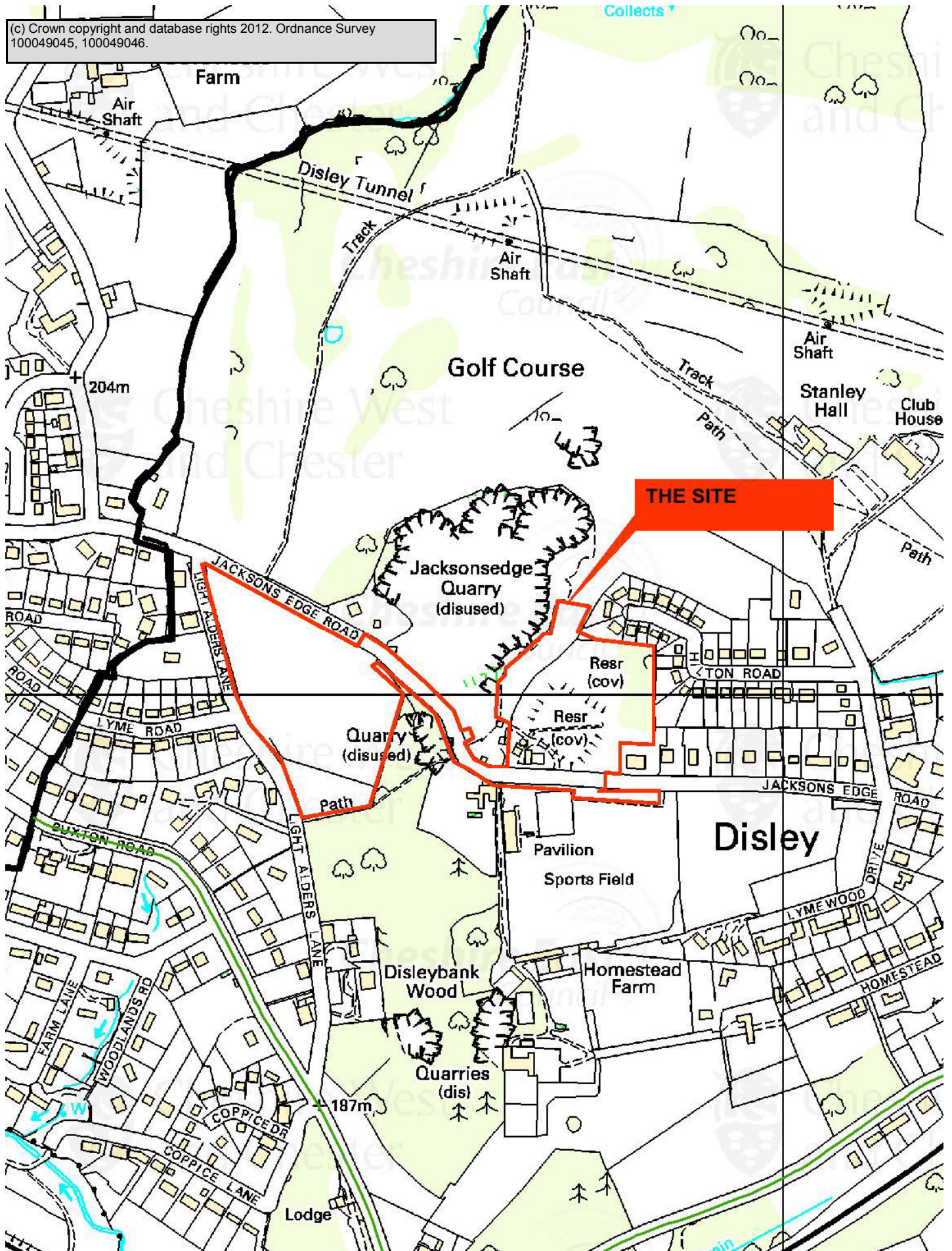
It is on this basis, a recommendation of approval is made, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A15LS - Submission of additional landscape details
5. A04LS - Landscaping (implementation)
6. A16LS - Submission of landscape/woodland management plan
7. A13LS - Erection of fencing / wall as required
8. A22GR - Protection from noise during construction (hours of construction)
9. Development in accordance with accompanying statements
10. Submission of a scheme which demonstrates how surface water is to be disposed of
11. Temporary Material Storage Area to be used for storage of excavated materials and materials for construction of the service reservoir only
12. Light Alders field to be fully restored to the satisfaction of the LPA following the completion of development
13. Submission of a programme of archaeological work in accordance with a written scheme of investigation
14. Footpath No. 5 to be fully restored following the completion of the development
15. Submission of a Method Statement for means of construction, deliveries, contractor's parking, wheel washing and other highway matters

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Draft Committee Report

Susan Orrell

Application No: 12/1903C

Location: Land North of Congleton Road, SANDBACH, CHESHIRE, CW11 1DN

Proposal: Outline application for the erection of up to 160 dwellings, including landscaping, access and associated infrastructure and the demolition of 130 Congleton Road.

Applicant: Taylor Wimpey UK Limited and Seddon Home

Expiry Date: 16-Aug-2012

SUMMARY RECOMMENDATION

RESOLVE to contest the forthcoming Appeal against non-determination on Open Countryside policy grounds and prematurity grounds

MAIN ISSUES

**Principle of Development
Sustainability of the site
Housing Land Supply
Impact upon the Open Countryside
Highway Safety and Traffic Generation
Landscape and Tree Matters
Air Quality
Countryside and Landscape Impact
Hedgerows
Open space
Layout and Design
Ecology
Amenity
Education
Impact on Public Right of Way**

REASON FOR REFERRAL

The application has been referred to Strategic Planning Board because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Sandbach.

This application was submitted on 17 May 2012 and initially applied for up to 195 dwellings. Since the closure of the initial consultation period, Planning Officers have negotiated with the applicants in order to resolve the matters which were giving cause for concern for Officer's which resulted in a reduction in the overall numbers of dwellings to 160. This resulted in a further full consultation period. Unfortunately, the uncertainty about appeal decisions for similar scaled development as this in the Sandbach area and the implication of these decisions and other planning permissions in the Sandbach area has resulted in the delay in the determination of this application. The Applicant has therefore appealed.

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. DESCRIPTION OF SITE AND CONTEXT

This application relates to a site accessed via Congleton Road in Sandbach and extends to some 7.9 ha of agricultural land, 0.9 ha of which falls within Grade 2 (very good quality agricultural land) and 7.0 ha within sub-grade Grade 3a land.

The site is adjoined to the north and the west by residential properties fronting Congleton Road and open countryside designated fields to the east and south. To the north of the site is the Sandbach Rugby club and farmland. To the south west is the playing field and buildings associated with Offley Road primary school.

There are two public footpaths close to the site, one along the western boundary adjacent to the school and leading to the rugby ground to the north and a second to the east of 130 Congleton Road, leading north. A further right of way runs along the drive to Fields Farm some distance to the east. Vehicular access into the site is proposed from an existing field access adjacent to the central public right of way.

There are 3 main groupings of trees; adjacent to the public right of way on the south western edge of the site, mid way through the site along a hedged field boundary; and on the north

eastern edge (presumably part of a former hedge line). The latter two groupings are covered by a tree preservation order.

The housing on the western side of Congleton Road is predominantly of lower density and 2 storey detached dwellings in reasonably generous plots are the main type of development. These dwellings form the boundary of the settlement line for Sandbach.

The access to the site falls within the Settlement Zone Line of Sandbach with the remaining part of the site situated within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

2. DETAILS OF PROPOSAL

This application has been amended from 195 units to 160 residential units (circa 20 units per hectare) on land to the rear and including 130 Congleton Road, Sandbach. The proposal would also accommodate the demolition of 130 Congleton Road to form the access to the site. Access is to be determined at this stage with all other matters reserved.

The site would include the provision of 30% affordable housing, the creation of balancing ponds, 2.81 hectares of public open space which will encompass informal open space, a LEAP with 5 pieces of equipment, and the routes of Public Right of Way (PROW) that cross the site. The majority of the open space would be located to the northern periphery of the site and the central zone focussed on the existing PROW routes.

The development would consist of 2 to 5 bedroom units which would have a maximum height of up to 2.5 storeys within the central zone and up to 2 storeys in the zone closest to the existing dwellings on Congleton Road.

The Design & Access statement indicates that the mix of unit types for market and affordable housing will be with a range of possible numbers of units.

For a development of up to 160 units, the levels of market housing proposed are within the following ranges:

2 beds mews/semi's = 0- 24 units (0-15 %),
3 beds mews/semis/detached = 38-64 units (25-40%),
4 Beds semis/detached 64-86 units (35 - 55%) and
5 beds 16- 38 units (10 - 25%)

A total of 30% affordable housing is proposed. The mix of affordable housing unit types equates to the following -

2 beds mews/semi's - between 64 and 88 units (40-55%)
3 beds mews/semis/detached - between 64 and 88 units (40-55%)
4 beds semis/detached - between 16 and 40 units (10 -25%)
5 beds detached - between 0 and 8 units (0 -5%)

3 RELEVANT HISTORY

34104/3	Outline 10 houses Appeal Dismissed 2002
32821/3	Residential development consisting of 11 detached dwellings
32345/3	Residential development comprising of 12no units refused 25 September 2000
20901/1	Residential Development – refused 2 May 1989
22517/1	Residential Development – refused 21 August 1990 Appeal dismissed 1 August 1991

Some of the above decisions relate to parts of the site, however, the 2 later decisions relate to a similar sized development area as currently proposed. The appeal was dismissed on rural protection policy grounds.

1. POLICIES

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

Regional Spatial Strategy

DP1	Spatial Principles
DP2	Promote Sustainable Communities
DP7	Promote Environmental Quality
L4	Regional Housing Provision
L5	Affordable Housing
RDF1	Spatial Priorities
EM1	Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1	Manchester City Region Priorities

MCR 4 – South Cheshire

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)

Policy 11 (Development and waste recycling)

Other Considerations

National Planning Policy Framework

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

North West Sustainability Checklist

Sandbach Town Strategy

Emerging Cheshire East Development Strategy

SHLAA 2013

Highways Agency :

No objection. The information submitted with the Transport Statement is considered to be acceptable and the trip rates will not impact upon the strategic road network.

Environment Agency: The Environment Agency has no objection in principle to the proposed development but made the following comments.

- The site is shown on the EA Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding.
- If surface water is to discharge to a watercourse, the FRA demonstrates this is to be the mean annual run-off from the existing undeveloped site, of 4.63 litres/second/hectare. Attenuation is to be provided above this rate up to the 1 in 100 years design event, including allowances for climate change. This is acceptable.

If surface water is to discharge to mains sewer, the FRA explains that this will be via a pumping station with the discharge rate to be confirmed by UU. Although this is acceptable in principle, the discharge rate set by UU may be greater than the 'greenfield' rate, which would not be acceptable from a flood risk viewpoint.

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.

No Objection is raised subject to conditions requiring the submission of a scheme to limit the surface water run-off generated by the proposed development. The discharge of surface water

from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SUDS).

United Utilities: no objection subject to the following conditions :

- No surface water is discharged to the combined sewer network
- A critical sewer crosses this site and we will not permit building over it, easement factors must be adhered to in any detailed design.
- This site must be drained on a separate system, with only foul drainage connected into the 375dia combined sewer located in Congleton Road. Surface water should discharge to the watercourse to meet the requirements of The National Planning Policy Framework.

Strategic Highways Manager: No highway objections subject to conditions for

1. A scheme of traffic management/speed reduction measures and on-street parking controls along Congleton Road to be submitted for approval with the reserved matters application.
2. Approval, at reserved matters stage, of a scheme for provision of replacement on street car parking within the proposed development site for that lost on Congleton Road by the proposed extension to waiting restrictions.

And subject to S106 financial contributions for -

- £480,000 towards improvements at any of the following locations; A534 Old Mill Road / The Hill junction and Sandbach town centre (this equates to £3000 per dwelling).
- A S106 financial contribution to address the impact of the development at the junction of A534 Old Mill Road/Congleton Road. The value of this contribution to be based on the agreed costs of the improvement scheme submitted in support of the application and, that the funding be available to use at either this location or the locations (A534/ Old Mill Road/ The Hill junctions) above.

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.

Environmental Health:

No objections subject to conditions -

- 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.
- The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the demolition and construction phases 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 phases.

Education:

Based on a development of 160 2+ bedroom dwellings this development is anticipated to generate 26 primary places and 21 Secondary places.

The financial contribution being sought via S106 Agreement is :

Primary sector = £282,004

Secondary sector = £343,196

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 for maintenance for a 25 year period would be (for 160 units):

Maintenance: £45 408

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 and there would be a requirement for new provision.

The play area should be of a LEAP size and should include at least 5 items of equipment, using play companies approved by the Council. The Greenspace Division would request that the final layout and choice of play equipment

be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

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 if the Open Space is to be maintained would be (for 160 units) ;

Maintenance: £114,624

Should the Developer not wish to incorporate a LEAP on site then off site contributions will be required. Based on 160 dwellings the financial contribution for 'off site ' enhancement to increase capacity and improve quality of a play area in the vicinity of the proposed development would be:

Enhanced provision £35, 162.88

Maintenance £ 114,624

(according to information within the application this is not the preferred option for the Applicant)

Public Rights of Way:

Footpath No. 6 - The application documents describe the public footpaths as being accommodated within green corridors, the concept of which is supported. Footpath No. 6 presently has an available width of approximately 5m (as stated in the application documents). This width must be considered the legal width of the definitive path due to the enclosed nature of the route and no diminution can occur without recourse to a legal order under the Highways Act 1980 extinguishing that part no longer available. Therefore, this available width must be retained for public use within the proposed green corridor. Connections from Footpath No. 6 to the estate roads should be maximized.

Sustrans:

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

- 1.The proposal will create additional local traffic. Therefore we would like to see the development make a contribution to improving the walking/cycling network within Sandbach and to the railway station.
2. The proposed 3m greenway connection from the heart of the site to Offley Road is welcome.
3. The design of the estate roads should restrict vehicle speeds to 20mph.
4. The design of any smaller properties should include storage areas for residents' buggies/bicycles.

2. VIEWS OF THE PARISH COUNCIL

Sandbach Town Council strongly object on the following grounds

- i. This is a speculative, opportunistic and pre-emptive development; not plan led
- ii. In accordance with the Planning Inspectorate Report of 2002 (Local Plan Inspectors report) relating to development of this land, this Green Field Agricultural land is highly valuable in environmental terms.
- iii. This proposal is not mixed-use and will not bring employment to the area
- iv. Does not comply with the CEC Interim Policy for the release of housing land
- v. Will increase traffic and road safety issues in an area with existing problems, close to both a Primary School and Nursery.

3. OTHER REPRESENTATIONS

Working for Cycling have made various suggestions concerning cycle routes and cycle parking for Congleton Road.

One letter of support has been received from the Governing Body of Offley Road Primary School on the grounds that the increased number of children within catchment can only add support to the course of action already underway by the governing body to make an application to Cheshire East Council to return to a two form entry school with a Pupil Admission Number (PAN) of 60 children.

Letters and emails of objection have been received from Fiona Bruce MP, Persimmon Homes, Strutt and Parker representing Betley Court Estate, a local Group named the Congleton Road Action Group and circa 200 individuals all of which can be viewed on the case file and web site. The issues raised are as follows;

Principal of the development

- Sandbach is under attack – has had 40% of recent applications in the Borough
- The scale of development proposed is strategic in a Sandbach context
- Application is premature
- The proposal is not plan led
- The site is outside the settlement boundary
- The site is a greenfield site
- The application is a departure from the plan for which no exceptional circumstances exist to justify a Departure.
- There is adequate brownfield land in Sandbach
- Loss of high quality agricultural land
- 300 houses for sale and 100 for rent in Sandbach – accordingly there is no need for any more.
- There have been a series of planning refusals for housing developments on the site in the past
- The impact upon the character and appearance of the area
- countryside will be lost for the enjoyment of future generations
- Goes against the employment lead vision of the Town Strategy
- There are other more suitable site
- Contrary to the core principles of the NPPF

- There is no need for more housing
- Cumulative impact in conjunction with other Sandbach housing permissions
- Prematurity of the proposal
- We will have no green fields left on the perimeter of Sandbach
- Contrary to the Sandbach Town Strategy, site has been rejected
- Site should be re-allocated as Local Green Space and this can only be considered in accordance with the site allocations process in the LDF process, therefore this application should not be determined until then
- Loss of agricultural land (grade 2/3) supporting cattle and sheep grazing
- The town is being targeted by developers, which cumulatively will result in 2000 additional houses in addition to the 1000 existing commitments
- A strategic approach is needed through the LDF process not a scattergun approach
- Approving this application would impact upon sites on previously developed land
- The development would be contrary to the Council's Draft Interim Planning Policy on the Release of Housing Land
- Sandbach is becoming a commuter town and can not support new housing developments without employment proposals
- Recently approved brownfield developments more than adequately cater for the current need for housing
- Planning approval of housing on this Greenfield site would prejudice the development of the existing brownfield sites already with planning permission, which would provide significant regeneration benefits in those areas
- No immediate need for this development. There are already approved plans for additional housing developments with further plans awaiting appeal.

Persimmon Homes

- The application submitted is opportunistic and the principle of the proposed does not conform with the value placed by the NPPF on planning being genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans.
- Recent Inspector and Secretary of State reports regarding the proposed development of land off Abbeyfields agreed such opportunistic and ad-hoc development would jump-the-gun, thereby prejudicing the fairness and effectiveness of the LDF process. From recent high profile appeal decisions relating to strategic sites in Sandbach it should be understood strategic sites must be considered together through the plan making process, especially given that the Elworth Hall Farm, site is not supported for housing through the locally developed Town Strategy.
- Land supply is only one factor in the determination of an application and should not exclusively dictate the appropriateness of a scheme. This is demonstrated by the Adderbury Appeal decision, which identified a proposal for 65 dwellings as strategic and gave weight to the fact that the settlement was faced with a range of possible options of both the scale and location of future development in the village and a decision of the appeal scheme in isolation may well pre-empt those local decisions.
- A proposal consisting of up to 160 dwellings is of strategic scale relative to the settlement of Sandbach (however such a level of development may not be considered strategic in the context of Crewe). Therefore the flexibility applied to the Crewe Road, Alsager application (which consisted of only 65 dwellings), in that it broadly accorded with the spirit of the IPP cannot be applied here.

- The determination of the application, in coordination with other recent decisions in the area represents an opportunity for the Council to cement a robust planning argument for countering the uncoordinated and ad-hoc development of major Greenfield edged of settlement sites.

Highways

- Increased traffic
- Congleton Road operates way beyond designed capacity and to add more traffic is irresponsible
- Highway safety along Congleton Road, particularly at rush hour for children going to/from school
- Existing traffic congestion in the area
- Junction 17 of the M6 is already a dangerous and busy junction

Amenity

- The fields are used by local people for walking and should remain a "green space" for local people to enjoy.
- The open views of the countryside would be lost
- Loss of outlook for dwellings overlooking the site
- Overlooking
- Light pollution

Green Issues

- Loss of foraging habitat
- Impact upon wildlife
- Impact upon protected species
- Loss of hedgerow
- Biodiversity Impact
- Impact upon Badgers on site

Infrastructure

- Impact upon local schools
- Impact upon local health services
- Impact upon provision of local services, water and sewer systems
- Impact upon local highway infrastructure
- Impact upon PROW network on site

Other issues

- Demolition of 130 Congleton Road would be detrimental to character of the existing street
- A petition and application has been submitted to allocate the land as designated Local Green Space via the Local Plan Process. This application should be considered in the light of site allocations work to ensure that local people's views can be taken on board. The application is premature.

All comments are available to view on the case file and web site.

4. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement and Addendum
- Design and Access Statement and Addendum
- Statement of Community Involvement
- Transport Assessment
- Extended Phase 1 Habitat Survey
- Bat Survey
- Economic Benefits Assessment
- Landscape Character and Visual Assessment
- Tree Survey
- Air Quality Assessment
- Flood Risk Assessment
- Geophysical Survey
- Noise Assessment
- Statement of Community Involvement
- Sustainability Assessment
- Ground conditions desk top study
- Site waste plan
- Agricultural land quality appraisal
- Affordable Housing Statement
- Draft Heads Of Terms for Legal Agreement

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

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 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 NPPF indicates that account should be taken of the intrinsic character and beauty of the countryside, with restrictions on new housing to where it would enhance or maintain the vitality of rural communities. Policies H6 and PS8 have been formally saved, are consistent with policy

contained within the Framework. As such, they carry some weight in the determination of this application.

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.

Housing Land Supply

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. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a

dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

Appeals

There are a number of 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 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.

In the case of Hind Heath Road, the Secretary of State considered that the lack of 5 year land supply means that the relevant policies for the supply of housing should not be considered up to date and that the presumption in favour of sustainable development is engaged. The Secretary of State considered that, on balance, the proposal represented sustainable development, although there are factors weighing against the proposal. This decision is currently the subject of a High Court challenge.

However, in the recent Secretary of State decision's in Doncaster MBC it was found that a development was premature, even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. This decision is relevant to this application in the light of the Council's recently published 2013 SHLAA.

Emerging Policy

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

The Council's housing policy position is constantly moving with new advice, evidence and case law emerging all the time. However the Council has a duty to consider applications on the basis of the information that is pertinent at determination time. Consequently, given it is recommended that the application be considered in the context of the 2013 SHLAA.

The Sandbach Town Strategy considered a number of development options around the town. These were subject to consultation which closed on 2 April 2012. All comments were

considered and the Strategy document was revised accordingly. A total of 263 representations were received on the draft Sandbach Town Strategy, along with a petition of 152 signatories. The application site was included in the Strategy consultation as part of 'Site F: Land to the Rear of Congleton Road'. Site F was listed as a potential development area but was discounted by the Stakeholder Panel. The consultation did not directly ask consultees for their views on discounted sites, but several respondents voiced objections to the potential development of the site.

Although the Town Strategy was agreed by Sandbach Town Council on 21 August 2012 subject to alterations to the infrastructure priorities, the Council concluded that 'further robust evidence is required to demonstrate a need for any additional housing allocation' prior to validation of the Development Strategy section.

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 and as a material consideration, directs additional housing in Sandbach to two strategic sites: land adjacent to Junction 17 of the M6 to the south east of Congleton Road (700 homes) and the former Albion Chemicals site (up to 375 homes).

These sites have now been carried forward into the Draft Local Plan (Development Strategy) and are now the subject of consultation. The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle the Local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

The SHLAA 2013, indicates that the site is **not** included within the 5 year housing land supply, rather the site is identified as being deliverable in years **6-10**. As such, this site does not contribute to the 5 year housing land supply and therefore conflicts with decisions regarding the scale, location and phasing of development contained within the Draft Cheshire East Local Plan Development Strategy.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

It is acknowledged that the proposed development would 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 adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply, since the site is not

relied upon with the emerging Development Strategy or the emerging SHLAA and thus is not contributing to the 5 year housing land supply.

The Government document *The Planning System: General Principles* sets out the approach to questions of prematurity. It explains that it may be justifiable to refuse planning permission on the ground of prematurity where a Development Plan is being prepared if a proposal is so substantial or the cumulative effect would be so significant that granting permission would pre-determine decisions about the scale, location or phasing of new development

Members will be aware of the current situations with regard to appeal decisions for other sites in the Sandbach area. However, it is clear that 160 additional units would be substantial and the cumulative impact of all these outstanding appeals, when taken together with the application site would have significant implications for the future development of the area.

Conclusion

From the above, it can be concluded that:

- The site is within the Open Countryside where under Policy PS8 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- The proposal, by virtue of its prematurity would compromise the spatial vision for the Sandbach area. Notwithstanding the limited weight to be attached to the Development Strategy, the granting of permission would seriously diminish the role of the Development Strategy in guiding future development.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

Sustainability of the site

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”

Accessibility is a key factor of sustainability that can be measured. A 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.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

- post box (500m),
- local shop (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 site meets the following sustainability distances:

- bank / cash point /post office - High Street (750m),
- pharmacy - Co-operative The Commons (700m),
- primary school (50m),
- medical centre -Ashfield Primary Care Centre (approx 1000m),
- local meeting place / community centre - Masonic Hall The Commons (approx 700m),
- public house Symphony 48 Congleton Road(500m),
- public park / village green – Sandbach Park (650m),
- child care facility - Kids Corner Nursery & Pre-School 120 Congleton Road (250m),
- bus stop (250m)

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. These amenities are:

- a local shop - Queens Drive (750m),
- railway station Sandbach Station (3000m).
- leisure facilities - Sandbach Leisure Centre (approx 1200m),
- playground / amenity area Sandbach Park (approx 650m),
- a local shop (750m),
- post box Sandbach Post Office (800m),

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, 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.

However, this is not untypical for suburban dwellings and will be the same distances for the existing residential development adjacent to the application site on Congleton Road. However, all of the services and amenities listed are accommodated within the town centre and are accessible to the proposed development on foot or via a short bus journey, with a bus stop on Congleton Road in close proximity to the site entrance. Accordingly, it is considered that this site is a sustainable site which has access to a choice of services.

Accordingly it is concluded that the development of the site comprises a sustainable development.

