

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 13th March, 2013</b>
<b>Time:</b>	<b>10.30 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

To provide an opportunity for Members and Officers to declare any 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 Meetings (Pages 1 - 20)**

To approve the minutes of the previous two meetings held on 8 February 2013 and 20 February 2013 as a correct record.

**4. Public Speaking**

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **13/0012C-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 21 - 56)

To consider the above application.

6. **12/4872C-Proposed residential development for up to 155 residential units with associated infrastructure and access with all other matters reserved, Land off Sandbach Road North, Alsager, Stoke-on-Trent for Mr James Glover, Gladman Developments Ltd** (Pages 57 - 88)

To consider the above application.

7. **Proposed alteration to the minutes for application 12/2584C-Land off Warmingham Lane, Middlewich** (Pages 89 - 94)

To consider the above report.

8. **12/4150C-Erection of up to 150 dwellings with associated infrastructure (outline), Land South of Hall Drive, Alsager for Renew Land Developments Ltd** (Pages 95 - 148)

To consider the above application.

9. **12/3016C-Outline Application for New Residential Development and Access Roads for up to 31 residential units, Rectory Farm, Old Knutsford Road, Church Lawton for Northwest Heritage C/O** (Pages 149 - 166)

To consider the above application.

10. **12/3869W-Variation of conditions 5 (b), 5 (c) (relating to hours of working) and 6 (relating to traffic movements) of approval 5/06/1782P for the erection of plant, machinery and utilisation of the former garage and lorry parking facilities for bagging and storing dried ready mixed concrete, mortar and turf dressing products, Eaton Hall Quarry, Manchester Road, Congleton for Tarmac Building Products Ltd** (Pages 167 - 176)

To consider the above application.

11. **Local Plan Annual Monitoring Report 2011/12** (Pages 177 - 184)

To consider and note the above report.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Friday, 8th February, 2013 at The Assembly Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

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

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

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Lawyer),  
Miss J Dutton (Principal Planning Officer), Mr A Fisher (Strategic Planning and  
Housing Manager) and Mr B Haywood (Principal Development Officer)

### 138 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Edwards and Mrs  
J Jackson.

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

In the interest of Openness in relation to application 12/4654N, Councillor  
D Newton declared that he lived in Nantwich.

In relation to the same application, Councillor A Moran a visiting Councillor  
declared a non pecuniary interest as he was a member of Nantwich Town  
Council and had made comments on the application to the local media.

It was noted that all Councillors had received correspondence in relation to  
the same application.

### 140 **PUBLIC SPEAKING**

Consideration was given to the public speaking procedure.

#### **RESOLVED**

That the public speaking procedure be noted.

### 141 **QUEENS DRIVE, NANTWICH**

Consideration was given to the above application.

(Councillor A Moran, a visiting Councillor, Parish Councillor Houlston, representing Acton, Edleston & Henhull Parish Council and Jean Kay, an objector attended the meeting and spoke in respect of the application).

The meeting was adjourned from 12.20pm until 12.35pm for the Chairman to confer with the Board's Solicitor and Strategic Planning and Housing Manager as to whether the press and public should be excluded temporarily from the meeting so that confidential legal advice relevant to the merits of the application could be given, following which the Board resolved

That the press and public be excluded from the meeting during consideration of the item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (that is, the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and that the public interest in keeping the information confidential outweighs the public interest in disclosing it.

Once Legal Advice had been given, members of the press and public were then invited back into the meeting and consideration of the application continued in the public domain.

RESOLVED

That the application be deferred for further information on the position of the Strategic Housing Land Availability Assessment 2013 and for a site visit to consider the highways issues raised in the report.

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

(The meeting adjourned for lunch at 1.25pm and reconvened at 2.00pm)

(Prior to consideration of the following item, Councillors D Brown and Mrs R Bailey arrived to the meeting).

142        **CHESHIRE EAST STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT**

(During consideration of the item, Councillor G Walton left the meeting and did not return).

Consideration was given to the above report.

(Councillor H Murray, a visiting Councillor, Councillor, L Brown, a visiting Councillor and Anthea Buxton, an objector attended the meeting and spoke in respect of the report).

RESOLVED

That the Cabinet Portfolio Holder be recommended to approve for publication the Strategic Housing Land Availability Assessment attached at Appendix 2, subject to the minor amendments contained within the update report and subject to the inclusion of explanatory notes within the SHLAA document and reference within the map legend.

(Councillor B Murphy requested it be noted that he abstained from voting on the proposal).

**143. FORTHCOMING PLANNING INQUIRY REGARDING LAND AT QUEENS DRIVE, NANTWICH: APPLICATION REF 12/2440N: 270 DWELLINGS AND ASSOCIATED DEVELOPMENT FOR GLADMAN DEVELOPMENTS LTD**

Pursuant to s100(B) (4) (b) Local Government Act 1972, the Chairman agreed that the Board should consider an urgent verbal report from the Strategic Planning and Housing Manager regarding the Council's case at a forthcoming Planning Inquiry on 5 March 2013. Urgency arose because of the short time available in which to review the merits of the Council's case before evidence was exchanged on 12 February 2013.

Further, the Board resolved that the press and public be excluded from the meeting during consideration of the item pursuant to Section 100(A)(4) Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (that is, the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and that the public interest in keeping the information confidential outweighed the public interest in disclosing it.

Application 12/2440N was the subject of a Planning Inquiry listed for hearing on 5 March 2013. Proofs of evidence were due for exchange on 12 February 2013. Having considered verbal reports from the Strategic Planning & Housing Manager regarding the evolving housing land supply position and the production of evidence for the Inquiry, and from the Highway Engineer/Principal Development Officer regarding highways concerns and mitigation proposals, and from the Solicitor summarising Counsel's Advice regarding the merits of four grounds of objection (highway capacity, pedestrian safety, sustainability, prematurity & housing supply) given by the Board on 5 December 2012.

The Board RESOLVED to remove its fourth ground of objection (prematurity & housing land supply) to the application.

The meeting commenced at 10.30 am and concluded at 4.55 pm

Councillor H Davenport (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 20th February, 2013 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

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

Councillors Rachel Bailey, D Brown, P Edwards, J Hammond, P Hoyland,  
P Mason, B Murphy, C G Thorley, G M Walton, S Wilkinson, J Wray and  
D Newton (Substitute)

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Lawyer), Mr  
B Haywood (Principal Planning Officer), Mr A Fisher (Strategic Planning and  
Highways Manager), Mr S Irvine (Development Management and Building  
Control Manager), Mr N Jones (Principal Development Officer), Ms S Orrell  
(Principal Planning Officer) and Mrs E Tutton (Principal Planning Officer)

### 143 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor P Edwards for the  
morning session only and from Councillor Mrs J Jackson.

(During consideration of the following item, Councillor B Murphy arrived to  
the meeting).

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

In the interest of Openness in relation to application 12/4654N, Councillor  
D Newton declared that he lived in Nantwich.

In relation to the same application, Councillor A Moran a visiting Councillor  
declared a non pecuniary interest as he was a member of Nantwich Town  
Council and had made comments on the application to the local media.

In the interest of openness in relation to application 12/3114N, Councillor  
Mrs R Bailey gave notice of shared land ownership in Walgherton, as  
potential impact on this location may be referred to during the public  
speaking.

In the interest of openness in respect of application 12/4494N, Councillor J  
Hammond declared that he was a member of Haslington Parish Council  
who were a consultee on the original application.

All Members declared that they had received correspondence in relation to various applications on the agenda.

145      **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting be approved as a correct record and signed by the Chairman subject to the following:-

That in relation to Minute No.132 the first bullet point under the Section 106 Legal Agreement be amended to read as follows:-

Provision of 10% of the total units as affordable housing in perpetuity, with 50% of the affordable housing provided in Phase 1, which would equate to 33 dwellings. The mix on Phase 1 being 7% 1 bed flat, 40% 2 bed house 53% 3 bed house. The tenure split of the units on all phases to be 25% 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. Rented and Shared Ownership dwellings to be transferred to a Registered Provider.

In addition to this amendment there was a further amendment to the minute to delete condition number 9 from the list of conditions.

That in relation to Minute No.134, point number 4 contained within the S106 Heads of Terms be amended to include the addition of the words 'in consultation with Haslington Parish Council' after the word 'Gutterscroft'.

146      **PUBLIC SPEAKING**

Consideration was given to the public speak procedure.

The Chairman was notified of two further requests from people wishing to speak that had not registered within the deadline.

The Chairman invited the Board to decide whether or not the two additional speakers should be allowed to speak.

**RESOLVED**

That the public speaking procedure be noted and that the two additional speakers be allowed to speak.

147      **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**

Consideration was given to the above application.

(Councillor A Moran, a visiting Councillor and Jean Kay, an objector attended the meeting and spoke in respect of the application).

#### RESOLVED

That for the reasons set out in the report and in the update to Board the application be approved subject to the completion of a Section 106 Agreement to secure the following:-

1. Contribution towards mitigation at level crossings (delegated powers to the Development and Building Control Manager, in consultation with the Chairman and Network Rail to agree the amount with the developer)
2. Education contribution of £260,311
3. Contribution towards towpath improvement works (delegated powers to the Development and Building Control Manager, in consultation with the Chairman and The Canal and River Trust to agree the amount with the developer)
4. Contribution towards off-site footpath improvement works (delegated powers to the Development and Building Control Manager, in consultation with the Chairman and the Rights of Way Officer to agree the amount with the developer)
5. Private residents management company to maintain all Amenity Greenspace, public footpaths and greenways within the site, play areas and other areas of incidental open space not forming private gardens or part of the adopted highway as public open space in perpetuity
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 subject to 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
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/shared ownership housing 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. Details of bin storage to be submitted to the Local Planning Authority
33. Submission of Construction Method Statement
34. 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.

(The meeting was adjourned for a short break. Councillor P Mason left the meeting and did not return).

148      **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**

(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 Mrs J Clowes, the Ward Councillor for Wybunbury, Councillor D Brickhill, the Ward Councillor for Shavington, Parish Councillor Duthie, representing Wybunbury Parish Council, Mr Ellison, representing Shavington-cum-Gresty Parish Council, Mark Donlon, Chairperson of Wybunbury 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 for the reasons set out in the report and in the update to Board the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:-

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 £85,00 towards upgrading existing bus stops on Newcastle Road and other improvements (including speed limit reduction and crossing facilities) on Newcastle Road
- Contribute £230,000 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 in the reserved matters approval. Money to be allocated to Wybunbury School.
- 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 public open space (including, inter alia, the NEAP, MUGA, gym, allotments (to include water supply and provision of toilets), 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) in perpetuity

- 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 to include contractors vehicles and storage within the compound
  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
  48. Bin storage scheme to be submitted to the Local Planning Authority
  49. 49. No 3 storey development
  50. Submission and implementation of a drainage scheme for land at rear of Dig Lane
  51. Reserved Matters to make provision for a wildlife corridor connecting 2 existing ponds and creating 2 more ponds and coppice at rear of Dig Lane planted with native trees and shrubs. Area fenced off with

Cheshire Railings running full length of Dig Lane with 2 access gates for maintenance

52. Reserved Matters to make provision for bungalows backing on to bungalows in Stock Lane.

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.

(The meeting was adjourned for lunch from 2.10pm until 2.30pm).

149      **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**

(At this point Councillor B Murphy in the interest of openness declared that he lived close to the development site of application site 12/4067M. Councillor H Davenport also declared in the interest of openness that he lived in Disley).

Consideration was given to the above application.

(Jason Boyd, representing the applicant attended the meeting and spoke in respect of the application. A statement was also read out by the Development Management and Building Control Manager on behalf of Mrs McKeever who was an objector but who was unable to attend the meeting).

RESOLVED

That for the reasons set out in the report and in the update to Board the application be approved subject to the 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 the 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. Removal / amendment of the existing traffic calming on Carr Brow
16. Reinstatement traffic calming arrangements on Carr Brow
17. Resurfacing / reconstruction of Carr Brow, if required, following completion of the works
18. Wheel wash facilities at either end of the temporary road closures. Road sweeper to be available on site for daily cleaning of Jacksons Edge Road throughout the duration of the road closure
19. Traffic Management Plan for diverted traffic to appropriate routes, avoiding Light Alders Lane
20. Creation of a Community Liaison Group
21. Submission of a Construction Method Statement

(Prior to consideration of the following application, Councillors D Brown and P Hoyland left the meeting and did not return).

150      **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**

Consideration was given to the above application.

(Councillor B Moran, the Ward Councillor, Councillor Mrs G Merry, the adjacent Ward Councillor, Town Councillor Wood, representing Sandbach Town Council and Ian Knowlson, an objector attended the meeting and spoke in respect of the application. In addition a statement was read out by the Development Management and Building Control Officer on behalf of Councillor S Corcoran also an adjacent Ward Councillor).

RESOLVED

(1) That for the reasons set out in the report and in the update to Board the Council be recommended 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 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. 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.

(2) In preparation for the forthcoming Planning Inquiry, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with S106 Town and Country Planning Act to secure the following Heads of Terms:-

(i) Provision of 48 (30%) affordable housing units – (31 units) 65% to be provided as social rent/affordable rent with (17 units ) 35% intermediate tenure.

(ii) The provision of a LEAP (min of 5 pieces and public open space to be maintained by a Private residents management company. The private management company to maintain all Amenity Greenspace, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.

(iii) Education contribution in respect of primary provision of £282,004 and secondary provision of £343,196

(iv) 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.

151        **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**

Consideration was given to the above application.

(Councillor Mrs G Merry, the Ward Councillor, Councillor B Moran, the adjacent Ward Councillor, Town Councillor Wood, representing Sandbach Town Council, Mr Brough representing Elworth Hall Farm Action Group, Mr Edwards, an objector and Mr Gold, the agent for the applicant attended the meeting and spoke in respect of the application).

#### RESOLVED

That for the reasons out in the report and in the update to Board the application be refused 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.

(2) In preparation for the forthcoming Planning Inquiry, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following Heads of Terms:-

- 29 dwellings, with 19 provided as affordable / social rent and 10 provided as intermediate tenure
- 8 x 1 bed apartment & 11 x 2 bed houses as affordable / social rent and 2 x 2 bed houses & 8 x 3 bed houses as intermediate tenure
- Transfer of any rented/shared ownership affordable units to a Housing Association
- 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 to match the Councils allocations policy)
- Provision of play area
- Provision for a residents management company to maintain all the on-site amenity space / play area in perpetuity
- Detailed management plan for the Public Open Space be submitted and approved
- Provision 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. The final layout and choice of play equipment be agreed with CEC, the construction should be to the Council's satisfaction

- Highways contribution of £288,000 towards highway improvements in the Sandbach area
- Contribution of £162,694 towards primary education
- Contribution of £196,112 towards secondary education

(The meeting was adjourned for a short break. Councillors Mrs R Bailey and P Edwards left the meeting and did not return).

152      **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**

Consideration was given to the above application.

(Mr Parkinson, an objector and Amy James and Roy Spruce, the agents representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons in the report and in the update to Board the application be refused 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.

(2) In preparation for the forthcoming Planning Inquiry, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following Heads of Terms:-

- £75,924 towards primary education provision.
- £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.
- Private residents management company to maintain all Amenity Greenspace, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming

private gardens or part of the adopted highway as public open space in perpetuity

- 35% affordable housing provision. The tenure split to be 65% social or affordable rent and 35% intermediate tenure provided no later than occupation of 50% of the open market units
- Transfer of affordable housing/shared ownership to a registered provider
- Provision of £10,000 and additionally £5,000 for the following local identified schemes:
  - i) The funding of the Sydney Road/Earle Street cycleway link.
  - ii) The permanent signing of the revised lane arrangements at the Sydney Road/Hungerford Road traffic signals.

The meeting commenced at 10.30 am and concluded at 6.01 pm

Councillor H Davenport (Chairman)

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Application No: 13/0012C

Location: Land North of Congleton Road, Sandbach, Cheshire, CW11 1DN

Proposal: 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: 19-Mar-2011

**SUMMARY RECOMMENDATION**

**Refuse 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**

## **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.

Members will recall resolving to contest the forthcoming appeal in respect of duplicate application 12/1903c on open countryside and prematurity grounds at its last meeting.

### **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 within/adjoining 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 seeks outline permission for up 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 focused 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 discreet 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.
1. 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
- i. 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.
- ii. This proposal is not mixed-use and will not bring employment to the area
- iii. Does not comply with the CEC Interim Policy for the release of housing land
- iv. Will increase traffic and road safety issues in an area with existing problems, close to both a Primary School and Nursery.

## **3. OTHER REPRESENTATIONS**



One letter of support has been received from the Governing Body of Offley Road Primary School, who repeat their support on the grounds that the increased number of children within the 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
- Speculative, unwanted and unplanned
- 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 Councils 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.
- The publication of the emerging Draft Development Strategy is an important milestone which articulate the preferred scale and distribution of development.
- 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.

## **6. OFFICER APPRAISAL**

### **Principal of Development**

#### **Main Issues**

Given that the application is submitted in outline form with only access detailed, 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 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 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15<sup>th</sup> 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 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> 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 30<sup>th</sup> 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 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”*

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 to the main road is applied for. The site's 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 (HA) 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 (approved) 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.

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.

Following information from the local community since making formal observations the Strategic Highways Manager has commissioned some safety audit work to be undertaken. At the time of writing, this work had been completed but the results of the Safety Audit for this stretch of Congleton Road will be the subject of an update report.