Affordable Housing

The Councils Interim Planning Statement (IPS) for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Sandbach there is a requirement for 75 new affordable units per year, made up of a need for 21 x 1 bed units, 33 x 2 beds, 7 x 3 bed units, 4 x 4/5 bed units and 10 x 1/2 bed older persons units. Whilst the Strategic Housing Manager advise relates to information from 2010, this is the most up to date information at the time of writing this report.

In addition to the information from the SHMA 2010, Cheshire Homechoice is the choice based lettings system used to allocate social housing in Cheshire East. There are currently 220 applicants on the housing register who have selected Sandbach or Sandbach Town Centre as their first choice. These applicants require 80 x 1bed, 83 x 2 bed, 28 x 3 bed and 1 x 4 bed (28 applicants haven't indicated how many bedrooms they need)

Therefore as there is affordable housing need in Sandbach there is a requirement that 30% of the total units at this site are affordable, which equates to 48 dwellings, which are being offered by the applicant. The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents of affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010. The applicant is offering the 59 affordable dwellings on a tenure split of 29 provided as rent and 30 provided as intermediate tenure, this is not in accordance with the Affordable Housing IPS or the SHMA 2010.

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%.

All 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.

The Affordable Housing Interim Planning Statement 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

“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”

The affordable housing provision required is 30% affordable housing, with a tenure split of 65% social or affordable rent and 35% intermediate tenure. Based on the reduced number of total dwellings this equates to a requirement for 48 affordable units, split as 31 units provided as rented affordable housing and 17 as intermediate affordable housing.

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 Council's 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”

The Applicant has agreed to enter into S106 Agreement. However, Members will be aware that in a number of recent appeals locally, Inspectors have imposed a condition in respect affordable housing rather than require the provision via Legal Obligation.

Loss of Agricultural Land

The applicant has submitted an agricultural land classification study which concludes that the proposal would involve the loss of 0.9 hectares of Grade 2 land whilst the remainder of the 7.9 hect site comprises Grade 3a. The site therefore comprises the best and most versatile agricultural land.

Policy NR8 of the Congleton Plan has not been saved. There is, however, 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 significant in the context that it comprises the whole site. Clarification has been sought from the owner of the site concerning the recent history of the use of the site and the intentions of the current tenant.

The site was initially bought by the current owner's family in 1954 as part of 60 acre Offley House Farm. 40 acres were sold in 1960 and the remainder of the site (now the application site). Since that time the owner advises that the land was used for horse grazing by the owners family and also rented out on a 6 monthly summer grazing basis. The owner has subsequently ceased using the site for grazing of his horses (he lives in Kermincham) but has continued with the summer grazing let. Over the last few years, the owner has rented the site out on a yearly basis so that the farmer could make a claim under the rural payment scheme. The site has been used for hay/silage and cattle grazing. Little effort has been undertaken to improve the land and the farmer has had difficulty with trespass on the land, dog fouling, cutting wire fences

The site is of limited size (7.9 hect). As such, consideration needs to be had as to whether this loss would be 'significant' and would outweigh the benefits to the housing land supply that would come from delivering this small, sustainably located site helping to reduce pressure on less sustainable and preferential Greenfield sites elsewhere.

Appeal decisions, both locally and nationally, have considered the loss of best and most versatile agricultural land but have shown the lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and therefore a reason for refusal could not be sustained on these grounds. This view is supported by a recent appeal 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. The recent decision at Loachbrook Farm, Congleton which comprised a larger development area (over 10hectares) of Grade 2 and 3a land also re-inforces this view.

At Loachbrook Farm, the Inspector considered that the 3500 additional houses to be provided in Congleton by 2030 (as indicated in 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. Nevertheless, 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.

This application is an outline form with site access applied for. The site's side road and layout details are not yet provided and would be dealt with via a reserved matters application

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.*

A single point of access is proposed that is taken from Congleton Road. This will use an existing field access that will be improved to allow a carriageway width of 5.5m and two footways of 2.0m. As part of the access proposals, a right turn lane on Congleton Road is proposed.

The site access proposal, including the right turn lane, has been supported by a stage 1 and 2 safety audit that in the view of the independent auditor has not raised any significant issues that would affect the design of the access.

In considering the access proposals, the design conforms to current highway standards and is of sufficient width to serve 160 units. Adequate visibility is available in both directions from the access point.

However, there is a problem with on-street parking close to the site access. This is as a result of parents parking for the nearby primary school. To address this potential harm, which would include the prevention of parking within the extents of the right turn lane and ensure visibility is maintained, a Traffic Regulation Order would be required to extend waiting restrictions. It is considered that the removal of a stretch of on street parking could, if alternative provision is not made, lead to illegal and unsafe parking elsewhere. As such, alternative on street parking areas should be identified on the proposed access road into the new site. The layout and form of this provision could be agreed at the reserved matters stage.

The wide carriageway is a key factor affecting existing traffic speeds, which are high despite there being in a 30mph speed limit. The proposed development and its proposed site access arrangement would have a direct impact on Congleton Road. To ensure more compliant speeds and the provision of a safe access, it is necessary that a scheme of traffic management/speed reduction measures be linked to any approval and should be funded by the developer. This could be achieved by the introduction of pedestrian refuges, which would

also aid crossing of the road, and active speed indicator signage. Having said this, residents of Congleton Road would need to be engaged in the development of any such proposals.

The development has been assessed both morning and evening peak hours and is likely to add 120-130 trips to the road network. These trips will either have to pass through Sandbach or head towards the motorway network at J17. The applicant has assessed a number of junctions and concluded there is little or no impact. However, the reality is that from the assessment work CEC have undertaken at these junctions, there are significant operational or capacity problems which would be exacerbated by the development proposals if mitigation is not provided.

There are identified congestion problems at J17 M6, where significant delays occur at the off slips. An improvement scheme has been developed by the Highways Agency that, if funded, would improve the situation. However the solution is only intended to address today's congestion problems and is not planned to deal with the any longer term. The proposed junction improvement is currently seeking funding from central government's Pinch Point Programme. If it should not receive funding via this programme, it will have to be funded through development financial contributions.

The signal junction at Old Mill Road/The Hill and the nearby roundabout has capacity problems with the signal junction causing traffic to queue back and affect the operation of the adjoining roundabout. An improvement scheme has been identified by CEC highways that would improve the throughput at the signal junction but again does not provide a long term solution.

The applicant has submitted in the Transport Assessment addendum mitigation proposals to the development traffic at the A534 Old Mill Road/Congleton Road and also at M6 17 on the south facing slip roads. The improvement at the junction of Old Mill Road and Congleton Road is seen as a benefit when considered alongside the potential HA scheme at J17 as it would allow traffic to merge into the main flow. The improvements proposed at J17 are of benefit but could not be implemented as a stand alone scheme as both the northbound and southbound slips needs to dealt with together. Therefore, it is necessary that any financial contributions have the flexibility to be used either for J17, should the HA 'Pinch Point' scheme not be funded, or to implement junction improvements at Old Mill Road/ The Hill.

The sustainability / accessibility of the site is considered good as it located close to Sandbach town centre which has a range of local services. The site is also very close to Offley Primary school. There are a number of bus services that run on Congleton Road and although the frequency of service is currently only hourly, the site does have access to bus services. The location of the site is considered to be accessible, being within a reasonable walking and cycle distance of the town centre. The emerging Local Plan has identified creating a better quality pedestrian environment through improvements to the public realm. If Members were minded to approve this scheme, such changes to the highway environment would encourage more people from this site to walk and cycle to the town centre to use its facilities and services.

Clearly there are enormous development pressures in Sandbach from a number of other housing sites, either with permission or at appeal. However, the impact assessment of this

site can only consider this application and committed schemes in deciding whether to support the application or not.

The site is accessible to the town centre and is sustainably located and would enable walking and cycling trips, especially with the highway and public realm improvements being proposed.

Whilst, there are existing problems in Congleton Road that relate to on-street parking and speed of vehicles using the road, there are no contraventions of highway standards in the submitted access design and it would be difficult to defend a rejection of the application relating to the access design.

The traffic impact of the development has been based upon the submitted transport assessment that was a 195 unit development and given the number of units has been reduced by 35 units the traffic impact is reduced on the network.

Consideration has to be given to whether there is sufficient impact to warrant refusal of the application taking into account the mitigation measures put forward by the applicant. There are key junctions in Sandbach that have capacity problems and these would be exacerbated by this development without suitable mitigation.

On balance, the Strategic Highways Manager advises that, on the basis that the Applicant has agreed to a package of mitigation measures; including S106 contributions and conditions; refusal could not be sustained in this case.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application an illustrative master plan has been submitted.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The master plan and framework plan are illustrative and do contain both strengths and weaknesses. A parameters plan defines the developable and non-developable zones within a centralised zone and the envisaged housing composition (as percentages). It also clarifies the provision of 30% affordable housing. This includes provision of a mix of housing in 2 main character zones, with 2 storey immediately adjacent to existing housing and on the northern edge of the developable area and up to 2.5 storey elsewhere. An outer zone is retained as proposed green space.

In terms of strengths, the scheme comprises perimeter blocks are welcomed and the density of circa 20 dwellings per hectare is appropriate due to the rural fringe location of the site. The

majority of the proposed development would be two-storey. This is considered to be acceptable.

The illustrative masterplan indicates a simple hierarchy, explained in more detail and illustrated conceptually in the Design and Access Statement. This includes areas of woodland fringe housing. In general terms, the hierarchy is considered appropriate for an edge of urban location but the street design will require further consideration and there is a preference that lanes also connect and a design coding for any reserved spaces would be an essential component. This would be particularly important given the suggestion in the Design and Access Statement that the houses would be an off the peg design. This would be inappropriate given the rural location of the site and the perimeter blocks of 2.5 storey development as indicatively proposed.

Landscape Impact

The site has no national or local landscape designation. As part of the application, a Landscape and Visual Impact Assessment has been submitted. This correctly identifies the baseline landscape of the application site and surrounding area.

The application area is located within The East Lowland Plain Type 7 landscape type, and within the Wimboldsley Character Area (ELP5) of the Cheshire Landscape Character Assessment 2008.

In the Landscape Assessment of Congleton Borough, the site lies within the Cheshire Plain Landscape Character Area. The site has a number of the characteristics of the identified character areas, and as the assessment itself indicates in para 6.14 *'Implementing a residential development on the Site would involve a permanent change in landscape character.'* The proposed development would result in the area becoming part of the urban part of Sandbach and, as such, it would no longer have an agricultural character.

As an outline application, limited weight can be afforded to the Illustrative Masterplan. However; the plan suggests that landscape buffers would be provided to the north west and north east of the site which would help to contain the development in the landscape. The plan indicates that much of the existing vegetation could be retained as part of the development in green corridors and green spaces. The extent to which this could be realised would depend on the detailed design, not forgetting that PROW No 7 runs through the area of centre landscaping as proposed.

Should the development be deemed acceptable in principle, the Landscaper considers there would need to be stringent controls to ensure the green spaces indicated were provided and that the existing trees and hedgerows were retained.

The visual assessment identifies the receptors and correctly assesses their sensitivity. The assessment indicates that, for a number of receptors, including users of Sandbach footpath 7 which runs through the site and the occupiers of dwellings 134 – 146A Congleton Road, there would be substantial adverse impacts during the construction phase. The assessment also indicates there would be a moderate adverse impact during the construction phase on users of Sandbach footpath 6 adjacent to the western boundary of the site and to occupiers of

West Winds, Lanterns and 122 – 128 Congleton Road. There would be a moderate to slight adverse impact on users of Sandbach footpath 8 to the east of the site. Impacts of less magnitude are identified for other receptors. Whilst some impacts would reduce over time, depending on the mitigation measures taken, it is likely that for some receptors there would be ongoing effects.

Forestry

The submission includes an Arboricultural Impact Assessment which appears to be comprehensive and incorporates a tree survey identifying 63 individual trees and 13 groups of trees in and around the site. The report also includes an assessment of hedges against the Hedgerow Regulations 1997.

The Congleton Borough Council (Congleton Road, Sandbach TPO 1989) protects 37 trees in the vicinity.

The assessment indicates that the tree stock on site is generally in fair or good condition; providing a significant level of visual amenity from both within and outside the site. Many trees are considered to have arboricultural merit by virtue of prominence, size, inclusion within wider landscape groupings or species longevity rather than impeccable condition and the Council's Forestry Officer concurs with this view.

As an outline application, the impacts on existing trees cannot be fully determined as this would depend on the detailed design. The indicative layout would appear to provide for the retention of many trees. However, it would require the removal of a wooded area in the curtilage of 130 Congleton Road to make way for the access as it continues within the site.

In addition, although the plans only cover the design of the access in the immediate vicinity of Congleton Road, it would also appear likely that the section of road linking to the proposed access would be within the root protection area of two mature TPO protected Oak trees. The crowns of the trees extend some distance over the area in question and the Tree Officer consider it likely that there would be adverse impact on these specimens. They are both categorised as Grade B in the tree survey and are prominent when viewed from the existing public footpath and from Congleton Road. However, the outline nature of the proposal means that the internal configuration of road layout within the site is not known. This could be further addressed via reserved matters.

The indicative layout shows substantial areas of new tree planting which, if realised, may help to mitigate losses in the longer term.

Overall, it is inevitable that there will be tree losses on the site and some of these trees are of importance from an amenity point of view, however, mitigation can be achieved which would address this and on balance, it is not considered that this would sustain a reason for refusal.

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. (Policy NR 3 of the Adopted Congleton Borough Local Plan). Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submission appears to assess the hedgerows from an arboricultural point of view however an assessment from a historic view has been received and concludes that there are no historically significant hedgerows on the site .

The submission identifies 937 linear metre of existing hedgerow, with the indicative layout requiring a loss of 75 linear metres. The arboricultural survey indicates that the lengths of hedgerow adjacent to Sandbach footpaths 6 and 7 are 'Important' under the Regulations. Whilst the survey does not identify the other hedgerows as 'Important', the presence of protected species on the site which may use the hedgerows as habitat / movement corridors is a material consideration and may result in further lengths of hedge being deemed 'Important'.

The Indicative layout shows the hedgerows currently identified as 'Important' retained, together with several other lengths although some sections not deemed 'Important' would be breached in order to create access points.

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. The ecologist advises the following with regard to specific species on the site:

Great Crested Newts

Whilst single great crested newts have previously been recorded near to the proposed development site in no great crested newts were recorded during the latest detailed survey or during monitoring surveys completed in 2010.

Consequently, the Council's Ecologist considers great crested newts are unlikely to be adversely affected by the proposed development

Common Toad

Common Toad, a UK BAP species and a material consideration has been recorded breeding at a pond some distance from the application site. The proposed development is unlikely to have a major impact on this species. However, there is likely to be some loss of foraging habitat. The applicant's ecologist has recommended that a new pond specifically designed for amphibians be incorporated into the scheme to compensate for this loss and to enhance the available habitat for other amphibian species present.

This approach is acceptable and this matter may be dealt with by means of a condition

Badgers

A badger sett is present on site. However it appears unlikely that it would be significantly adversely affected by the proposed development. The proposed development may however result in the loss of some badger foraging habitat.

The Ecologist considers that the loss of badger foraging habitat be compensated for by the sensitive design of the open space areas and the introduction of fruit bearing trees to provide an additional seasonal food supply.

The submitted ecological assessment also recommends that a 2m buffer zone is provided adjacent to the retained hedgerows on site to facilitate free movement of badgers around the site.

On the basis that the above measures are implemented as part of any finalised layout in the event of an appeal, the proposed development is unlikely to have a significant impact upon badgers. However as the status of badgers on a site can change rapidly an up to date badger survey which includes revised mitigation/compensation proposals, would be required for the appeal.

Bats

Evidence of a minor bat roost has been recorded at 130, Congleton Road. In the absence of mitigation the demolition of this property would result in the loss of the roost and would also pose the risk of killing/injuring any bats present. The level of impact is likely to be relatively minor.

Bats are a European Protected Species. If recorded on site, the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license.

The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

Outline mitigation/compensation proposals have been submitted and the Council's ecologist advises that it is feasible that, if the outline mitigation/compensation is implemented the favourable conservation status of the species of bat concerned would be maintained. Any future reserved matters application should however be supported by an up to date bat survey and finalised mitigation/compensation proposals.

In addition to the roost at 130 Congleton Road, a number of trees have been identified on site with the potential to support bat roosts and bats have been recorded foraging and commuting throughout the site. The submitted ecological assessment states that all trees with bat roost potential will be retained and this appears to be feasible.

The proposed development may have an adverse impact on the foraging and commuting behaviour of bats on the site. However, provided the proposed open space is designed sensitively and includes appropriate native trees and shrub planting this impact is likely to be adequately compensated for. The incorporation of bat boxes is also likely to be beneficial.

The application site includes a number of habitats and has the potential to support a protected species. An Ecological Assessment has been produced and in support of this application and the impact of the development upon protected species is considered below.

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 and
- 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. “This may potentially justify a refusal of planning permission.”

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 site would provide additional housing and economic development in a sustainable location
- In the absence of any impact from the proposed development, it is likely that any contact will be low and will relate mainly to the risk of animals venturing onto the site during the construction phase and the potential disturbance of a potential resting place. Mitigation measures have been included with the survey report.

The Councils Ecologist has advised that these are proportionate to the scale of the potential impacts and the proposed development is unlikely to affect the favourable conservation status of the species.

- There are imperative social reasons of overriding public interest, as the development of the site would provide 30% affordable housing and provide economic development in the area by virtue of the construction activities and the knock on effects that’s this would have for the local economy.

The bat mitigation measures could be secured through the use of a planning condition to retain trees with roosts.

Birds

The proposed development site is likely to support breeding birds including widespread and relatively common BAP species which are a material consideration. As a result, if planning consent is granted for this scheme conditions regarding the timing of works and the provision of suitable features for nesting birds will be needed if permission is granted.

Accordingly, it is not considered that an objection to the proposals on ecology grounds could be sustained.

Public Open Space

In terms of children's playspace, the Greenspace Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided on site and this will be secured through the S106 Agreement. This is acceptable to the Greenspace Officer.

The Greenspace Officer advises that a LEAP should include at least 5 items of equipment, using play companies approved by the Council.. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

The financial contribution required by Cheshire East to maintain the play area would be £114,624. This would need to be secured by S106 Agreement.

Flood Risk and Drainage

The majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. The Environment Agency recommends standard conditions to control run off which could be accommodated within this site.

Education

The Education Officer has examined the proposal and has raised no objection subject to the provision of a contributions towards both primary education and secondary of £282,004 and £343,196 respectively . This could be secured through a Section 106 Agreement if the development was deemed to be acceptable.

Impact on Public Right of Way

The development impacts on 2 public rights of way. A further right of way runs along the drive to Fields Farm some distance to the east. 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 and through to the school. Improved links with the School is also supported by the School.

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.

Renewable Energy

RSS policy EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the design and access statement has not considered the incorporation of such measures. However, this could be dealt with by condition.

HEADS OF TERMS

If the proposal were to be approved the following Heads of Terms comprising a s106 legal agreement would be necessary -

1 Provision of 48 (30%) affordable housing units – (31 units) 65% to be provided as social rent/affordable rent with (17 units) 35% intermediate tenure.

2. The provision of a LEAP (min of 5 pieces of equipment) and Public Open Space to be maintained by a private management company and financial contribution for Maintenance:£45 408 (open Space) and Maintenance for £114,624 for the LEAP

3. Education contribution in respect of primary provision of £282,004 and secondary provision of £343,196

4. Highways Contribution of £480,000 towards highways improvements/urban realm improvements at any of the following locations; A534 Old Mill Road / The Hill junction and Sandbach town centre and a contribution of £50,000 to address the impact of the development at the junction of A534 Old Mill Road/Congleton Road.

In most cases, where an Appeal is submitted, it is usually sufficient for the Appellant to submit a Unilateral Undertaking, to the Planning Inspectorate, with their Appeal paperwork to make the usual provisions for affordable housing, financial contributions to open space, highways, education etc.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 and secondary 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 £530,000 to highways improvements will mitigate for the impacts of the additional traffic using the local highway infrastructure in the town centre and are fairly and reasonably related to the scale of this 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.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

10. CONCLUSIONS

The Government has made it clear in the NPPF that there is a presumption in favour of new development, except where this would compromise key sustainability principles.

It is considered that the development would make an important contribution in terms of affordable housing provision and this would be a significant benefit.

The highway safety and traffic generation issues can be addressed through appropriate developer contributions to off-site highway improvements.

Matters of detailed design, amenity, drainage, air quality and noise impact can also be adequately addressed through the use of conditions.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that due to the topography of the site and the relationship with existing urban form and the retention of existing trees and hedgerows, this would not be significant relative to other housing sites in the Borough as to justify refusal of permission of this scheme on this basis.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation measures for protected species could be achieved subject to condition.

It is considered that the Council has a 5 year housing land supply, which is a requirement of the National Planning Framework. Accordingly, in the light of the advice contained in NPPF, the

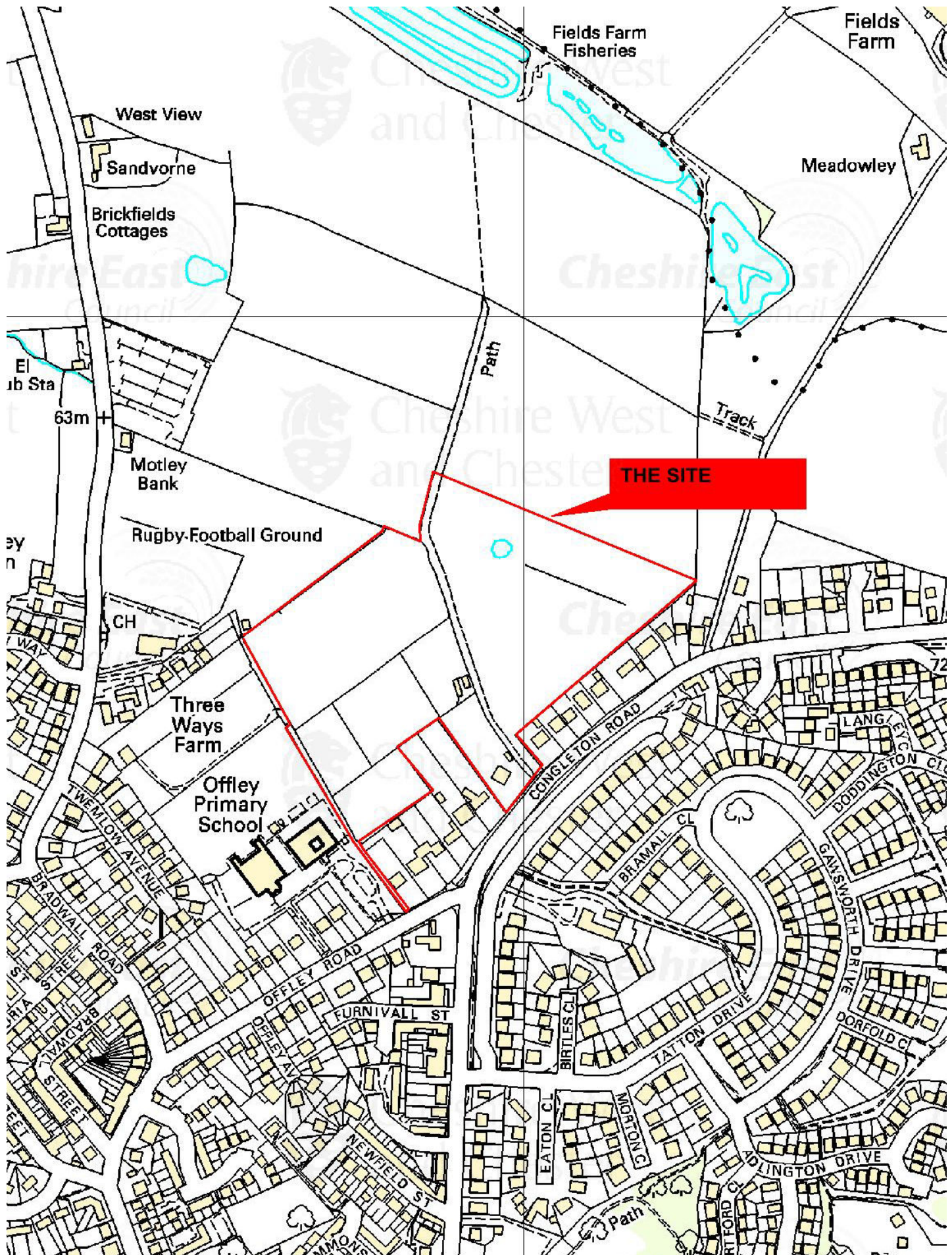
relevant policies for the supply of housing should be considered to be up-to-date. The site is not allocated for development in the Emerging Development Strategy and its development would compromise the delivery the Development Strategy and the Sandbach Town Strategy.

It is therefore considered that the proposal would have significant adverse impacts upon the Open Countryside and the delivery of the spatial vision as expressed in the emerging Development Strategy that demonstrably outweigh the benefits and the application should not be approved.

11. RECOMMENDATIONS

RESOLVE to contest the forthcoming Appeal against non-determination on the following basis:

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.



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Application No: 12/2426C

Location: ELWORTH HALL FARM, DEAN CLOSE, SANDBACH, CHESHIRE, CW11 1YG

Proposal: The Erection of 96 Dwellings together with Associated Works including the Creation of Approximately 10 Hectares of Open Space and Recreation Land (Phase 2), and the Amendment of Plots 16 and 17 Previously Approved under Reference 10/2006C (Phase 1)

Applicant: Rowland Homes Ltd

Expiry Date: 21-Sep-2012

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

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,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education

REFERRAL

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

1. SITE DESCRIPTION

The site lies on the northern edge of the settlement of Elworth. The site comprises agricultural land which has predominantly been used for grazing in recent years. It is located off Dean Close and Wrenmere Close, two minor cul-de-sacs off Grange Way and Lawton Way in Sandbach, approximately 1500m east of the centre of Sandbach. The surrounding urban area is predominately residential in character and includes a variety of forms, architecture and materials.

The site originally formed part of a larger agricultural holding. The site of these buildings, extending to around 1 hectare is an ongoing construction site where planning permission has previously been granted for 25 dwellings (Phase 1). This approved development is accessed by a private driveway between Nos. 14 and 16 Dean Close, which serves 4 of the dwellings currently under construction with the remainder served from an extension of Wrenmere Close. At the time of the submission of the application, the construction of this first phase has progressed with a number of the dwellings under construction. The roads and sewers have been constructed with the former being laid to base course.

The Phase 2 area comprises of the remaining agricultural holding extending to some 13.6 hectares (33.7 acres). This comprises an area of fallow agricultural land divided into a number of field parcels. These fields are separated by a mix of post and wire fencing and established trees and hedgerows.

2. DETAILS OF PROPOSAL

Full planning permission is sought for the construction of 88 two, three and four bedroom, 2 storey detached, semi-detached and terraced dwellings together with eight 1 bed apartments on the site. The application also seeks consent for associated works including roads, sewers, pumping station, drainage works and balancing pond. Only a small parcel of land closest to the Phase 1 development and the existing urban area is proposed for development, with the remainder retained for open space or recreational uses.

2. RELEVANT PLANNING HISTORY

09/3245C	2008	Partial demolition of the existing site (including modern agricultural buildings and the existing dwelling) the conversion of the remaining existing buildings to form 8 dwellings and the erection of 13 additional dwellings within the curtilage of the existing residential property - Withdrawn
10/1765C	2010	The partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property. - Approved
10/2006C	2010	The Demolition of the existing Buildings (including agricultural buildings and existing dwelling) and the redevelopment of the site with 26 dwellings and associated works. – Refused / Appeal Allowed

11/ 4396C	2012	Variation of the approved plans condition to allow for the substitution of the “Belgrave” house type for the “Atherton” house type of Plots 5, 12 and 20 and the handing of the house on Plot 15. – Resolution to approve subject to Section 106
12/0281C	2012	Change Of House Type On Plot 16 From Bonham To Bonnington And Re-Siting Of Plot 17 Marlborough House Type. – Refused / Appeal Dismissed

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

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)

North West Sustainability Checklist

4. OBSERVATIONS OF CONSULTEES

Environment Agency

- The Environment Agency has no objection in principle to the proposed development, However, in order to ensure that the requirements of the approved Flood Risk Assessment (Ironsides Farrah Ltd, 3890/SRG, June 2012) are incorporated into the development we would request that the following planning conditions be imposed on any planning approval as set out below.
 - o Submission / approval / implementation of a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority.
 - o Submission / approval / implementation of an assessment into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS)
 - o Submission / approval / implementation of a scheme for the management of overland flow from surcharging of the site's surface water drainage system . The scheme shall include details of the proposed ground levels and proposed building finished floor levels.
- The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such as way as to protect and enhance the ecological value of the site including the ditches and ponds.
 - o Submission / approval / implementation of a landscape management plan. The scheme shall include the following elements:
 - *detail extent and type of new planting (NB planting to be of native species)*
 - *details of maintenance regimes*
 - *details of any new habitat created on site*
 - *details of treatment of buffers around water bodies*
 - *details of management responsibilities*
- There are records of water vole and great crested newt in the area.

United Utilities

- United Utilities will have no objection to the foul connection of Phase 2 area of this development at Manhole 1602 on Vicarage Lane

Environmental Health

- The hours of demolition / 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
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
- Submission / approval and implementation of a piling method statement to include the following details:
 1. Details of the method of piling
 2. Duration of the pile driving operations (expected starting date and completion date)
 3. Prior notification to the occupiers of potentially affected properties
 4. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- Submission / approval and implementation of an Environmental Management Plan. 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;
 - o Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - o Waste Management: There shall be no burning of materials on site during demolition / construction
 - o Dust generation caused by construction activities and proposed mitigation methodology.
- Insufficient information has been submitted with the application relating to the air quality impacts in order to assess adequately the impact of the proposed development having regard to air quality. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.
- This section has no objection to the above application subject to the following comments with regard to contaminated land:
 - o This site is located on a known landfill site or area of ground that has the potential to create gas.
 - o The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - o The reports submitted with the application include a comprehensive investigation and proposes remedial measures are carried out.
- 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:

- Prior to the development commencing, a Detailed Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). The remedial scheme in the approved remediation statement shall then be carried out.
- A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
- The Phase II contaminated land report and remediation strategy submitted recommend that remedial measures are carried out to address the actual contamination risks at the site.

Public Rights of Way

- The Landscape Masterplan in the application describes informal footpaths which would provide options for circular walks. The desire for circular walks close to people's houses was identified through research for the ROWIP and the plans for such paths are therefore welcomed. It is assumed from the title 'informal footpaths maintained' that these routes are not intended to be dedicated as public rights of way, but will be in effect permissive paths and will be maintained by the open space management company. The routes should be promoted, through signage, interpretation boards and leaflets to residents of the proposed development and the adjacent Lawton Way housing estate in order that their existence is known and use encouraged.
- The Landscape Masterplan in the application also describes 'existing informal footpaths maintained to allow informal links to adjacent footpaths / roads'. It appears that the connecting footpath / road onto Cookesmere Lane is outside of the development site boundary and are not recorded as public rights of way or public highways. The public does not have a right of access over this route and therefore the claim that the informal footpaths within the open space provide links to adjacent footpaths/roads would be challenged. However, if such a link could be regularised and secured as a public right, the route would provide a sensible and direct pedestrian and cyclist link from the development site to Sandbach town centre avoiding the Middlewich Road, thereby potentially increasing the sustainability of the site.

Education

- Based on this development being for up to 90, 2+ bed dwellings then the development is expected to generate 15 primary aged pupils and 12 secondary.
- The primary schools and the secondary schools within 3 miles of this proposal and includes the net capacities, numbers on roll and current forecasts.
- The local primary schools currently have 75 unfilled places. However forecasts indicate that from 2013 there will be more pupils seeking a school place than spaces available within the local schools. Where applicable a Section 106 contribution has been sought from other developments within Sandbach. Therefore a contribution of $15 \times 11,919 \times 0.91 = £162,694$ will be required towards primary education.

- The local secondary schools currently have 33 unfilled places and are forecast to have 100 unfilled places by 2018. However, developments at Albion Inorganic Chemicals, Fodens, Fodens Test Track and Canal Fields are expected to generate in excess of 100 secondary places. 2 of these developments have now started on site. In light of the forecasting and the aforementioned development sites then a secondary contribution of $12 \times 17,959 \times 0.91 = \text{£}196,112$. NB. The local secondary schools are both academies which further complicates matters.

Archaeology

- The application is supported by an archaeological desk-based assessment, which has been prepared by Nexus Heritage. This has considered data held in the Cheshire Historic Environment Record and other readily-available sources of information and notes that the eastern part of the proposed development area was formerly occupied by Elworth Hall (CHER 7030). The building, which was demolished early in the second half of the 20th century, appears to have been of 18th and 19th-century date but the documentary evidence suggests that earlier halls are likely to have occupied the site from the 14th century onwards. The area immediately to the north of the hall appears to have contained a number of earthworks associated with the gardens, including a possible ha-ha and prospect mound. In addition, the township boundary between Sandbach and Bradwall lay immediately to the north of the house.
- Evidence of these past uses is likely to have survived within the application area but it must be acknowledged that the use of the site for landfill over the last forty years and the substantial earthmoving that has occurred are likely to have severely disturbed any remains. I do not think, therefore, that it would be reasonable to advise that the site should be subject to any further pre-determination work or subject to formal excavation.
- Instead, I advise that the relevant parts of the site should be subject to a carefully targeted watching brief with the specific aim of recording traces of the hall and any earlier predecessors and obtaining a record of the garden earthworks and boundary noted above. I appreciate that the past use of the site for landfill and the nature of the remediation works may impose constraints on what can be achieved but, having discussed matters with the archaeological consultant, I feel sure that it should be possible to observe works in relevant areas and record deposits present. A report on the work will also need to be produced and the mitigation may be secured by the condition given below:
 - *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.*
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the new *National Planning Policy Framework*. The Cheshire Archaeology Planning Advisory Service

does not carry out commercial fieldwork and the applicant will need to appoint an archaeological contractor to organise the archaeological mitigation. I will be able to supply a brief for the work and a list of archaeological contractors who work in the area on request. Alternatively, I will be able to discuss the details of the archaeological mitigation with the applicant's existing archaeological consultant.

Cheshire Gardens Trust

- Does not have any further information on the former Elworth Hall site to add to the excellent archaeological report
- Support a condition requiring a watching brief that includes recording any surviving features from the former gardens and associated boundaries and their relationship to the Hall and to the wider landscape and would be interested to hear of any new information that arises from this.
- The relationship of surviving trees and perhaps other vegetation such as hedges to the former layout may also be informative so they would like to see these assessed from a historical as well as an arboricultural perspective and, if they were part of an earlier landscape retained and restored as far as possible in the new development even if not presently TPO'd. Water features similar should be assessed from a historical as well as drainage point of view and retained and restored where possible
- Generally, keeping as much continuity and legibility of the former design in the new layout as possible would be desirable since Elworth hall is an ancient site and must have been locally fairly significant. As its loss was post WW2, it will still be remembered by older inhabitants of the area. The site is located on the edge of the countryside and new development should be compatible with local character and of a design that conveys a sense of place that is worthy of this locally sensitive site.
- In terms of future landscape, the old OS maps show orchards around the hall, as was common in Cheshire and they would recommend that an orchard is re-established on the site as part of the green space for the new development, for the benefit of the wider community as well as the new residents. The Cheshire landscape Trust could advise on propagation of any remaining fruit trees or select Cheshire varieties for new planting.

Sustrans

If this land use is approved by the council's planning committee our comments are as follows:

- 1) A site of this size should contribute to the physical improvement of walking/cycling routes to Sandbach railway station, local primary schools and local facilities.
- 2) The design of the estate should restrict vehicular speeds to less than 20mph.
- 3) The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- 4) Travel planning with targets and regular monitoring should be set up for the site.

Amenity Greenspace

With reference to the plans for the erection of 96 one, two, three and four bedroom dwellings together with associated works including the creation of approximately 10 hectares of Open Space and Recreational land the following Streetscape comments and observations are made.

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficit in the quantity of provision, having regard to the 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. The application includes the creation of approximately 10 hectares of Open Space and recreational land to include the following detailed on the Landscape Masterplan :

- 2 Wildflower Meadows with targeted grass cut
- Existing pond with marginal planting and a small jetty for educational use
- Informal footpaths
- Woodland planting adjacent the brook
- Existing informal footpaths maintained to show internal links to adjacent footpaths
- Tree planting
- Existing boundary planting enhanced with native hedgerow planting
- Woodland nature trail, native hedgerow planting
- Woodland planting and understorey shrub planting

Whilst it is appreciated this promotes bio-diversity and complies with regulatory requirements it has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company.

Greenspaces would strongly recommend that a detailed management plan for the Public Open Space including maintenance schedules with frequencies and costings be undertaken by a suitably qualified Countryside Management Company at the Developer's expense. Given that there are only 96 dwellings this is a large area of Open Space and we would want to seek assurances that the Management of the Public Open Space is sustainable.

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

The plan indicates the inclusion of a LEAP sized play area located centrally within the central public open space. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. We would request that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of

a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the amenity greenspace it is also recommended that the children's play area is transferred to a management company.

Streetscape would respectfully ask to be notified of any observations you may have regarding these comments, and to be informed of any changes that are made to the initial proposals as soon as you are aware of them.

Highways

Introduction

Wrenmere Close is on the northern fringe of the existing residential estate north of the A533 Middlewich Road, Elworth. The estate is accessed from Middlewich Road by Grange Way, which with Lawton Way forms an internal distributor road loop through the estate. A second access point to Middlewich Road is provided by St Peter's Rise, off Lawton Way. Both access points are likely to be used by development traffic.

Issues for consideration are

- adequacy of Wrenmere Close for proposed traffic
- visibility at the Wrenmere Close/ Grange Way junction
- general safety issues on the estate
- adequacy of the junctions onto Middlewich Road
- general highway capacity issues in the Sandbach area
- sustainability, i.e. access to facilities by modes such as foot, cycle and public transport
- Travel Plan
- internal site layout

Adequacy of Wrenmere Close

Wrenmere Close is built to a standard of 5.5m carriageway with two 2-metre footways. The Borough's Highway Design standards are currently those included in the former Cheshire C.C. guidelines, which define a road of this standard as being a 'minor residential road', suitable for serving up to around 100 houses, or a 'major residential road' suitable for up to around 300 houses. They differ in that for the 'major' category, an off-carriageway cycle facility must be provided.

The total number of properties that would be served by Wrenmere Close will be 125 dwellings, including the small number of existing houses and the development now underway. This would suggest that its standard ought to be that for the 'major' residential road. However, there are no segregated cycling facilities on either Grange Way or Lawton Way, so Highways do not consider this lack would preclude Wrenmere Close being deemed acceptable in standard for serving a total of 125 houses.

Junction of Wrenmere Close with Grange Way/ Lawton Way

Visibility to the right for traffic emerging from Wrenmere Close is acceptable, but visibility to the left is restricted by the alignment of Grange Way and the cartilage of frontage properties. On-site measurements at the junction showed, for a viewpoint 2.4 metres back on Wrenmere Close, the available visibility to the left was

to the nearside kerb of Grange Way = 23 metres
to the centreline of Grange Way = 37 metres

For the speed information supplied by the applicant, the required sight distance should be 35 – 40 metres, according to *Manual for Streets*. This distance should also be measured to the nearside kerb, unless there is good reason to assume drivers will adhere to their correct side of the road. Whilst it is possible for drivers to be on the wrong side of the road, for example to manoeuvre past parked cars, Highways feel the need to maintain their own forward visibility should result in their keeping to the outside of the bend and so they would have a sighting distance of 37 metres or more to emerging vehicles. The traffic data indicates that flows past Wrenmere Close are very light – approximately 20 vehicles/hour two-way, and this will be unaffected by the development. Thus Highways do not consider the junction to be unacceptable in safety terms for the likely traffic levels it would experience.

General Safety Issues

Accident data within the existing estate shows that there were no personal-injury accidents on Grange Way, Lawton Way or St Peter's Rise in the five years 2007 – 11. These are the routes that would be used by traffic from the development. Whilst it cannot be said that any road is perfectly safe, it does indicate that there are no particular problems within the area which would be exacerbated by development traffic.

Traffic data for the two junctions with Nantwich Road do not show any particular pattern or unduly high incidence.

Adequacy of the junctions with Middlewich Road

An assessment of the capacity of the junctions of Middlewich Road with St Peter's Rise and Grange Way has been undertaken. This includes traffic on Nantwich Road from committed developments in the Sandbach area and expected background growth to 2018.

Expected movements are

Wrenmere Close, predicted site traffic			
AM		PM	
in	out	in	out
17	42	41	25

All these trips are expected to continue to Middlewich Road, giving the following increases in turning movements there:

Grange Way, excluding site				Grange Way, including site			
AM		PM		AM		PM	
in	out	in	out	in	out	in	out

36	141	147	82	49	172	177	101
St Peter's Rise, excluding site				St Peter's Rise, including site			
AM		PM		AM		PM	
in	out	in	out	in	out	in	out
59	117	154	111	63	128	164	117

The majority of movements are expected to be to and from the Sandbach direction.

The capacity assessments show these junctions to have adequate capacity for the forecast movements including this and committed developments.

General Highway Capacity Issues in the Sandbach Area

The level of background traffic in the Sandbach area gives rise to considerable congestion and delay. To ensure that this is not unduly worsened by development, of which a large number of sites are either committed or expected to be approved, the Strategic Highways Manager has been seeking a contribution of £3,000 per proposed dwelling to put toward highway improvements in the area. This is seen as appropriate for this application, as from its location and proximity to the M6 motorway it will generate a relatively high number of trips on the most congested part of the network. It is also considered appropriate for some of this to be addressed to improving the facilities for non-car users as described below.

Sustainability

The site is approximately 2 kilometres from Sandbach town centre, so putting it within acceptable walking distance for some, though not all, of future residents. Sandbach railway station is within about a ten minute walk of the site. There are shops and schools within acceptable walking distances and accessible without the need to cross Nantwich Road. Overall, therefore, the site has fairly good walking accessibility.

A bus service runs hourly off-peak along Lawton Way and Grange Way, connecting with Sandbach town centre. More frequent bus services are available on Middlewich Road, about a ten minute walk.

The distances to the facilities mentioned above will probably result in walking being preferred to cycling for them. For trips in longer distance ranges, the levels of traffic on the A533 will deter some potential cyclists, and options to avoid this road are limited. Although Cookesmere Lane, to the north of the site, would provide alternative walking and cycling routes into Sandbach avoiding the main road the applicant does not have control over the intervening land. However, a cycling route to Middlewich and Holmes Chapel could be provided by upgrading Sandbach FP36/ Bradwell FP3, a track running west of the railway line and accessed from Marsh Green Road. Other cycle facilities that would be highly desirable are upgrading the footpath route from Brookmere Close, opposite Wrenmere Close, through the estate to the primary school and supermarket, and upgrading the link from the development via Dean Close to Vicarage Lane so to be available to cyclists.

There is an almost complete lack of pedestrian crossing facilities on Middlewich Road in the vicinity. This creates hazards for pedestrians accessing bus stops on the far side of

Middlewich Road, and also the employment areas to the south. For cyclists it severs the site from a number of potential routes. Highways consider that to maximise the sustainability of the site crossing facilities should be provided by the developer near the desire lines to the railway station and to Abbey Road. Controlled crossings here would also help break up the traffic streams along Middlewich Road, which should also assist motorists egressing from St Peter's Rise and Grange Way.

I consider that it would be appropriate for the requested S106 contribution to be used in part on addressing these issues.

Travel Plan

It appears no Travel Plan has been submitted. Highways would expect one to be promoted for a site of this size, especially as there is considerable scope for the promotion of sustainable alternatives to car travel.

Internal Site Layout

I have no objection to the submitted layout, but would comment that the proposed 'Home Zones' would require a plethora of signs to meet legislative requirements, and so are better treated as just an informal variation on the highway extents.

Conclusions

Subject to a S106 contribution of £288,000, and the following standard conditions, Highways have no objection to the proposal.

- The development hereby permitted shall not be occupied until the parking and vehicle turning areas have been constructed in accordance with the details shown on the approved plans. These areas shall be reserved exclusively for the parking and turning of vehicles and shall not be obstructed in any way.
- No development shall commence until full constructional details of all roads to be provided within the application site have been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out otherwise than in accordance with the approved details unless the Local Planning Authority has first agreed to any variation in writing.

5. VIEWS OF THE PARISH / TOWN COUNCIL

OBJECT on the following grounds:

- i. Development on the site will increase existing Floodrisk
- ii. Unspecified extent of the land contamination.
- iii. Proposals will generate significantly increased traffic in an area with existing congestion issues.
- iv. Wrenmere Close is unsuitable as access for further development.
- v. This is a speculative development on Greenfield site.

- vi. The land identified in the application is situated outside the current area for housing development in the town.

6. OTHER REPRESENTATIONS

Resident's Letters

128 letters have been received from local residents objecting to the application on the following grounds:

Principle of development

- Loss of another green field outside of the Sandbach settlement zone.
- This development is more than 3 times larger than the policy guideline of UP TO 30.
- This is in addition to the 25 houses which are already built.
- This development is rampant commercialism and not managed sustainable growth for the benefit of the environment and the local community.
- The land has not been included in any past or current local plan.
- Although the local plan is not in place, this area in the draft plan is not designated for housing.
- Rowland Homes should not be permitted to exploit the current situation faced by Cheshire East Council due to its failure to have structures in place for managing developments.
- Currently Cheshire East Council is in the process of developing its Five Year Plan. It would make sense to place a moratorium on any new developments until this plan is in place and local guidelines have been drawn up.
- Cheshire is being targeted as an easy place because there is no 5 year plan and the builders just move in
- Developments can obtain planning approval by default due to lack of a plan. A default approval would be in appropriate and should withheld until such a local plan is in place which reflects the needs of the local community

Loss of Agricultural Land

- The site is Grade 3A Agricultural land and should be used for agriculture
- This means it is versatile for either livestock or arable farming.
- The loss of this land reduces our potential for economic sustainability and ability to produce food at a time when all of the major supermarkets are increasing and promoting their UK sourced produce.
- The existing development was granted largely because of its previous use for farm buildings.
- In contrast the new proposal is to use agricultural land appropriate for grazing, arable uses etc. It has been used for agricultural purposes in the last decade.
- This development is building by stealth and previous applications have already revealed the long-term intentions of the developer

Need for Housing

- There is sufficient land for housing uses in the draft plan.

- There are a number of developments in the local area which should provide ample short term capacity until a development plan has been put in place.
- There are thousands of houses already in the pipeline in countless locations in just Sandbach let alone other parts of the borough.
- There are already large housing developments planned in Elworth
- There is no compelling evidence / statistics which support the need for additional homes on this scale in Elworth or indeed Sandbach or a shortage of properties in the area.
- There are sufficient brown field sites available for house building (for example Foden's testing site, RHM and WBB Minerals sites at Moston)
- If these remain undeveloped they will cause eyesores.
- The NPPF encourages development of Brownfield sites before the development of Greenfield sites.
- Surely the Council can insist on so called developers tackling the difficult brownfield land first.
- There is no local demand for the high value, large houses which are proposed.
- Do not want Sandbach to be like Ireland with housing developments built with no buyers.
- There are currently 407 properties for sale in the CW11 postcode. Prices range from £44,000 to £1.8M with a further 75 for rent (source; rightmove.co.uk 25.7.12). This demonstrates that Sandbach already has a broad breadth of house types and costs to meet its needs & does not take into consideration additional availability in neighbouring postcodes. NO MORE are required.
- The majority of these developments' houses will be marketed at the largest volume house band that currently exists in Sandbach. To sell these houses people will need to move from outside of the area, therefore not resolving any issues of fulfilling local needs.
- Due to the lower overheads of new builds on a Greenfield sites they are able to offer greater incentives to buyers than individual private sellers with mortgages. This will lead to a glut of existing houses that will not be able to be sold. In order for private sellers to try & keep their costs to a minimum to compete, the amount of investment to upkeep homes will reduce so declining the general quality of housing in the area.
- There are 400 houses being built off Moss Road.
- Planning permission is also being sought for new houses on Hind Heath Road and on Abbeyfields
- This will result in buyers coming from outside
- If this planning application anticipates some future demand, then it should fit in with East Cheshire development plans, in draft or final forms, or this planning application should be rejected.
- Why does Sandbach need so many new houses?

Landscape / Visual Impact / Effect on Character of Area

- Proposal would have a significant impact on the landscape character of the area, and pose a large scale intrusion into the open countryside.
- The surrounding area of the proposed site has public footpaths which are very popular
- The proposed development would significantly impact the beauty of this area
- Why has the Council let lovely green land be used to build so many houses?

- National policy in Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4) says that the countryside should be protected for the sake of its intrinsic character and beauty.
- Similarly Planning Policy Statement 7 Sustainable Development in Rural Areas (PPS7) requires the quality and character of the wider countryside to be protected.
- At a local level, Policies PS8 and H6 in the Congleton Borough Local Plan identify the type of new development that will be permitted in the open countryside and this planning application does not comply with these policies.
- This development would turn Elworth into a giant housing estate, merging with Sandbach.
- Sandbach is known nationally and promoted as an historic market town if this goes ahead it will become an urban sprawl.
- We are in danger of giving away our heritage and best selling point
- Development goes against the grain of this nice size estate
- Development is destroying the beautiful old historical town of Sandbach!
- Use of the site for housing would represent a serious invasion of an existing green lung and an extension of the existing settlement boundary.
- Could this not be taken into consideration when builders put in plans for a large development like this which will have no benefit for the people who live here or even the proposed residents?
- What attracted residents to Sandbach was a semi rural location with the benefits of the M6 being close by and good rail links -it was a desirable place to live.
- Residents live in fear constantly whose farmland, whose view is going to be taken next ?
- Residents appear to have no rights and are told there are no green belts in this area, its all disappearing to housing development after housing development once this has gone it's gone forever.
- We could focus on the outskirts of Sandbach, expanding the area this way which doesn't effect people directly
- Why do we feel the need to develop so close to existing properties taking every inch of greenery away
- Continual housing sprawl will have an adverse effect on the way of life.
- People would like to stay in Sandbach but will now move to somewhere similiar, without hopefully as many "planning proposals". The appeal of the area is being eroded forcing residents to seek less populated areas to recapture the quality of life they have lost.
- It is very, very sad, especially for those people who have been born and bred here. A lot of changes, unfortunately not for the good.
- There used to be easy access to the countryside, something which should be available to all residents of this town.
- What possible reason could there be to take this away.