## **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.

### **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 and public open space to be maintained by a Private residents management company. The private management company to maintain all Amenity Greenspace, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.**

**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**

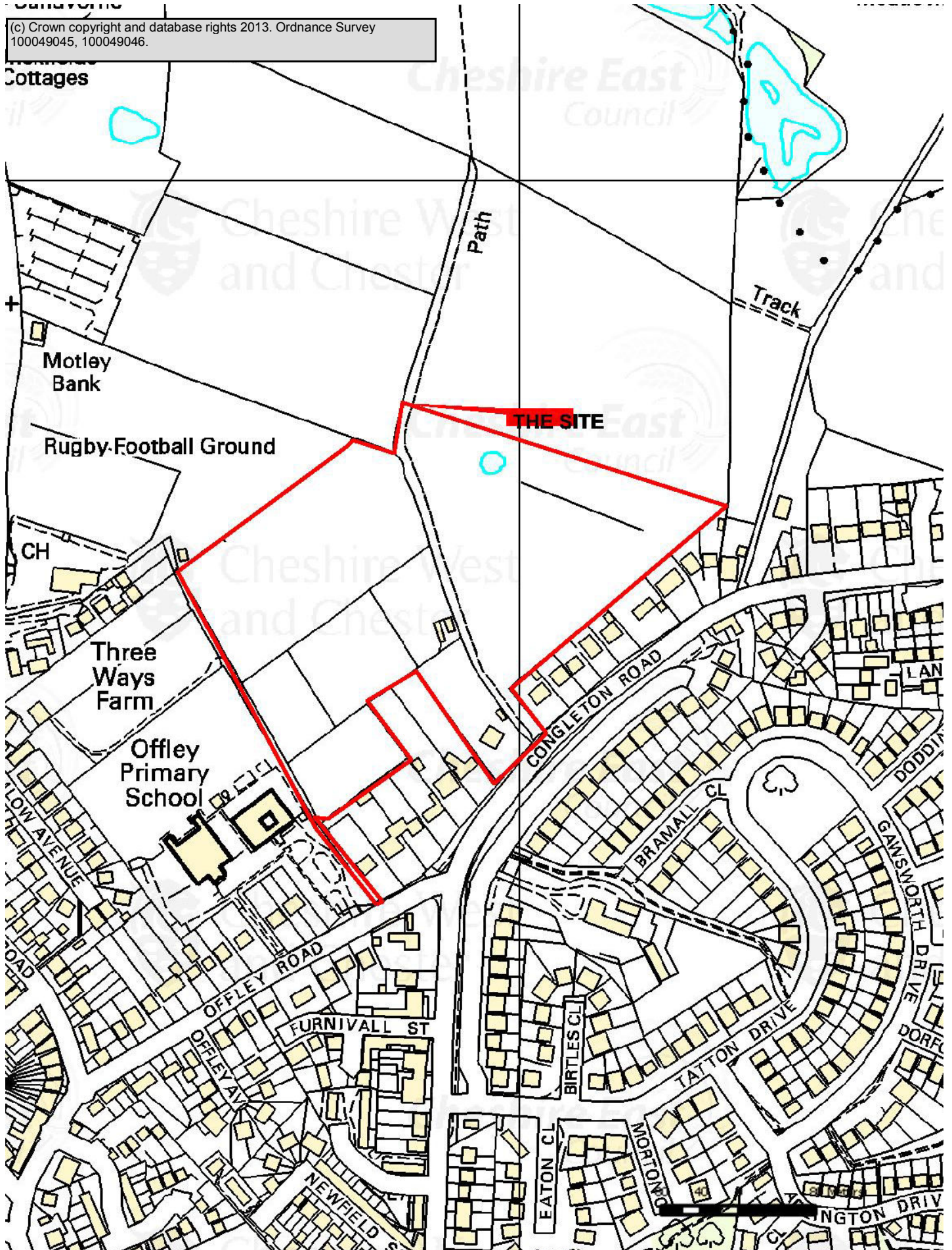
**REFUSE on the following grounds:**

**The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy 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.**

**Should this application be the subject of appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as detailed above.**

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Application No: 12/4872C

Location: Land off Sandbach Road North, Alsager, Stoke-on-Trent, ST7 2EH

Proposal: Proposed residential development for up to 155 residential units with associated infrastructure and access with all other matters reserved.

Applicant: Mr James Glover, Gladman Developments Ltd

Expiry Date: 22-Mar-2013

12/4872C – Land off Sandbach Road North, Alsager

#### **SUMMARY RECOMMENDATION**

#### **REFUSE**

#### **MAIN ISSUES**

**Impact of the development on:-**

- Principal of the Development**
- Planning Policy and Housing Land Supply**
- Renewable Energy**
- Landscape**
- Affordable Housing**
- Highway Implications**
- Amenity**
- Trees and Hedgerows**
- Design**
- Ecology**
- Open Space**
- Education**
- Flood Risk and Drainage**
- Agricultural Land**

#### **REASON FOR REFERRAL**

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan.

#### **1. DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development extends to 7.18 ha and is located to the north of Alsager. The site is within open countryside. To the north is agricultural land. To the south are residential properties which front onto Rydal Way and Heath End Road. To the east is the Wilbraham Arms Public House with residential properties beyond.

The land is currently in agricultural use and there are a number of trees and lengths of hedge on the site. The trees to the south east corner of the site onto the Sandbach Road North frontage are subject to TPO protection. The site includes an existing farm complex at Cresswellshawe Farm. A watercourse runs along the northern boundary of the site with a pond to the north-east of the site adjacent to a Public Right of Way which crosses the site.

## **1. DETAILS OF PROPOSAL**

This is an outline planning application for up to 155 dwellings. Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Sandbach Road North. The site would include the provision of 30% affordable housing and public open space.

The development would consist of a mix of house types varying from 2-5 bedroom units. The development would include 0.6 hectares of public open spaces, the creation of a community hub at the existing farm complex, 1.09 hectares of habitat creation, 0.3 hectares of balancing ponds/SUDs and a LEAP.

## **2. RELEVANT HISTORY**

28544/1 – Residential Development and the Provision of Public Open Space – Refused 2<sup>nd</sup> December 1996

20199/1 - Residential Development and the provision of Public Open Space – Refused 28<sup>th</sup> October 1988

19421/1 – Residential Development and the provision of Public Open Space – Refused 28<sup>th</sup> March 1988

## **3. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
H2 - Provision of New Housing Development  
H6 - Residential Development in the Open countryside  
H13 - Affordable Housing and low cost housing

### **Regional Spatial Strategy**

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

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Draft Alsager Town Strategy Consultation

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

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development but would like to make the following comments:

The site is shown on our Flood Maps as being mainly within Flood Zone 1 (low probability of river/tidal flooding), but with Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding), affecting land adjacent to the existing watercourse, along the northern boundary of the site. The Flood Maps are however indicative only and they are not of sufficient accuracy to determine the risk of flooding at a specific location.

The submitted Flood Risk Assessment (FRA) from Opus Consultants, demonstrates that the 1 in 100 years flow in the existing watercourse does not affect buildings on the proposed development, which is acceptable in principle. However the following planning conditions should be attached to any approval:



- Finished floor levels shall be no lower than the 1 in 100 years river flood level allowance for climate change 600mm freeboard
- A scheme to limit the surface water run-off from the site
- A scheme to manage the risk of flooding from overland flow
- Provision of a buffer zone alongside the watercourse and pond
- Details of the design of the swale
- Scheme to dispose of foul and surface water

**United Utilities:** No objection subject to the following conditions being met:

- The site must be drained on a separate system with only foul drainage connected into the public sewerage system
- A public sewer crosses the site and UU will not permit building over it. An access strip with a width of 6 metres (3 metres either side of the centre line) will be required.

**Strategic Highways Manager:** The main concern of this residential development relates to the capacity impact at one of the main junctions in Alsager. Travelling south from the site, traffic uses two routes the B5078 Sandbach Road North or Chancery Lane to get to Crewe Road, the signalised junction at Sandbach Road North/Crewe Road is shown to be operating over capacity in the Transport Assessment and this does not take into account the committed Twyfords site. It is not accepted that the development only has a negligible impact at the junction and the use of Chancery Lane is not desirable as it is a residential street and has an awkward junction with Crewe Road and Hassall Road.

There has been no offer of mitigation from this development towards improving the highway network even though an impact is identified or providing better bus services to the site. In these circumstances, it is concluded that the application should be refused on grounds of highway impact.

**Environmental Health:** Conditions suggested relating to construction hours, piling hours, dust mitigation, noise mitigation and an environmental management plan.

The Environmental Health section objects to the above application with regard to contaminated land:

- Part of the application area has a history of landfill use (inert, industrial, commercial, household, special waste and liquid sludge wastes). Therefore, the land may be contaminated and there may be quantities of ground gas being generated which may affect the proposed development.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- A Phase I Preliminary Risk Assessment for contaminated land has been submitted. Considering the application area includes a former landfill a Phase II site investigation and robust gas risk assessment will be required to be submitted in order to show that the site is suitable for its proposed use.

As such, and in accordance with Paragraph 120 of the NPPF, this section recommends that either the applicant submits further information to demonstrate that the site is suitable for being developed for its new use or the application be refused on the basis of insufficient information.

**Public Open Space:**



### Amenity Greenspace

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 surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is not a requirement for new Amenity Greenspace to meet the future needs arising from the development. It is understood that an amount of open space is proposed within the green infrastructure including new ponds and wetland habitats.

With reference to the masterplan and the Design Principles detailed in the Design and Access Statement the following areas of Open space are proposed:

Public open space (0.60Ha)

Habitat Creation (1.08Ha)

Equipped children's play space (0.04Ha)

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

### Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

It is proposed to provide an equipped children's play area set within an area of public open space. This should include be a LEAP sized play area incorporating 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.

**Natural England:** This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. In relation to protected species reference should be made to the Natural England Standing Advice.

**Archaeology:** The application is supported by an archaeological desk-based assessment which has been produced by CgMs Ltd on behalf of the applicants. This study has examined data held in the Cheshire Historic Environment Record, aerial photographs, historic mapping, and various secondary sources and presents a thorough summary of the site's history. It concludes that the potential for dry-land archaeological deposits is limited and no further work is recommended in this field. However it is noted, that the flood mitigation document describes works in the small valley associated with the stream across the site. These appear to involve the excavation of a 'swale' or overflow channel and other works which are likely to involve disturbance of the alluvial deposits filling the valley. Recent work on similar environments in the area has revealed layers of waterlogged wood, peat, and ancient buried ground surfaces, all of which have the potential for macrofossil and pollen analysis and the provision of data on past human activity in the area.

It is advised that this limited potential is not sufficient to justify an objection to the development or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation in the event that planning permission is granted, with the work secured by condition. This work should take the form of an initial inspection of any strata exposed during the flood mitigation works by a suitably-experienced person, in order to identify any deposits with the potential to contain remains suitable for macrofossil or pollen analysis. Where such deposits are identified, suitable samples should be taken and subject to initial assessment in order to determine their suitability for more detailed analysis. Where such analysis is shown to be appropriate, it should then be undertaken. A condition should be attached should the application be recommended for approval.

**Public Rights of Way:** The development will affect Public Footpath No 2 Alsager and an advisory note should be attached to any planning permission.

**Countryside Access Team:** The proposed development site includes part of Public Footpath No. 2 in Alsager. This footpath will act as an important route for residents of proposed development in and out of the site. The design of the site should include this footpath within a wide green corridor, with natural surveillance. In order for it to adequately accommodate the increased footfall, the developer would be requested to improve the surface of the path throughout the site and to Heath End Road. The footbridge over the brook will also require replacement to safely accommodate the increased usage arising from the development. The specification, timing and details for these works will need to be agreed with the Public Rights of Way team. Arrangements for future maintenance will also need to be agreed.

The proposal suggested in the Illustrative Masterplan, to provide pedestrian links into the adjoining Borrow Pit Meadows Country Park is welcomed. This will provide a major leisure and activity resource for residents of the proposed development and surrounding community. Contributions are requested from the developer to improve the surface of the circular path within the Borrowpit Meadow (Public Footpath Alsager No. 1), in order to accommodate the predicted increased footfall and to make the paths as accessible as possible to the community. The specification, timing and details for these works will need to be agreed with the Public Rights of Way team and Countryside Ranger Service which manages the site, and it should be noted that stock fencing will be required to protect the path surfaces. Again, arrangements for future maintenance will also need to be agreed.

Further, clarification is requested as to the legal status and future maintenance of the paths proposed within the public open space adjoining the brook.

It is proposed that, in order to provide continuity of accessibility and aesthetics, the path surfaces on each of the above mentioned routes are improved to the same specification, for example compacted aggregate to 2m width. Appropriate signage should also be provided.

Proposals for both pedestrians and cyclists to cross Sandbach Road North en route to the town centre need to be fully assessed and improved as necessary. Aspirations, registered under the Council's statutory Rights of Way Improvement Plan (ref. T101) are held to improve access to the eastern end of the Salt Line for pedestrians and cyclists approaching the route from Alsager town and via Cherry Lane and to the east. The Salt Line is a major leisure resource, being managed as a Country Park, and also forms part of National Cycle Network route no. 5 and as such is an active travel route between Alsager and Sandbach and communities to the east. Current access to and from the Salt Line's eastern end is difficult due to Sandbach Road North with traffic from the proposed development contributing further to this issue. Contributions would be sought from the developer in order that this access is improved as a means to provide residents of the proposed development and wider community access to the leisure and transport route.

Travel planning advice should be made available to prospective residents, including active travel options and local leisure routes for walking and cycling. Travel plan monitoring should also be required.

**Education:** A contribution of £97,617 will be required towards primary provision.

**SUSTRANS:** Would like to make the following comments:

- The site lies just to the south of National Cycle Network route 5 on the Salt Line but separated from it by the busy Sandbach Road North, B5078. We would like to see safe access made from the site for pedestrians and cyclists to the Salt Line, along with improvements to the trail itself at Cherry Avenue, as discussed with Cheshire East Council.
- The layout of the site should restrict vehicle speeds to less than 20mph.
- We would like to see traffic management measures on Sandbach Road North at the site to enable pedestrians and cyclists to cross and join Sandbach Road North if heading toward the town centre.
- Travel planning with targets and monitoring should be set up of the site.

**Cheshire Wildlife Trust:** The Trust has the following observations:

- The extended Phase 1 Habitat Survey (UES, July 2012) identifies 3 Sites of Biological Importance near the site, without giving any details of key features, information that could have been supplied on request by CWT. The list of SBIs is not accurate. Chellshill Wood (here identified as 'land east of Chells Hill') is about 1km north of the site, not '40m to the east' of the site. The Salt Line (here identified as 'Disused salt railway north-east of Hassall Road Wastewater Treatment Works') runs within 300m of the site and parallel with its north-eastern boundary, not '560m NW of the site'. The report also refers to an SBI: 'Watercourse downstream of Hassall Road Wastewater Treatment Works', also '560m NW of the site', which we are not aware of but there is another SBI very close to the eastern boundary of the site – Carr Woodland at Cherry Lane. This is a Grade B SBI, designated for its alder carr woodland and open water.
- Apart from the inaccurate and incomplete summary of non-statutory sites listed above, the extended Phase 1 Habitat Survey did not cover all aspects of the site and its context. However,

these omissions have been largely rectified by the Supplementary Ecology Information (fpcr, December 2012). The latter report noted the presence of nearby Oakhanger Moss SSSI/Ramsar site and identified areas of semi-improved wet grassland and species-poor semi-improved grassland on the site. Although the original Phase 1 survey included a Habitats map and Target Note locations, the whole site had not been fully mapped in accordance with Phase 1 survey mapping guidelines.

- The report of the Extended Phase 1 Habitat Survey recommended that great crested newt and bat roost/emergence/activity surveys should be carried out. Of these, only the bat activity surveys were subsequently undertaken and the results reported in the Supplementary Ecology Information. The latter report itself made recommendations for a bat roost survey (in May 2013) and a great crested newt survey (in March – June 2013).

- CWT considers that, in order to meet the requirements of protected species legislation, this application should not be determined until there is sufficient information on the site status of great crested newts and the presence or absence of a bat roost in the building that is proposed for demolition. This information should be available once the outstanding protected species surveys have been completed as proposed in the Supplementary Ecology Information, and once available, should allow potential impact avoidance, mitigation and/or compensation (as appropriate) to be developed for consideration.

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

### **Alsager Town Council:**

- The site is not contained for development within the approved Alsager Town Strategy which is being used as an evidence base to inform Cheshire East Council's developing Local Plan. Alsager Town Council has gone through the Town Strategy process and followed the correct approach and strategy to this process and Cheshire East Council and HM Government should recognise this is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area.
- The application is an intrusion into the surrounding countryside and no development should take place on greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are enough brownfield sites in Alsager to meet the towns future needs.
- Cheshire East Council in its document "Cheshire East Local Plan – Draft Development – Strategy and Policy Principles" state that Town Strategies are intended to inform the Cheshire East Local Plan and that consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Alsager has fully completed its consultation process and adopted its Town Strategy which is now deposited with Cheshire East and reflects the wishes and aspirations of its residents. This Strategy clearly accepts the need for housing growth but strongly emphasises that the towns' brownfields sites should be fully utilised before greenfield sites are developed which is in sympathy with Cheshire East's report.
- The Town Council contend that once greenfield sites are developed they are gone forever, and therefore greenfield sites should be saved in order to protect our local environment, open spaces and wild life.

- A fundamental aim of greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such greenfield sites safeguard the countryside and prevent joined up settlements.
- This particular application, in conjunction with other current large residential development applications in Alsager, if approved, would have a serious detrimental impact for the towns' highways infrastructure, education, doctors' surgeries, medical centres, local facilities and amenities. Such applications, if approved, would be a threat to the character and atmosphere to the town as a whole.
- The Cheshire East Development Strategy Document indicates that the authority must protect as much of our natural environment as possible and safeguard the best of Cheshire countryside. The Town Strategy accepts that an additional 1,000 homes will be required by 2030, an average of 55.6 per year but planning applications have recently been approved for 400 homes which equates to a 7.2 year supply of housing land which more than satisfies the requirements of the National Planning Policy Framework. Therefore, as far as housing development in Alsager is concerned, all necessary consultation has been completed and the Alsager Town Strategy should already be considered as the Emerging Plan for the purposes of considering planning applications which conflict with that Adopted Town Strategy.
- The Town Council has serious concerns about the proposed development being on a flood plain and would contend that there is an increased flood risk that would be further worsened by new development on this site and ask Cheshire East Council to defer consideration of this application until a thorough investigation into ground conditions has been undertaken.
- Part of the application area has a history of landfill use. Therefore, the land may be contaminated and the new residential properties could be affected by any contamination present.
- There are footpaths currently in use on the site for recreational purposes.
- The proposed access road is located on bends in Sandbach Road North, almost directly opposite the exit route from the car park of The Wilbraham Arms; its approach is steep and winding from both directions.
- The Habitat Survey contained in the application recommended that great crested newt and bat roost/emergence/activity surveys be carried out, so far only the bat activity survey has been undertaken. Bat and Newt surveys must only be undertaken in the Spring/Summer months and no decision should be made on this application until all the relevant reports have been obtained.
- The Town Council request that a site inspection be arranged before Cheshire East Council makes a decision on this application.

**Betchton Parish Council:** No comments received

**Church Lawton Council:** The Parish Council objects on the following grounds:-

- A recent planning application has been approved on a brownfield site for a residential development to provide housing that will amply fulfil the requirements of the National Planning Policy Framework. There are other potential brownfield sites set out in the Alsager Town Strategy. The development of greenfield sites should not take place whilst there are brownfield sites to be developed.
- Paragraph 79 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to

prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their character and openness.

- Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. As the proposed development does not comply with any of the listed exceptions it is by definition “inappropriate”. In these circumstances it is for the applicant to demonstrate that very special circumstances exist such as to justify setting aside Green Belt policy restrictions.
- The proposed development site is undulating & parts of the site show on the Environment Agency flood maps as being in flood zones 2 & 3 (medium & high probability respectively of river/tidal flooding) It is felt the new development would further impact on the risk of flooding. The surface water run-off should be calculated in accordance with Environment Agency guidance. The Parish Council therefore request that thorough investigations are undertaken before this application proceeds any further.
- Part of the site is located directly on an area used for landfill. There may be a risk of contamination to new residential properties, particularly with ground gases which may potentially affect air quality. An air quality assessment may therefore be required due to the size of the development.
- There are existing ponds on site & Great Crested Newts have been recorded in the area. It is felt the ecology of a valuable site would be lost. It is requested that a protected species survey is undertaken. It is noted that Newt surveys should only be carried out in spring/summer. There is also a tree preservation order on site.
- Public footpath no. 2 Alsager runs through the site.
- The Parish Council has concerns over road safety. The proposed access road is located on a bend opposite The Wilbraham Arms where there is history of accidents. Only last year a driver lost control on the approach to bend & hit the planter resulting in the vehicle over being over turned. A week later there was another accident & Cheshire Police advised they would be recommending a review of the road due to the number of incidents.
- It is felt increased traffic on this road would have a further impact on road safety.
- There would be an increased demand on local infrastructure & amenities. i.e. roads, schools, doctors, health centre.

## 6. OTHER REPRESENTATIONS

Letters of objection have been received from 60 local households raising the following points:

### Principal of development

- The site is outside the settlement boundary
- The Twyfords and MMU sites will deliver enough housing for Alsager
- The site is not identified for development in the Alsager Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- Impact upon the rural landscape
- There is no need for more housing in Alsager
- The development will not cater for the elderly
- The affordable homes will not be provided on this site
- Alsager has a greater than 5 year housing land supply
- Granting planning permission will not result in more homes being built as developers are not constructing new homes
- Allowing the development would conflict with the localism agenda

- The proposal is contrary to the Congleton Local Plan
- The developers are taking advantage of the loop hole which sees Cheshire East without a Local plan
- There is a lack of employment in Alsager
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposed community building is not required
- The proposal would harm the rural character of the site
- No benefit to the residents of Alsager
- Loss of Green Belt land
- There are numerous properties for sale in Alsager
- Previous applications have been refused on this site
- Priority should be given to brownfield sites
- The draft Town Strategy has identified that brownfield sites should be developed first
- The development would result in urban sprawl
- The proposal is contrary to the NPPF
- Loss of village life
- The development will lead to the merging of settlements

#### Highways

- Road infrastructure in Alsager is poor
- Sandbach Road North is too narrow
- Visibility is poor
- There is a lack of pavements on Sandbach Road North
- The access is located on an accident blackspot
- The access point is in a dangerous position on a bend in the road
- Increased traffic congestion
- Impact upon highway safety
- Previous applications have been refused on highway grounds
- Future residents would be dependent on the car
- Highway congestion when the M6 is closed
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport

#### Green Issues

- Loss of green land
- The tree report is not adequate
- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events
- Impact upon wildlife
- Impact upon protected species
- The protected species surveys which have been carried out are inadequate and have not been carried out at the right time
- Invertebrate surveys are required
- Impact upon local ecology
- Not all ponds are surveyed for Great Crested Newts
- The Great Crested Newt Surveys are inadequate
- The FRA is inadequate

- Lack of a mechanism to secure the ecological mitigation
- The site is in close proximity to the Salt line Way which is valuable for local residents
- Loss of TPO trees
- Loss of agricultural land
- Impact upon Great Crested Newts

#### Infrastructure

- The infrastructure in Alsager is poor
- Increased pressure on local schools
- The local schools are full to capacity
- Doctors and dentists are full
- A Public Right of Way crosses the site and is well used, the development would harm the character of the PROW
- Damage to the sewer from the landscape buffer
- The recreational spaces in Alsager are at capacity
- The sewage system is overstretched
- There is little in terms of leisure facilities

#### Amenity Issues

- There is a problem with methane gas on the site due to the former land fill on the site
- Impact upon air quality
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution

#### Other issues

- Insufficient information into renewable energy
- Lack of consultation as part of this application

Letters of support have been received from 7 local households raising the following points:

- Wish to live in Alsager and become a member of the community
- There is a lack of affordable homes in Alsager
- The site will have POS and children's play space
- The hedgerows and trees will be retained to provide a habitat
- The proposal is a smaller development compared to MMU and would be better
- Good access links to Sandbach and the M6
- The proposal is well designed
- Affordable homes should be supported
- The site is no longer in use for food production
- The site is in a sustainable location
- The development will boost the local economy
- Mitigation will be provided for the ecological impact
- Areas of open space will open up the site to the public

Alsager Residents Action Group has objected to the application raising the following points:

- The application is contrary to the Alsager Adopted Town Strategy and the Published Cheshire Development Strategy which both indicate that house building within Alsager should be restricted to the existing large Brownfield sites and that Greenfield sites should not be developed during the Plan period up to 2030



- Development of this site would be an incursion into the open countryside which borders the north eastern boundary of the Town and provides a strategic gap between Alsager and the Lawton Heathend residential area of Church Lawton. Furthermore, the site is of ecological significance and development proposals adjacent to this site have been opposed in the past because they would have a negative impact on the ecology of this area. The site currently presents a rural image, as a centre for Horse riding, and provides a natural transition between the residential fringes of Alsager and the attractive local countryside attraction of the Salt Line.
- Alsager's infrastructure already struggles to meet the needs of the town and the already approved developments at Crewe Road and Twyford's site, which total 400 dwellings and represent a 7 year supply of housing land for the town, will further exacerbate this problem to unmanageable proportions if this additional application is approved.
- Access to the site, off Sandbach Road North, is on a bend, opposite the exit from the Wilbraham Arms Public House/Restaurant and in a dip at the foot of an incline immediately to the West where vehicles accelerate from a 30mph area into a 40mph zone. Clearly this application should be refused by Cheshire east Council.

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

To support this application the application includes the following documents:

- Design, Access and Planning Statement (Produced by Gladman Developments Ltd)
- Arboricultural Assessment (Produced by FPCR)
- Transport Assessment (Produced by Croft Transport Solutions)
- Extended Phase 1 Habitat Survey (Produced UES)
- Affordable Housing Review and Statement (Produced by Levvel Ltd)
- Planning Statement (Produced by Gladman Developments Ltd)
- Landscape and Visual Assessment (Produced by FPCR)
- Noise Assessment Report (Produced by Wardell Armstrong)
- Archaeological Desk Based Assessment (Produced by CGMS)
- Flood Risk Assessment (Produced by OPUS)
- Air Quality Assessment (Produced by Wardell Armstrong)
- Utilities & Infrastructure Report (Produced by Gladman Developments Ltd)
- Renewable Energy Statement (Produced by Gladman Developments Ltd)
- Statement of Community Involvement (Produced by Gladman Developments Ltd)
- Soil Resources and Agricultural Use and Quality Report (Produced by Land Research Associates)
- Supplementary Ecology Information (Produced by FPCR)
- Socio-Economic Impact Report (Produced by Regeneris)
- S106 Heads of Terms

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal of Development**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the

purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of 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 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> 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 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> 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 30<sup>th</sup> 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 are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case.

### ***Emerging Policy***

The Alsager 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. The application site was not included in the Strategy which was approved on 31<sup>st</sup> July 2012.

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 Alsager to two strategic sites: land at Twyford – 450 dwellings and land at the former MMU Campus – 400 dwellings.

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.

### **Location of the site**

To aid a sustainability assessment, a toolkit was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – 341m
- Children’s Play Space (500m) – To be provided on site
- Bus Stop (500m) – 310m
- Primary School (1000m) – 376m
- Public House (1000m) – 310m
- Leisure Facilities (leisure centre or library) (1000m) – 771m
- Secondary School (1000m) – 771m
- Child Care Facility (nursery or crèche) (1000m) - 376m
- Public Right of Way (500m) – Runs through the site
- Railway Station (2000m where geographically possible) – 1804m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Community Centre/Meeting Place (1000m) – 1206m
- Pharmacy (1000m) – 1514m
- Bank/Cash Point (1000m) – 1338m
- Post Box (500m) – 620m

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 Alsager, there are some facilities 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 similar distances for the residential development directly to the south of the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey, with a bus stop directly outside the site. Accordingly, it is considered that this small scale site is a sustainable one.

### **Renewable Energy**

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.

Given that the application is in outline form, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme should therefore be secured through planning condition.

## **Landscape**

The application site is located on the northern boundary of Alsager and is currently agricultural land that has a good network of hedgerows and a number of mature and distinctive hedgerow trees. The land slopes, with a high point of approximately 85m AOD along the southwest boundary adjoining Heath End Road, to a low point of approximately 75m AOD along the north western boundary.

To the south and east of the application site are areas of residential development that mark the existing edge of Alsager; to the north is a small well vegetated stream and beyond to the north west is Borrow Pit Meadows and the wider, attractive agricultural landscape.

There are no landscape designations on the application site and the Landscape and Visual Impact Assessment correctly identifies the baseline landscape character, and that it is largely located within two landscape types, The Lower Farms and Woods Type 11 landscape type, and within the Barthomley Character Area (LFW7), and the Higher Farms and Woods Type 17 within the Little Moreton Character area (HFW2). The residential areas to the south and east lie within the urban boundary of Alsager.

As part of the application a Landscape and Visual Assessment has been submitted, this correctly identifies the baseline landscape of the application site and surrounding area. The Councils Landscape Architect would generally agree with the assessment but feels that the proposals would have a more significant landscape and visual impact than the assessment indicates.

The application is an outline application and the illustrative Masterplan does show that the majority of trees and hedges on the site will be retained; it will not be apparent exactly what will be retained until the detailed design process, but the development of the Masterplan will respect the existing landscape characteristics and retain and conserve the majority of the trees and hedgerows. Attention to design and specification of landscape boundary treatments to the existing properties will also need to be given serious consideration.

In this case the local harm to the open countryside would not warrant the refusal of this planning application and this would be consistent with the decision at Loachbrook Farm where it was found that the proposal would locally harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

## **Affordable Housing**

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.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Alsager, there is a requirement for 36 new affordable units per year, made up of a need for 13 x 2 bed units, 12 x 3 bed units, 12 x 4/5 bed units and 10 x 1/2 bed older persons units.

There are currently 183 applicants on the housing register applying for social rented housing who have selected Alsager as their first choice, these applicants require 67 x 1 beds, 60 x 2 beds, 36 x 3 beds and 4 x 4 beds. (16 applicants have not specified how many bedrooms they need). If all the lettings areas in Alsager are included in these figures then the total number of applicants is 677.

Therefore as there is affordable housing need in Alsager there is a requirement that a minimum of 30% of the total units at this site are affordable, which equates to 47 dwellings. According to the Affordable Housing Review and Statement submitted the applicant is offering 30% affordable housing which is in line with the IPS.

The IPS also states that the tenure split the Council would expect is 65% rented affordable units and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA. The tenure split should therefore be 31 dwellings as rented affordable homes, which can be provided as either social rent or affordable rent and 16 provided as intermediate tenure.

The applicant has indicated that the development would provide 30% affordable housing with a 65:35 split in accordance with the IPP. Should the application be approved this would be secured through the use of a planning condition.

The 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 applicant's Affordable Housing Review and Statement states that the affordable housing will be indistinguishable from the private sale properties and located throughout the development, details of the location of the affordable housing will not be known until the Reserved Matters stage.

The IPS 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 the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

### **Highways Implications**

This is an outline planning application for up to 155 residential units, with access taken off Sandbach Road North, Alsager. Access is to be determined at this stage and the proposed

development includes a single access point with visibility splays of 2.4m by 70m. This is in compliance with Manual for Streets and the Highways Officer has no objection to the proposed access point.

As part of this application the applicant has submitted a Transport Assessment to assess the traffic impact of the proposed development. At the time of agreeing the scope of impact there was only one committed development in Alsager (12/0893C - 65 units off Crewe Road). There have now been a number of changes in Alsager, the Twyfords site has now received a resolution to approve subject to the completion of a S106 Agreement and also the Town Strategy for development has been approved.

The applicant has undertaken a number of assessments on the local highway network at the following junctions:

- Sandbach Road North/Crewe Road
- Hassall Road/Chancery Lane/Crewe Road
- Sandbach Road/Chells Hill
- Radway Green/Crewe Road

Base flow data has been provided by the applicant and the development traffic has been added to the network that includes growth and the committed development. The trips associated with the development are shown in the following table.

Peak Hour	Trip Rates		Trip Generation	
	Arr	Dep	Arr	Dep
AM	0.153	0.427	24	66
PM	0.396	0.238	61	37

Table 6.1 - Forecast Trip Generation of Proposed Residential Development

These trips have been checked by the Highways Officer and are considered to be an acceptable reflection of the amount of development traffic that the site will generate. Peak hour assessments have been undertaken as these have been identified as 07.45 – 08.45 and 17.00 – 18.00 hrs.

The site access junction operates well within capacity limits and the applicant has identified only one junction that is in excess of capacity the Sandbach Road North/Crewe Road signal junction. The other junctions tested have been indicated to work with capacity limits.

In terms of the Sandbach Road North/Crewe Road junction the Transport Assessment states that the junction

*'is forecast to operate in excess of its theoretical capacity in the PM peak base scenarios. This continues to be the case during the PM peak periods in the assessment scenarios.'*

*However, the results also demonstrate that the impact of the proposed development on the junction is minimal. In the 2016 and 2021 'With Development'*



*scenarios there is forecast to be minimal increases in the Degree of Saturation and queuing, with the largest increase in queuing being that of six vehicles in the 2021 PM Peak scenario.*

*As such, the impact of the proposed development on the operation of this junction can be considered as minimal'*

Although the applicant has indicated that the development traffic will only have a minimal impact upon the operation of this junction, it already has long queues in the base situation. As already stated, events have moved on since the scoping study for this development was initially agreed, with the Twyfords site (for 335 residential units) having a resolution to approve subject to the completion of a S106 Agreement. This will also add to traffic using this junction and it is the cumulative impact that is of concern.

A Picady assessment has been carried out at the Hassall Road/Chancery Lane/Crewe Road junction, this is not a standalone junction as Chancery Lane joins Hassall Road at the radius of Hassall road. There is an interaction between both junctions and it is not correct that the Chancery Lane/Hassall Road and Hassall Road /Crewe Road can be modelled separately as they interact with one another.

As a result the highway implications of the proposed development are not considered to be acceptable as the assessment of the impact upon the junction of Sandbach Road North and Crewe Road does not include the development at the Twyfords site which has a resolution for approval subject to the completion of a S106 Agreement. The junction in question is already at capacity and the proposed development does not include any scheme of works to mitigate against the proposed development. Furthermore the development does not include a correct form of assessment of the junction of Hassall Road/Chancery Lane/Crewe Road and the impact of the development cannot be fully assessed. The highways impact of the development will form a reason for refusal.

## **Amenity**

In terms of the surrounding residential properties, these are mainly to the south and west of the site. Although the application is outline only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this area.

In terms of air quality, the Environmental Health Officer has requested a condition regarding a dust management plan to minimise the impact from the development in terms of the site preparation and construction phases.

The Environmental Health Officer has requested a condition in relation to noise during construction and pile driving. These conditions will be attached to the planning permission.

Part of the application area has a history of landfill use (inert, industrial, commercial, household, special waste and liquid sludge wastes) and as a result the land may be contaminated and there may be quantities of ground gas being generated which may affect the proposed development.

Paragraph 120 of the NPPF states that:

*'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'*

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A Phase I Preliminary Risk Assessment for contaminated land has been submitted. As the application area includes a former landfill the Environmental Health Officer considers that a Phase II site investigation and robust gas risk assessment over a six month period will be required prior to any approval in order to show that the site is suitable for its proposed use.

As such, and in accordance with Paragraph 120 of the NPPF, this issue will form a reason for refusal.

## **Trees and Hedgerows**

### Trees

The site of the proposed development contains a number of trees including a group of Poplars on the Sandbach Road North frontage which are subject to TPO protection. In addition to mature trees on the field boundaries, there is a belt of Alders along a watercourse on the northern boundary which is a prominent landscape feature. There are also belts of Willow planted and managed as coppice along the southern and north western boundaries.

The application includes an Arboricultural Assessment and a total of 36 individual trees and 11 groups of trees were surveyed. The survey affords 1 individual tree and 2 groups of trees category 'U' unsuitable for retention, 4 individual trees and 1 group of trees category A, 20 individual trees and 6 groups of trees category B, and 11 individual trees and 2 groups of trees category C.

The trees identified as being category 'U' unsuitable for retention include the TPO group of 7 Grey Poplars adjacent to Sandbach Road North and four hybrid Black poplars in a line adjacent to the existing buildings. The trees are reported to be in poor overall condition with an anticipated reduced life expectancy.

An arboricultural impact assessment considers the trees and groups in the context of the proposed development indicated on the Illustrative Masterplan. The layout makes provision for retention of the majority of the tree cover and for additional structural planting. The assessment indicates that the proposals would result in the removal of all the 'U' grade trees, together with two mid-site Ash, graded B and C.

Following a site inspection the Councils Tree Officer does not agree with the categorisation of the group of TPO protected Poplar trees as Grade 'U' unsuitable for retention. The Tree Officer considers the group to be a higher Grade and could reasonably be retained in the context of the current land use for more than 10 years.

From the original plans it was not clear if the TPO trees could be retained without encroaching into the access visibility splays. An amended plan has been provided with additional information on the impact of the proposed access on existing trees and hedgerow. The plan indicates that the proposed access/visibility would result in the loss of a length of hedgerow extending south from the access and two unprotected trees. Two retained roadside verge trees may require pruning to allow visibility. The notes indicate replacement hedgerow would be provided. It appears the access/visibility should not directly impact on the protected Poplar trees.

As a result it is considered that the tree losses as part of this development are acceptable and replacement planting will be secured as part of the landscaping scheme on this site.

### 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 Regulations require assessment on various criteria including ecological and historic value.