Proposed Public Open Space

- The application cannot be effectively judged without knowledge of the applicants' intended use of the remaining land in their ownership.
- There is no indication of ownership/management of the proposed open space.
- Since the building started on Phase 1 the remaining farm area has not been managed by the developer, so how can we assume that the developer will be able to manage

viable open space and recreational land? The maintenance of this existing Greenfield land could become a major burden to the town and borough council. With the plans drawn as they are with no enclosure there is every reason to expect a Phase 3, once a phase 2 has been completed.

- Why would a developer buy 14ha of land and then plan to give more than 70% away?
- Do the rate payers of Sandbach want 10ha of land?
- If that is the proposal, residents of Sandbach are entitled to know now what the on-going costs of this are before accepting it.
- Small pockets of open space elsewhere on the estate have recently been disposed of and residents have increased their gardens so are the rate payers of Sandbach in the market for taking on the financial responsibility of additional public open space.

Concerns over the integrity of the firm involved

- Another significant annoyance is the apparent subterfuge employed by the applicants in sneaking through a vast planning application for an entire estate on the grounds of what was originally an initial "conversion of existing farm buildings to about 10 large houses with outlying garages".
- The developer has admitted that it has previously misled the local community, Cheshire East planning officers and the Planning Inspectorate in its original planning application and appeal
- Plans for Phase 1 were submitted with building layouts proposed which the developer now claims within the planning appeals process that they never intended to build.
- They stated "It was never the developers intention to build the garages shown on the planning application as this would prevent access to the surrounding land".
- This illustrates that the plans were originally submitted only with the goal of misleading the local residents and the planning committee in order to minimise objections and thereby maximise the likelihood of approval for Phase 1. Having obtained approval for Phase 1, but with the intention of never building to the proposal the subsequent variation submissions and appeal (and their associated costs) were inevitable.
- They have also misled by repeatedly changing plans in order to facilitate their plans for this further development of 96 homes when they originally stated that there would not be further development.
- Rowland Homes deliberately kept in reserve their intentions to submit an additional planning application for a further 96 homes while they applied to construct the 26 properties as part of their first phase to develop the site.
- Residents enquired to Rowland Homes about "Phase 2" as this planning application is billed on their brochure and were told that Rowland Homes would not be going ahead with this!
- They compound this 'mislead the community' attitude by stating in section 8.23 of the appeal document submitted to the Planning Inspectorate that 'the site lies currently on the urban fringe between the surrounding currently open countryside and the dense residential development. The creation of an opening with views through to the surrounding countryside creating a softer and less urbanising environment are real benefits to the proposed development. This better responds to the context of the development than the previously approved scheme.'
- This statement was immediately proved false on 22 June 2012 when this planning application was submitted.

- Throughout the planning and development of Phase 1, Rowland Homes seem to have shown a lack of consideration to the local residents.
- There are many inaccuracies and omissions within the current Phase 2 proposals. Whether these are again attempts to mislead the public and planners, is open to debate. If intentional the developers are not to be trusted, if not intentional the developers might be considered incompetent and are therefore not to be trusted.
- If they have lied once where will it stop? How many more phases will there be?
- The same Developer has now applied for 96 houses to go on the area not 100+ to lessen the headlines and impact of the overall planned development of at least 3 phases.
- The builder went to public consultation on 13.4.12 – 23.4.12. The site plans on this showed a very contentious 3 story block of flats that overlooked number of bungalows. The proposed site layout map that has been submitted with this application was drawn on 28.2.12 but has been updated at various points since. However, the location of the apartment block was moved on 28.3.12, over 2 weeks prior to the public consultation taking place.
- The developer only treated the consultation as a paper exercise rather than a genuine process of working with local residents.
- Residents highlight the poor relationship that the developers have with the local community, during phase one of this development they have been antagonistic and unhelpful and have caused much stress to many of their neighbours, many of whom are elderly.
- What incentives are these builders offering that would influence our town planners? Whatever they are, the sacrifices we would make cannot be justified.
- Uncaring and profiteering encroachment by builders
- When considering this application, the Council should think carefully whether the developer can be trusted to perform required undertakings in a suitable and professional manner.

Ecology

- There would be a decrease in wildlife
- The wildlife must be very distressed by phase I – it is bad enough for humans!
- The environment needs green fields, trees and natural habitat for wildlife as well as humans, we need to keep open spaces.
- There are various wildlife species which would be seriously threatened.
- There is currently a diverse ecosystem of wildlife including but not exclusively, Wild Birds – e.g. Woodpeckers, Jays, Buzzards, Owls, Pheasants; Mammals – e.g. Bats, Foxes, Hares, Rabbits; Insects/Amphibians – Food sources for the above
- All of this will be lost by Phase 2 including trees with TPOs.
- The proposed development includes the creation of a man made pond, which is fed by surface water. This must present a serious risk of flooding to animals.
- In addition the development proposes that the land around will have uncontrolled public access, this will undoubtedly lead to the animals being disturbed and could well result in the animals being forced to abandon the part of the site that they haven't already been removed from by the developers.
- The creation of the development as proposed will involve the felling of a number of mature trees. Many of these trees provide roosting for bats and nesting birds.

Highways

Wrenmere Close

- All traffic entering or leaving the development must do so via Wrenmere Close, which is totally unsuitable for this level of traffic and is the smallest Close on the estate
- It was built to serve just 8 dwellings and never intended for such a large development.
- The access to the development via Wrenmere Close is insufficient, there should be at least one other road in and out
- The Fire Service would only have one small entrance to get to a fire
- Two vehicles have difficulty passing – especially heavy equipment or lorries associated with construction
- Phase 1 should never have been passed due to the narrow road causing a lot of distress to local residents.
- The Junction of Wrenmere Close turning into Grange Way has a blind bend. It was designed as an entry to a small cul de sac it was not designed to cope with the volume of traffic generated by over 120 additional houses (Phases I & II).
- The safety of this junction is also compromised by its restricted visibility and the speed of vehicles travelling along Grange way.
- The number of pedestrians would significantly increase on and around this junction if the development was to go ahead.
- With a large number of children en route to the Elworth Hall Primary School this does not make for a good combination.
- The proposed site will significantly add to the already high volume of traffic on the Wrenmere Close junction at peak times
- There is normally a selection of vehicles parked on Grange Way / Lawton Way to the east of the entrance of Wrenmere close.
- Vehicles frequently are passing on the wrong side of the road to pass these parked vehicles.
- Elderly people who live in Brookmere Close, already feel threatened by so much traffic.
- The application includes alteration to the footways in phase 1. This will have a material impact on the residents of Wrenmere Close as it will permit additional traffic to pass their homes. The residents of Wrenmere Close were not notified under neighbourhood notification
- The car parking proposed within the POS is provided for additional transient visitors. Attracting additional vehicular visitors in this manner (dog walkers etc.?) is inappropriate for a development with the single access point as noted above.
- The entrance to the site via Wrenmere Close will be heavily congested
- It would be an accident waiting to happen
- Any alternative access via Dean Close would be equally problematic
- There are only two occasions when roads from cul-de-sacs meet Grange / Lawton Way opposite each other, the junction of Budworth Close and Taxmere Close and the junction of Wrenmere and Brookmere Close
- All the other cul-de-sac's (21 in total) are staggered. The largest one serving about 24 properties.
- The Taxmere / Budworth junction services 21 properties, has a clear open aspect, is on a straight stretch of highway and at the beginning of the access to the estate The properties are set back from the road and there is a wide verge and visibility is excellent.

- The Wrenmere / Brookmere junction serves 157% more properties, is built up and very tight and lies between bends in the road. The proposed development of an additional 96 properties has no option but to use Wrenmere creating an unacceptable and dangerously large cul-de-sac in the depths of the estate.
- This cul-de-sac would service over 430% more homes than any other on the estate, is totally unacceptable, unsafe and adds nothing positive to the people already living in Elworth.
- 2 car families will mean an additional 400 entry / exit journeys a day at the junction which is 104,000 per year without allowing for social journeys, visitors, children's cars, deliveries etc.
- In addition, there would be 10ha of public open space for sport, recreation, education all accesses via Wrenmere.
- The developers state that the site currently has no active frontage to either Dean or Wrenmere Close. The original farmhouse was served by its own driveway off Dean Close and the Farm buildings, although adjacent to Wrenmere Close were access from within the farm.
- This is in direct contrast to their Appeal Statement of April 2012, the developers state that the principal access to the farm was from Wrenmere Close which principally served the agricultural buildings.

Lawton Way / Grange Way / St. Peter's Rise

- People have to reverse out of drives to enter Grange Way.
- children have to cross Grange Way to walk to the primary schools.
- Grange Way is already treated as a race track by some drivers.
- Ellesmere Close is on a slight curve in the road and it is currently very difficult to drive out on to Grange Way
- Given the fact that they cannot even get the road name correct in their submission the transport statement should be given very little credence.
- There are currently a lot of young children who cycle around the estate as most of the roads are linked by paths
- Grange Way was intended as a small narrow feeder road for the original houses NOT a main thoroughfare for an EXTRA 200 plus houses. This should not be allowed.
- Grange Way and other pre-existing estate roads were not built to cope with the increase in traffic that the new development would create as it would be the only access to the development.
- The roads on the existing Elworth estate are already congested with traffic and double parking, and were never intended for the current volume of traffic.
- Children live on the estate where all the additional traffic will have to pass through.
- Residents chose to live on Grange Way because it was a safe estate for children to play.
- Elworth Hall estate has a number of areas used by local children for playing including football and other sport. The increased level of potential car movements will make the estate significantly more dangerous and there is a high risk that a child would be seriously injured.
- With current parking arrangements on Grangeway there will be an increased level of danger as car movements negotiate the parked cars.

- Concern about the industrial traffic that this development will bring i.e. works vehicles and delivery trucks,
- Since work was started by the developer, Grange Way has been covered in dust, sand and mud creating a dangerous road surface. Residents have complained to the Council fortnightly since April but this has made little difference. If the road is in this state for a small development, who knows what the state of the road will be going forward.
- Residents already have large delivery lorries being unloaded in Grange Way by forklift which is a very dangerous thing to do and probably illegal as most forklifts will not be licensed for the public highway.
- If the development were to go ahead it would lead to large and heavy construction traffic using the small and narrow estate roads over a long period, undoubtedly leading to damage to the roads necessitating spending by the council to repair them, in addition to the disturbance to local residents and possible damage to structures of nearby houses.
- The conditions of the road and the lack of concern from this developer puts residents safety at risk
- With no alternative route there is inadequate capacity on Grange Way,
- The quality of our local roads with current traffic are rapidly deteriorating. A part Grange Way has previously collapsed & has redeveloped subsidence
- The built in winding nature and narrow width of Grange Way and Lawton Way was intended to restrict traffic flow to preserve a sense of domestic scale to the estate

Middlewich Road

- Middlewich Road is already heavily congested during the school rush hour meaning that it can take over ½hr to currently travel from Elworth to the M6 junction 17.
- Travel times of up to 20 minutes can be expected to travel the 1 mile from Grange Way to the A534 junction at the Waitrose roundabout.
- It moves like a glacier during week day rush hour.
- It is the only route into town and on to the M6 for traffic coming from the new development.
- Many children and parents cross Middlewich Road to get to 2 primary and 2 high schools. One of these has a nursery and there is also a nursery on Middlewich Road
- This traffic will have to join the procession of cars already on Middlewich Road when it emerges from either St Peter's Rise or Grangeway.
- Existing residents have to queue at peak times to get onto Middlewich road from St Peters Rise because of the high amounts of traffic on the A533 Middlewich Road.
- During term time queues of at least 3 cars waiting to turn right out of St Peter's Rise can be seen on at least 3 days out of every 5 week days.
- An additional 96 homes, generating between 96 and 150 additional vehicles travelling at commuter times will increase the queues and waiting time to turn onto Middlewich Road
- The road network from Elworth to Sandbach Town Centre is already overloaded during peak times, the additional volume of traffic from the proposed site will add to this
- Traffic will develop 'rat runs' through Platt Avenue and Offley Road (past another school!).
- At the junction of St Peters Rise & Middlewich Road there is a drain that has been crumbling since the last frosts, with the current traffic levels this has nearly collapsed.

Highways have recognised this and cornered this off at a busy junction for at least the last 8 weeks reducing visibility & with no attempt at repair. Incidents like this will increase with the additional traffic from this development, potentially turning our local roads into obstacle courses.

- Middlewich Road is generally crumbling away, particularly at all the junctions leading off this busy road. This can only get worse with more traffic flowing onto it, creating greater repair costs.
- There are several significant pot holes between The Fox pub and the Grange Way
- The 30mph limit is rarely enforced

Traffic Impact Assessment

- A traffic assessment has been presented with the application.
- The developers estimate only 59 car journeys off this development a day. There are 205 car parking spaces detailed and most of the houses have 3 or 4 bedrooms. The figure of 59 car journeys bears no relation to the reality of modern life.
- This development will add upward of 200 more vehicles onto local roads.
- It has to be said that the Rowland Homes study into traffic movements defies logic and common sense.
- It cannot seriously be claimed that a development of 96 houses, mainly high value 3 and 4 bedroomed dwellings will add less than 60 car movements at peak times, especially when the majority of these houses will be bought by people who work well outside Sandbach.
- A comprehensive traffic study is required at peak travel times especially when the schools are open time (rather than school holidays when traffic will naturally be lighter) to see the real effect. The results need to be made available to the population of Sandbach should Rowland Homes want to be accepted as a responsible developer
- The assessment is baffling on numerous counts, but the number of inaccuracies within the report may well explain the simply unbelievable conclusions that are drawn; viz. end queue of vehicles at the junctions with Middlewich Road at peak times being a maximum of 1 vehicle. Queues exceed this even at non-peak times.
- The traffic assessment provided is also inaccurate as it claims the footpaths on Grange Way, Wrenmere Close and Dean Close to be 2 metres wide, inferring a degree of safety.
- There is only one section of Grange Way where the footpath is 2 metres wide, and only on one side of the road, and extends for less than 100m. No other road has a footpath more than 1.6m wide.
- The developers estimated minimal effect on traffic and safety to be unrealistic considering the increase in the number of actual traffic movements we can expect.
-

Strategic Highway Impact

- There is already a significant level of congestion at peak times on routes between the proposed development and junction 17 of the M6, especially on Middlewich Road (A533). This development will exacerbate to this problem.
- The slip road at M6 J17 is massively overloaded at peak times, leading to dangerous maneuvers being undertaken to avoid the queues - this has already caused road traffic accidents

- This development, if approved will add to the traffic from the houses already approved for Fodens works site, Albion works and Prings Factory site.
- A few adjustments to the motorway junction as planned will have no alleviating effect at all if we then immediately allow a massive increase in traffic trying to use it.

Impact on Infrastructure

- Proposal would place increased pressure and strain on already overstretched local services.
- This situation will be totally unmanageable once all the approved developments are completed.
- This new development does not include any additional amenities to serve the new residents.
- The fire service is mostly part time staff, if there was ever a major incident we would have to wait for assistance from other teams who are at least 15 minutes away.
- The police station serving Sandbach and surrounding area is not manned full time, and is a joke – “telephone Congleton”!
- The limited Police presence has to cover Middlewich, Sandbach, Holmes Chapel, Alsager, and Congleton. This is why there has been increased noise from sirens as officers have to rush from one town to another to cover incidents.
- The local area already has problems with anti social behaviour which the police struggle to cope with as they too are over stretched
- Ashfields medical centre is at capacity and it can take up to 3 weeks to see a doctor to see the dermatology specialist patients wait up to six weeks for an appointment,.
- Leighton hospital already has to support a much larger population than it was originally designed for. It takes at least 6 to 8 weeks to get an appointment following a referral.
- The number of houses proposed will also in all probability bring families looking for schools both primary and secondary. The excellent reputation of Sandbach’s schools will no doubt be an attraction
- Local schools are oversubscribed
- There are two excellent secondary schools in the area who admit that they cannot guarantee school places if the population increases.
- This does not only effect primary schools it will also affect secondary education.
- The boy’s school has already stated that it cannot guarantee places for boys once the leaving age is raised to 18 in 2013
- Pre-application advice given to the applicant by the Education Officer confirms that primary schools and secondary schools are oversubscribed or up to capacity based on already planned development.
- It will be more difficult for parents to give their children and environment for learning that involves their local friends and no requirements for extra travel (another strain on local resources)
- Will lead to oversized classes
- The figures quoted in Rowland Homes planning application with regard to school demand is unrealistic. Most of the houses have 3 or 4 bedrooms – common sense dictates that children will be occupying these rooms.
- All the local primary schools are full or nearing capacity.
- Local children whose's family has lived in Elworth for generations are being turned away from their local school as there is no room for them. One such case is a local

child who has been told that they have to attend a school at Macclesfield which is an hours journey away.

- Local reception children were only accommodated this year (Sept 2012 intake) because Wheelock school was allowed to increase its intake.
- Several parents were not happy with their allocated place who were told they could send their 4 year old to Macclesfield, Congleton or Holmes Chapel.
- Also, there are housing developments locally already under construction whose occupants will require school places.
- Wheelock School is having to build extra classrooms as there are not enough school places for all the children in Sandbach.
- Is there any joined up thinking? Or is this a classic case of departments not speaking to each other?
- For 2012 the 6 Sandbach primary schools received 205 1st preference applications for 185 available places (source; Strategic Director – Children, families & Adult services C.E.C). The Brownfield developments at the former Fodens site, Prings Wire Works, Albion Chemical works along with completion of such sites as Phase 1 of Elworth Hall Farm, Farriers Green - Wheelock, Homebase development will all compound the issue not only for primary schools but also for secondary schools bearing in mind the increase in education age coming into force in 2 years time.
- The water board has stated that all this extra heavy traffic over Grange Road can cause damage to underground water pipes such as leaks and brown water – residents have already experienced this
- The soul of the town has changed and is rapidly losing its heart.

Availability of Employment / Sustainability of Location

- There are not the jobs in the local economy to support it and thus will put the local road Infrastructure, particularly along Middlewich Road, through the town and onto the M6 under greater strain with commuter traffic.
- Local roads are already a disgrace without the additional traffic.
- This also flies in the face current green thinking, we should be looking to reduce commuter traffic not encourage it
- What about future national energy/fuel consumption? Petrol may become more scarce/expensive.
- At a time of rising petrol and rail/public transport costs and a recession which will not easily be resolved, it seems again nonsense to be building houses on greenfield sites away from where jobs are.
- Surely this is against the government's proposals for future development of housing needs
- The Office of National Statistics indicates that outside London, two thirds of commuters travel more than 30 minutes to work and that only 9% use any form of public transport. In addition the ONS indicated those on higher salaries tend to work further away from home than their lower paid counterparts.
- This puts into question the value of the close proximity of bus and train transport in the developers argument for constructing Phase 2 .
- Although Sandbach rail station is within walking distance experience shows that many people would be likely to drive there and the car park there has insufficient spaces for the current level of users with cars often parked inconsiderately on local roads.

- The local area has very few jobs on offer and most of these are for low skilled workers who will not be able to afford the £250k + price tag of the new properties.

Amenity

- The developer's statement that 'The properties on the Vicarage Lane and Dean Close boundary of the site were mainly two story dwellings', is not correct.
- All the affected properties in Vicarage Lane/Dean Close are bungalows and all the proposed buildings are 2 storey detached houses.
- Neighbouring residents do not want a development almost in their backgardens
- They will be overlooked in bedrooms, living rooms and conservatories, effecting the reasonable privacy and enjoyment of homes.
- The proposed development will be located on land that is approx. 5ft higher than the properties on Boothsmere Close.
- As a result, if the development is allowed the new houses will be higher which will give those occupants visibility into the upstairs of houses on Boothsmere Close as well as having a significant reduction in available light to the rear gardens of Boothsmere Close.
- This will be a significant reduction in sunlight as the houses face North Westwards at the rear.
- The level of moss in back gardens will increase as the level of natural light will reduce by this development.
- The first phase has been hell for many old people in Deans Close and Vicarage Lane. Do they have to go through phase II as well?
- Residents have suffered for the last 18 months with Phase I.
 - o Disruption to daily lives,
 - o vibration,
 - o damage to properties,
 - o Heavy plant being left abandoned in the Close blocking off all access.
 - o Driveways being blocked off
 - o Wrenmere itself was closed
 - o How are people supposed to Live their lives with this amount of disruption for the next 3 or more years.
 - o It is affecting resident's health and well being.
- This has been happening since January and Phase 1 (25 houses) is far from complete. Phase 2 would be 4 times as bad and would take 4 times as long)
- Many neighbouring residents are retired and the garden is the main opportunity to enjoy being outside.
- The tall gable end of the proposed house on Plot 69 would overshadow gardens. It would be both oppressive and out of character with existing properties on Vicarage Lane. The gable end is shown to be on the boundary line ten metres from a bungalow
- The new houses and a car park would be built directly behind Boothsmere Close. This means that privacy would be ruined
- At present the boundary fence at the rear of gardens in Boothsmere Close which overlook agricultural land is typical post and rail / wire fence, the most basic and simple form of agricultural enclosure. It is about 12.2m away from the houses and the level of the field is about 1.6m above the floor level of the houses.
- The Design and Access states that brick screen walls will be built where the level of privacy and amenity is particularly high between public spaces such as highways and

private rear gardens. These would be at 1.8m high, 3.4m above floor level and 0.9m above bedroom window level, and would be only 12.2m from rear windows.

- Residents in Dean Close, have already suffered through bad development having my houses overlooked by the original phase 1 development. Now this application is proposing to put a public footpath for the site to run within 5 feet of lounge windows, slightly higher, so residents will have passers by looking directly into the house.
- Some residents are senior citizen who now cannot get out much, and spend many hours in their front room. They do not want people walking right past the window, within a few feet and able to look straight in the house. This is a total invasion of privacy.
- A six foot high fence outside the lounge window would be as bad. The new fence has already blocked out views of the street. One resident spent 5 years serving in Burma, he never thought he would be imprisoned in his own home.
- Resident's small voice will not be heard because this is a world for the big people but there was one man in 1939 who thought he could rule the country but we beat him!

Crime and Disorder

- This development will promote an increase in crime;
- The development of this site also pays no regard for the safety and security of the existing local residents.
- By encouraging the public to enter this development – car park provided- with escape routes on foot across fields, it will be a prime venue for the hooligan and criminal fraternity to gather.
- The safety & privacy of the houses with any gardens that back onto either phase 2 or the created public access land will be seriously compromised with no protection.
- The development includes a number of semi secluded areas, including car parks which would encourage criminal activity and/or hooliganism.
- Because of the proposal's intricate structure of roads and pathways, the safety and confidence of existing residents would be compromised.
- As a result of the labyrinth of roads and pathways, the safety and security of existing residents would be compromised. The development layout makes the rear of many existing homes vulnerable to burglary and hooliganism and will provide a means of escape via the roads and paths as well as across the remaining open country side
- The proposed layout would make the rear of 8 existing properties and 4 proposed properties vulnerable to burglary and vandalism.
- Boothsmere Close would be much more susceptible to crime: The site map shows an open car parking area directly facing the rear of the houses. This will allow for direct criminal/ anti-social activity to take place against these houses as has historically been seen on the Co-Op car park in Elworth, with no means of control. The developers will also provide access for escape routes onto open fields with links to other estates.

Contaminated Land

- The proposed development would be built on land that has previously been used as a waste tip / landfill site.
- It is well known that numerous dangerous substances such as asbestos, methane, CO₂, polycyclic aromatic hydrocarbons, carcinogens and various chemicals were dumped there.

- The survey completed by the developer has not identified all the risks and it is incomplete as many areas were not inspected.
- It is known that high levels of methane concentration have been found on the site,
- there could be significant risks to any new residents on this development as well as the disturbance of such materials impacting upon the health of existing local residents.
- The contamination issues need to be very carefully assessed by an independent surveyor before any permission should be given for the above development.
- Landfill was suspended due to complaints about the manner of the operations being undertaken, and landfill sites have been highlighted as requiring further consideration under Part IIA of The Environment Protection Act 1990 due to information from Cheshire County Council which suggests the licence conditions were breached.
- The report has concluded that: "the Made Ground within the central and eastern sector of the site is not considered suitable for use within the upper 600mm of residential gardens" and "the localised areas of historical landfill (denoted within the REC plan) area not considered suitable for use within the context of the proposed residential end use when considering the following:
 - o Presence of biodegradable material which has been established as a known source of potentially hazardous ground gasses within the areas historical landfill; and,
 - o The deleterious content is not considered physically or chemically suitable for use within a residential garden."
- Residents have no confidence that Rowland Homes is able to implement suitable and acceptable remedial works and work to an appropriate Materials Management Plan
- there is no assurance that it would be safe for building operatives,
- There is no duty of care in the proposed plans.
- The report is sketchy in the extreme and makes basic errors - including listing the Planning authority as Cheshire West with Chester Council!
- The findings, even given their cursory nature, mean this land cannot be considered fit for human habitation;
- There are grave concerns that development of the site could "stir up" currently contained hazards.
- Parents do not wish children to be exposed to any dangerous substances.
- Both the front and rear of existing properties have experienced a persistent fall out of dust and debris from the first phase of the development so residents are highly aware any dangerous chemicals present may very well make their way over surrounding homes and gardens
- On Dean Closes which borders the development site there has been a high incidence of Cancer
- Has a full survey of the site been carried out? If no, why not and it should be and communicated and open to consultation to the public. If it has, why hasn't this been shared with the public?
- Japanese Knotweed has been buried close to the rear gardens of no.16-20 Dean Close. This would have to be removed and could cause further contamination.

Unstable land

- Concerns raised regarding the stability of the land in question.
- The Environmental report prepared for the developer has highlighted that the area has in the past been used for landfill and wild brine pumping.

- Compensation events have been recorded for subsidence, and sink holes across the site have been observed.
- Residents can attest to land movement and “shaking” of houses during the building works of the Phase 1 development
- this is indicative of the general ground instability of the area.
- The land has a history of brine pumping connected to the salt mines.

Drainage and Flooding

- The land has poor drainage and flooding issues and a high water table.
- This would mean that the houses could be liable to local flooding, possibly causing undue damage and increasing insurance costs.
- The field often has a covering of mist in the mornings.
- The existing sewerage system and pumping station that serves the existing housing off Grange Way is already unable to cope with the current level of sewage and rainwater
- The local area has been subject to flooding of sewage on a number of occasions indicating a lack of capacity in the sewage system into which the proposed development would discharge.
- One property has been flooded by raw sewage on no less than 5 occasions in 3 years as a result of the inadequacy of the sewerage system.
- United Utilities have confirmed that they have no plans to upgrade the system before 2015. It would therefore be inappropriate to increase the load on the existing sewage system.
- The land to the south west of the proposed development slopes down towards the existing homes on Vicarage Lane. This results in flooding to the boundaries of 66 and 68 Vicarage lane in winter.
- The addition of additional hard standing such as roads and paths etc. will undoubtedly make this situation worse.
- The grange way housing estate already has a known problem with foul water drains overflowing. This results raw sewage flooding the gardens of a number of houses on the estate.
- The land in question is quite a bit higher than Boothsmere Close and residents are concerned that if it is built on that there will be surface water and flooding issues.
- This year has seen a huge increase in the amount of rain and because of climate change this may increase. At the present time, residents are investigating whether a recent heavy rain storm caused a back up of the drains causing some damage of concern in houses.
- Surely before more houses are built there should be a feasibility study on the capacity of the local drainage system to take not only normal waste, but excess waste caused by heavy rainfall.
- The south western corner of the proposed site slopes
- Vicarage lane already suffers from flooding due to insufficient drains which were suppose to have had £100,000 spent last year on rectifying the problem but has not made any difference.
- The Knotweed has been buried in a pond thus choking normal drainage, hence the rain will not have a natural reservoir. In this area is a large Alder Tree. The consultant expressed surprise to see where it was growing. Its normal environment is beside rivers and streams. Building in this area will interfere with the watercourse.

Trees

- Trees with TPOs have been severely pruned without permission or the use of qualified tree surgeons.
- The application presents a drawing (R063/1) showing the proposed site layout. The drawing has a key on the right hand side which suggests that trees that will be removed are marked on the layout drawing. There is, however, at least one tree which has a Tree Preservation Order (TPO) that has not been marked on the layout that will have to be removed in order to build the houses outlined on the plan.
- On further investigation of the documentation submitted with the planning application, the tree and its TPO status has been identified within the Tree and Vegetation Report prepared for the developer.
- The tree is marked on the survey plan Appendix 3 as No. 32; and is depicted as a large element
- The tree is a tall, mature tree with an impressive canopy which can be seen over the tops of the existing houses when approaching from Grange Way.
- However, within Appendix 2 this beautiful tree has been woefully misrepresented; no details of its height, stem diameter, or age have been given – the TPO has been stated as applying to a group of young trees with poor status. Conveniently for the developer No. 32 has been categorized “U” (UNSUITABLE FOR RETENTION CATEGORY - Trees which should be removed and should not be a consideration in the planning process) – despite the tree fitting into none of the statements that would fit it for this category.
- Residents object to the development as the plans require the removal of trees (some of which are known to have TPOs attached) given that the plans are not clear regarding which trees are to be retained and which trees are to be removed.
- The house planned for plot 69 of the proposed development appears to be built on top of a 40 foot mature tree which is not mentioned by the developers – it is healthy and can be seen and enjoyed by all the residents of Vicarage Lane / Dean Close.
- This is a mature and substantial Alder which a qualified tree surgeon has confirmed is in good condition. This appears to contradict the information supplied by the developer in the planning application.
- The design and access statement says that trees will be retained wherever possible – what does this mean.

Positioning of affordable housing

- The pre-application advice given to the applicant states that the Housing Officer indicated that affordable housing provision should be “pepper-potted” through the site.
- This represents good social planning
- In the plans for Phase 2 the positioning of the affordable housing when compounded with that within Phase 1 creates clear zoning of the housing stocks in clear contravention of the principle of “pepper-potting”

Other matters

- This proposed phase 2 development has not been through a public consultation although it is dated February 2012. A proposed plan was exhibited in the local library in April 2012 which was a different layout.

- This development is not needed but is genuinely unsustainable and to quote the Rt Hon Greg Clark MP Minister for Planning in his forward of The National Planning Policy Framework:
 - *“Sustainable development is about change for the better, and not only in our built environment”.*
 - *“Our natural environment is essential to our wellbeing”*
 - *“So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations”.*
- This development does not achieve this and I feel has been contrived against the spirit in which this document was created, for the sole benefit of the developer.
- Residents would like their council tax reduced if this goes ahead
- The proposal to construct a three story apartment block is totally out of keeping with the outlying skyline and totally inappropriate.

Action Group

A report has been submitted on behalf of Elworth Hall Farm Action Group which concludes as follows:

- *“We wish to see Sandbach grow in a way that enables it to retain and develop its unique character. This proposed development does not support this vision. Sandbach is currently being targeted by many developers who recognise that they can profiteer in the area. Many of these appear unconcerned by the level of local opposition or how the town will be affected in the long term. The majority of development taking place at the moment is not matched by the growth in local jobs and is resulting in the creation of a town occupied by commuters who play no part in the community and have no affinity with their environment. This cannot be sustainable or desirable in the long term and will ultimately result in the destruction the very thing that makes the town attractive, its character. It is thus contrary to the requirement of the National Planning Policy framework which looks for sustainable development, and significant weight must be afforded by the Authority to this issue.*
- *The proposal to construct 96 Dwellings, associated works and alterations to Phase1 at Elworth Hall Farm together with community lands by Rowland Homes Ltd., is considered to be inappropriate and should not be approved by Council.*
- *The proposal is contrary to PPS3 on several points in that it proposes to build in the open countryside. The land is considered unsuitable for development in accordance with the Draft Sandbach Town Strategy, contains aggressive contaminants and the underlying ground conditions are exceptional. Of particular concern is the disturbance that would be caused to neighbouring residents and property should any development take place. Evidence from the current phase 1 development by Rowland Homes Ltd., has confirmed the unacceptable levels of vibration and disturbance transmitted to the surrounding area by the works and is considered similar to, but more continuous than, the recently highlighted fracking process. The proposed development is also considered not to be the most effective use of land and to be unsustainable in accordance with national government policy.*

- *96 dwellings proposed outside the settlement zone line would represent a suburban encroachment into the open countryside that would detract harmfully from its rural character, in conflict with Policies PS8 and H6 in the Local Plan and national policy in PPS4 and PPS7.*
- *This application is contrary to local plans and as such contrary to national guidelines. It seeks to remove Trees with preservation orders for no good reason, and will be out of keeping with the locality and character of the area. It is littered with inaccuracies and inconsistent in places.*
- *It seeks to build on contaminated land, land where the potential risk is unknown due to surveys being incomplete. The fact that the proposed site had previously been used as a landfill site, with uncertainty on what was dumped, should immediately cause concern relating to potential hazards that could be disturbed. The preliminary geo environmental assessment has already identified carcinogenic substances present, which should ring health and safety alarm bells. The best way forward for the site would be to leave previous uncertain hazards undisturbed and reject building dwelling on the site. Furthermore it potentially opens up the Authorities to future risk if planning permission is approved, in full knowledge of the risk presented. Furthermore, it is anticipated that from April 1st 2013, responsibility for Public Health matters will transfer from the disbanded Primary Care Trusts and Strategic Health Authorities, to the Local Authorities for each area. It is therefore possible that should any resultant public health issues be exposed from this applicant, the liability for this could fall upon the already stretched resources of Cheshire East Council*
- *In addition, the land required to provide adequate visibility at the junction of Wrenmere Close and Lawton Way lies outside the site outline. The entrance road to the proposed site, Wrenmere Close, has a insufficient visibility splay according to the Department of Transport's own design rules. This makes it unsafe for such a large proposed development. This is on a junction used by Children and adjacent to a residence for Elderly people, some of whom have restricted mobility.*
- *It proposes only one point of access and exit to the site, which is inadequate according to national highways guidelines in terms of the visibility splay, a fact confirmed by the applicants own traffic survey which highlighted average speeds way in excess of that necessary for the road visibility and safe sight distance to be even borderline sufficient.*
- *The proposal, as presented, does not properly demonstrate the impact of traffic generated by the proposed development on the existing transport network.*
- *Furthermore, it will create a wholly unacceptable loss of privacy and light on many residents, and as such will be unacceptably imposing on a number of properties. This has been a point raised during the consultation period, and one which residents have tried to resolve through discussion with the applicant, who has not been willing to entertain any such dialogue.*
- *The proposal to transfer land to the Council for community use is an unnecessary burden and liability on the Council and residents of Sandbach.*

- *The land proposed for this development is agricultural land – not brownfield- once built on it will never be farmed again. As our town representatives we trust you will restrain development in Elworth, to conserve its character and prevent development encroaching into the surrounding countryside.*
- *This proposed development is unwanted by the local community because it further erodes countryside that is an important part of their local environment. It is not part of any local plan and is such contrary to the ethos and makeup of the National Planning Policy Framework.*
- *We strongly oppose any further development on Elworth Hall Farm. We feel that the points made above not only show that this development is not needed but is genuinely unsustainable. The National Planning Policy Framework sites that “The purpose of the planning system is to contribute to the achievement of sustainable development”*
- *This application does not achieve this and has been contrived against the spirit in which The NPPF was created, for the sole benefit of the developer. Not only does it not achieve such but this document clearly highlights “Significant and Demonstrable” impacts which would burden the locality should this application be passed.*
- *The proposal is premature as it does not comply with the indications of the potential housing units set out in the Strategic Housing Land Availability Assessment. Furthermore it is considered unsuitable within the Draft Sandbach Town Strategy, which as a more recent document must be afforded more weight. Also it must be remembered that the SHLAA would have been put together prior to being in receipt of key information such as the land Geo-Environmental and Transport Assessment reports and as such can only be afforded limited weight.*
- *This application is opposed by the Sandbach Town Council, objected to by United Utilities, and, as the weight of objections from local residents highlights, is unwanted by the people of Sandbach. Granting approval for such a proposal on the basis of the lack of a local plan would be contrary to the aims and ethos of the National Planning Policy Framework, which as the Minister said in his forward “we are allowing people and communities back into planning.”*
- *The strength of opposition from all parties in Sandbach therefore has to be given significant weighting under NPPF guidance, thus there is no other option the Authority can take than refuse this application.”*

A further letter from the Action Group has been received which concludes as follows:

- *In summary, there are significant, demonstrable and very real impacts of this development that have not been addressed by JASP Planning and Rowland Homes, which demonstrates beyond any doubt these are issues which cannot be resolved and thus must be given significant weight. In its responses to other points we believe that JASP Planning, Rowland Homes and the agencies working under its instruction have missed many of the detailed and significant points raised by our group, and rather than resolving our objections have merely attempted to divert the discussion away from the real issues.*

- *Despite our group highlighting the issues around the one main benefit that JASP state the application will provide, that being the inability of Rowland Homes to effectively manage open space land, this has not been rebutted nor addressed in any form. We would thus suggest that such open space, given Roland Homes recent demonstrable mismanagement of open space land would actually become a burden on the locality, become a burden for the Council, and a blight on the area, should it go ahead. It is not a benefit; it is one of many significant and demonstrable reasons why this application should be refused.*

Persimmon Homes

A letter has been received from Persimmon Homes objecting to the development. On the basis of the following points Persimmon consider the application should be revised as the fundamental principle of the development proposed is unjustifiable:

- The application submitted is opportunistic and the principle of the proposed does not conform with the value placed by the NPPF on planning being genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans
- Recent Inspector and Secretary of State reports regarding the proposed development of land off Abbey Road agreed such opportunistic and ad-hoc development would jump-the-gun, thereby prejudicing the fairness and effectiveness of the LDF process
- From recent high profile appeal decisions relating to strategic sites in Sandbach it should be understood strategic sites must be considered together through the plan making process, especially given that the Elworth Hall Farm, site is not supported for housing through the locally developed Town Strategy.
- Land supply is only one factor in the determination of an application and should not exclusively dictate the appropriateness of a scheme. This is demonstrated by the Adderbury Appeal decision, which identified a proposal for 65 dwellings as strategic and gave weight to the fact than the settlement was faced with a range of possible options of both the scale and location of future development in the village and a decision of the appeal scheme in isolation may well pre-empt those local decisions.
- A proposal consisting of approximately 100 dwellings is certainly strategic relative to the settlement of Sandbach (however such a level of development may not be considered strategic in the context of Crewe). Therefore the flexibility applied to the recent Crewe Road, Alsager application (which consisted of only 65 dwellings), in that it broadly accorded with the spirit of the IPP cannot be applied here.
- The determination of the application, in coordination with other recent decisions in the area represents an opportunity for the Council to cement a robust planning argument for countering the uncoordinated and ad-hoc development of major Greenfield edged of settlement sites.

CTC – Working for Cycling

Should this application be approved then perhaps developer contributions can be used for some of the below items.

1. Crossing at Middlewich Road/Abbey Road/the co-operative food shop/Turnpike Court

A pedestrian count justified a signalised pedestrian crossing in 2007 [1]. This would enable those schoolchildren of Elworth Hall Primary School who live on the west side of Middlewich Road to cross the road more safely. In return it would enable children on the proposed estate for example to reach the new Sandbach United Football Centre. It would also enable access to the bus stops, the nursing home Turnpike Court and the co-operative food shop. This is a challenging location with car traffic joining from five sources.

Collisions involving pedestrians have not occurred yet but the location has been specifically highlighted in the developer's transport assessment: "There is a cluster of accidents on the opposite side of Middlewich Road at Abbey Road." One collision involved a cyclist. Four of these five collisions involved a car turning right out of Abbey Road on to Middlewich Road. A pedestrian crossing would help here too by occasionally breaking the flow of traffic on Middlewich Road, thereby allowing space and time for this manoeuvre.

2. Sandbach Footpath 36, Bradwall FP3

This is a good farm track that could be upgraded for cycle use, allowing access to the countryside.

3. Footpath conversions to cycle tracks

The area bordered by Lawton Way and Grange Way has two long footpaths, north-south and east-west, resulting in numerous, good, car free connections. Would it be possible to upgrade some junctions and/or paths for cyclists? As an example please see the junction where the two cul-de-sacs Bollin Close and Cumbermere Drive are divided by one of the above mentioned footpaths.

4. Proposed pedestrian/cycle link through onto Dean Close

This is welcome and should be a minimum width of 3 metres, unaffected by street furniture etc.

5. The proposed pedestrian link through the site onto Vicarage Lane

This should be upgraded, so cyclists too can benefit from the most direct access to Middlewich Road.

6. Cycleway/footway Lawton Way to Grange Way

The transport statement says: "There is also an off-road cycleway/footway which runs from Lawton Way past the Primary School and terminates at Grange Way, beyond the Co-op store". This is not correct and should be challenged. It is only a footpath. However would welcome upgrading this to cycle track.

7. Cycle Parking at Sandbach Railway Station:

The Transport Statement mentions: “4.13 At Sandbach Railway Station there is some cycle parking in the form of Sheffield stands. There is car parking at the station however it appears that this is usually full to capacity. This will encourage future residents to walk or cycle to the railway station instead.”

As the existing 5 racks are never used by more than one, single bicycle it is doubtful that new residents would suddenly use them. Instead illegal parking around the station is a known problem. Furthermore Northern Rail have last month secured a grant to triple the capacity of the station car park, thereby reducing the motivation to walk or cycle there. To promote cycling suggest installing a cycle shelter

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 Proforma
- Agricultural Land Classification
- Open Space Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Survey
- Tree Survey
- Architectural Analysis

8. OFFICER APPRAISAL

Policy Position

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 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. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policies H6 and PS8 which protect Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

Emerging Policy

The Sandbach Town Strategy considered a number of development options around the town. These were subject to consultation which closed on 2 April 2012. All comments were considered and the Strategy document was revised accordingly. A total of 263 representations were received on the draft Sandbach Town Strategy, along with a petition of 152 signatories. The application site was included in the Strategy consultation as part of ‘Site E: Land to North of Marsh Green Road’. Site E was listed as a potential development area

discounted by the Stakeholder Panel. The consultation did not directly ask consultees for their views on discounted sites, but several respondents voiced objections:

- to development at Elworth Farm;
- to development beyond the settlement boundaries of Elworth;
- to any development which risks eroding the separation between Elworth and Sandbach.

Although the Town Strategy was agreed by Sandbach Town Council on 21 August 2012 subject to alterations to the infrastructure priorities, the Town Council concluded that 'further robust evidence is required to demonstrate a need for any additional housing allocation' prior to validation of the Development Strategy section.

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 and as a material consideration, directs additional housing in Sandbach to two strategic sites: land adjacent to Junction 17 of the M6 to the south east of Congleton Road (700 homes) and the former Albion Chemicals site (up to 375 homes).

These sites have now been carried forward into the Draft Local Plan (development strategy) now the subject of consultation. The NPPF consistently underlines the importance of plan – led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a pre-maturity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

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”

Accessibility is a key factor of sustainability that can be measured. A 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	ELWORTH HALL FARM
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	743m
Local Amenities:	Convenience Store (500m)	1084m
	Supermarket* (1000m)	2359m
	Post box (500m)	394m
	Playground / amenity area (500m)	537m
	Post office (1000m)	2702m
	Bank or cash machine (1000m)	1027m
	Pharmacy (1000m)	856m
	Primary school (1000m)	814m
	Secondary School* (1000m)	1944m
	Medical Centre (1000m)	2285m
	Leisure facilities (leisure centre or library) (1000m)	1944m
	Local meeting place / community centre (1000m)	2553m
	Public house (1000m)	724m
	Public park or village green (larger, publicly accessible open space) (1000m)	0m
	Child care facility (nursery or creche) (1000m)	573m
Transport Facilities:	Bus stop (500m)	633m
	Railway station (2000m where geographically possible)	721m
	Public Right of Way (500m)	185m
	Any transport node (300m in town centre / 400m in urban area)	185m
<i>Disclaimers:</i>		
<i>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.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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).

On the basis of the above assessment the proposal does not appear to be sustainable. However, 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”.

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 Council’s Urban Designer has commented that the approach to sustainability is quite weak, especially given the rural edge location. The site could be achieving more through passive environmental design which should be influencing layout and house type selection/design. Climate change adaptation should also be a key principle alongside mitigation. There is no specific mention of either in relation to the scheme. The approach to renewables is considered to be wholly unambitious given the Feed-in Tariff (FIT) and Renewable Heat Incentive (RHI). The documentation specifies that the scheme will achieve Code for Sustainable Homes level 3. This is also considered to be an un-ambitious target given that the proposal is in outline. Localised plot by plot measures could be used to supplement the strategic Sustainable Urban Drainage Scheme (SUDS). For example, living boundaries/roofs to sheds etc. could be incorporated into the scheme.

The Developer has responded by stating that the scheme already exceeds both the policy and Building Regulation requirements. Whilst clearly the scheme could aspire to achieve more, they consider that it is neither reasonable nor necessary to do so. Reference is made to FIT and RHI. Moreover, the government is reducing FIT making this less attractive to developers and future occupants. RHI is “aimed at any householder looking to replace their current heating with renewable heating kit” and any future changes to the scheme are at present unclear so it would not be reasonable for the developer to commit to anything at this stage. In any event, the approach on this site has been through improvements to the built fabric which are considered to have much greater long term benefits than short term gains from other technologies.

The comments of the developer are noted and, whilst it is regrettable that the site does not achieve more in terms of sustainable credentials, the current policy requirement is limited to

that of RSS Policy EM18 and detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that *“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 Statement 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:

- 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;
- ensure that they do not impose unnecessary burdens on development.

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.

Similarly, the NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

In summary, in terms of its location, and accessibility, the development is fundamentally unsustainable. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do. Therefore, the current lack of a five year housing land supply, the fact that this site is located predominately within the infill boundary line, and the economic growth benefits are considered, on balance, to outweigh the limited conflicted with local plan policy in terms of

the scale of development, and the lack of sustainability in locational terms, the adverse impacts of which are not considered to be significant or demonstrable.

Loss of Agricultural Land

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.

The applicant has submitted an agricultural land classification study which concludes that the proposal, would involve the use of Grade 3a land with some non-agricultural land. Therefore, it is necessary to consider the other criteria in the policy. These are:

- the circumstances and need for development are supported in the local plan; and
- the development cannot otherwise be accommodated using
 - another site which is suitable and available for the proposed use
 - derelict or non-agricultural land
 - land of a lower agricultural quality (grades 3b, 4 or 5 based on the ministry of agriculture, fisheries and food land classification); and
- the proposal does not break up a viable agricultural holding or holdings.

In this case, as has been set out above, the circumstances and need for development are not supported in the local plan but this is overridden by the provisions of the NPPF. There are insufficient brownfield sites, or sites of lower land classification, available to accommodate housing need and, as Elworth Hall Farm itself has already been redeveloped, the proposal does not break up a viable agricultural holding or holdings.

Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that we will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment (SHMA) 2010 shows that for the sub-area of Sandbach, there is a requirement for 75 new affordable homes per year between 2009/10 – 2013/14. This is made up of an annual requirement for 21 x 1 bed, 33 x 2 bed, 7 x 3 bed, 4 x 4/5 bed and 10 x 1/2 bed older persons accommodation.

In addition to the information taken from the SHMA 2010, information from Cheshire Homechoice, which is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, indicates that there are currently 87 applicants on the housing register on Cheshire Homechoice who have selected Elworth as their first choice. These applicants require 17 x 1 bed, 38 x 2 bed, 23 x 3 bed and 3 x 4 bed accommodation. 12 of the applicants who require a 1 bed and 8 of the applicants who require a 2 bed would consider a flat.

Consequently, as there is affordable housing need in Sandbach, there is a requirement that 30% of the total units at this site are affordable, which equates to a requirement for 29 dwellings.

The Affordable Housing Interim Planning Statement (IPS) also states that the tenure mix split that the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents of affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The affordable housing provision being offered is 29 dwellings, with 19 provided as affordable rent and 10 provided as intermediate tenure. This meets the required provision of affordable dwellings in terms of total number of dwellings and the tenure split. However, Housing Officers would like to see provision for the rented affordable dwellings to be provided as either social rent or affordable rent to provide flexibility. This can be secured through the Section 106 Agreement.

The types of dwellings being offered as affordable housing are 8 x 1 bed apartment & 11 x 2 bed houses as affordable rent and 2 x 2 bed houses & 8 x 3 bed houses as intermediate tenure. This mix of affordable housing is acceptable as it will contribute towards meeting some of the affordable housing need in the area.

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"

Contaminated land

The Council's Environmental Health officers have commented that the application is for new residential properties which are a sensitive end use and could be affected by contamination which is known to be present. As such, a Phase II study has been submitted with the application which recommends that mitigation is undertaken. Environmental Health have

examined the submitted study and raised no objection subject to appropriate conditions to secure the submission, approval and implementation of remedial works and the submission of a validation report to verify that the work has been completed.

Therefore, whilst the concerns of residents are noted, in the absence of any objection from Environmental Health it is not considered that a refusal on contaminated land grounds could be sustained.

Air Quality

The Council's Environmental Health officers have commented that insufficient information has been submitted with the application relating to the air quality impacts in order to assess adequately the impact of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

The developer has been made aware of this and has commented that they are unsure what impact, if any, the proposals will have on air quality. There was no issue with air quality on the first phase and they cannot see what issues might exist on the second. The site is not in, or adjacent to, an AQMA; the only one in Sandbach being at the junction of A534 (Old Mill Road / Congleton Road) and A5022 (Holmes Chapel Road) including only a small number of properties around the junction. This is on the opposite side of Sandbach on the other side of the M6 and logic would suggest that the proposed development will have a negligible or nil impact at this junction. The only source of air pollution arising from the development could be dust from the construction phase and from vehicles once occupied. Bearing in mind the findings of the Transport Assessment, there is unlikely to be any significant impacts on air quality following completion of the development. During the course of construction, there are sufficient other controls to address any potential dust issues, but if it was a matter that was of concern then this could be mitigated through a Construction Environmental Management Plan which could be conditioned.