Policy NR3 (Habitats) of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

The ecological submission indicates that the hedgerow forming the boundary of the site along Sandbach Road North, lying to the north of the current site entrance was considered to be Important under the wildlife and landscape criteria of the Hedgerow Regulations 1997. In relation to the Regulations, there is no specific assessment of the historic value of the hedgerows in the submission.

In this case, there has been no assessment of the hedgerow and it is unknown whether the hedgerow which would be lost is important. This issue will form a reason for refusal.

### **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, a Design and Access Statement has been provided.

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.”*

In this case the density of the site is appropriate and is consistent with that of the surrounding area. The indicative layout shows that the properties on the site would overlook the highway, parking areas and the public open space. The properties located at corner plots have the potential for dual-frontages.

To the site entrance the dwellings would be set behind a hedgerow which would act as a green buffer to the proposed development. According to the indicative plan, the open space would be located centrally and along the stream which would act as green corridor along the northern boundary of the site. The indicative layout is therefore considered

## **Ecology**

### Great Crested Newts

The submitted ecological assessment correctly states that great crested newts have been recorded in the locality of this site. The submitted report recommends that further surveys are undertaken in spring 2013.

Until a further detailed Great Crested Newt Survey has been undertaken the Council has insufficient information to determine the potential impacts of the proposed development upon Great Crested Newts in accordance with its statutory and policy obligations. The planning application should not be approved until this further survey has been undertaken and a report which includes outline mitigation/compensation proposals submitted to the council.

It is important that all ponds within 250m of the site are surveyed. Neither of the submitted surveys has correctly identified all relevant ponds. There is a large garden pond present at No.8 heath End Road and an additional small garden pond at 21 Pikemere Road. Great Crested Newts have previously recorded at both of these ponds, although they were absent from the pond at Pikemere Road during the last survey. It is essential that both of these ponds are surveyed as part of the assessment of the current planning application.

### Reptiles

Grass Snake is known to occur on this site. However, no detailed survey has been undertaken for reptiles. In order to assess the importance of the site subject to this application for reptiles a detailed reptile survey should be undertaken during the spring/summer. The planning application should not be approved until this further survey has been undertaken and a report which includes outline mitigation/compensation proposals submitted to the council.

### Bats

Bat activity surveys have been undertaken on site and a survey of the buildings on site has also been undertaken. However, the activity survey was undertaken late in the survey season and the survey of the buildings on site was inconclusive. The submitted assessment recommends that further bat surveys are undertaken in spring 2013.

The Councils Ecologist recommends that the bat activity surveys are redone together with the surveys of the buildings. The trees identified as offering potential roosting opportunities should also be subject to further detailed surveys. The planning application should not be approved until this further survey has been undertaken and a report which includes outline mitigation/compensation proposals submitted to the council.

### Other protected Species

Some evidence of other protected species activity was recorded on site but no active setts were present. The proposed development of this site is likely to lead to a loss of foraging habitat on site however the impacts of this are unlikely to be significant. As other protected species can excavate a new sett within a short time scale the Councils Ecologist recommends that if planning consent is granted a condition be attached requiring any future reserved matters application to be supported by an updated protected species survey as a precautionary measure.

### Hedgerows

Hedgerows are UK BAP priority habitat and hence a material consideration. Hedgerows on Sandbach Road North have been identified as being 'Important' under the hedgerow regulations. It appears likely that the development of this site will have an adverse impact upon this hedgerow.

Tree planting is shown for the small swamp area identified at target note 14 of the UES habitat survey. This wetland area should be kept free of tree planting and enhanced for its ecological value as a wetland.

The Councils ecologist recommends that the on-site commercial willow plantation be managed and replanted to diversify its structure and so enhance its ecological value

### **Archaeology**

A supporting Archaeological Assessment has been submitted with this application and this has been assessed by the Councils own Archaeologist who has suggested that further mitigation should be secured by condition if planning permission is granted.

### **Public Rights of Way**

Public Right of Way Alsager FP2 crosses the application site and would be retained according to the indicative masterplan.

There have been a number of requests for improvements to the footpath network within the vicinity of the site with the following items requested:

- A replacement bridge over the watercourse PROW Alsager FP2
- The upgrade of Alsager Footpath No 2 to Heath End Road
- Pedestrian links to Borrow Pit Meadows Countrypark
- Improve surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark
- Improved means of access to the Salt Line Way

Of these works, those within the red line boundary could be conditioned whilst those outside would require S106 contributions should the application be approved. The Public Rights of Way Officer

has conceded that she is unable to give a cost for the improved access to the Salt Line Way without feasibility research and contributions for this cannot be secured.

The contributions required would be £3,430 for the upgrade of Alsager Footpath No 2 to Heath End Road, £810 for the pedestrian links to Borrow Pit Meadows Countrypark and £13,125 to improve the surface to Alsager Footpath No 1 within the Borrow Pit Meadows Countrypark. This gives a total of £17,360 which the applicant has agreed would be secured as part of a S106 Agreement should the application be approved.

### **Public Open Space**

This indicative layout shows that an area of POS would be located centrally, along the northern boundary of the site and to the north-west corner of the site. The indicative layout shows that the following would be provided:

- Public open space (0.60Ha)
- Habitat Creation (1.08Ha)
- Equipped children's play space (0.04Ha)

The level of open space is considered to be acceptable and would be maintained by a management company.

In terms of children's playspace, the Public Open Space Officer has requested an on-site LEAP and this would be provided and secured as part of a S106 Agreement.

### **Education**

In terms of primary schools, there are six which would serve the proposed development (Excalibur, Cranberry, Alsager Highlands, Pikemere, Rode Heath and St Gabriel's) and the proposed development would generate 26 new primary places of which 9 cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £97,617. The applicant has agreed to make this contribution and this will be secured via a S106 Agreement should the application be approved.

In terms of secondary education, the proposed development would be served by Alsager High School. There are currently 104 surplus spaces and this will rise to 241 surplus spaces in 2018. Therefore, there is no requirement for a secondary school contribution.

### **Flood Risk and Drainage**

The majority of the application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps, although part of the site along the watercourse to the north of the site is located within Flood Zones 2 & 3 (medium and high probability of river/tidal flooding). A Flood Risk Assessment (FRA) has been submitted as part of this application.

In terms of flooding from the watercourse the submitted FRA states that Hydraulic Modelling Report indicates that the majority of the flow would remain in the channel for events up to the 1 in 1000 year event. The assessment concludes that the EA's flood levels in this area are currently

inaccurate although the flood envelope does represent in general a similar envelope to that of the modelled outline.

In terms of foul drainage, the FRA states that an examination of the historical geotechnical maps for this area indicates that the ditch to the rear of 12 Rydal Way has been established to be fed by a natural spring to the south of the development site. The FRA states that the volume of water likely to spill from this point will be limited by the natural underlying hydrology and the culverted section of the ditch, the full bore capacity of which is approximately 150l/s. The FRA then concludes that the existing ditch profile is more than capable of conveying this flow from Rydal Way to the unnamed watercourse and as such it is recommended that the existing ditch profile and route is maintained through the development to its existing confluence.

The use of SuDS based systems needs to be considered as the primary measure for dealing with surface water for any proposals. The FRA states that the natural topography of the site and the availability of the watercourse to the north of the site promotes the use of a swale and pond system in the lower part of the site running parallel to the line of the watercourse. The FRA identifies that this type of system would not only provide the required attenuation for the site but would also enable the features to be integrated with the existing natural habitat and also provide water quality improvements to the flow before outfalling to the watercourse.

The foul drainage will discharge into the existing foul sewer and due to the topography of the site the site a pumping station will be required. The indicative layout shows that a pumping station could be located within the site.

The comments raised about the adequacy of the FRA are noted but the Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Agricultural Land Quality**

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case a survey of the agricultural land quality has been undertaken and this identifies that 40% of the land is Grade 2 and 60% is grade 3b.

Although the development would result in the loss of 2.3 hectares of Grade 2 land the majority of the site is grade 3b (3.4 hectares) and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land. The recent decision at Loachbrook Farm, Congleton also reinforces this point.

### **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for primary school places in Alsager where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

The PROW contribution is required to improve the PROW in the vicinity of the site which are in a poor state of repair. The development would result in increased use of the PROW and upgrades are required. The pedestrian links to the Borrow Pit Meadows Countrypark would enable residents of the new development to have greater access to this amenity area as there would be limited provision on the site. As a result the contributions are necessary, directly related to the development and fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

## **10. 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. The benefits of allowing development on this site are 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.

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 not considered to be acceptable in terms of its impact upon residential amenity (contaminated land), ecology and highways and these issues will also form reasons for refusal.



In terms of drainage/flooding the proposal complies with the relevant local plan policy requirements for residential environments. Contributions would be secured to mitigate the impact upon local schools and the PROW in the vicinity of the site.

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.

The proposal will result in the loss of 2.3 hectares of grade 2 agricultural land. This is the best and most versatile agricultural land and it is considered that the proposed development would not outweigh this loss.

## **11. RECOMMENDATIONS**

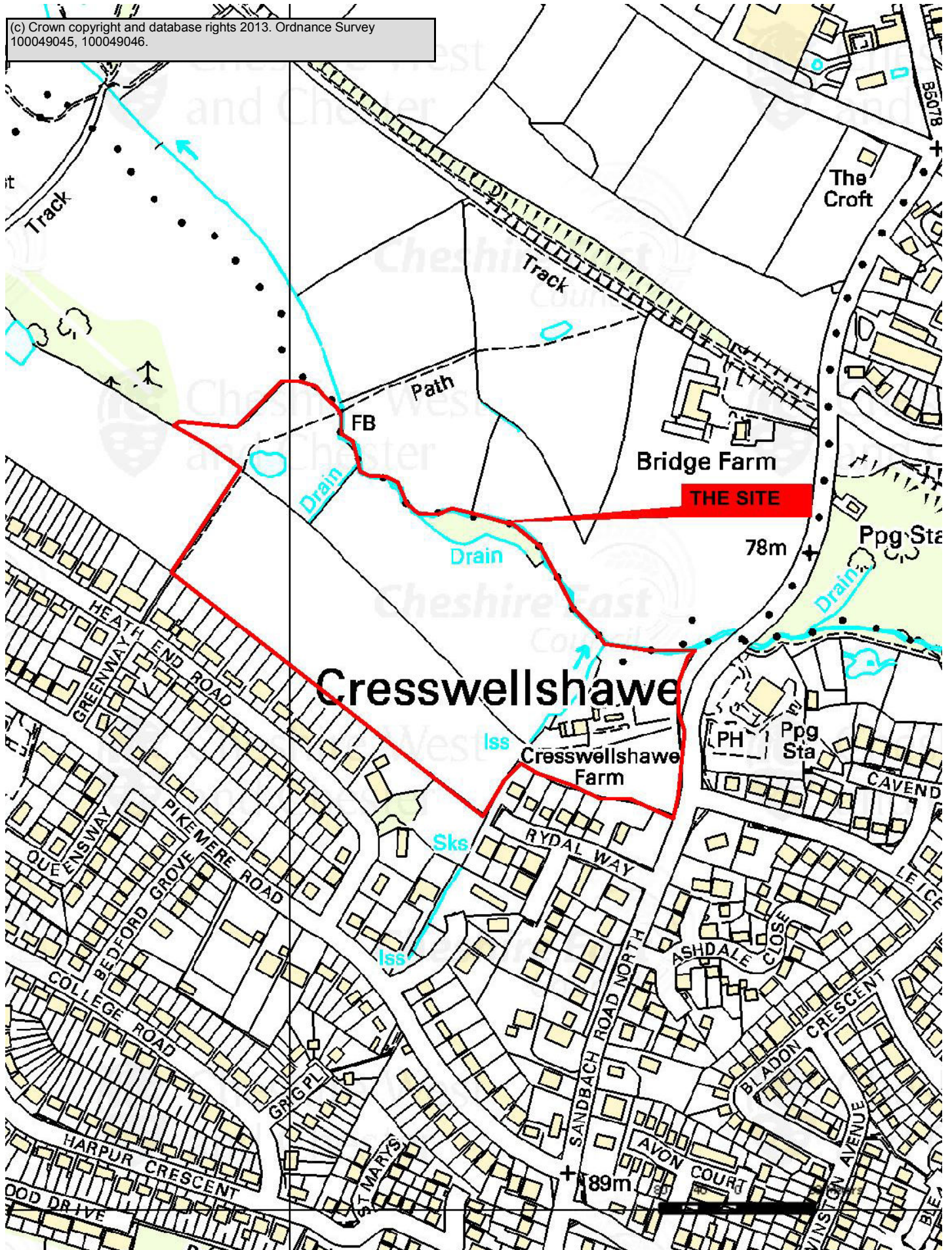
**REFUSE** for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside on Grade 2 Agricultural Land, 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.**
- 2. The proposed development does not provide any mitigation for the junction of Sandbach Road North/Crewe Road which would operate in excess of capacity as a result of the proposed development and the Transport Assessment does not include an assessment of the impact of the Twyfords development which has a resolution to approve subject to the completion of a S106 Agreement. Furthermore there has been no assessment of the interaction between the junctions of Chancery Lane/Hassall Road and Hassall Road/Crewe Road. The development would result in increased congestion at these junctions and as a result the transport impact of the development would be severe and the development is not considered to be sustainable development. The proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.**
- 3. Insufficient survey information has been submitted in relation to a number of protected species (Great Crested Newts, Bats and Reptiles) and as a result it is not possible to determine the potential impact upon these species which are known to be present in the area. Without this information to give details of the impact and any necessary mitigation, the proposed development does not conserve and enhance biodiversity. Therefore the proposal would not be sustainable and would be contrary to the NPPF and Policy NR4 (Non-statutory sites) of the Congleton Borough Local Plan First Review (2005).**

- 4. Part of the application site has a history of landfill use and as a result the land has the potential to be contaminated and there may be ground gas being generated on this site. No Phase II Site Investigation or Gas Risk Assessment has been submitted with the application and as a result it is not possible to determine whether there will be an adverse effect from pollution on the health of the future occupiers of the proposed development. The development is therefore contrary to Paragraph 120 of the NPPF and Policies GR6 and GR7 of the Congleton Borough Local Plan First Review (2005).**
- 5. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.**

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

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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 13<sup>th</sup> March 2013

**Report of:** Steve Irvine – Development Management and Building Control Manager

**Title:** Proposed alteration to the minutes for application 12/2584C

**Site:** Land off Warmingham Lane, Middlewich

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#### 1.0 Purpose of Report

- 1.1 This report has been presented to Strategic Planning Board because planning application 12/2584C was discussed by the Board on 12<sup>th</sup> September 2012. The minutes from this date are as follows:

*‘That for the reasons set out in the report and in the update to the Board, The application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-*

- 1. 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.*
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company*
- 3. A commuted payment of £295,728 towards secondary school education*
- 4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.*
- 5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.*
- 6. A commuted payment towards highway improvements £25,350 for bus use*

*And the following conditions*

- 1. Standard time limit 3 years*
- 2. Approved Plans*
- 3. 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.*
- 4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays*
- 5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays*
- 6. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority*
- 7. The mitigation recommended in the noise report shall be implemented prior to the use of the development / first occupation.*
- 8. 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.*
- 9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.*
- 10. 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.*
- 11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.*
- 12. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.*
- 13. Provision of bat and bird boxes*
- 14. Works should commence outside the bird breeding season*
- 15. Compensation measures for GCN including the provision of 2 ponds to be provided in accordance with the approved details*
- 16. Management plan for the GCN ponds to be in perpetuity**

17. *Details of concrete raft foundations to be submitted and approved*
18. *Materials to be submitted and approved*
19. *Landscaping to be submitted and approved*
20. *Landscaping scheme to be implemented*
21. *Remove Permitted Development Rights for certain plots*
22. *Boundary Treatment details*
23. *Tree and hedgerow retention*
24. *Tree Protection to be submitted and approved*
25. *The parking spaces to be provided on the approved plan should be provided*
26. *Provide a pedestrian/cycle link to the boundary of the proposed Gladman development in the SW corner of the site to the satisfaction of the LPA prior to first occupation.*
27. *No construction of dwellings until the roundabout site access has been constructed to the complete satisfaction of the LPA.*
28. *The provision of a replacement bus stop*
29. *Details of parking for construction vehicles*
30. *The provision of wheel wash facilities*
31. *Details of bin storage to be submitted and approved*

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

## **2.0 Decision Required**

- 2.1 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the condition 16.
- 2.2 The issue in question is the inclusion of the words 'in perpetuity'.

## **3.0 Background**

- 3.1 The application site is located to the west of Warmingham Lane within the open countryside as defined by the Congleton Borough Local Plan. The site is relatively flat and square shaped. The site is undeveloped agricultural land which is bound by native hedgerows and trees. To the north and east of the site are residential properties of varying sizes and styles which front onto Warmingham Lane, Byron Close, Davenham Way and Ashton Close. To the south of the site is an access track which serves Pettywood Farm.
- 3.2 The site edged red also includes a separate parcel of land to the south-east of the housing site. This parcel of land is also within the

open countryside, relatively flat, in agricultural use and bound by hedgerows and trees.

#### **4 Proposed Development**

- 4.1** 12/2584C is a full planning application for 149 dwellings. The access point to serve the site would be taken off Warmingham Lane via a roundabout. The site would include the provision of 30% affordable housing, a LEAP and 0.41 hectares of public open space. The majority of the POS would be located centrally within the site. The development would consist of 2 to 4 bedroom units which would have a maximum height of 2storeys.
- 4.2** The second parcel of land would include the construction of two additional ponds. These ponds would serve the Great Crested Newt population on the application site and the GCN would be translocated from the housing site.
- 4.3** The site is adjacent to a larger L shaped site which is subject to planning application 12/2685C for 194 dwellings. This now has outline planning permission

#### **5. Officer Comment**

- 5.1** The original officer report stated that condition 16 should secure a '*ten year management plan for the GCN ponds*'. This was amended by the Strategic Planning Board as per the minutes above to ensure that the GCN mitigation area is maintained in perpetuity.
- 5.2** In this case the applicant considers that this unreasonable and they seek to vary the minutes for the following reasons:
- The applicant has invited tenders for the GCN translocation site and the three companies they have approached have declined to quote for this work due to the '*in perpetuity*' requirement.
  - The adjacent site which is subject to an appeal decision for non-determination does not have a requirement for the management and maintenance in perpetuity.
- 5.3** The Councils Ecologist has been consulted on the proposed amendment and he has stated that:

*'10 years management has been the accepted norm for a long time – even runway two at Manchester airport which took out a section of ancient woodland and required the construction/enhancement of over 40 ponds was only subject to a legal agreement requiring 10 year management. However, having said that there have been instances recently when we have pushed for longer periods of management'*



- 5.4 It should be noted that in this case that the population of Great Crested Newts is small (there was a peak count of 1 Great Crested Newt during the survey work).
- 5.5 Given the above it is considered that the wording of condition 16 is unreasonable and that a ten year management plan for the GCN ponds would be more appropriate. It should also be noted that management of the GCN ponds would also be secured as part of the Natural England licence and this is also likely to be for 10 years.

## **6 Conclusion**

- 6.1 On the basis of the above, the minutes for condition 16 be altered to the following:

*'ten year management plan for the GCN ponds'*

## **7 Recommendation**

- 7.1 That the Board resolve to amend the minutes for Condition 16 as follows:

*'Ten year management plan for the GCN ponds'.*

## **8 Financial Implications**

- 8.1 There are no financial implications.

## **9 Legal Implications**

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

## **10 Risk Assessment**

- 10.1 There are no risks associated with this decision.

## **11 Reasons for Recommendation**

- 11.1 To allow the alteration to Condition 16 as recorded within the minutes, and to enable the development of this site to be brought forward to assist in delivering the 5 year housing land supply for the Borough.

### ***For further information:***

Portfolio Holder: Councillor Rachel Bailey  
Officer: Daniel Evans – Principal Planning Officer  
Tel No: 01270 686751  
Email: [daniel.evans@cheshireeast.gov.uk](mailto:daniel.evans@cheshireeast.gov.uk)

### ***Background Documents:***

- *Application 12/2584C*

Application No: 12/4150C

Location: LAND SOUTH OF HALL DRIVE, ALSAGER

Proposal: Erection of up to 150 dwellings with associated infrastructure (outline)

Applicant: RENEW LAND DEVELOPMENTS LTD

Expiry Date: 30-Jan-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 is located to the south of Alsager, adjoining the existing settlement boundary as defined in the Congleton Borough Local Plan. It is approximately 450m from Alsager Town Centre.

The site is relatively level, currently undeveloped and used for agricultural purposes with no distinctive landscape characteristics. The land was formerly pasture but had not been used for many years until in 2012 a potato crop was taken from the land. It is a narrow strip of countryside between a modern housing development and St Gabriel's primary school to the north, which currently forms the edge of the settlement; and the railway line to the south which forms the Green Belt boundary. The railway provides a strong dividing line and defensible boundary between Alsager and the Green Belt, as is evident from the local plan map.

The site extends to approximately 6.34 hectares and is confined on its northern boundary by Valley Brook and a play area beyond which lie the houses on Swallow Drive. The play area and an area of public open space would be retained for community use.

There is a public footpath alongside part of the railway along the southern boundary of the site. This connects with a path that crosses the railway, and runs alongside the brook to connect with Well Lane/Cedar Avenue. This path gives access on foot to St Gabriel's school, the railway station, health centre and other town centre facilities. To the west of the site is agricultural land with the Old Mill Public House beyond. To the east are allotments and a playing field accessed from Cedar Avenue.

## **2. DETAILS OF PROPOSAL**

The application seeks outline planning permission for up to 150 dwellings with all matters reserved apart from access. An illustrative site layout is provided in support of the application. It is envisaged that the development would provide a mix of 3, 4 and 5 bedroom houses of 2 and 3 storeys in height, in either detached or mews-type houses.

30% of the dwellings would meet affordable housing criteria in accordance with policy requirements.

Additionally private and public amenity space, landscaped areas, new roads and off street car parking would be provided. Public footpaths would be retained and enhanced as part of the application.

## **3. RELEVANT PLANNING HISTORY**

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

## **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)  
North West Sustainability Checklist  
Strategic Housing Land Availability Assessment  
Draft Development Strategy

## **4. OBSERVATIONS OF CONSULTEES**

### **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*.

### **Environment Agency**

- No objection in principle to the proposed development but requests that the following planning conditions are attached to any planning approval.
  - The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no buildings or alteration of existing ground levels within Flood Zone 3 (1% AEP) flood event, 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 demonstrating that the finished floor levels of proposed buildings are to be set at a minimum of 600mm above the 1 in 100 year (1% AEP) plus climate change flood level, 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 demonstrating that all proposed access roads, parking and pedestrian areas are to be set at a minimum of 300mm above the 1 in 100 year (1% AEP) plus climate change flood level, 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 limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
  - The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The Flood Risk Assessment suggests that surface water will be disposed of via soakaway. Percolation tests will need to be undertaken to confirm that this method is feasible. If surface water is to discharge to Valley Brook and a single rate of discharge is proposed, this is to

be the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped greenfield site. This has been calculated within the Flood Risk Assessment as 2.24 litres/sec/hectare, which is considered 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.
  - The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority
  - 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.
  - 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.
- Valley Brook is designated a 'main river'. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated 'main river'.
  - The Environment Agency have discretionary powers within the above Act, to carry out works to a designated 'main river' for which access is required to and along the banks of the watercourse. The proposed layout should ensure that access is provided to the watercourse. Consent under the Byelaws for any proposals within the 8 metres wide strip that would affect access, is unlikely to be granted.
  - Any replacement or removal of the existing culverted Hall Drive crossing will require prior written consent under the above Act as well as the proposed access across Valley Brook. It would be preferable if any crossing was a single span bridge, as this would have the least impact on the Brook. If a culvert access crossing is proposed, the basic requirements are that it is to be capable of passing the 1 in 100 year (1% AEP) flow in Valley Brook without affecting flood risk. Allowance for climate change and a 600mm freeboard allowance are to be included. The invert level is to be set a minimum of 300mm below the hard bed level in the Brook and mammal access through the culvert will be required.
  - Any proposed surface water outfall structure will also require consent under the above Act. This should be constructed wholly within the bank profile using materials in keeping with the local area. The discharge exit velocity should not exceed 1.0 metre/second and should be angled with the direction of flow in the Brook.

## **Greenspaces**

### Children and Young Persons Provision

- Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.
- Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development
- Whilst there is a requirement for new open space, the existing facilities are substandard in quality including a poor range of facilities for the needs of the local community. The Swallow Drive Play area around which the development is planned is not in the ownership of Cheshire East Council. Financial contributions can only be sought towards improving this play area if Cheshire East were to acquire ownership of the site
- If Cheshire East were to acquire ownership of Swallow Drive and given that an opportunity has been identified for upgrading the quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;
  - Enhanced Provision: £ 32,965.20
  - Maintenance: £ 107,460.00
- Alternatively new on site provision would be required. Rather than build a new play area an alternative could be the acquisition and improvement of Swallow Drive Play Area by the Developer
- 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.

#### Amenity Greenspace

- 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 deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study
- There is a deficiency in the quantity of Amenity Greenspace. Based on the Council's Interim Policy Note on Public Open Space there is a requirement for 3600m<sup>2</sup> of new Amenity Greenspace. Plan B shows a piece of Amenity Greenspace but the actual area is not quantified. If the actual area of POS the Developer is proposing is less than 3600m<sup>2</sup> then we would be asking for an off site contribution for Amenity Greenspace for the shortfall in area. Any financial contribution which may be due cannot be calculated until the actual amount of Public Open Space is quantified by the Developer
- As with the Children and Young Persons Play Provision it is recommended that the Amenity Greenspace be 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.



## Network Rail

- Network Rail is placing a holding objection on the above proposal.
- Very seriously concerned about impacts upon a level crossing.
- There is 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.
- The Design and Access Statement states that, *“The application scheme has benefitted with Traffic and Highway Engineers being appointed at a very early stage. They have liaised directly with Cheshire East Highways Authority to discuss access options, highways safety, parking provision as well as obtaining comments on proposals at pre-application stage.”* There is no reference to anyone from the developer contacting Network Rail to discuss the issue of the level crossing, ‘North of the Hall’, and the implications of increased volume or type of traffic over the crossing as a result of the 150 dwellings and their occupants, which will include minors, dog walkers, etc who may use the crossing to gain access to what the developer is referring to as open countryside on the opposite side of the railway line.
- To enable Network Rail to provide data to accurately reflect their concerns they need to know what the likely level of increase of crossing use will be – in this case the developer knows that there is a Public Footpath to the west of the other level crossing [page 17 of the design statement shows a diagram indicating ‘open countryside’]. Network Rail’s last risk assessment of this crossing [known to us as ‘North of the Hall’] indicates that the crossing is used once or twice a day. If this development gains planning permission, this level of usage will no doubt increase. Therefore they request that the developer is to provide details of the likely footfall over the crossing if the development goes ahead – they will need this information to inform our comments, which may include an objection if we ascertain that there is going to be a material increase in the type and volume of traffic at this crossing
- As per GEN3 of the Cheshire Structures Plan 2016 (General requirements for the quality of new development), (as quoted below) any mitigation measures Network Rail believes are necessary at the level crossing will be funded by the developer. This includes any closure of the level crossing and any replacement footbridge (subject to Network Rail approval).
- The site plan shows the white footpath leading directly to the level crossing from the centre of the development which shows that access can be gained across the railway line from the 150 dwellings
- Network Rail believe that the developer and the council have not taken due notice of the implications for public safety of increased traffic over the level crossing.
- Once Network Rail have had the relevant information from the developer Network Rail will be able to respond more fully to the proposal.
- Network Rail would also request that the following are actioned by the applicant:
  - developer contribution of £10,000 should be made to the installation of additional cycling facilities at Alsager Station
  - Acoustic fencing that is proposed to be installed along the boundary with Network Rail is a cause for concern. Over the height of 1.8m, Network Rail would have to consider the impacts of wind loading on the fence. There is the potential for the fence to topple over and fall onto the operational railway.

Therefore the approval of the acoustic fence and its foundation design would be subject to the Network Rail Asset Protection Engineer.

- Standard informatives to be attached to the decision notice relating to
  - Fencing – residential
  - Encroachment
  - Scaffolding
  - Vibro-impact machinery
  - Drainage
  - 2m gap between the buildings and structures on site and newtork rail boundary fencing
  - Lighting
  - Noise
  - Landscaping
  - Need for vehicle incursion prevention at the turning heads adjacent to the railway boundary.

### **United Utilities**

No objection to the proposal subject to the following conditions:

- This site must be drained on a total separate system with only foul drainage connected into the public foul sewerage system. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Local Authority.
- This site would need to be served via a foul water pumping station with the nearest public sewer available for discharge purposes being located approx' 400m away.

### **Natural England**

- This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- The protected species survey has identified that bats, a European protected species may be affected by this application.
- Natural England refer the Council to their standing advice relating to bats
- They have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles , widespread reptiles or white-clawed crayfish . These are all species protected by domestic legislation and they make reference to standing advice to assess the impact on these species.
- The application is not within/close to a SSSI or SAC notified for bats.
- There are suitable features for roosting within the application site (eg buildings, trees or other structures) that are to be impacted by the proposal.
- Detailed visual inspections had been undertaken and no evidence of a roost was found.
- The application does not involve a medium or high risk building as defined in our standing advice.
- "Permission could be granted (subject to other constraints)" and the authority should "Consider requesting enhancements".

### **Highways**

No comments received at the time of report preparation.

### **Environmental Health**

- 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
- A piling method statement shall be submitted and agreed
- An Environmental Management Plan shall be submitted and agreed by the planning authority.
- Any private gardens within five metres of the southern boundary of the site shall have two metre high acoustic fencing installed. Such fencing should be constructed from at least 20mm thick timber with no holes or gaps.
- Gardens 5 metres or further from the southern boundary, or those screened from the railway line by the other dwellings themselves will not require acoustic fencing.
- The internal noise criteria shall be achieved through the installation of well fitted standard thermal double glazing (i.e. 4mm glass – nominal cavity – 4mm glass) and standard in frame trickle vents.
- 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.
- Where a development falls within the remit of requiring an air quality impact assessment (as does this), an air quality impact assessment is required at the pre-application stage, or at least to come in with the application before an application can be determined. The alternative is that this department would recommend refusal of an application based on insufficient information.
- The application is an outline application for 150 dwellings, with associated parking. Insufficient information has been submitted with the application relating to the impact of the development on Local Air Quality. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.
- As this is an outline application however there is opportunity for a suitable Air Quality Impact Assessment to be provided at a later stage. This would be a decision for the planning officer whether to allow this. Therefore should this application be approved, it is recommended that this is secured by condition.

- A scheme to minimise dust emissions arising from demolition / construction activities on the site should also be secured by condition.
- The Contaminated Land team has no objection to the above application subject to the following comments:
  - 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 their application. This report recommends a Phase II geo-environmental investigation be undertaken.
  - As such, and in accordance with the NPPF, recommend that the standard conditions, reasons and notes be attached should planning permission be granted:

### **Health and Safety Executive**

- From the plans it is clear that the development falls within the consultation distances of the nearby explosives facility licensed by the HSE. Based on the information provide, the Explosives Inspectorate has considered the effect that the explosives operations allowed under the license might have on the new development. Their conclusion is that whilst the probability of a major accident involving explosives is low, the consequences to people at the development could be serious.
- Therefore they advise that should planning permission be granted for the development, the Explosives Inspectorate would review the explosives facilities license. The Planning Authority may wish to note that this review may result in the facilities explosives capacity being significantly reduced, possibly putting this commercial facility in jeopardy.

### **Public Rights of Way**

- The proposed development, as acknowledged in the application documents, will affect Public Rights of Way (PROW), namely Public Footpaths Nos. 8 and 10 in the Parish of Alsager, as recorded on the Definitive Map and Statement of Public Rights of Way
- The PROW Unit requests that the Planning department add the standard advisory notes to any planning consent.
- The Design and Access Statement acknowledges that the existing Public Footpath No. 8, which runs along the northern edge of the railway line/southern edge of the site, will need to be accommodated within the layout. It continues to propose that the footpath will be faced with a number of private drives to provide natural surveillance over the path. This design principle is welcomed, with the path remaining un-enclosed, provided that the width of the public right of way is not be diminished. In order for the public footpath to be used by prospective residents as a means of access to the town centre, the surface of the path should be brought up to an all-weather surface, such as crushed stone and a width of at least 2 metres should be allowed for the footpath in any detailed design. The Public Rights of Way team will need to be consulted on the

proposals for the layout of the development adjacent to this footpath and full details and specifications for the footpath will require the agreement of the Public Rights of Way office prior to any development taking place.

- In order to further increase the permeability of the site for cyclists as well as pedestrians, it may be appropriate to upgrade, in status and surface, this section of public footpath which at present only pedestrians have a right to use. In terms of status, the route may be upgraded to a public bridleway or cycle track through legal order process. Alternatively, permissive access for cyclists could be granted over the land by the developer. In terms of surface, the route would benefit from being formalised from a route on grass to an all-weather, surfaced pedestrian and cyclist facility with appropriate width of 2m minimum or 3m preferable width, to be consistent with best practice for traffic-free routes. At present this route is valued by local residents as a rural path and therefore the facility could be designed into the green infrastructure of the site. The developer would be required to cover the administrative costs of any legal orders and the construction works. If the surface of the path is not to be maintained within the arrangements for the public open space of the site, contributions towards maintenance costs would be required through a commuted sum.
- It should be noted that at the south-western corner of the development site, Footpath No. 8 connects with Footpath No. 9 which crosses the railway at grade at this location.
- Section 3.11 of the Framework Travel Plan describes the intention to “provide improvements to public rights of way to the east of the site which links onto Cedar Avenue. These will provide pedestrians and cyclists with a safe traffic free route between the site and Alsager town centre”. Presumably this relates to Footpath No. 10 on which improvements would be required and welcomed in order to cater for the increased traffic generated by the proposed development.
- In order for both pedestrians and cyclists to use the public right of way, the route will require upgrading in status and surface from its junction with Footpath No. 8 to Cedar Avenue. In terms of status, the route will need to be upgraded to a public bridleway or cycle track through legal order process for which the developer would be required to pay the administrative costs. In terms of surface, the route will need to be formalised from a route on grass to an all-weather, surfaced pedestrian and cyclist facility consistent with best practice and the developer would be required to cover the costs for this both within and outside of the development red line boundary. In order to provide this facility, the line of the route will require diversion away from the brook which threatens erosion of the line of the path, and the proposals could include a link to the adjacent adopted Footway FY1403 off Swettenham Close to increase the permeability of the site. These proposals will then match the aspiration stated in the Framework Travel Plan to accommodate a primarily non-vehicular route for pedestrians and cyclists to the town centre within the public open space. Full details and specifications will require the agreement of the public rights of way office prior to any development taking place. If the surface of the path is not to be maintained within the arrangements for the public open space of the development, contributions towards maintenance costs would be required through a commuted sum.
- In relation to Public Footpath No. 10, section 3.7 of the Transport Assessment states that the footpath will be retained on the existing alignment, the brook over which it

crosses will be realigned and a new footbridge provided. It is unlikely that the proposals will enable the footpath to be kept on its current Definitive line, and therefore the developer will be required to submit detailed plans and specifications to this office for approval. Any required legal orders will need to be applied for and costs covered by the developer. It should be noted that the status of Lake View lane (QR1986), over which the public footpath runs, will require clarification with the Highways Department.

- It appears that the development will temporarily affect Public Footpath No. 10 during construction due to the proposed realignment of the brook and bridge and may affect Public Footpath No. 8 during construction of the dwellings and access routes. The developer must therefore apply for a temporary closure of the route(s), preferably providing suitable alternatives. The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.
- Destination signage for cyclists and pedestrians to local facilities, including schools, the town centre and railway station, should be designed as part of the proposals. The transport assessment should include an assessment of whether adequate, cycle parking is available at key destinations in the town, including the railway station, bus station and town centre, and should include provision for works to address any identified shortfall. It is noted that travel planning, to include walking and cycling opportunities, is proposed so that prospective residents are fully informed of travel options. This should be extended to provide residents with information on leisure activities including the public rights of way network in the vicinity of the site.
- In conclusion, the proposed development, through best practice integration of the existing public rights of way into the design of the site, could offer improved pedestrian and cyclist facilities for residents of the area. The developer will be required to obtain the agreement of the Public Rights of Way team during the design of the development with respect to the affected Public Footpaths.

## **Education**

### **Primary Schools**

The Council is forecasting a small element of unfilled places across the primary schools within 2 miles. However this does not give consideration to the development of the Twyfords site which the Service has previously been consulted on and from which 54 primary aged pupils are expected. In light of these additional pupils the Council is seeking contributions from developments in Alsager because the local schools are forecasting that there will only be 45 places available in the schools in 2016 and 50 by 2017.