The Council's Environmental Health officers have responded by stating that any development has the potential to cause adverse effects on local air quality as a result of increased transport emissions. In turn this can lead to negative health impacts.

The application proposes 96 dwellings, which is considerably more than those proposed during the first phase of development. An air quality impact assessment is required as the number of houses is above the threshold where we would require such a report, irrespective of whether it is within an AQMA or not. Regarding the AQMA, it may be a distance away from the proposed development site but there has been evidence from other applications within the area that there may be impacts on the AQMA.

The applicant has been made aware of this and has supplied an air quality assessment undertaken by REC Ltd on behalf of the applicant. This confirms that there are no significant issues arising from operation or construction phases.

Environmental Health have examined the report and commented that the refusal on the grounds of insufficient information can now be removed.

The report considers both the construction and operational impacts of the proposed development.

The assessment uses ADMS Roads to model nitrogen dioxide (NO₂) impacts from the predicted additional road traffic associated with this proposal and other permitted developments. However, the assessment has not been scoped prior to completion with Environmental Health. There has also been no receptor locations considered within the vicinity of the site.

As it stands, the report predicts that all receptors modelled will experience negligible increases in NO₂. However, when examining the results, one receptor is predicted to experience NO₂ concentrations close to the objective at 39.48µg/m³ when taking emission reductions in future years into consideration. At the worse case of no emission reduction in future years, this receptor is predicted to exceed the NO₂ objective and lead to the potential designation of an Air Quality Management Area (AQMA).

As such, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such, Environmental Health have recommended that a Travel Plan be associated with the development which outlines measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel Options which would be useful in offsetting any impact is secured by condition.

There is potential for dust generated during the development to have an impact in the area, and, as such, the report outlines suitable mitigation. It is recommended that the developer agree with the LPA an Environmental Management Plan (EMP). The EMP shall identify all potential dust sources and outline suitable mitigation. The plan should be implemented and enforced throughout the construction phase. This can also be dealt with by condition.

Noise Impact

The site is surrounded by existing residential development to the south and open countryside to the north. It is not in close proximity to any major highways or railway lines and therefore Environmental Health Officers have not raised any concern with regard to the impact of noise on the development. Various conditions have been recommended however to protect neighbouring occupiers from noise and other amenity impacts during the construction phase.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that:

- The site is located within Flood Zone 1 with a low probability of flooding.
- The risk of flooding from all sources is low.
- Attenuation can be incorporated into the surface water drainage layout such that the flows from the site are limited to less than the existing rates.
- There is no surface flooding from the surface water sewerage system on the site in the 1 in 30 year event or in the 1 in 100 year event plus climate change allowance of 30%.

- At the present time, the drainage layout has generally been detailed to suit the requirements of Sewers for Adoption 6th Edition, including a detention basin but the future regime could provide for alternative drainage features. Where possible, SUDS measures in accordance with CIRIA Report C697 should be included in the drainage layout. Due to the topography of the site, it is not considered to be practical for the outfall to the basin to be swales or other open SUDS features due to the depth.

The report recommends that:

- SUDS facilities should be incorporated in the drainage network where possible and should be designed in accordance with CIRIA Report C697.
- Further detailed site investigations should be undertaken to provide the design parameters for infiltration techniques.
- Flows from the site should be limited to less than the existing runoff rates; the proposed drainage should include an allowance for future climate change.
- The external levels shall be designed to ensure overland flood routes exist through the development for use in exceptional circumstances.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Built Heritage / Archaeology

The site is the location of the former Elworth Hall and grounds. Whilst no above ground remnant survives, there is the potential for underlying archaeology. The Council's Archaeologist has commented that it would not be reasonable to advise that the site should be subject to any further pre-determination work or subject to formal excavation. However, he does advise that the relevant parts of the site should be subject to a carefully targeted watching brief with the specific aim of recording traces of the hall and any earlier predecessors and obtaining a record of the former Elworth Hall Farm, garden, earthworks and boundary. This could be secured by condition.

The nearest above ground asset is a locally listed terrace of cottages, probably associated with the former Elworth Hall approx 30 metres to the west of the site. These buildings are visually separated from the site by intervening trees and hedging and it is not therefore considered that there would be any significant adverse impact on their setting which would warrant a refusal on conservation grounds.

Urban design and layout

The Council's Design Officer has assessed the application and commented that the site is generally low lying, sitting within a shallow bowl with a gradual slope from west to east. A public right of way runs approximately 100 metres from the site to the North West. Whilst views from this are screened by topography and the hedgerow for much of its length, the site is visible from a key location at the point where the land begins to fall away to the north of the site.

Mature trees define the north western corner and eastern boundary of the site whilst groups of trees also exist within the application site to the south east and with a couple of mature trees in the south western part of the proposed extended site (immediately to the north of recently constructed housing). A stream/ditch runs alongside the site along the eastern boundary. A pond lies to the north east of the site.

The proposal, seeks to extend the housing area presently under construction. The extent of the site is partly defined on the northern boundary by a hedge line/field boundary, although it is very visible and exposed on this edge from the public right of way to the north west (Sandbach FP2).

There have been several iterations/revisions to reduce the impact of the road. It also entails the modification of the approved layout for the first phase to deliver the layout for this scheme.

Within the proposal, extensive naturalised and amenity space is to be provided to the north east and east of the site. A further area of open space is also provided within the site to the south east, around a belt of trees.

The scheme proposes a mix of house types including a 2 storey block of apartments. Whilst there are several terraces and pairs of smaller dwellings, the majority of the housing comprises larger detached dwellings. All housing is 2 storey. According to the D and A statement, the net density of the housing is 28 dwellings per hectare.

The layout has gone through several amendments through the course of pre-application discussion. However, this has primarily focused on de-formalising street design rather than broader urban design objectives.

The design and access statement could do more in evidencing the design process from inception. There appears to be a lack of analysis underpinning the initial masterplan and the clarity of the design vision for the site is also questionable as a consequence. Whilst the principle of rounding off this part of the town seems reasonable from a design perspective, it could be argued that the edge adjacent to open countryside could be even lower density and/or the site extent reduced at the north eastern corner, which presently seems to protrude beyond a logical development line. It makes this part of the development more visible, protruding further into the landscape. The initial Masterplan shown in the D & A (6.3) indicates a more restrained incursion (albeit the difference is modest).

Turning to the relationship to areas of open space and the rural fringe, the northern edge of the site is part orientated with plots backing onto trees and hedges, as is the eastern edge of the site. Usually a layout would be designed to orientate out toward the adjoining countryside and open space rather than backing onto hedging, trees and, on the eastern side, a watercourse.

With regard to connectivity and surveillance of streets and spaces, the footpath connection to Dean Close is not fully surveyed. The quality of this pedestrian route is also of poor quality. This limits the connectivity between the site and neighbouring streets. There is limited surveillance over the route in the south east corner of the site given the level of fenestration on the house type occupying this corner.

There does not appear to be any compelling evidence that building placement and legibility objectives have led the layout design rather than highway design. The design and access statement does not successfully explain the townscape and place making strategies. There is discussion within the D & A about the scheme having a sense of place but this is inadequately evidenced or explained in the Design and Access Statement (particularly in a pictorial way)

The road layout is less formal than that of the development under construction, particularly the limbs off the central principal access. There is scope to de-formalise further and shared surface and home zone principles could be used. The western limb could be designed as a home zone, as could the loop off the eastern limb. The street design should be led by public realm/landscape design rather than highway engineering principles and thought should also be given to the public realm detail of streets (kerb heights, pedestrian crossing points, integration of pavements, street furniture etc.) The street connecting to the main access in the southern part of the site is dominated by frontage parking and will have a poor, vehicle dominated character. The parking should be broken up by landscaping. There is a danger that integral parking could result in a lot of cars being visible in streets unless landscape is used to help soften and screen frontage parking.

The developer has stated that they note the comments of the Urban Design Officer, and the fact that he considers that the proposals represent a reasonable rounding off of the settlement. Reference is made to the visual impact of part of the north eastern corner of the site. The development in this area has been designed to front outwards overlooking the proposed extensive areas of public open space to the north. Provision is made effectively for a transition zone where the front gardens of properties will provide a softer landscaped area reducing the impact of the proposed houses. There is a further landscaped area between the road and the proposed public open space which can incorporate additional planting. Further planting is proposed within the open space to the north. Reference is made to visibility of this part of the site from the public footpath to the north west. However, it is considered that the proposed landscape approaches will largely screen views from the wider open countryside with existing boundary hedge planting protected and reinforced as appropriate.

As indicated above, development fronts the open space to the north. This provides overlooking and natural surveillance to the proposed informal recreation area. A different approach has been taken to the boundaries where there is more substantial existing landscape screening. Here the existing natural hedge and tree screening will be protected and reinforced with back gardens abutting it. To the east, this reflects the pattern of development to the south and ensures that there are robust and defensible boundaries which will prevent further encroachment. This is considered entirely reasonable and consistent with the context of the site and the adjacent development.

The developer has argued that the footpath link to Dean Close will be lit and will provide an attractive and useable connection into the existing highway network. Whilst there is a short section which is not directly fronted onto by the adjoining development, the arrangement is such that the space is wide and there are windows overlooking the path. This combined with sensible lighting will ensure that this is a direct, safe and convenient route. Reference is made to the materials outside the existing properties off Dean Close but these were agreed with the Council as part of the previous application.

The developer has stated that this layout has evolved from a detailed analysis of the site, the opportunities and constraints of the site and the linkages to the phase 1 development and surrounding area. They have responded to the issues raised previously and consider that the revised proposals represent an appropriate design solution. The highway arrangement has followed extensive discussions with Council Highways Officers and it is considered that this is an acceptable form of development which pays due regard to Manual for Streets and the requirements of the Council. Careful choice in materials and soft landscaping will achieve the aims of the urban design officer. It is not considered that the bulk of the streets are dominated by car parking and there is ample opportunity within the layout to provide significant soft landscaping. This could also be secured by condition.

The application proposes extensive areas of open space to the north and east of the development site. Within the site an area of space is proposed in the south eastern corner, in association with an established tree belt. A 'Landscape Masterplan' has been prepared for the surrounding landscape open space but the level of detail for within the development itself is inadequate to be able to assess landscape quality or to steer detailed landscape design.

There is concern about the practicality of delivering certain elements of landscape suggested on the site layout, and, in particular, trees within the highway, trees close to dwellings and trees in rear gardens. The Design Officer has queried whether the extensive landscaping indicated within residential curtilages could be protected in the long term. This could have a major influence on the long term character of the scheme, but is particularly vulnerable to the future decisions of individual householders. The layout in the south west corner proposes that an existing tree be located in a private garden rather than in a public space where it can contribute to sense of place and terminate the view in the street. Side boundaries visible in streets and from footpaths should be either brick walls or green boundaries such as green screens or hedges, as opposed to timber fencing.

However, a full detailed landscaping scheme will be the subject of a planning condition and can be agreed in due course with much of the information requested provided as detail with that submission. This will build upon the landscape strategy plan and provide all the details to demonstrate an acceptable and appropriate landscaping scheme both within the development and the public open space. In addition proposed boundary treatments can be similarly agreed.

Architecture/House Type Design

The Council's Design Officer has commented that there is no evidence of a character study to properly inform the development of house types. These are standard, off the peg designs. General issues with some of the detailing include:-

- Some house types are overly fussy but others are extremely plain.
- Little evidence of wider local character integrated within the designs
- The apartment block is especially weak in detail and architectural terms.
- 'Tack on' details on some designs such as the bays and porches on some types – they do not read as integral elements within the design
- The balance of solid and void, fenestration and overall form of some designs could be improved

- No indication of where utility cabinets are likely to be sited.

However, the developer has responded by stating that in terms of the design of the proposed development, the housetypes proposed on this phase are the same as those already approved on the first phase. These were discussed at length with the Council during the consideration of that application and submitted amended plans to address those issues. This second phase is no different. In terms of character analysis, the adjoining development which is referred to correctly as post war, was built in the 1970's, 80's and 90's. As you are aware, it is a mix of styles and designs, none of which are distinctive or provide for a vernacular which need be slavishly copied.

The Design Officer has also commented that the layout and size of accommodation of some of the smaller house types could limit their liveability and ability to adapt to the changing demands of occupants. Key issues are:

- Lifetime Homes principles have not been mentioned, therefore this has not influenced the internal configuration /design (e.g. future proofing someone who develops severe mobility issues such as a wheelchair user).
- Storage is also an issue. No indication has been given in respect to provision of outside storage, which could lead to garaging being used for storage, and more cars within the street scene. Smaller units have limited storage opportunities both within and outside the dwelling

The developer has responded by stating that the development has not been designed to achieve Lifetime Homes, but that is not to say that parts of the layout do not achieve its requirements nor that some of the houses could not also meet the standards. This is not a policy requirement.

They go on to say that in terms of storage, this situation is no different than the first phase which was found to be acceptable to the Council and on appeal. There is ample room within the properties for storage and there is space around the proposed dwellings for sheds if they are needed and for bins. Provision has been made within the dwellings for attics as most of the properties are traditional two storey. Rear access is provided to each dwelling as you would expect and consequently there is little prospect of the front gardens becoming overly cluttered.

The Design Officer also considered that it would have been helpful in assessing the architectural quality to see groupings of buildings as street scenes to assist evaluation of their success in place making terms. These have now been provided and are considered to be acceptable.

Having considered the comments of both the Urban Design Officer and the applicants, it is considered that the detailed design of the proposed dwellings is acceptable and that a refusal on design grounds could not be sustained.

Open space

The application includes the creation of approximately 10 hectares of Open Space and recreational land which will considerably exceed the minimum requirement for informal public

amenity space requirements as set out in the adopted Local Plan policies and supplementary planning guidance. Consequently, the Council's Greenspaces Officer has raised no objection subject to the POS being transferred to a private management company. They have also requested that a detailed management plan for the Public Open Space be submitted and approved. The plan indicates the inclusion of a LEAP sized play area located centrally within the central public open space. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. Greenspaces have requested that the final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction. All of these requirements could be achieved through the provisions of the Section 106 Agreement.

Amenity

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.

- Approximately 21m will be achieved between the flank elevation of plot 69 and the existing dwellings on Vicarage Lane.
- Over 35m will be maintained between the rear elevations of the existing dwellings in Vicarage Lane and Plots 64 -68.
- 21m will be achieved between the rear elevation of Plots 72-75 and the gable elevation of the recently constructed dwellings in Deans Close.
- Over 13m can be achieved between the gables of Plot 76 and 95 and the flank elevation of the recently constructed dwellings on Phase 1.
- A distance 15m will exist between the front elevations of plots 97 and 98 and the gable elevation of the Phase 1 property on the opposite side of the access road.
- Approximately 25m will be maintained between the flank elevation of plot 16 and the existing dwellings in Boothsmere Close.
- A distance of between 8m and 18m will be shown between the rear elevation of plot 15 and the flank elevation of the nearest property in Boothsmere Close.

Whilst this is, in part, below the recommended standard, notwithstanding the difference in ground levels in this location, given that the two elevations are not directly opposing, it is not considered that any adverse impacts on amenity would occur. The proposal is therefore considered to be acceptable in terms of its relationship with existing residential development.

To turn to the standards of amenity within the site, the recommended minimum distance standards, set out in the Supplementary Planning Document, will be achieved, with the exception of two locations, between the front elevations of plots 37 to 41 and 32 to 36 as well as the front elevations of plots 90/91 and 61/62. This is in accordance with modern urban design principles, as set out in Manual for Streets, which encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction could be justified.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of the 13 "Waddington" house types, which have approximately 40sqm. However, they will also have small gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, it is considered that a smaller area of amenity space can be justified for these dwellings, as they are much smaller, two bedroom properties, and are therefore less likely to be occupied by families with children.

A limited amount of communal amenity space is provided for the proposed apartment block. However, as with the two bedroom houses, this is less likely to provide family accommodation. Furthermore, given the substantial amount of public open-space within the development, it is not considered that a refusal on the grounds of inadequate communal and private amenity space could be sustained.

Countryside and Landscape Impact

The Council's Landscape Officer has examined the proposals and commented that much of the site is currently grassland. It is bounded in part by mature hedgerows with hedgerow trees and contains several individual mature trees, a copse of trees to the north of Boothsmere Close, a large pond surrounded by trees to the north east, and a stream running through the site along a hedge line.

The submission includes a Landscape Assessment dated June 2012 and a Landscape Masterplan Rev A.

There are discrepancies between the proposed site layout RO63/1G and the Landscape Masterplan and the quality of the plans submitted does not allow in depth analysis of the detailed design, boundary treatments etc. Although this appears to be a full application with no reserved matters, no detailed hard or soft landscape proposals have been provided. Nevertheless, these issues could be addressed through appropriate conditions.

The development would clearly result in loss of open agricultural land to housing and the urban edge of Elworth would be extended out into open countryside. Views from adjoining residential properties which currently enjoy an open aspect over agricultural land would change and from the public footpath leading to the north from Vicarage Lane to Cookesmere Lane in particular, the development would intrude into views of the edge of Elworth and wider views of the landscape.

The potential visual prominence of proposed dwellings to the north of the site is a concern. In the existing context, it is anticipated that Plots 45-61 would be particularly prominent in the landscape. In addition, the existing northern boundary hedgerow and trees have not been managed recently and would not provide a secure boundary for residential properties. The landscape officer anticipates the integrity and screening value of this feature could be weakened in the proposed setting. However, additional screen planting could be secured by condition as part of the landscaping scheme.

The submission indicates that there would be opportunities to enhance the biodiversity and character of the area and the Landscape master plan shows indicative proposals which include tree planting on the plots, supplementary boundary planting and the layout of the

public open space. Additional tree planting is shown to the north of the site which may help to mitigate the impact of the development and in principle, additional woodland planting could be considered. Until any additional planting matured, the development would be visually intrusive when viewed from the north in particular and with deciduous planting, screening would be reduced in winter. For a number of existing adjacent residential properties, there would be limited opportunities for landscape mitigation.

Subject to appropriate detailed design and layout and a mechanism for future management, it is accepted that the proposed public open space has the potential to provide opportunities for landscape and nature conservation enhancement. The layout could be adapted to include a greater proportion of woodland but this could also be secured through condition / management plan within the Section 106 Agreement.

Levels vary across the site and there are areas where variation in levels between existing properties retained landscape features and proposed development could result in conflict. For example, several properties at the end of Dean Close are at a higher level than a former pond area to the south west of the site. In order to ensure a satisfactory relationship between existing and proposed properties, it is recommended details of existing and proposed levels with cross sections are required by condition.

Should the development be deemed acceptable, formal measures would need to be secured to ensure the establishment and the future management of the proposed open space, nature conservation, education, and sport and recreation areas, together with full details of landscape proposals.

Arboricultural Impacts

The Council's Landscape Officer examined the application from an arboricultural perspective and made a number of initial observations of the detail supplied and layout.

These issues were brought to the attention of the developer who provided a detailed response to the Landscape Officers comments responding as appropriate and updating the previous assessment. This included with it an amended plan which addressed all the issues raised earlier.

This additional information and revised plan has been examined by the Landscape Officer who has commented that the original proposed site layout plan (Rev G) identified the loss of both a mature Sycamore T32 and group 29 (5 Sycamores) in order to facilitate the construction of three plots numbered 13-15. Whilst the loss of the group was accepted by virtue of condition and value (Cat C) T32 was retained as part of phase 1 with a construction off set established in accordance with the BS relevant at the time (2005). The amended layout (Rev H) retains T32 within a single plot (15) with the construction footprint associated with the build and the access road/parking bays according with the requirements of current best practice BS5837:2012.

The Oak identified as T33 is subject of an incursion within its identified Root Protection Area (RPA) across the northern extremity. Whilst it is accepted that this is not significant, it will be important to establish the viability of a no dig construction that accords with the requirements of what is assumed to be an adopted highway. The updated report concludes that an above

ground construction can be specified as a planning condition along with protective fencing. The Landscape Officer is comfortable to include this condition it will be up to the applicant to provide the details in accordance with best practice and highway requirements.

T34 is a large mature Sycamore which stands directly south to a block of properties identified on the original site layout plan as Plots 73-76. The original concerns were based on the trees size, canopy spread and orientation, and the negative impact this would have on the properties in terms of rear habitable rooms and utilisable garden space, given the species involved. The updated report suggest that the impact on the properties can be mitigated by tree surgery and purchasers of properties that contain trees of this nature is a matter of personal choice. It is accepted that a moderate amount of selective pruning will improve the situation. In order to address these concerns the revised layout plan has moved the building footprint of the plots now identified as 72-75, with the southern build elevation now located outside the trees RPA, the additional 2 metres makes an acceptable difference.

There is still a difference of opinion in terms of the value of T36 the mature Alder located within the western corner of the site. Whilst it is accepted that the tree is not clearly visible from existing public vantage points, phase two of the development opens up the potential for greater views of the tree, which certainly exceeds the low C2 category designated within the supporting arboricultural information. No signs of decline were noted, with a confidence that the trees future life expectancy would exceed 20 years. The justification to offset mature trees by large numbers of trees to be planted is unwelcome especially when the majority of those to be planted within the estate have limited potential to establish into mature specimens the size of which the Alder has achieved. In order to address the un-acceptable loss, the revised site layout plan omits one of the plots leaving the Alder within a large garden area associated with plot 69. Construction details accord with the requirements of current best practice.

The revised detail provided in respect of Plot 64 does not address the concerns expressed in the original communication. It has been noted previously that the buyer be where scenario does not work in terms of the impact of mature trees, continued growth exasperates a perception. It is accepted that the trees on the western boundary face directly onto a blank gable elevation but it is the accumulative mass in relation to both the garden utilisable space and the rear habitable rooms which will be directly affected. The concession in terms of this same scenario in respect of T34 was to move the build line away from the tree, this has not been facilitated in respect of this plot. The trees are already under pressure from the offsite resident in relation to a potential building plot within the open ground to the west. Some pruning including the removal of the hung up limb will improve the situation but maintenance and pressure to approve additional works will be an ongoing factor.

The issues in terms of T42 and T43 have been resolved with the Alder now shown for retention.

The majority of the issues identified within the initial comments have now been resolved, with trees identified for removal now being retained and build plots amended to accommodate long term growth potential. The only plot where there is still a potential for foreseeable conflict relates to Plot 64, with no amendments made to the original submission. Some mitigation can be achieved in terms of pruning, and on balance looking at the development as a whole the Landscape Officer is comfortable to proceed with the revised layout subject to the conditions relating to submission, approval and implementation of Tree Protection, a Construction

Method Statement (for the adoptable highway and access footways which extend within the Root Protection Areas as defined within BS5837:2012) a Tree Pruning/ Felling Specification, a Levels Survey as existing and proposed and measures for protection of existing hedges.

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 Council's ecologist has examined the assessment and commented that, no evidence of Great Crested Newts or ponds that are likely to support breeding populations of this species been recorded during the surveys. However, no detailed assessment of the pond within the grounds of the property known as 'The Barns' has been undertaken and he recommends that this pond is assessed for its potential to support GCN prior to the determination of the application. If the pond is found to have potential to support breeding GCN a full survey undertaken in accordance with Natural England guidelines may be required to inform the assessment of the potential ecological impacts of the proposed development. The

outstanding information has been requested from the developer and a letter has been submitted from their ecologist which concludes that:

The general appearance of the pond and its location within such a formal garden landscape suggests that this is an ornamental fish pond. Such ponds typically have low GCN value on account of the levels of predation generated by fish.

The value for GCN is diminished further if significant numbers of waterfowl use the pond.

The pond has no significant age and isn't a historical feature (former marl pit etc.), and wasn't in existence prior to 1992. Reference to the 1992 O.S. indicates that all of the surrounding ponds, with the exception of Pond 1, had been lost by 1992. Pond 1 would have been new at that time.

Three separate studies have indicated that Pond 1 is unlikely to support GCN.

Given the high levels of disturbance to the landscape locally including the loss of ponds, the likelihood of a GCN population surviving and colonising the subject pond (if suitable) is considered to be low.

The actual 'true' status of GCN in the subject pond cannot be determined, however based on all of the points raised above, I consider GCN potential at the pond to be low.

The Council's Ecologist has commented that, although only a cursory inspection has been carried out, as the pond seems to be a garden pond which is unlikely to offer significant habitat for newts he does not consider that a survey more detailed survey is justified in this instance.

Evidence of significant activity by other protected species has been recorded on site. Whilst the core area of activity including the habitat will be retained the implementation of the proposed development will require the relocation of some of the species under the terms of a Natural England license.

The submitted report recommends that a 30m buffer is allowed around all of the remaining habitat and this appears feasible for much of the site. However, from the submitted plans there appears to be a potential conflict between the proposed development and the proposed buffer in one location. The Council's ecologist therefore recommends that the applicant provides a detailed plan showing the relationship between the proposed development and the buffer zone in this area. This has also been requested and was awaited at the time of report preparation.

The Council's Ecologist considers that *the proposed landscaping for the site and open space areas is likely to lead to an overall gain for nature conservation*. However he recommends that no additional planting is undertaken along the banks of the stream. The streams nature conservation value appears to be limited by over shading trees and scrub so additional planting may be counter productive. This can be secured by condition.