Based on this being an application for 150 dwellings (12/4150C) the contribution required is  $24 \times 11919 \times 0.91 = £260,311$ .

### **Secondary Schools**

There will be places available in the local secondary school to accommodate the pupils generated of this age.

### **BAe Systems**

Object to the proposal on the following grounds:

1. It directly Impacts on the ability of the Small Arms Manufacturing Site to operate to its full capability:
  - a. Please refer to the HSE response to E. Cheshire's consultation request with respect to this application. All of this proposed development is within our Class 3 safeguarding zone and the West South West area is within our class 2 safeguarding zone. This affects the quantities of explosives articles and substances we are licensed to store and process
  - b. BAE Systems have recently invested circa. £90M in the development of a new manufacturing facility to provide Small Arms Ammunition to the UK Ministry Of Defence and other export customers. This investment is based on having the capability to produce contractually agreed annual volumes of ammunition over a 15 year period with rolling 5 yearly extension options thereafter. If this proposed development went ahead, the overall manufacturing capability of the facility would be reduced (see point a above), which in turn would jeopardise BAE Systems' ability to meet our contractual requirements and to sustain the MOD's small arms ammunition capability going forward. Additionally, this would impinge on our ability to take on new export contracts and provide further employment opportunities for people in the locality
2. Misrepresentation / Inaccuracies in the Environmental Impact and Noise Surveys:
  - a. The Environmental Impact Survey indicates there are no sensitive sites in the survey area. This is incorrect as Oakhanger Moss is within the survey area and this is a RAMSAR Site.
  - b. The noise survey did not fully account for typical noise levels generated by our activities (proofing of small arms ammunition) and other operations in the nearby Industrial park due to the time window of the survey.

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

Alsager Town Council strongly objects to the proposed development on the following grounds:

1. The site is not contained for development within the approved Alsager Town Strategy which is being used as an evidence base to inform Cheshire East Council's developing Local Plan. Alsager Town Council has gone through the Town Strategy process and followed the correct approach and strategy to this process and Cheshire East Council and HM Government should recognise this is of key importance and give weight to it

as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area.

2. The application is an intrusion into the surrounding countryside and no development should take place on Greenfield sites in Alsager before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development. It is the Town Council's policy contained in the Alsager Town strategy that sustained development should take place on existing brownfield sites and there are enough brownfield sites in Alsager to meet the towns future needs.
3. Cheshire East Council in its document "Cheshire East Local Plan – Draft Development – Strategy and Policy Principles" state that Town Strategies are intended to inform the Cheshire East Local Plan and that consequently the Development Strategy endeavours to reflect the approved documents deposited with Cheshire East and reflects the wishes and aspirations of its residents This Strategy clearly accepts the need of the housing growth but strongly emphasises that the towns brownfield site should be fully utilised before greenfield sites are developed which is sympathy with Cheshire East Report.
4. The Town Council contend that once Greenfield sites are developed they are gone forever, and therefore Greenfield sites should be saved in order to protect our local environment, open spaces and wildlife.
5. A fundamental aim of Greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such Greenfield sites safeguard the countryside and prevent joined up settlements.
6. This particular application, in conjunction with other current large resident development applications in Alsager. If approved would have a serious detrimental impact on the town highway infrastructure, education doctors surgeries, medical centre, local facilities and amenities. Such applications, if approved would be a threat to the character and atmosphere to the town as a whole.
7. The Cheshire East Development Strategy Document indicates that the authority must protect as much of our natural environment as possible and safeguard the best of Cheshire countryside. The Town Strategy accepts that an additional 1,000 homes will be required by 2030, an average of 55.6 per year but planning applications have recently been approved for 400 homes, which equates to a 7.2 year supply of housing land which more than satisfies the requirements of the National Planning Policy Framework. Therefore, as far as housing development in Alsager is concerned all necessary consultation has been completed and the Alsager Town Strategy should already be considered as the Emerging Plan for the purposes of considering planning application which conflict with that Adopted town strategy.
8. The proposal will increase the traffic congestion on Hall Drive and put pressure on Crewe Road and its junctions with Station Road, Hassall Road and the minim-roundabout at Poppyfields. Many children walk to school via Hall Drive which is the only proposed Access road to the development. The transport assessment undertaken by the developers has not taken into account the key junctions close to the proposed development, such as the min roundabout at Poppyfields or the cross-roads junction between Station Road, Crewe Road and Church Road. The Town Council has serious concerns about the impact of significant increase traffic use of the Church Road / Station Road junction given its proximity to the Hall Drive entrance and the hazardous site lines onto the main route through Alsager.



9. The Town Council has service concerns about the existing ground conditions on which the development is proposed and would contend that there is an increased flood risk that would be further worsened by new development on this site and ask Cheshire East Council to defer consideration of this application until a through investigation into the ground conditions has been undertaken.
10. The proposed development is located partly within the Radway Green Ammunitions Factor Exclusion Zone and it is the Town Council's view that to develop the site would be unsafe in the event of an explosive accident and consequently urge Cheshire East Council to acquire a report from the Health and Safety Executive.
11. The Town Council understands that Network Rail have submitted a holding objection to the proposed developments. The Town Council is concerned that health and safety issues relating to footpaths in close proximity to the railway line have not been addressed by the developers.
12. The Town Council have concerns that there is insufficient information in the application relating to the impact of the development on Local Air Quality.
13. The Town Council request that a site inspection be arranged before Cheshire East Council makes a decision on this application.

## **6. OTHER REPRESENTATIONS**

### **Swettenham Close Residents**

A 22 page joint objection has been received from the residents of Swettenham Close. The executive summary states:

- *The proposal conflicts with the emerging Alsager Town Strategy and is a deviation from the Local Plan. Alsager has already demonstrated and exceeded a 5 year housing supply; and a further substantial brownfield site is still available.*
- *This proposal would breach the existing urban boundary, intrude into the open countryside, and go against the policy of preserving grade 3a agricultural land.*
- *It would reduce amenity and adversely impact on Public Rights of Way*
- *The site is inappropriate for residential development due to an adjacent railway, a flood prone brook with rapidly eroding banks, and its proximity to BAe Systems at Radway Green.*
- *The applicants have failed to demonstrate the proposal sites can sustainably deliver 150 houses. Being mindful for the precautionary principle, synergy principle in conjunction with the sustainability criteria of the NPPF, these constitute further material grounds for refusal.*

### **Hall Drive Action Group**

A 31 page objection has been received from the Hall Drive Action Group. The executive summary states:

- *The Hall Drive Action Group (HDAG) is submitting this document as an objection against the proposed development on the land south of Hall Drive, Alsager. The application submitted by Emery Planning Partnership on behalf of Renew Land Developments indicates proposals to build 150 dwellings on the site.*

- *HDAG object to the proposed development based on numerous valid technical reasons which demonstrate that it is not sustainable. Additionally, any accordance with the relevant planning policy is flawed when the emerging Cheshire East Local Plan and the Alsager Town Strategy are taken into consideration.*
- *Our objection to the proposals is based on the evidence gathered around six major technical areas:*
  - *Policy*
  - *Flood Risk*
  - *Traffic Impact*
  - *Safety relating to Munitions Exclusion Zone at Radway Green and impact on the site's commercial viability*
  - *Intrusion into the Open Countryside and destruction of natural habitat*
  - *Proximity to Railway and associated safety risks*
- *Our objection assesses these key technicalities, based on a detailed review of the assessments submitted by the developers. Evidence for our objections is established from a range of sources, including resident's own technical knowledge and experience, consultation with consultees and statutory bodies, and a data gathering exercise from publically available information.*
- *This objection illustrates that the proposed development is not in full accordance with the National Planning Policy Framework (NPPF) and when fully assessed against this framework, the potential adverse impacts of this development would demonstrably outweigh any potential benefits.*
- *The proposed development would cause severe irreversible detriment to the residents of Alsager, impacting current and future generations.*
- *On this basis, the proposed development on the land south of Hall Drive, Alsager, would not constitute sustainable development, and we therefore recommend that Cheshire East Council should not grant planning permission for this application.*

## **22 Swettenham Close**

A 23 Page objection has been received from the occupier of 22 Swettenham Close. It concludes as follows:

*My concerns about the realisation of this proposal are as follows:*

1. *Unlike, for example, the Hollins/Crewe Road proposal, this site is not directly accessible from a main road. It is a much larger proposal, accessible only via a narrow, winding, busy built-up road with numerous junctions and above average level of vulnerable users; thereby creating congestion, accident risk and community severance.*
2. *This adverse impact would be felt by the numerous pedestrians and amenity users. People crossing the construction access to get to school and elsewhere; people accessing POS, PROWs and attendant amenity. Policies and case law emphasise the experiential and qualitative. They also take great account of consultation. There has been no active consultation by the applicants with users and stakeholders.*

3. *The proposal site has additional 'unique non-selling points'. In essence, the two proposal fields are islands, bordered by a railway line and a rapidly-eroding flood-prone 'main river' brook.*
4. *Radway Green.*
5. *The applicant's 'sustainability' argument rests heavily on the NWDA Toolkit for developers. This is a biased facile device from a disbanded NGO. It lacks statistical credibility, accreditation and pragmatism. The NWDA themselves acknowledge local authorities might lack the ability to check information submitted. This further begs questions of due process and attendant issues of checks and balances. The whole model lacks legal authority or any sensible mathematical modelling.*
6. *The developer's case is further falsely predicated on a sequence of spurious Ceteris Paribus assumptions. Ceteris Paribus is a modelling tool/precept, based on the Latin concept of 'other things being equal'. To simplify models and consequential arguments, certain assumptions are made and certain variables omitted. E.g. the walking model assumes journeys will be made in the dark, in all weathers, via unlit routes without pavements.*
7. *There is no evidence to support to support the scheme promoters' contentions that current POS/s106 provision is safety deficient. The current Swallow Drive Play Area is a valued amenity, well used, and safe. The proposed POS provision for the development is inadequate.*
8. *Since the advent of the Barker Review local authorities have realised the urgency of progressing brownfield sites for development. Authorities have actioned Task & Finish Groups to progress this; and others to deal with the problem of connecting 'peripheral estates; with employment areas. Since then, however, bus services have been cut back and job specifications often require a car. The proposal area risks becoming another employment inaccessible area for those without a car.*

## **Petition**

A Petition containing approximately 852 signatures has been received objecting to the proposal.

## **Individual Representations**

383 individual representations have been received making the following points:

## **Policy Issues**

- *Flies in the face of national and local (The Alsager Town Strategy) policy to build on brownfield sites (such as MMU and Twyfords) as a priority.*
- *The Town Strategy was adopted in August 2012 after local residents were consulted and whose views must be taken into account even though the Town Plan is only 'evidence'*

- There is sufficient brownfield land in Alsager to accommodate the 1000 new houses that allegedly need to be built without any greenfield or open space being used
- These brownfield sites are better suited and should be used before Greenfield.
- The university appears to have been completely vacated now and the buildings have been boarded up. Inevitably this is an open invitation to youths to congregate in this area and over time it would be usual to expect vandalism and general anti-social behaviour. To develop this brown site therefore should be the priority. Failure to do this may result in having a negative impact on Alsager and increased risk of crime.
- Why this land is even being looked at when there are brown fields sites locally?
- There is one registered and approved planning application to build on a brown field site in Alsager and Cheshire East Council knows that more applications are imminent. There is therefore no longer any excuse to ignore Cheshire East's own policy of giving priority to brownfield sites and to refuse permission to build on precious farmland or any other greenfield sites.
- A proper strategic development strategy for Alsager is needed. Currently there seems to be random applications, many on green field sites, that seem inappropriate and poorly thought through.
- The Town Strategy looked into the viability of using this land for future housing but rejected it as unsuitable and this strategy should now be a material consideration when deciding where to approve applications in Alsager. Surely the council should take local leaders' decisions seriously and not override them at will.
- To ignore the Alsager Town Plan would be to ignore the wishes of the Alsager Community, Cheshire East policies and National Policies.
- The option to use farmland/Greenfield sites has previously been rejected by all Town Council and Cheshire East Councillors.
- Alsager Town Council had a legal obligation to identify any possible, potential sites. Developers should not be allowed to get away with using the actions of the Town Council as some sort of 'carte blanche' justification for making planning applications for these sites just because they have previously been identified as an option.
- Alsager Town local plan has not yet been approved. The interim plan was consulted on but views were ignored. This is not democratic and therefore the interim plan is invalid. The Council should re-consult and actually take into account people's opinions, otherwise all future planning applications of this nature will be opposed. Better still, the local plan should be expedited through to reach an agreement.
- This is another unnecessary raid on Alsager's green belt.
- There is no point having a properly constituted town strategy if developers can ignore it.
- Developers obviously prefer green field sites because it is more profitable than re-instating brownfield sites. The cost of clearing these sites is not attractive to developers, especially where asbestos may be involved. It must be remembered that their primary responsibility is to their shareholders, not to the local community. However this is in no way a reason for their preference for greenfield sites to be condoned or approved.
- Why would any decent ethical developer ignore the wishes of the community expressed through the town strategy?
- No planning applications in Alsager should be considered until the Cheshire East 5 year plan is drawn up and published.
- The field subject to the proposal is green belt and should not be built on.
- In producing the Strategy Alsager followed National and Cheshire East Guidelines to the letter and the plan has been accepted by Cheshire East. It would be perverse not to

implement the Alsager Town Strategy otherwise Government demands for local control have not been met.

- Residents are in favour of the expansion of Alsager, notably by the construction of affordable housing. Alsager's population is disproportionately old, and development is needed. The excellent Alsager Town Strategy produced recently outlines suitable brown field sites for such growth.
- The pre-existing Congleton Borough Local Plan specifically identifies Alsager as an area of housing restraint. The Plan still stands until Cheshire East Council complete their own Plan.
- There is also a case based on Cheshire East's Emerging Plan. In the case of Alsager, it is apparent that the housing element of the Emerging Plan is already in place, and adopted.
- Developers must not be allowed to exploit the temporary lack of a Cheshire East Plan in order to cover the South East Cheshire countryside with unwanted urban sprawl against the wishes of the residents.
- The NPPF also states with reference to sustainability that green fields should not be built on unless there is absolutely no alternative and should only be used for housing in exceptional circumstances.
- Despite all of this, planning requests for housing development in and around Alsager are still being received and Cheshire East (elected representatives) should not override the wishes of local councils and residents to meet the wishes of developers.
- The land is allocated in the extant Congleton Local Plan as formal public open space. The developers propose that the playing fields at the MMU site should be substituted for this allocation - because there is a Planning Brief for the site. However the developers have deliberately excluded the MMU site from their traffic analysis because the MMU site has not received planning permission. This is clearly inconsistent and should be seen for what it is
- Greg Clark, the minister responsible for planning recently said the framework ensured there would be no greenfield development without the sanction of local authorities. *"Local communities are the best judges of what is important in their area,"* Clark said. *"My expectation is that most communities will want to bring brownfield back into use; but if they want to preserve green space in towns, to maintain a leafy aspect to them, [and instead would] like to make the choice, say, to add two or three homes to the edge of villages in their area, it will be up to local people to decide. I don't think they should be prevented from making that choice by a national ban."*
- Pressure for the development in the village is considerable, mainly for housing city commuters, but has been successfully resisted in similar cases recently.
- It flies in the face of the stated Strategic aim in the Town Strategy Plan to *'Maintain the Green Belt between Alsager and the Potteries'*. It is also out of step with the current Government's own strategy stated in its 'Quality of Life Report' from 2007 which stated in reference to new builds , *'...we have to use brown field sites for the vast majority of [these] new homes. Of course, the [building] industry would be better pleased to be given carte blanche to build on virgin land. However, not only is that environmentally unacceptable, but it is also politically impossible...'*

### **Lack of Need**

- Sufficient land has been identified within the Strategy to meet the town's foreseeable housing needs.
- The need for the houses is unproved. There are many empty properties and houses which have been on the market for a long time, and for sale signs are everywhere. Flats, houses, terraced, town house are all available
- It would difficult for people to sell existing houses in this area
- New development should be to meet the calculated local housing needs of an area, as opposed to the generalised figures concocted by central government.
- If there is housing need it is in the South Manchester/Didsbury area, not here. Turning Alsager, Sandbach and Congleton into dormitories for South Manchester will do nothing for carbon emissions or environmental degradation.
- The forecast requirement for housing, is derived by mere statistical techniques with little or no reference to local conditions. Alsager have just lost the two largest remaining employers, the MMU and Twyfords factory. The remaining large employer (BAE Radway Green) has automated its lines and cut workforce despite winning the full UK supply contract. Lack of employment is translating already into lack of demand for housing in Alsager, with one primary school closing last year due to lack of demand. House prices have dropped greatly over the last decade, in comparison with prices in Kids Grove, and there are many houses proving impossible to sell in the town. Therefore, if there will be renewed demand in Alsager after the recession is over, that will be weak and fully met by the Twyfords and MMU sites.
- A quota of more than 1000 new houses has been imposed on Alsager because of Government policies despite the obvious fact that there is currently no demand and there is very unlikely to be any such demand between now and 2030 as the quota suggests.
- It is also becoming clear that the census population statistics and estimates of population growth and movement are seriously flawed and will hopefully be publicly challenged but central and local government (Cheshire East Council) is using these disputed figures to force local communities to accept unwanted houses on farmland for political reasons not need.
- Contrary to superficial opinion, the building of residences on green field sites adjacent to open countryside generates its own demand to a great extent, and is not satisfying any local demand. It is inevitable that new housing will attract residents largely from other conurbations, such as Stoke-on-Trent.
- Alsager already has a nine year supply of available housing land.
- There has explosion of property development in and around the town including proposals on Hassall Road, Dunnocksfold Road, Hall Drive, Crewe Road, opposite Willbram Arms and probably others. Residents cannot see the need for further development in the town and have never seen any assessment to support the need
- The emerging local plan is likely to show a 5 year supply of housing land. Were this to have been formalised already the present window of opportunity that the developers are trying to exploit would be closed.
- The need for additional housing in Alsager, Cheshire East or even the North West has never been explained properly by central government. House prices in the region are still depressed and building more houses will only make the situation worse. Unless significant money is invested in local business to create jobs for all the additional people in the area, why would people want to come and live here?