Conditions will also be required to secure the following:

- Detailed design and planting specification for habitat creation within open space areas including detailed design of the new pond.
- Submission of landscape and habitat management plan
- Implementation of recommendations made by the submitted badger report.
- Breeding bird conditions.
- Provision of bat and bird boxes
- Submission of proposals to safeguard the stream.

Education

The Council's Education Officer has examined the application and concluded that the development is expected to generate 15 primary aged pupils and 12 secondary aged pupils.

The local primary schools currently have 75 unfilled places. However forecasts indicate that from 2013 there will be more pupils seeking a school place than spaces available within the local schools. Therefore a contribution of £162,694 will be required towards primary education.

The local secondary schools currently have 33 unfilled places and are forecast to have 100 unfilled places by 2018. However, developments at Albion Inorganic Chemicals, Fodens, Fodens Test Track and Canal Fields are expected to generate in excess of 100 secondary places. Two of these developments have now started on site. In light of the forecasting and the aforementioned development sites then a secondary contribution of £196,112 will be required.

These contributions can be secured through the Section 106 Agreement.

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which states that:

- *Based on up to 100 dwellings, the proposed additional dwellings could generate a total of 59 traffic movements in the morning peak and 66 in the evening peak. This traffic will be split over the network onto both Grange Way and Lawton Way and then to St Peters Rise and Grange Way. The maximum impact of the development traffic at either of these junctions is just 2.1%.*
- *The junctions of Wrenmere Close/Lawton Way, St Peters Rise/ Middlewich Road and Grange Way/ Middlewich Road have been tested with traffic flows from committed development for a future year of 2018. Whilst there is a small amount of queuing during the busiest 30 minutes, overall both junctions operate well with the additional traffic. There will be no capacity issues arising as a result of the additional dwellings.*
- *The site has been demonstrated to be in an accessible location, close to the railway station, bus stops, two Primary Schools, a nursery and two convenience stores. There are also a range of shopping, leisure and education opportunities within Sandbach Town Centre, approximately 2km from the site.*
- *Bus services along Middlewich Road run up to four times an hour to and from Sandbach and other locations. The close proximity of the railway station, with two to*

three trains per hour in each direction to Crewe and Manchester provide an excellent alternative for residents to commute further afield by rail.

- *For the reasons set out above, there are no highway, traffic or transport reasons to withhold consent for residential development on this site.*

The Strategic Highways Manager has considered the submitted Transport Assessment at the time of report preparation and has concluded that the internal site layout is acceptable. He also considers that Wrenmere Close, it's junction with Grange Way / Lawton Way and the other roads through the existing housing estate which would provide access to the development are acceptable to serve up to 125 dwellings. He has also concluded that the capacity assessments show that the junctions with Middlewich Road have adequate capacity for the forecast movements including this and committed developments.

The site is sustainably located in respect of facilities such as shops, schools, stations and bus routes although the Strategic Highways Manager has commented that no Travel Plan has been submitted, which he would have expected to a site of this size. However, this could be secured through condition. He has also commented that Section 106 contributions would be required towards crossing points and cycle route upgrading.

The proposal does have the potential to impact on wider congestion issues in the Sandbach area, in particular through the town centre and towards Junction 17 of the M6. To mitigate against this the Strategic Highways Manager has recommended a commuted sum of £288,000. This can be secured through the Section 106 Agreement.

The NPPF clearly states that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*” Whilst the concerns of local residents are noted, in the light of the above, and in the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety grounds could be sustained.

9. CONCLUSIONS

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

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 monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, highways, 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 not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

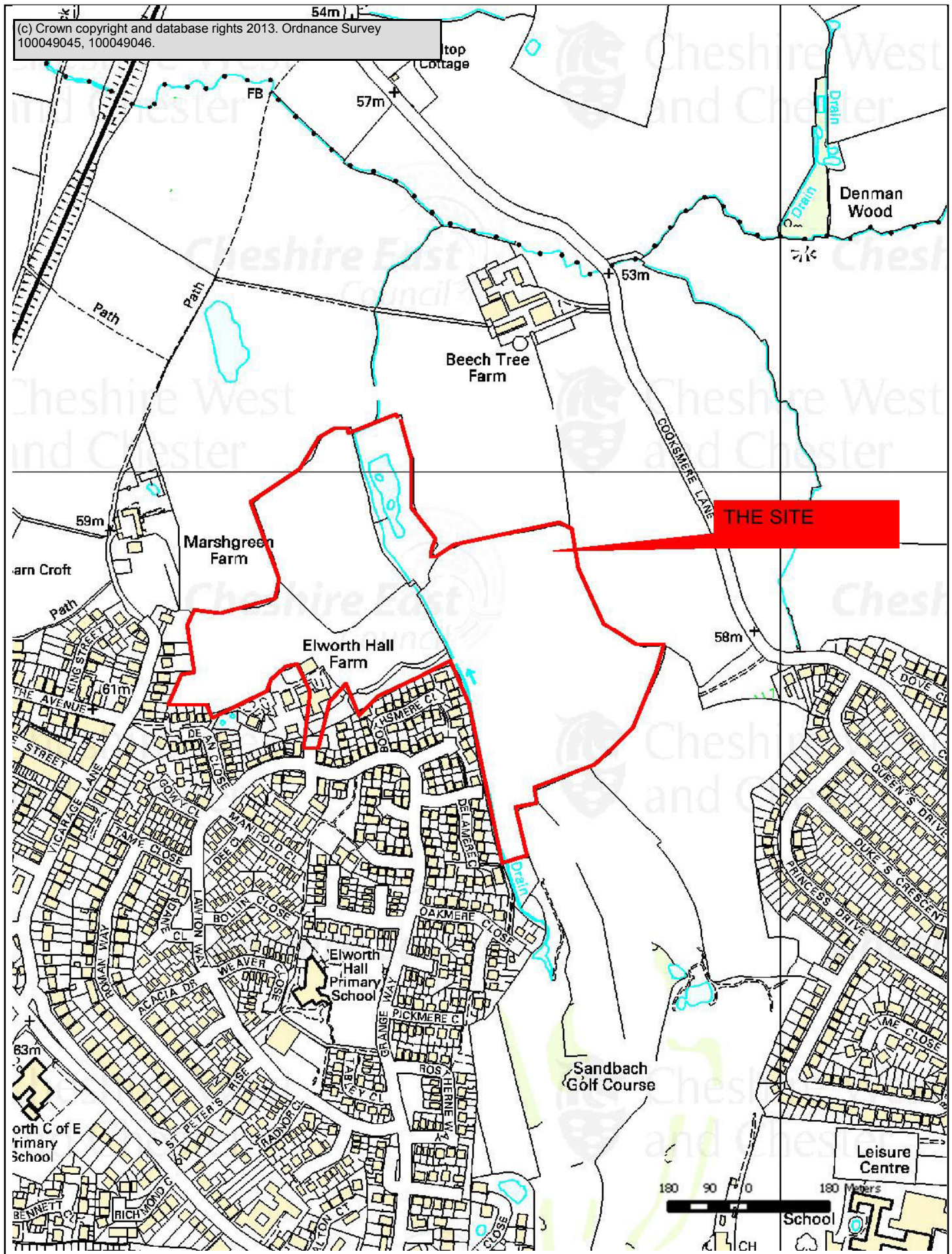
Whilst the proposal will result in the loss of some grade 3b agricultural land, this is not the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and as a result the proposal is considered to be unsustainable and contrary to Policy PS8 of the local plan and the provisions of the NPPF in this regard.

10. RECOMMENDATION

REFUSE for the following reason:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**



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Application No: 12/4494N

Location: HUNTERS LODGE HOTEL, SYDNEY ROAD, CREWE, CW1 5LU

Proposal: Outline planning approval for up to 44 No. dwellings, vehicular access, associated garaging, car parking and landscaping. (All matters reserved except access)

Applicant: SEDDON HOMES LTD

Expiry Date: 22-Feb-2013

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

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,
Design
Amenity
Open Space
Drainage And Flooding,
Sustainability
Education

REFERRAL

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

1. SITE DESCRIPTION

The Application site measures 2.00 ha (4.94 acres). It is bounded to the north by a drain/pond and established field boundary with a number of mature trees. To the east of the

site is the retained vendor's land with open countryside beyond. The southern boundary is formed by the existing hotel complex with associated land retained for expansion of the hotel. The western boundary is formed by the rear garden boundaries of the dwellings on Bentley Drive and the frontage to Sydney Road. The site is currently accessed via the field gate adjacent to the hotel.

The site has a gentle gradient and generally slopes down to the north west corner.

2. DETAILS OF PROPOSAL

This is an Outline Planning Application for the erection of up to 44 no. dwellings, vehicular access, associated garaging, car parking and landscaping.

3. RELEVANT PLANNING HISTORY

APP/F4410/A/12/2169858 Outline application for residential and commercial/ employment development (B1, B2 & B8) on and east of Hatfield Lane, Armthorpe, Doncaster. – Appeal Dismissed 6th December 2012

4. 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

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 Sustainability Checklist
SHLAA
Draft Development Strategy

4. OBSERVATIONS OF CONSULTÉES

Archaeology

There are no features currently recorded on the Cheshire Historic Environment Record from within the application area and it must be admitted that the generally low-lying nature of the site makes it unlikely that it would have been attractive for permanent settlement. It is noted, however, that the application is supported by a detailed flood-risk assessment of the site, which has been prepared by ARJ Associates Ltd. Section 2.4 of this report includes a description of various drainage features which have been identified in or around the present stream and, based on the descriptions and photographs in the report, some of these are likely to be of archaeological interest. These include Structure D (timbers and stone blocks), Structure C (former weir), and Structure E (sluice associated with former mill leat). It is also noted that the development proposals will include new culverts, possible realignment of the brook, and various other drainage improvement works. It is likely, therefore, that potentially significant archaeological remains will be disturbed by the proposed development.

This potential, however, is not sufficient to justify an objection to the development on archaeological grounds or to generate a recommendation for further predetermination work. The Archaeologist does advise, however, that it would be reasonable to secure a targeted programme of archaeological mitigation in the event that planning permission is granted. In view of the lack of any extant desk-based assessment, this work should take the form of an initial phase of map-based and documentary work in order to define those parts of the site requiring archaeological mitigation more closely. Targeted fieldwork should then be undertaken on features and areas of interest that will be affected by the development. A

report on the work will need to be produced and the mitigation may be secured by the condition.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the new *National Planning Policy Framework*. The Cheshire Archaeology Planning Advisory Service does not carry out commercial fieldwork and the applicant will need to appoint an archaeological contractor to organise the archaeological mitigation. I will be able to supply further details and a list of archaeological contractors who work in the area on request.

Environment Agency

No objection in principle to the proposed development but would like to make the following comments.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The submitted Flood Risk Assessment (FRA), demonstrates that the water company have confirmed a maximum surface water discharge rate of 5 litres/second/hectare, into an existing public sewer. This is acceptable in principle.
- 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. As such we request that the following planning conditions are attached to any planning approval as set out below.
 - Submission of a scheme to limit the surface water run-off generated by the proposed development,
 - Submission of a scheme to manage the risk of flooding from overland flow of surface water,
 - 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.

United Utilities

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

- This site must be drained on a total separate system. Surface water flows generated from this site should discharge to soakaway and or watercourse with the prior consent of the Local Authority.
- If surface water is allowed to be discharged to the public surface water sewerage system we will require the flow to be limited to a maximum discharge rate of 13.5 l/s as determined by United Utilities.

Natural England

No comments received at the time of report preparation.

Amenity Greenspace

- This offers a possible solution to a problem existing children's play area just 160m west from the proposed development, off Lansdowne Road. There is currently insufficient equipment, and that equipment and safer surfacing that is there does not comply with European Standards. Greenspaces have been trying for many years to source funding for its improvement, without success. The MP has received requests for its improvement in recent years.
- It is recommended that there is a requirement for a contribution of £50,000 to the Council for the replacement/extension of this existing play area, to make up for any shortfall of open space within the development itself.

Highways

No comments received at the time of report preparation.

Environmental Health

No objection subject to the following conditions.

- The hours of noise generative* demolition / construction works taking place during 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
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil
- Submission of a piling method statement to include the following details:
 - Details of the method of piling
 - Days / hours of work
 - Duration of the pile driving operations (expected starting date and completion date)
 - Prior notification to the occupiers of potentially affected properties
 - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- There is insufficient information contained within the application to determine whether there will be a loss of amenity to the residents caused by entertainment noise from the Hunters Lodge. In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant is required to submit an acoustic assessment report detailing any mitigation measures required in the proposed properties. 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.

- 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 in a fully functional condition for the duration of the construction phase.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a Phase I Preliminary Risk Assessment for contaminated land. The report is reasonable and recommends a Phase II site investigation be undertaken. As such, and in accordance with the NPPF, standard contaminated land conditions, reasons and notes be attached should planning permission be granted.

Public Rights of Way

- Proposed developments 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 Transport Statement states that “Within the Institution of Highways and Transportation (IHT) document, entitled “Guidelines for Providing for Journeys on Foot”, a distance of 800 metres is identified as the preferred maximum distance for town centres, whilst a distance of 2 kilometres is defined as a preferred maximum for commuting.” It should be noted that the town centre and main employment areas of the town are beyond the 2km isochrone and therefore cyclist access to, from and within the site will be an important element of the proposed development.
- The Transport Statement also states that “A distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey of around 25 minutes based on a leisurely cycle speed of 12 kilometres per hour and would encompass the whole of Nantwich, Crewe and Alsager“. No plan depicting a 5km isochrone is included within the application documents. Such a plan would demonstrate most of Crewe being within a 5km cycle journey, but most likely exclude Nantwich and Alsager.
- A proposal has been logged under the Council’s statutory Rights of Way Improvement Plan (Ref. T37) to upgrade the public footpaths which run between Hungerford Road and Sydney Road, and between Hungerford Road and Coleridge Way so that cyclists can use them in addition to pedestrians. For cyclists travelling between the town centre and the proposed development site, these will be key routes. Proposals are being drawn up for this upgrade towards which contributions from the developer would be sought.
- The developer should be required to provide travel planning information to prospective residents of the development, including information on pedestrian and cyclist routes and advice. In addition, the detailed design of the site should accommodate pedestrian and cyclist movements and cycle storage facilities.
- The block plan contained within the application documents suggests a potential leisure access to the countryside to the east of the site. Whilst there are public rights of way in the vicinity of the site, there are no public access connections from the site to these

routes. If the developer has intentions to develop such access, the public rights of way team would request to be informed of the proposals.

Education

- A development of 44 dwellings is anticipated to generate 7 Primary aged pupils and 6 Secondary aged pupils.
- Net capacities and the Councils latest pupil forecasts for the primary schools within a 2 mile radius and the secondary schools within a 3 mile radius of this site indicate the following:
 - Cumulatively the primary schools within 2 miles of this site are forecast to be oversubscribed by 2013 and therefore unable to accommodate the pupils generated by this development. On the basis below a contribution sought would be towards primary education. $7 \times 11919 \times 0.91 = £75,924$ towards primary provision.
 - There is sufficient space to accommodate the pupils generated by this development.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Haslington Parish Council object most strongly to the proposed development as it intrudes into the Green Gap between the Crewe and Haslington communities and contravenes adopted planning policy NE4. Although the site was proposed within the draft Crewe Town Strategy consultation document as part of location L2, it met with substantial objection and opposition during the consultation process as indicated by the responses from the general public and at the stakeholder workshops. There is already more than sufficient local undeveloped land outside the Green Gap area with planning approval, such as sites at Maw Lane and Cross Keys, that can meet local demand for affordable housing. The Green Gap is an essential feature of our environment and should not be sacrificed when other sites outside the Green Gap await development.

6. OTHER REPRESENTATIONS

Planning Policy

- There is plenty of brown land which should be developed instead of destroying green gap land, wildlife and countryside.
- There are 125 brownfield sites in Crewe that already have obtained planning permission that would accommodate 650 to 700 new houses. Some of these town sites have been available for over 45 years. To date no new housing projects have been started.
- The proposal would be contrary to the NPPF
- The Planning proposal is not identified in the interim planning documents.
- This site is NOT included in the current interim planning policy for Cheshire East.
- The site is located in the 'Green Gap' area as shown on local parish maps.
- The site is 'Yellow Band' designated by the Brine Board.

- As reported in the national press of 28 December 2012 the government has loosened its housing targets by more than 270,000. Therefore, we urge the Council to make the above proposed development of 44 houses be part of this reduction.
- The proposed development is not within the emerging local plan and is not included in the current Cheshire East Housing allocation.
- Housing developments off Sydney Road have already been obtained against the wishes of hundreds of local residents

Amenity

- Significant overlooking and loss of privacy including garden, patio, bedrooms, kitchen and French windows.
- Massive impact on quality of life.
- Proposed properties would be elevated land
- Daylight reduction.
- Over domination of development.
- Gardens run adjacent to back fences.
- Loss of outlook
- Noise and disturbance
- Social recreation and general garden noise.
- The street lighting will add to light pollution and would be invasive on privacy.
- The proposed new access road would run very close to the boundary fence with back gardens of 12, 14, & 15 and along the side of my front and back garden 11 Bentley Drive. It would also run very close to right hand corner of back gardens therefore affecting two sides of some properties, resulting in street lights, increased noise and carbon from cars and drainage problems.
- Noise and disruption that will take place when the houses are erected
- Loss of views to the rear of houses
- Increase in noise due to the cars passing from Sydney road to the estate

Tree Preservation

- Three (3) oak trees on the proposed development have already been cut down in readiness for the proposed development.

Highway Safety & Traffic Issues

- The local infrastructure cannot support the increase in traffic,
- The increase in traffic generation relating to the over one hundred (100) new cars and the safe access to Sydney Road will contribute to significant traffics jams during peak travel times.
- There are bottlenecks at peak times at Crewe Green roundabout and Sydney Road bridge.
- Sydney Road is an emergency route for Leighton Hospital.
- The Planning Process should consider the number of localised vehicle movements on Sydney Road and in particular: potentially detrimental impact on a failing road surface caused by the additional traffic localised and

- Sydney Bridge slows the traffic down due to only being wide enough for one lane of traffic and the traffic lights in place. How many more vehicles will the bridge be able to take before needing major repairs. The closing of this bridge will bring the roads in the local area to a stand still!
- Sydney Road Bridge will not support this increase in traffic flow as recent surveys have already highlighted.
- Sydney Bridge that acts as a traffic calmer at the moment slows the traffic down,
- The route for the Hospital or town shopping from this area would have no choice but to travel down Hungerford Road or Macon Way which both already are gridlocked.
- Crewe Green roundabout is backing up traffic at peak times, up Sydney Road causing this area to become grid-locked at strategic times.
- Hungerford Road, the main road to the station, the Sandbach bypass and Crewe Road out of Haslington are also affected.
- There are already difficulties for Ambulance vehicles, to and from Leighton Hospital.
- All this additional traffic will be expected to enter Sydney Road directly adjacent and parallel to, the Hunters Lodge Entrance / Exit, which already generates substantial traffic particularly in the mornings.
- The Transport Statement for this development contains a fictitious bus timetable. It overlays the current 14 and 15 routes when in reality the 15 runs when the 14 doesn't. It should say that the area is served by a maximum of 2 buses per hour (not the 4 quoted). From January 2013 both routes will be amended and be merged with the 8. This information has already been posted on the Cheshire East Council website.
- Sydney Road is the main access road in and out of Bentley Drive. This is already at capacity for flowing traffic. It is very often blocked and it's difficult to safely exit left or right, at peak times every day of the week.
- Crewe Retail Park is already causing problems on the local roads. This contributes to the blocking of Macon Way, Hungerford Road and Sydney Road.
- Cumulative impact with other developments at Coppenhall East, Maw Green and Leighton
- Concern for the safety for local residents that have to use the local roads which are already at capacity.
- Croft Transport Solutions statement (draft) dated 25 October 2012, ref TSO319.1, item 5.1.2 (The traffic impact of the proposed development is considered to have a minimal impact on the junctions in the area):
 - This report is based on a model and does not reflect the actual conditions on the ground
 - The following attachments are missing from the Croft Traffic, (Plan 1 Site location, Plan2, proposed site layout, Plan 4, proposed pedestrian Catchment, Appendices 1 TRICS Output for Proposed Residential development is missing from this report).
- Independent environmental and transport statements should be commissioned by the Council and planning authorities.

Drainage / Flooding

- All the natural drainage from the surrounding fields all drain into a pond on Post Office Sports Club property. It is then supposed to drain away via drains (which are blocked).

If these houses are to be built, then there is a good chance that the Bowling Green could be affected by the high rise in the water table.

- The documentation makes reference to a culvert to the north of the development site. This culvert was developed to attenuate run off water arising from the Bentley Drive development.
- It is a matter of record that rainfall characteristics have changed in recent years. Current trends often result in surface water flows that exceed the culvert's design capacity resulting in localised flooding around the pond to the east that affects the Bowling Club.
- Moreover, the increased water levels may have contributed to a partial collapse of the culvert bank in the vicinity of 5 Bentley Drive.
- Furthermore, the culvert discharges via a drainage pipe that runs under adjacent gardens in the direction of Sydney Road. Irrespective of the point of discharge into the Sydney Road network increased surface water loadings should be factored into the network capacity calculations (see below).
- To avoid exacerbating known conditions the development plan should include a dedicated Surface Water disposal network and not rely on existing measures.
- The Bentley Drive Foul Water network drawings included in the documentation provided are incorrect. Further to the Surface Water comment (above) there have been instances of Foul Water drain blockages in the vicinity of the Bentley Drive / Sydney Road intersection.
- To eliminate any risk of future blockages as a consequence of the pumped discharge flow upstream of the Bentley Drive / Sydney Road connection taking priority, a full survey of the local network downstream of the proposed network connection should be conducted and all necessary measures required to prevent either poor flow or blockages implemented.
- Foundations of the properties on Bentley Drive have had at least 9 metres of piling due to the unstable ground. Therefore, the proposed development is undoubtedly also on unstable and water-logged land and will have an effect on the drainage and water table, increasing the possibility on flooding to certain properties on Bentley Drive.

Infrastructure

- The following housing developments in Crewe have already obtained planning permission: Cross Key – 650 houses; Maw Green – 170 houses; Leighton – 400 houses local infrastructure will not accommodate any further building development.
- Has the local exchange sufficient capacity to accommodate the telecommunications and broad band internet demand introduced as a consequence of the development without detriment to existing user services.
- The application should be refused unless and until all matters above and those of other parties affected by the development (including the North West Ambulance Service and Leighton Hospital) have been satisfactorily addressed.
- The local authority is already struggling for capacity of school places available in Crewe, Haslington and Sandbach. With the shortage of spare places available and local Primary and Secondary schools already being full, how and where are additional children are going to be educated.
- It may seem on desk studies that all would and should run fine, but increased residential capacity in the area will only compound the pressure on class sizes in

schools, increase pressure on hospitals and other local services.

Ecology

- To the rear of the Post Office Club is a wood where the owners encourage wild life and any more building around this area would be detrimental to the work that they are trying to do and to the wild life
- The wild life that live in the field where the houses are going to be built will lose their habitat. Most of these animals are under protection orders
- Bats have been seen in the location of the proposed development site and light and noise pollution emanating from the dwellings may detrimentally affect the nesting locations of an established colony.
- Surveys should be conducted and all reasonable measures implemented to protect the Bat and other wildlife habitats adjacent to the development.
- The environmental report, commissioned on behalf of the developer, is at best flawed. An independently commissioned report would reach a different conclusion.
- The developer may have had an environmental report commissioned but this does not appear to be the area residents know
- The site supports the habits of badgers, herens, nesting birds, foxes, bats, woodpeckers, coots, pheasants, owls and a suspected breeding ground for the protected great crested newt.
- The small beck running to the side of the development, has an equal array of diverse wild life.
- This area of land is one of the few unspoiled areas of Crewe, all the more remarkable, as it is still within the CW1 postcode.
- Losing this beautiful area would be a loss to local wildlife, the environment of Crewe, as well as to the many local residents who enjoy it.
- Not enough consideration has been given to the environmental impact of this development: there is lots of wildlife in the immediate area,
- This development would mean the end of frogs spawning in ponds, squirrels running along fences and pipstrelle bats flying around during the summer months.
- This area of land must be one of the last remaining unspoiled areas of Crewe and losing it would be a travesty for residents.
- One of the few remaining local beauty spots in Crewe will be destroyed to the detriment of the environment, local wildlife, and the residents.

Air Quality

- The increase in traffic generation with regards to Cheshire East Local Plan of an estimated 8330 new homes and the addition of approximately 16000 new cars will significantly increase the carbon dioxide emissions.
- Neighbours already have to live alongside Sydney Road and a further busy road will increase the carbon dioxide emissions that already pollute the air quality in the local community.
- There are constant and frequent traffic jams on Sydney Road leading up to Crewe Green roundabout. Access is severely restricted to Sydney Road from Bentley Drive.
- Commuter traffic from the following, University Campus (1000 cars), Bentley (500 cars), train station (500 cars), hospital and ambulances also contribute to Sydney Road

traffic jams

- The above contributes to an increase in Carbon Monoxide omissions. The Air Quality Updating and Screening Assessment for Cheshire East Council shows that road traffic air quality management areas designated in 2006, 2008, 2009 and 2011 remain in force as nitrogen dioxide concentrates are currently above the national objective.
- There are presently 10 carbon monoxide hot spots in Crewe that exceed the national requirements.
- There are 2300 new houses at Cross Keys, Maw Green and Leighton, plus public transport which will add to air pollution.