- This proposal demands an increase in industrial activity which is not envisaged and may never again be a possibility. During this town's former growth spurts the incentive was the proximity of technology industry at Talke Pits which made Alsager a convenient place to live. Today the employment opportunities especially for qualified engineering and other professions is not well defined suggesting a necessity for wide ranging commuting activity.
- With regards to the MMU college site, it was originally proposed that: by 2014 there would be a total of 300 houses, office space and a retail development, including shops, restaurants and financial services. However, these plans have been 'delayed until the housing market recovers.' This therefore begs the question: what is different regarding the plans for the site in question? We are clearly still in the middle of a recession; the housing market remains static: banks are not approving mortgages: and wages for the majority of Alsager residents are not high enough to achieve a 20% deposit to buy a house here, even a house defined as 'low cost' by the average person living and working in Alsager today.

### ***Impact on the Character of Alsager***

- Alsager is now a large town and has little agricultural or green land left.
- The town should not be allowed to grow unchecked but should remain a small country town and this will affect the character of the town. Many people still refer to Alsager as "the village" which shows how much it has already grown in the past.
- It is losing its identity as a village as the Council grants more and more developments year in year out.
- To build anymore houses in Alsager would result in the village no longer being a village.
- Alsager feels like it's lost its heart due to the rapid mass urbanisation of the village.
- The awful state Crewe is in now, is due to housing estates being built on every spare patch of ground, residents do not wish to see Alsager share its plight
- It would ruin the character of the village. The protection of Alsager's visual, historic and archaeological qualities is supported by The Alsager Town Strategy which highlights that inappropriately-designed and sited housing, or design, will fail to take opportunities to improve the character of an area and should not be accepted.

### ***Lack of Economic Benefit***

- To build for the sake of creating short term work is not a sustainable approach
- Jobs provided by such developments are transient and tend not to provide much local employment. Such work is generally subcontracted to firms based in regional conurbations such as Stoke-on-Trent, Manchester and Liverpool, who draw employees mainly from those areas
- The short-term view that any increase in housing would increase business in the town should be off-set by longer term thinking about how building on greenfield sites such as Hall Drive would negatively impact Alsager. One of the main draws of Alsager is the easy access to green spaces and the semi-rural feel of those estates on the outskirts of Town. If the focus of any new build is to erode the network of spaces for current residents then this can only have a long term detrimental impact on the town's attractiveness as a place to live, set up business and invest.

### ***Impact on Infrastructure***

- Any extra houses will put a strain on local services such as health and education.
- With 150 dwellings with 2.4 children each a larger schools will be required. Existing ones are full to capacity.
- Developments such as these extend the services, gas, water, electricity and roads rather than economizing on those that already exist.
- The electric power lines on that side of Alsager are considered over capacity. (Practical capacity is set at 85% of nominal capacity, to accommodate variations and surges in demand.)
- What are the emergency services requirements?
- The existing sewerage network along Crewe Road is already running close to its maximum capacity with the (relatively) recent additions of housing at Hall Drive and Poppyfields (and its latter additions) feeding into the old sewerage system.
- The play area is shown to be adjoining the brook/river. What safety measures are being included?
- Alsager has one medical centre shared by two practises with all these extra houses and therefore people the current excellent service given could suffer.
- Alsager is now not looked after efficiently has it used to be by the Council and building more houses is going to put more pressure on the services done by the Council - more roads to repair, more bins to empty, more waste water and drains to look after.
- Infrastructure impact studies need to be carried out to assess the effects of availability of school places; medical facilities and sewage plant capacity in the area.
- Leighton Hospital hardware (car park and buildings) are far from sufficient.
- No further plan of new homes should be considered before an appropriate plan of the infrastructure is approved first. Otherwise, any plan will be irresponsible.
- The expansion of settlement here will obviously increase the waiting time for GP services which is some cases in critical with waiting times exceeding the weekly diary. Local Hospitals, Leighton and University Hospital show signs of stress in ward admission, outpatients and A & E, a thing which will be a of general and specific impact
- The Catholic primary school (nearby) has a 5-year waiting list.
- At the moment there is one supermarket and although this has recently been enlarged, it is still the only one in Alsager. There is no petrol station in Alsager.
- For the most part, Alsager has remained, in essence, a rural village with the amenities and infrastructure of such: a large increase in the population can only create far-reaching consequences for both existing Alsager residents and incomers alike.
- There is a total lack of amenity in Alsager made all the more critical by the failure of the East Cheshire Council and previous formulations of Councils to guard leisure facilities.
- Repeated submissions for the better access to the Alsager Mere and efforts to prevent removal of expensive and new facilities at the MMU site (swimming pool, tennis courts and gym hall particularly) have failed.

### ***Design issues***

- The proposed siting of the development is particularly ill-considered: building here would both diminish the striking view into the centre of the village but also be prominent from most angles approaching the village.



- Design issues for the proposed site might be solved by conditions or revised proposals, but these could not remedy the siting problem.
- The Parish Council, Network Rail and Radway Green share the concerns.
- The proposal that will look out of place in this area as its character does not fit in with the existing character of the area. The proposed development is much larger than other buildings in an area and will stand out in the countryside.
- The design, layout and appearance of the new developments is not practical and fails to fit in with the character and appearance of the surrounding area. The development would be too dominant. The proposed density (the number of dwellings per hectare) appears to be significantly higher than that found in the area.

### ***Sustainability***

- The design does not include any features required for sustainability, such as energy generation or on-site sewage/foul water disposal and effective waste management.
- The area is also too far from the nearest facilities such as shops, pubs and post office, meaning residents would be reliant on cars, increasing carbon production.
- East Cheshires reduced bus services through the village, could limit opportunities for the residents of the any new development to travel by public transport.

### ***Loss of Agricultural Land***

- The site has provided crops in recent years so why is it classed as under utilised? One crop failed this year because it was waterlogged.
- It is wrong to build on agricultural land as due to increasing demands on foodstuffs.
- We should be looking for future generations to be self sufficient not reliant on imports.
- We need to retain as much agricultural land as possible, given the rapidly expanding population of Great Britain and increasing difficulties in importing food from abroad as other countries develop and consume more.
- The land with water alongside it is suitable to grow food, eg vegetables and fruit, by people in existing housing near it. Towns and cities are now short of work, so households working near their housing by growing their food would have useful work - without travelling to it.
- People growing their vegetables and fruit usually use manual cultivations with plant trash (compost, etc) providing the nutrients; a form of sustainable agriculture. Whereas large scale mechanised farming involves unsustainable practices. "Sustainability" is required in various objectives. Broadly "brownfield" land, now existing in Alsager and most other towns, is mostly unsuitable for agriculture. Food is an essential consumable, and is expensive in resources to import and distribute. So land that is suitable to grow plants that is near housing should be used for that.
- Destroying a farm land is very dangerous to the country's survival especially when the population is increasing quickly. The Office for National Statistics (ONS) said it was set to rise from 62.3 million in 2010 to 67.2 million by 2020 and 73.2 million by 2035

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

- Whilst not an area of outstanding beauty it is still green belt

- This proposal is clearly an intrusion into the Alsager countryside and erodes the network of green spaces around Alsager
- The site must be preserved in order to keep the green space round Alsager for current and future generations
- It is an opportunist proposal that will not enhance Alsager town as the buildings will be spreading the village in a rambling way. The development will further degrade the surrounding countryside belt which separates Alsager from neighbouring communities
- There is an obvious barrier in the form of Valley Brook. It would be the only site off a Crewe Road access that is across Valley Brook. It is inappropriate in that location.
- It is one of the few remaining dark places in Alsager and should be kept as such.
- The proposed development by reason of incursion of built form into the open countryside would detract from the generally open character of this area and would extend the development boundary of Alsager. 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.

### ***Loss of Recreational Land***

- Alsager 's USP, as outlined in the Town Plan, is its ease of access to countryside and to a network of footpaths. It would therefore seem perverse to give planning permission for this greenfield site, particularly since there are at least two available brownfield sites currently not being utilised.
- This part of Alsager has an historic walk situated to the side nearest the railway line - part of a network of footpaths leading to Barthomley. In past centuries, people used this network of footpaths to worship at Barthomley church, before the churches at Alsager were built. They are still used regularly by a variety of people. They are also used by the local Ramblers Associations as part of their scheduled walks, winter and summer alike.
- It is a pleasant walk they can do from their homes without having to drive into the countryside. It would be a significant loss of readily accessible green space.
- It is said that footpaths would be 'upgraded' as part of the development. A tarmac path between houses is a poor substitute for a path through open countryside.
- To offer a long dark tarmac 'corridor' at the back of large housing estate and between that and the railway line (which it has been proposed to fence off ), for the purpose of preserving these footpaths would not serve anyone well.
- Children regularly play on and around this site.
- We are constantly being told by health officials to get our families outside and keep a healthy lifestyle, yet eventually it seems the Council may allow there to be no green areas in Alsager.
- Walking over the fields towards the fisheries and surrounding area is a good way of taking exercise that doesn't cost any money.
- This development not only intrudes on the Alsager countryside but also with residents work/life balance.
- The field directly at the back of Swettenham Close will be affected which will prevent the children playing football and other leisure activities which are very popular,

especially in the summer. Again, another form of exercise for the children that is cost free which keeps them entertained for hours

- The land has always been used by walkers, dog walkers, children playing and even a bonfire site for the village bonfire run by the Rotary. It has become an unofficial village green.

### ***Amenity***

- Residents bought houses here because they were surrounded by green belt, located in a semi-rural area, were close to fields and overlooked countryside. This application attacks their personal circumstances.
- Spectacular views will be lost and there would be no more privacy for existing residents especially on the end plot. The appearance would become quite ugly and block out the view of the train.
- The paths would become a much busier thoroughfare and privacy could be invaded and there will be potential for anti- social behaviour.
- Residents who have lived on a building site at their previous home for 4 years, cannot think of anything worse than living in that situation again - the noise, dirt, ruined roads (and the damage to cars as a result)
- Before the Council make a decision they should think this "If I lived there or if this was happening in my area, to my house - would I grant it?"
- Hall Drive is settled community and the imposition of a building development over a long term is seriously going to impact their life experience
- Residents are concerned with the proposal of 2 and 3 storey properties right next to them there will be a loss of privacy and a loss of light particularly being only single storey dwellings in some cases.
- If this land is built upon the options for recreation and enjoyment of future generations will be severely reduced and that is not "sustainable" development

### ***Ecology***

- The site is home to a diversity of wildlife including protected species
- There have been sightings of buzzard, hawks, hoopoes, wood peckers, bats, skylarks, dragonflies, birds, foxes, shoals of stickleback fish, flocks of long-tailed tits, greenfinches, frogs, bats, toads, snakes, nesting pheasants, kestrels, owls and water voles (although a one day survey did not find the latter.),
- Great Crested Newts migrate from the wet areas.
- Green belt land in the UK should be maintained for the housing of wildlife which is constantly being put at risk from developments. They have a right to living just as much as we do, especially considering there are areas of brownfield sites in the Alsager area which could be used for this development.
- One day much of our wildlife will be eradicated if developments such as this continue.
- There are several healthy oak trees which deserve protection.
- The proposed development would restrict normal access to this corridor from open farmland/countryside, thus diminishing its attraction to such wildlife.
- The ecology data employed in the application is technically incorrect. The data ignores a site for Great Crested Newts that is afforded the Protection of a Section 106

agreement well within the 2000 metre span highlighted in the document. The ecologist is making claims that cannot be substantiated

- There is a lack of available data on how the mature trees on the site will be protected, and no mitigation strategy proposed.
- The wild life of Alsager has declined significantly in recent times and as the various additions of allocated lands have come on stream there has been a noticeable extinction of animals generally. Once Alsager was a site for a wide diversity of avian creatures which are now sparse and which on the top of the latest bad weather could constitute an extinction point. Wide ranging redevelopment could change the nature of Britain forever

### ***Flood Risk***

- The development increases the flood risk for current and future residents from the brook adjoining the site.
- The land partly comprises flood plain and there are legitimate concerns that the likelihood of flooding will increase with climate change and the run-off water from any new development
- The adjoining brook has collapsing banks and on occasions burst its banks and parts of the fields have been flooded.
- Flooding is caused by water flowing from farmland situated at a higher level on the southern side of the Crewe/Derby railway line and from the risk of flooding from the brook itself.
- Residents report a car driving onto the middle of the site and sinking down to roof level due to water logging
- Climate change has brought more long periods and more intense periods of rainfall. Recently in Somerset and elsewhere, a month's rain fell in 48 hours. It is not appropriate to take risks with this when other sites with much lower flood risk are available.
- Much of the western part of the site would flood (as it has in the past) where the Flood Risk Assessment says it would not in a 1000 year event.
- Insurance companies classify existing houses in Hall Drive as on a flood plain from Valley Brook and residents have had difficulty in obtaining insurance. According to one resident only 7 quotes were available on price comparison sites because their house is within 250m of the watercourse. Building houses on this flood plain will only make this issue more prominent and the residents of this development would face real problems in this respect. So would nearby residents should there be flooding in that area. The Council would, be accountable, in part, for such problems, should they occur
- On occasions the water level in the brook nearly touches the underside of the pedestrian bridge to the playfield. It has left the park bench near St Gabriels part-submerged, and the banks are eroding and with no-one taking responsibility for maintenance makes walking along the path to the Poppyfields estate hazardous
- The Environment Agency have moved the development away from the brook for this reason. However, the model which is used is too simplistic. The increased rainfall due to Global Warming is assumed to be linear. From recent experience this is not the case. Long and torrential rain has now become the norm and this will not be engineered for by the developers.

- Bad planning decisions has been one of the main causes of the excessive flooding seen again in the UK recently, residential sites constructed on flood alleviation sites etc etc.
- Putting in land drains would destroy the water retentive nature of the fields, so creating flooding problems elsewhere by tipping water (from heavy rain) straight into the brook at a faster rate than that with which it can cope.
- The proposed development can only serve to exacerbate this situation and subsequent worsening of the flood risk is unacceptable and would have to lead to local residents seeking substantial compensation through judicial processes against the planning office and those responsible for planning approval.
- The 'Quality of Life report from 2007 states the following, *'The need for more homes is inescapable. Avoiding that reality would damage the poorest most and undermine all that we would wish to do to strengthen the family and increase social cohesion. Yet, building on green fields, on floodplains, ..... makes no environmental, social, or economic sense.'* It also had the following things to say on this issue, *'If a Government is serious about the risks of climate change, it doesn't build homes in flood zones', 'We also recommend ... the prevention of development on land likely to be at risk of flooding now or in the foreseeable future' and 'Every inch of space occupied by impermeable buildings or surfaces redirects and often focuses rainfall, causing flooding and preventing rain from reaching groundwater. The economic effect is significant. Water and sewerage companies spend some £320 million each year on intra-urban flood risk management.'*
- Even if, as the Emery Planning Partnership proposal brochure states: that the proposed development will ensure that this area [the flood plain] remains free from buildings' - the very nature of the land and the drainage situation with regard to sandy soil as mentioned previously means that this will not be enough to ensure that any new housing built on the site, or any of the existing housing estates nearby will not be under threat from flooding.
- The proposed site consists of sandy soil, which by its very nature is difficult to drain through the soil, as any rain simply runs off the top surface.
- Residents have personally rebuilt and reinforced parts of the brook, on many occasions at their own time & cost. The Environment Agency has historically had no funds to maintain the brook and should this development go ahead, there are concerns about who's responsibility the maintenance will be as well as the surrounding land, parks etc in the future.

### **Railway**

- The railway at the southern boundary creates noise and vibration.
- Reports presented for the developers used very limited survey durations and extrapolated for 24 hours. They downplayed adhoc traffic movements such as inter-city express trains and goods trains. Network Rail points to the use of the line for shunting etc . There are discrepancies between the reports.
- In addition, to satisfy noise design criteria the houses would need their windows to be closed.
- The railway line can get very busy at times, pendolino trains are often re-routed and freight trains are regular users.

- Residents hear the noise from most trains and feel the vibration from heavy goods trains and they are over 200 metres away.
- Network Rail were not consulted - and they have safety concerns of people, especially children, around the level crossing; as well as vehicles passing over it. They require a security fence to be erected alongside, at least 2m away, from its own fence. Noise from the trains will require solid wood fences to screen the gardens close to the line. Consequently the public footpath will become enclosed, noisy, and potentially dangerous from fumes and anti-social behaviour.
- The pedestrian crossing of the railway line, rarely used now by unaccompanied children, will be used frequently if there are houses nearby (even right up to it), leading to a major safety risk.
- What will be the affect of children from this proposed site playing next to an electrified railway line?
- Residents query whether account has been taken of possible future developments on this rail route, particularly in the light of HS2.
- Houses close to the embankment would undermine its foundations
- There is also considerable flooding currently underneath the railway bridge - more flooding could cause weakening of the bridge structure.
- Residents use the trains to travel directly London and do not want the line restricted, in terms of traffic, because of this development.

### ***Radway Green***

- Over a third of the proposed development falls into the Radway Green Ammunitions Factory exclusion zone where major damage would be caused in the event of an explosive accident making the land unsafe to build on.
- If the application was granted the licence of Radway Green munitions factory would be reviewed and BAe would have to reduce its activity, with the result of jobs being put in jeopardy at the only large employer left in the area.
- BAe would require compensating for loss of revenue and failure to complete orders
- There is serious concern about the economic impact on this large employer no-longer investing in the site. This is too high a price to pay for Alsager residents in the current economic climate. It seems incredible that it is even being considered as a potential development.
- This factory is a valuable local employer (around 400 staff) and its operations cannot be threatened or restricted. At a time of decreasing British industry it would also be negligent of the Council to allow this housing development in this regard particularly when there are several other alternative sites available for housing in Alsager.
- Alsager has already lost key employers, and a clear message should be made to BAe, through rejecting this planning application, that their future investment and expansion is welcome and supported.
- To live in the development when the factory is test firing will be very noisy and cause disturbances. Residents in Swallow Drive can hear the ammunitions being tested,
- The bulk explosives magazines are located at the closest point to the proposed development. If there was ever an incident involving explosives the council would be guilty of gross negligence in allowing such a development.
- When Dunham Close was built the potential hazard from Radway Green munitions factory had to be addressed by the developers building a high earth mound.

- All of the development lies closer to the Radway Green Ordnance factory than the raised blast deflector embankments originally constructed to protect the perimeter of the original Hall Drive development. As production of ammunition at the factory still continues then therefore the risk of a major explosion must still be present.
- 7 years ago part of the loading factory blew up. It was approx 12.30 pm. The blast woke residents living the other side of the field and this was with 6kg of propellant. There is far more than that amount in the main magazine. Since the main factory has moved to a new area within the boundary of the site this has moved the loading factory to face the way of the proposed housing estate and is closer.
- The BAE munitions works at Radway Green is a top tier COMAH site. The Public Information Zones (PIZ) that the HSE design for a major incident indicate that approximately 50% of Site A lies in the middle zone. Housing developments are not normally permitted by the HSE in this area.