Other Matters

- The planned new housing developments are not sustainable because of their carbon footprints.
- There will be damage to houses from wagons during the building work
- How long will the project go on for?
- Will surveys be done on neighbouring houses prior to building, during and on completion for movement and cracks due to heavy traffic/wagons?
- As all the property has been informed in the Bentley Drive area why has not the Post Office Club as a neighbour has not been informed?
- The application itself has been submitted at a time strategically designed to minimize the possibility of opposition
- The notification letter of the 7/12/12 which actually arrived on 12/12/12 left very little time to study the proposals before the closing date of objections on 2/1/13. This time frame has to favour the developers.
- The vendor is fast tracking and trying to get this application through with least resistance.
- If this development went ahead property would be devalued, residents have worked hard to get to where they are today.
- Will residents be compensated for loss of value?
- Proper procedures have not been adhered to and the reports published seem to favour the applicant with little regard to the local residents.

7. APPLICANT'S SUPPORTING INFORMATION:

- Climate Change Statement
- Design and Access Statement
- Contaminated Land Desk Study
- Ecological Appraisal
- Flood Risk Assessment
- Land Quality Statement
- Planning and Affordable Housing Statement
- Transport Statement
- Tree Survey Report

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. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy NE.2 which protects Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

Emerging Policy

The Crewe Town Strategy considered a number of development options around the town and these were subject to consultation that closed on the 1st October 2012. The results of that consultation was considered at a meeting of the Strategic Planning Board on the 6th December 2012. 1985 representations were received to the Crewe Town Strategy. This site was considered as site L2 in the Crewe Town Strategy. 95% of the 1985 representations responded to the question whether they agreed or disagreed with site L2 as a potential area of future development and of those 96% disagreed with site L2 being a potential area of future development. The recommendation at that meeting is that the future housing needs of Crewe are met by the following sites – Crewe Town Centre (200 dwellings), West Street / Dunwoody Way (up to 700 dwellings), Basford East (1,000 dwellings), Basford West (300 dwellings) and Leighton West (750 dwellings). Sites are also proposed at settlements surrounding Crewe including Shavington Triangle (300 dwellings) and Shavington East (300 dwellings phased post 2020). There are also proposals for new settlements at Crewe Hall / Stowford (1,000 dwellings – with potential additional development after the plan period) and at Barthomley (1,000 dwellings– with potential additional development after the plan period).

These sites have now been carried forward into the Draft Local Plan (development strategy), now the subject of consultation. The NPPF consistently underlines the importance of plan – led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent secretary of State decision's in Doncaster MBC it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing it is considered that a pre-maturity case can be defended in this case.

However, the 5 year supply is a minimum provision and not a maximum and given that there remains presumption in favour of sustainable development, which according to the NPPF *"should be seen as a golden thread running through both plan-making and decision-taking"* it is still necessary to consider whether the proposal would constitute sustainable development and whether there would be any significant adverse impacts arising from the proposal.

Conclusion

- The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development 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 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- However, the 5 year supply is a minimum requirement and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects.

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"

Accessibility is a key factor of sustainability that can be measured. According to the Applicant's submissions:

“The site has good public transport links and is well located close to Crewe town centre. This means a reduced reliance on the car as a means of transport thereby reducing pollution and emissions. The site has good access to local amenities further reducing the reliance on cars. It will also include provisions to make cycling and walking a realistic alternative to the use of the car for short journeys. The recent improvements in internet connections with faster broadband now allow residents to potentially use part of the dwelling as a home office. This allows residents the option of working from home, which in turn reduces potential travel journeys and is therefore more sustainable.”

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	Hunters Lodge
Open Space:	Amenity Open Space (500m)	0m
	Children’s Play Space (500m)	449m
	Outdoor Sports Facility (500m)	498m
Local Amenities:	Convenience Store (500m)	1006m
	Supermarket* (1000m)	2118m

	Post box (500m)	1442m
	Playground / amenity area (500m)	160m
	Post office (1000m)	1422m
	Bank or cash machine (1000m)	961m
	Pharmacy (1000m)	1547m
	Primary school (1000m)	1433m
	Secondary School* (1000m)	2236m
	Medical Centre (1000m)	1547m
	Leisure facilities (leisure centre or library) (1000m)	2039m
	Local meeting place / community centre (1000m)	2261m
	Public house (1000m)	0m
	Public park or village green (larger, publicly accessible open space) (1000m)	1205m
	Child care facility (nursery or creche) (1000m)	991m
Transport Facilities:	Bus stop (500m)	417m
	Railway station (2000m where geographically possible)	2254m
	Public Right of Way (500m)	122m
	Any transport node (300m in town centre / 400m in urban area)	122m
<i>Disclaimers:</i>		
<i>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.</i>		
<i>* Additional parameter to the North West Sustainability Checklist</i>		
<i>Measurements are taken from the centre of the site</i>		

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:

- Post Office
- Pharmacy
- Primary School
- Secondary School
- Medical Centre
- Leisure Facilities
- Local meeting Place
- Public Park

The site therefore fails against 8 criteria in North West Sustainability checklist. However, these facilities are within the town, albeit only just outside minimum distance and Crewe is a principal town in Core Strategy where we can expect development on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distance exist between the town centre and the existing approved sites and proposed local plan allocations at Coppenhall, Leighton and Maw Green, and although two of these sites would probably be large enough have own facilities, not all the requirements of the checklist would be met on site.

Accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. However, these include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

Furthermore, highways have commented that it is possible to improve the non-car mode accessibility through suitable Section 106 contributions.

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:

- *Dwellings will achieve low energy and carbon dioxide emissions in excess of Building Regulations using thermally efficient and airtight construction.*
- *High performance low-e glazing will be provided to reduce heat loss through the glazed areas. The development will optimize day-lighting where possible to reduce reliance on electric lighting and optimize solar gain.*

- *Clothes Lines/Rotary Dryers will be provided as necessary to reduce reliance on electric dryers.*
- *DEFRA energy efficient white goods with an A+ or A rating will be provided where appropriate to reduce energy consumption and running costs.*
- *Energy efficient lighting will be installed. All external space and security lighting will be specified with low energy lamps, daylight controls and designed/positioned to reduce light pollution.*
- *Insulation values are excellent and have low environmental impact both during manufacture and in use. All products will be Global Warming Potential GWP<5.*
- *Consideration of the use of Green Guide “A” Rated materials and procured from sustainable sources along with chain of custody certification where applicable.*
- *Separate and dedicated bins for recycling will be provided to each dwelling in accordance with Cheshire East Council’s waste and recycling strategy.*
- *The use of low water usage appliances within each dwelling will benefit residents by reducing water bills and reducing water demand.*
- *Shower flow rates will be low flow.*
- *Dual WC flush system utilized.*
- *Spray/aerated or flow regulated taps will be installed to reduce water consumption.*
- *Baths will be specified appropriately to reduce water consumption.*
- *Where electrical appliances are specified, such as washing machines or dishwashers these would be high efficiency (A+/A rated) with low water consumption as recommended by the Energy Saving Trust.*

On the basis of the above, it is considered 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.

Green Gap

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at Rope Lane, which was also located within the Green Gap the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

However, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date and therefore, following the Inspector’s logic, Policy NE.4 must also still stand.

A development of the scale proposed will clearly erode the physical gap between Haslington and Crewe and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

Landscape Impact

The application site is located on the eastern edge of Crewe, to the east of Sydney Road and adjacent to the Hunters Lodge Hotel and forms a parcel of agricultural pasture land, linked to the wider area of agricultural land to the east.

The assessment refers to the national landscape character context and also 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 Wimboldsley Character Area: ELP5.

The Landscape and Visual Assessment includes a visual assessment for 12 viewpoints. The Council's Landscape Officer has examined the report and does not agree with the sensitivity of the receptors for a number of these viewpoints and feels that the significance of visual impact may be more significant than the assessment indicates.

Notwithstanding this point, this is an outline application. As such, it is difficult to comment on the illustrative layout in any detail. However, he does not feel that the proposals as shown will have a significantly adverse landscape or visual impact. Consequently, he does not consider that he could recommend refusal on landscape or visual grounds.

Therefore, whilst the proposal would not adversely affect the visual character of the landscape, it would result in erosion of the physical gaps between built up areas. Given that there are other alternative sites which are not subject to Green Gap policy which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4.

Economic Growth Implications

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;
- 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, this is not considered to outweigh the harm that would be caused in terms of impact on the Open Countryside and the Green Gap.

Trees and Forestry

There is a length of hedgerow and a number of trees on the site. The submission is supported by a Tree Survey Report and a plan showing tree positions, crown spreads and root protection areas. The survey covers one hedgerow, 24 individual trees and two groups of trees. Many of the trees are afforded higher grades A or B.

The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2012: Trees In Relation to design demolition and construction - Recommendations. BS5837:2012 now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection.

This means that at the planning permission stage, the following information will have been completed and where appropriate submitted as part of the planning application for validation purposes:

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design
6. Arboricultural Impact Assessment including evaluation of tree constraints and a draft tree protection plan (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement - these issues will provide certainty of outcome for example details of special engineering within the Root Protection Area to test the feasibility of the detail at planning application stage

The British Standard identifies at para 5.2 *Constraints posed by Trees* 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

As outlined above, tree positions, crown spreads and root protection areas are shown on a plan attached to the tree report. Block plan 645/SYD/001 illustrates which trees are suggested for retention but is not cross referenced with their root protection areas and respective tree protection details. The two plans, whilst drawn at the same scale do not line

up when compared and there is no arboricultural impact assessment. As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees.

For an application of this nature and to allow an assessment of the capacity of the site to accommodate the scale of development proposed, a tree constraints plan would normally be required to be shown accurately on the indicative site layout. To accord with the BS guidelines, it an arboricultural impact assessment in respect of the access should also be submitted. As submitted it was considered that an insufficient level of detail had been provided to adequately assess the impact of the proposed development on existing trees and that this should be sought prior to determination.

In response the applicant submitted an Additional Block Plan ref 645/SYD/001 Rev B. Although not supported by an Arboricultural Impact Assessment, this plan shows that the indicative layout could be accommodated without harm to retained trees. The proposal is therefore considered to be acceptable in principle in terms of its impact on retained trees, although in the event of approval comprehensive tree protection conditions are recommended.

Loss of Agricultural Land

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.

The applicant has submitted an agricultural land classification study prepared by Reading Agricultural Consultants which concludes that the application site is most likely classified as Subgrade 3b and is amongst the lowest quality land available on the fringes of Crewe. It is therefore considered that the proposal complies with the requirements of this policy without the need for assessment against the criteria. Therefore, the site is also appropriate for development in line with the sequential approach to the development of agricultural land as set out in the NPPF.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing requires that in settlements with a population of 3,000 or more, provision of affordable housing will be required on all unidentified 'windfall' sites of 15 dwellings or more or larger or more than 0.4 hectares in size. It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Crewe there is a need for 256 new affordable homes per year, made up of 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older persons units. There are currently 110

applicants on the housing register applying for social rented housing who have selected the Hungerford Road area in Crewe as their first choice. The needs of these applicants comprise 39 x 1 beds, 39 x 2 beds, 23 x 3 beds and 4 x 4 beds (5 applicants haven't specified how many bedrooms they need)

Therefore as there is affordable housing need in Crewe, there is a requirement for affordable housing to be provided on this site. In accordance with policy 30% of the total dwellings on site should be provided as affordable. This equates to up to 13 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent and 35% intermediate tenure.

According to the Planning Statement the applicant is offering 35% affordable housing at this site, and that the tenure split will be determined at a later date dependant on local need. The Interim Planning Policy: Release of Housing Land, states the affordable housing requirement for sites at the edge of Crewe will be 35%. However this is not applicable in this case as the site is located in the Green Gap in the Crewe and Nantwich Local Plan, which is excluded from the provisions of the Interim Planning Policy.

Although the Interim Planning Statement: Affordable Housing requires 30% affordable housing, Housing Officers have confirmed that they are happy to accept the increased 35% provision. The tenure split that is required is 65% social or affordable rent and 35% intermediate tenure.

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%.

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"

Contaminated land

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. As such, a Phase I desk study and walkover survey have been submitted with the application which recommends a Phase II site investigation. In accordance with the NPPF, they, recommend that conditions are imposed to secure a Phase II investigation.

Air Quality

The site is not located within or close to any designated Air Quality Management Areas. Therefore, 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 adjacent to the Hunters Lodge Hotel. Consequently, there is potential for noise disturbance to the occupants of the proposed dwellings resulting from entertainments at the hotel. Therefore, Environmental Health have recommended that no development should commence until an assessment of this potential impact and, if necessary, a scheme for protecting the proposed dwellings from 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. This can be easily secured by condition.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). It concludes that:

- The Crewe and Nantwich Strategic Flood Risk Assessment (SFRA) identifies the Site as lying within Flood Zone 1;
- The site would not therefore be affected by fluvial flooding during a 1 in 100 year storm event;
- Residential development of the type proposed on the site would be considered “*More Vulnerable*” in the Flood Risk Vulnerability Classification, detailed in Table 2 of the Technical Guidance to the National Planning Policy Framework;
- Based on this classification and the site confirmed as being within Flood Zone 1, redevelopment for residential use would be considered sustainable in terms of Flood Risk and in accordance with Table 3 of the Technical Guidance to the National Planning Policy Framework;
- EA Standing Advice and FRA Guidance Note 1 indicate that a site of this nature (Flood Zone 1 and greater than 1 hectare in area) should principally ensure that:

“Proposals for surface water management that aims to not increase, and where practicable reduce the rate of runoff from the site as a result of the development

(in accordance with sustainable drainage principles, and the Local Planning Authority's published SFRA)";

- A preliminary drainage strategy has been prepared for the site which indicates that it is possible to provide both a feasible FW and SW drainage solution;
- The FW drainage solution for the Site will comprise a pumped solution, with FW discharge outfalling into one of the nearby United Utilities sewers;
- SW run-off from the site will be split – a small area of the site will be directed to an existing pond to the north-west of the site, with discharge limited to existing Greenfield run-off rates, and the remaining majority of the Site will discharge to existing surface water sewers with discharge limited to 5 l/sec/ha;
- The SW drainage solution for the site is most likely to comprise a combination of attenuation and flow control techniques to ensure that SW run-off is managed in a sustainable manner and run-off from the development does not pose a risk to either property or occupants in all storm events up to and including the 1 in 100 year event +30% allowance for Climate Change

The report recommends that:

- Intrusive Ground Investigation / permeability testing is undertaken to confirm or otherwise the suitability of infiltration techniques across the Site;
- Cover levels and invert levels of the existing drainage within Sydney Road would need to be confirmed;
- Further consideration of the proposed drainage strategy at detailed design stage and consultation with the Regulatory and Approving Bodies.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. It is therefore concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk.

Layout and Design

The submitted indicative Block Plan (*drawing 646/SYD/001*) illustrates the potential form of the development and demonstrates a density providing up to 44 no. dwellings with appropriate allowance for 30% affordable housing provision and associated public open space areas. The Block Plan takes the form of an informal cul-de-sac network with an avenue opportunity to the hotel complex on the southern boundary and frontage opportunity for plots on the eastern boundary to take account of the open views over the adjacent countryside.

The vehicular access to the development is taken off Sydney Road as a new road junction incorporating a revised access to the hotel. The existing hotel access to Sydney Road will therefore be closed. Subject to a suitable detailed layout and design, reflecting Manual for Streets principles, which can be secured at reserved matters stage, it is considered that this cul-de-sac form of development is appropriate and will reflect the character of the existing suburban development to the north and west of the site.

To turn to the elevational detail, the surrounding development comprises predominantly 1960's, 70's and 80's bungalows and detached dwellings to the north and west. The Hunters Lodge Hotel itself, which stands to the south of the site, is more vernacular in style. It has been heavily extended with a number of more modern and unsympathetic additions. A large modern, two storey, bedroom accommodation block has been built to the rear. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables.

According to the Design and Access Statement, the scale of the development would reflect that of neighbouring properties, being predominantly 2 storeys, with some dwellings being 2.5 storeys to add interest to the streetscene. The illustrative streetscene drawing (*drawing 545-SS-01*) demonstrates the likely massing & form of the development with a range of detached, semi-detached and terraced property types. Although external appearance and design are also reserved matters, it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 660sqm of shared recreational open space and 880sqm of shared children's play space which is a total of 1,540sqm of open space. The applicant states that the amount of open space to be provided within the site is to be agreed. However, the indicative layout shows approximately 900sqm. This would result in a shortfall of 640sqm in overall provision.

There a need to provide open space within the development, to ensure that the Local Plan Policy is met. This is supported by the fact that the Open Spaces Summary Report for Crewe shows that there is a shortfall of 34ha of children's and teenagers open space. However, it is possible that, as part of the open space provision for the site, a Commuted Sum could be paid, to compensate for the shortfall. It is understood that an existing equipped children's play area, off Lansdowne Road requires improvements,. There is currently insufficient equipment, and that equipment and safer surfacing that is there does not comply with European Standards.

It is therefore recommended that, in the event of approval, any Section 106 Agreement makes provision for 900sqm of onsite shared recreational open space, to be maintained by a private residents management company and a commuted sum of £50,000 to be paid to the Council for the replacement/extension of the existing children's play area 160m west from the proposed development, off Lansdowne Road.

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 44 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 also be achieved. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Ecology

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

(a) 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

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less

harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: If unlikely, then the LPA should refuse permission: If likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council's Ecologist who has made the following observations:

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. If outline planning permission is granted it must be ensured that the existing hedgerows on site are retained and enhanced as part of any subsequent detailed site layout.

Badgers

No evidence of badgers was recorded on the application site. However, this species is active in the immediate locality. As badgers can excavate new setts within a short timescale, it is recommended that, if outline consent is granted, a condition be attached requiring any reserved matters application is supported by an updated badger survey.

Bats

It is unlikely that there is an active bat roost on site. The site, particularly the northern boundary is however used by commuting and foraging bats. The level activity has been assessed as moderate but is not unusually high for a rural site of this nature. To ensure that there is no significant impact on bats resulting from the development, the tree line along the northern boundary of the site should be retained and enhanced by a additional native species planting. Excessive lighting should also be avoided. These matters may be dealt with by means of suitably planning conditions.

Breeding birds, bird and bat boxes

If planning consent is granted it is recommended that conditions are attached to safeguard breeding birds and to ensure some additional provision is made for breeding birds and roosting bats.

Biodiversity offsetting

The habitats on site are of low value and do not present a significant constraint upon development. However the proposals may still result in an overall loss of biodiversity. It is therefore recommended the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra 'metric'

methodology. This had been requested from the applicant's ecologist at the time of report preparation, and a further update on this matter will be provided to Members in due course.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. The end result of this process is a development proposal that can be confidently assessed as being truly 'sustainable' in terms of ecology. This approach obviously has implications for the determination of the planning application in light of the NPPF.

Conditions

If planning consent is granted the following conditions will be required:

- Retention of hedgerows as part of landscaping plan
- Breeding Birds
- Bird and bat boxes
- Updated badger survey
- Lighting details to be agreed with LPA

Education

The Council's Education Officer has examined the application and concluded that any existing capacity within local schools to absorb the predicted pupil yield from the development has already been taken up by previously approved development. The development is expected to generate a requirement for 7 primary school places, and on the basis of the established formula, this equates to a financial requirement of £75,924. This can be secured through the Section 106 Agreement.

Highway Safety and Traffic Generation.

A Transport Assessment has been submitted with the application which concludes that:

- The proposed development will be accessed by a safe, efficient and improved vehicular access arrangement.
- The proposed development complies with local and national planning policy.
- The existing pedestrian infrastructure located in the vicinity of the site will enable safe pedestrian movement between the development site and the wide range of local services located within this area of Crewe and the town centre.
- The site benefits from being located in close proximity to the bus stops located on Sydney Road which provides services that are ideally placed to cater for the needs of the development's residents and visitors.
- The traffic impact of the proposed development is considered to have an minimal impact on the junctions in the area.
- Based on the above it is the conclusion of this Report that there are no material reasons why the proposed development should not be granted planning consent on highways or transportation grounds.

The Strategic Highways Manager was still considering the submitted Transport Assessment at the time of report preparation and a further update on this matter will be provided to Members prior to their meeting.

9. CONCLUSIONS

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.

Whilst the proposal would not adversely affect the visual character of the landscape, it would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which are not subject to Green Gap policy which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy NE.4.

Comments from the Strategic Highways Manager and the Council's Ecologist were awaited at the time of report preparation and a further update will be provided to Members on these issues prior to their meeting.

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 monies towards the future provision of primary school education.

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 not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

Whilst the proposal will result in the loss of some grade 3b agricultural land, this is not 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, given that the site does not offer a significant quality of land.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and the Green Gap and as a result the

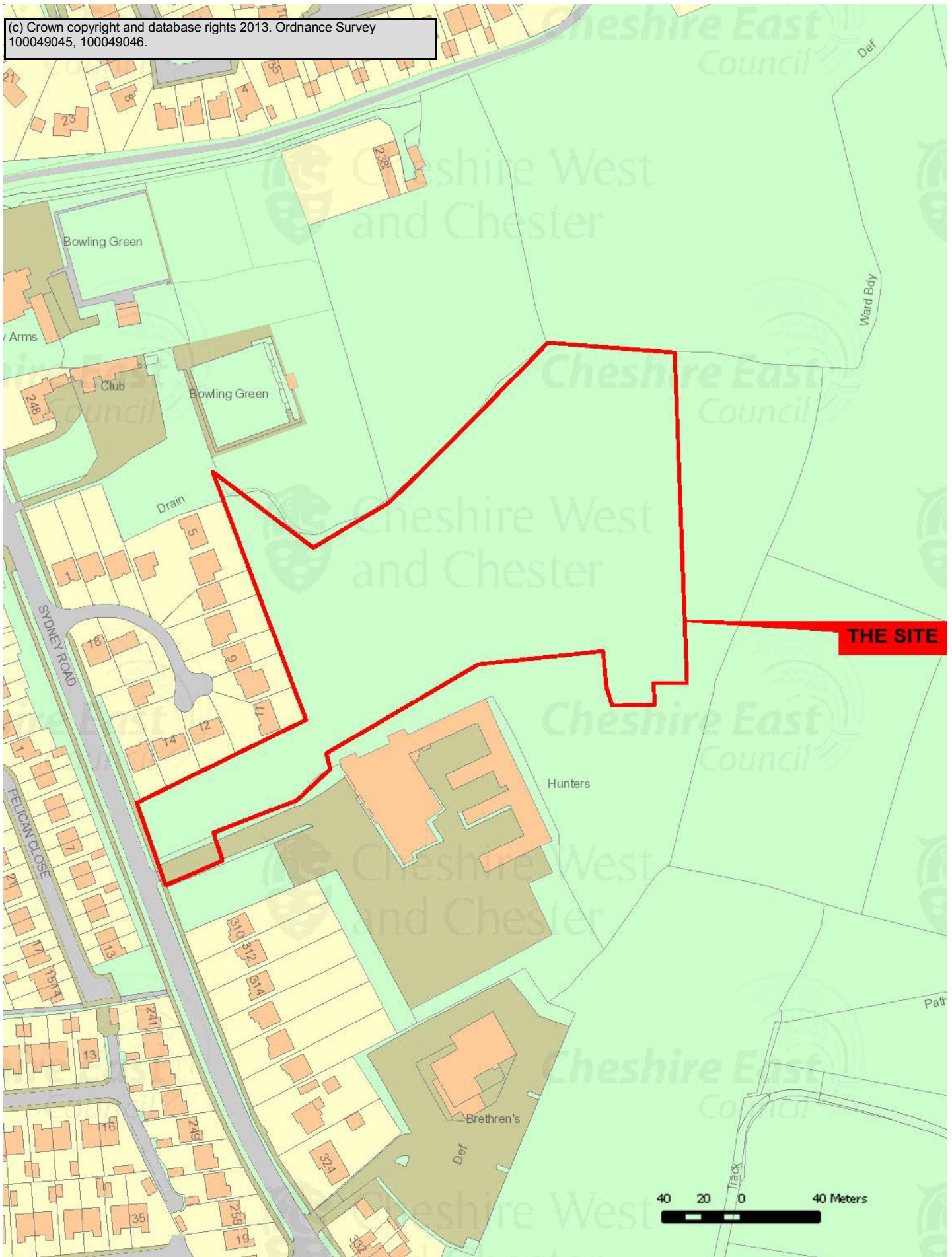
proposal is considered to be unsustainable and contrary to policies NE2 and NE4 of the local plan and the provisions of the NPPF in this regard.

10. RECOMMENDATION

REFUSE for the following reason:

- 1. The proposal is located within the Open Countryside and Green Gap and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policies NE2 and NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan, the National Planning Policy Framework and the emerging Development Strategy.**

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THE SITE

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