### ***Compromises Road Safety / Traffic Generation***

#### Hall Drive

- Hall Drive was built as an access road to serve the original development, not as a through road. It now carries more traffic than envisaged in the 1980's and does not cope well.
- Each home comprises of on average of 2 cars, which means an extra 200+ cars will be using Hall Drive on a daily basis which means a minimum of 400 journeys - assuming that each car that goes up the road has to return to its property. It would become gridlocked.
- In addition it would have to carry heavy construction vehicles, which are cumbersome
- Many children walk to school via Hall Drive, which is the only proposed access road to the 150 homes.
- It also provides sole access to the busy Home Farm Fisheries. This commercial fishing complex has, in the last 3 or 4 years, begun to attract many visitors from as far afield as Birmingham, Liverpool, Manchester and Derby, due to the introduction of specimen sized catfish.
- It would exacerbate traffic exceeding the 30 mph speed limit. When there is a fishing match on it is like a race track
- There would be an increase in noise and congestion with its attendant pollution.
- The current Hall Drive estate is an attractive safe family environment
- Children have very little play areas in the surrounding area. This will make it almost impossible for them to play outside their own homes.
- When exiting Dunham Close onto Hall Drive it is very difficult to see traffic to the right hand side & children could get knocked down here as a consequence of the increased traffic.
- Hall Drive has become much busier as families now have far more cars than estimated and it certainly is not wide enough to take more traffic
- The Dennis Round Court has parking problems as people visit it for recreational purposes and there are always cars parked up along side the road
- There is much concern about access to the proposed site by the emergency services.
- Hall Drive is not well adapted for the increased volume of traffic - a proposal for a golf/country club on the hill to the south was rejected on those grounds some time ago.

- Currently the area is safe for cyclists to use paths to cycle down to Hall Fisheries. It would be unsafe with more traffic.
- The proposed extension of Hall Drive cuts across a footpath. This is a safety issue as many children use it to get to the local park, as well as walkers etc.
- On Hall Drive there is a tight bend that is difficult to pass if a car is parked on the road.

#### Crewe Road / Hall Drive Junction

- At peak times, the junction from Hall Drive onto Crewe Road clogs up severely.
- The proposal will virtually double the number of vehicles, existing Hall Drive onto Crewe Road.
- This junction is very near to the cross-roads of Crewe Road with Church Road and Station Road, the latter being a major cut through for traffic to and from the A500 Alsager - Stoke-on-Trent commuter route; the two junctions affect each other's capacity, safety and smooth flowing.
- Every week cars almost collide when traffic from Crewe overtakes parked cars opposite Hall Drive and forces traffic from Alsager to take evasive action by crossing into the Hall Drive turning. Luckily there is rarely any traffic exiting Hall Drive but this would probably not be the case if the development went ahead.
- The existing junction of Hall Drive/Crewe Road as means of access to further housing was deemed unacceptable when the original planning application for the Poppyfields Estate was made, which was for a smaller number of properties than the current proposed development and required the installation of a mini roundabout.
- This junction would become the scene of considerable delays at peak times with the increased risk of road traffic accidents with the estimated additional number of vehicles exiting Hall Drive, taking into account the restricted visibility in the easterly direction. Many school children also cross the Hall Drive junction at these peak times increasing the risk of accidents.
- The transport survey is woefully inadequate on this proposal. The true statistics can be found on the Guardian and Crashmap websites. It can be seen on both sites that this Hall Drive junction was the site of a fatal road traffic accident on 04/02/2007 (one of 3 fatalities on Alsager Roads in the last 10 years) There is also evidence of a further 9 accidents at this junction that have been conveniently ignored by the developer in his report.
- A child was knocked over just a couple of months ago.
- How will the additional vehicles from 150 properties help this blackspot?.
- The actual photograph being used in the developer's report shows a vehicle encroaching into the Hall Drive entrance. This makes any visibility splay data useless, as vehicles emerging from Hall Drive have to stop significantly before the white lines
- Are they going to build a new roundabout at the entrance of Hall Drive?
- Environmental impact studies would need to establish the effects of increased traffic from Hall Drive at the junction of Crewe Road.

#### Crewe Road

- Crewe Road, has become busier over the years as more houses have been built, and traffic will be further increased on already congested roads. The road is increasingly becoming more dangerous as the main route through the town.



- The junction at Hassell Road/Crewe Road is predicted by the developers traffic analysis to become overloaded as a result of increased traffic and the Hall Drive development. Clearly the true situation would be much worse with the MMU redevelopment is added in as well.
- Crewe Road is extremely narrow in this area and already very congested
- Crewe Road residents have difficulty crossing the road, and getting out of their drives and in some cases it can already take in excess of 3 minutes in a morning.
- This increase in traffic will itself create a greater safety risk on a road that is already dangerous due to the speeds that traffic seems to travel along it and will undoubtedly give rise to the number of accidents that occur on such a road.
- Crewe Road / Station Road / Church Road junction will need traffic lights and pedestrian crossings
- The extra children crossing Crewe Road to go to school will also be a danger.
- Crewe Road is in considerable disrepair and potholed. It has a sandy substructure and cannot cope with additional volume of traffic
- Cyclists are worried about their safety from such an increase in housing and therefore in car drivers.
- Cranberry is the only school that has the potential for places, which means more traffic between Hall Drive, Poppyfield exit roundabout, and Cranberry Lane.

#### Other Highway Issues

- The traffic analysis also does not take into account the planning permission granted for the Caradon Twyforths site. Nor was there an analysis done of the Station Road/Crewe Road junction. This is one of the junctions on Crewe Road that concerns most residents. It is extremely dangerous.
- 2 level crossings at Radway Green and Alsager Station already cause traffic problems, and Bank Corner junction cannot cope with traffic flow now.
- Junction 16 of the M6 and Radway Road is particularly dangerous.
- More and more drivers are using Dunnocksfold Road and Close Lane as their preferred route onto Crewe Road. At times the junction of Dunnocksfold Road and Hassall Road is a white knuckle ride. Also when the children are coming to and from school (eg Alsager School and Pikemere) the mix of kids and traffic is frightening. New development will certainly increase traffic, increase the number of children at the schools and add considerably to the risk.
- The existing bridge over the site is inadequate for such a large increase of traffic. The low bridge under the railway is a potential traffic blackspot for cars wrongly traversing the area.
- The traffic system in Alsager is already overloaded and the roads themselves in a very poor state of repair
- Church Road is used by buses and also appears to have a lot of usage from parents dropping and collecting their children from the Alsager School. Again there are already times when this road is at a stand still.
- The M6 is a heavily congested arterial road with frequent and lengthy limitations on traffic flow if not actual stoppage of flow
- To enlarge or reconfigure the road networks can only mean increased noise and pollution

- Cheshire East Council is already struggling to maintain road surfaces and is ill-prepared for prevailing weather conditions. It shows all the signs of a system under stress and unable to cope with that which it has to deal with currently, a thing which bodes badly with anyone's expectations for the future

### ***Other Matters***

- The Town Council voted unanimously against this proposal.
- No one will want to buy a house within a recognised blast zone of the ammunitions factory, a near a railway line, built on a water logged field near a brook which has a risk of flooding.
- The Councils should listen to the views of local residents and support them in stopping greedy property developers exploiting a loophole
- It is only East Cheshire's incompetence as a Council which has allowed this application to get this far. This, together with other proposed large scale housing developments in Alsager, should be vigorously opposed and rejected. Their purpose is not to improve the quality of life for local residents, but to line the pockets of greedy and opportunistic housing developers taking advantage of the absence of East Cheshire's local plan.
- The application will undoubtedly get approved as it will help increase the Council coffers.
- The development would not benefit most of the existing residents of Alsager, as their children would not be able to afford properties in this area. This would draw in new inhabitants from outside the area who work in other towns and cities.
- Residents can all see the disruption that the new Co-Op has caused and is still causing with access etc.
- The only people who stand to benefit from this proposal are the developers who can maximise their profits from ploughing up greenfield sites rather than taking on the added costs of clearing already despoiled brownfield sites in Alsager. There will be NO benefit to the residents of Alsager whatsoever, only harm
- Residents deserve to be listened to & views respected when the Council are making such important decisions about the future of the community.
- Alsager is being targeted by many developers making speculative planning applications, as responsible decision makers in the authority this is the opportunity to demonstrate that the Council will not be rail roaded by them & will make a decision to oppose the plan which will be in the best interest of the community.
- If the Local Plan was in place, there would not be such an avid interest in obtaining planning permission for areas such as this.
- Approval of this plan would represent a betrayal of the residents of Alsager by the planning authority.
- People objected to the development off Crewe Rd recently, to build 65 homes. The developers had not even discussed the proposal with the Council, just applied speculatively. Because of the Councils incompetence for future land planning they were successful in gaining permission to build on a field with protected species, entrance to the roads endangering the public, next to a stream and against objections from the Town Council and public. Residents hope they are not successful in this application and that the Councils procedures are investigated and what they consider to be a ludicrous planning permission already given is revoked.

- Unfortunately this application will probably be give permission and Alsager and Sandbach will be the scapegoat for Council incompetence, both suffering greatly.
- There is on the site Himalayan Balsam weed which his very invasive and would need a lot of work to eradicate
- The development of the land as proposed would have the effect of devaluing the existing dwellings not only their desirability but also their monetary value.
- Alsager town centre is in desparate need of development and this money has never been found. Any local developers should be made to make a significant contribution to rebuilding the 60s buildings to a more aesthetically pleasing and pedestrian friendly centre.
- All local people are really angry and disgusted at this unnecessary, greedy proposal.
- If this development is given approval it will represent very much the thin end of the wedge regarding future proposals of this nature. If this is agreed it wlll make it impossible for Alsager residents or Cheshire East at a local or wider level to object to others whether in Alsager or other parts of the region. A precedent will have been set.
- This is a ludicrous proposal and sadly voices of the Alsager residents will be conveniently not be heard.
- Recently the head of Cheshire East Council wrote in the Daily Telegraph concerning how his hand was being tipped in the proposals made by housing development companies within his constituency. He found that the system was being inundated and that he felt disempowered to oppose them. It is self-evident that due to the lack of plan (due to unitary council proposals) that the housing industry has a determination to use this mishap to impose its demands on the local community whether there intrusion is merited or not.
- There will be increased light pollution which will disenable the night time experience of the natural universe and disenable the possibility of pastimes such as astronomy.
- Because the Developers did not consult with Network Rail and therefore appreciate the constraints on the site layout, and properly take into account their noise assessment, together with the flood risk assessment differences to the development line allowed by the Environment Agency - a new indicative site layout will have to be developed which, unless the type of housing changes, will result in fewer houses being proposed. Fewer market houses means fewer affordable houses. The maximum on the current proposal is 45 being 30% of the total number. Although this is a benefit from the proposal this is vastly outweighed by the negative aspects.
- Hall Drive's development cannot be viewed in isolation and it is a microcosm of the totality of errant plans proposed for the immediate area now including Green Field expansion in diverse locations from Crewe Hall, Barthomley, Dunncocksfold, MMU, Twyfords, Oakhanger and much else that has not as yet been divulged. Taken with the totality of changes in Crewe and Sandbach it will take the area from a collection of relatively small settlements to a conurbation within a short time.

## **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**

### **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 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 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> 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 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> 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 30<sup>th</sup> 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. Therefore, the presumption in favour of the development from the NPPF does not apply, but the presumption against the development under the adopted local plan policy is applicable. On this basis the application should be refused.

### ***Emerging Policy***

The Draft Alsager Town Strategy identified a selection of Potential Development Options within and adjacent to Alsager, these were consulted on between 2nd March and 2nd April 2012. The application site was included in the Strategy consultation as part of ‘Site H: Radway Green North’. 222 responses were received in relation to this consultation and these were reported, including a number of alternative sites, to the Stakeholder Panel in June 2012. Following this Stakeholder Panel meeting it was decided to take forward, a 6 sites within the town, including 2 parts of site H (H1 Employment and H3 – Residential). However, the area being considered for development as part of this application does not fall within either area.

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 three strategic sites:

- **Twyfords** - Circa 450 new homes, Employment development and retention of existing B1 development, A local centre with community facilities and retail space (2-300sqm)
- **Former Manchester Metropolitan University Campus** - Circa 400 new homes, A local centre with community facilities and retail space (2-300sqm)
- **Radway Green** - Circa 10 hectares of employment land

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 prematurity 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 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.
- Consequently, on this basis the application should be refused.

### **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	HALL DRIVE, ALSAGER
Open Space:	Amenity Open Space (500m)	0m



	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	500m
<b>Local Amenities:</b>	Convenience Store (500m)	600m
	Supermarket* (1000m)	600m
	Post box (500m)	850m
	Playground / amenity area (500m)	0m
	Post office (1000m)	850m
	Bank or cash machine (1000m)	600m
	Pharmacy (1000m)	750m
	Primary school (1000m)	200m
	Secondary School* (1000m)	1126m
	Medical Centre (1000m)	800m
	Leisure facilities (leisure centre or library) (1000m)	750m
	Local meeting place / community centre (1000m)	600m
	Public house (1000m)	450m
	Public park or village green (larger, publicly accessible open space) (1000m)	500m
	Child care facility (nursery or creche) (1000m)	804m
<b>Transport Facilities:</b>	Bus stop (500m)	160
	Railway station (2000m where geographically possible)	900m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	600m
<b>Disclaimers:</b>		
<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 appear to be generally sustainable in purely locational terms.

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.

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.

According to the Design and Access Statement, the construction of these dwellings in accordance with the approach of the energy hierarchy will aim to reduce energy consumption and maximise energy efficiency. Careful consideration will be given to providing overall thermal performance and heat loss solutions in accordance with Part L of the building regulations.

The construction process will source local materials and suppliers which will reduce transport emissions both to and from the site. In terms of drainage it may be appropriate to include aspects of a sustainable urban drainage system. The potential for such features to be discussed at detailed design stage.

There is a potential to incorporate rainwater harvesting systems and utilise the use of grey water to minimise both water supply demands and surface water run off. The use of permeable road and paving surfaces will also help minimise surface water run off.

Whilst the above comments are noted, the Design and Access Statement does not provide any indication as to how the requirements of RSS Policy EM18 would be met within the development. Nevertheless, this is an outline application and a 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 bring 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 conclusion, however, the loss of open countryside, when there is no need in order to provide a 5 year housing land supply requirement, is not considered to be sustainable, and it is considered that this outweighs any sustainability credentials of the scheme in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

### **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 there is an area of Grade 4 land along the northern edge of the site, including the northern part of the eastern field. The remaining land is likely to comprise a mix of Grades 3b and 3a, the latter confined to a strip of higher ground alongside the railway line.

Given the proposal involves the loss of an element of 3a land, it is necessary to refer to the other tests in Policy NR8. Given that the Council now has a land supply in excess of 5 years it is not considered that the circumstances and need for development are supported in the local plan or that the development could not be accommodated on another site. However the proposal does not break up a viable agricultural holding or holdings, and given that only a very limited amount of 3a land is involved and that Inspectors have previously attached only very limited weight to the matter of agricultural land, it is not considered that an additional reason for refusal on these grounds could be substantiated.

### **Impact on Radway Green**

As originally submitted approximately one third of the proposed development lay within the inner (Band 2) consultation zone of the nearby licensed explosives facility. No development should take place within this area and the HSE advised that were planning permission to be granted this could result in the BAe plant license being reviewed with implications for continuing operations and potential for economic impacts on the town.

In response, the developer has submitted an amended indicative layout which shows all of the proposed development located outside the Band 2 area, and an area of public open space within it. However, the revised indicative layout shows only 109 properties, rather than the 150 originally proposed. Although this is an outline application, in the absence of a plan to demonstrate that 150 dwellings can be accommodated on the site outside the Band 2 area, it is considered that a condition should be attached to any approval limiting the number of properties to 109.

The remainder of the site falls within the outer (Band 3) consultation zone of the licensed explosives facility. Therefore, the Explosives Inspectorate has no objection to it proceeding provided that the development is no more than three storeys (12 metres) high and is of traditional brick construction. If any part of the development within Band 3 is of a “vulnerable” nature i.e. vulnerable by virtue of population (e.g. hospitals, swimming pools) or by virtue of construction (e.g. multi-storey ‘curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations) then the Explosives Inspectorate would be likely to raise concerns.

However, the proposal does not involve the provision of any “vulnerable” development such as hospitals, or multi-storey, curtain wall’ buildings, large open plan, unframed structures, buildings with extensively glazed roofs or elevations. Although the proposal is submitted in outline, with details of building scale, design and appearance as reserved matters, it is considered likely that the reserved matters will comprise typical 2 and 3 storey, brick built, detached, semi-detached and terraced housing. It is therefore likely to comply with the requirements of the HSE.

Nevertheless, to ensure that this is the case, in the event of approval, it is recommended that conditions are attached requiring the reserved matters to make provision for the properties to be of traditional brick construction and no more than 12m in height.

A formal consultation response on the amended plans was awaited from the HSE at the time of report preparation, and a further update will be provided to Members prior to their meeting. However, on the basis of the above, an objection is not anticipated.

### **Impact on Level Crossing**

The site is located adjacent to a level crossing, which carries a public right of way over the Crewe-Stoke Railway line. Network Rail has placed a holding objection on the above proposal due to concerns about the development increasing the level of foot traffic, which is currently very low (once or twice a day) over this crossing. In order to provide a full assessment Network Rail has requested information from the developer relating to the

anticipated increase in usage. At the time of report preparation, this information had been provided to Network Rail, along with a copy of the revised indicative layout, which the developer considers, due to the relocation of the housing, will reduce the likelihood of future residents using the crossing in question, and consultations were on-going. A further update on this matter will also be provided to Members prior to the meeting.

### **Affordable Housing**

The Council's Interim Planning Statement for Affordable Housing (IPS) 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 (SHMA) shows that for the sub-area of Alsager, there is a requirement for 36 new affordable units per year. This is made up of a need for 13 x 2 bed units, 12 x 3 bed units, 12 x 4/5 bed units and 10 x 1/2 bed older persons units. There are currently 130 applicants on the housing register applying for social rented housing who have selected Alsager as their first choice. These applicants require 44 x 1 beds, 43 x 2 beds, 25 x 3beds and 3 x 4 beds. (14 applicants have not specified how many rooms they need)

Therefore as there is affordable housing need in Alsager there is a requirement that 30% of the total units at this site are affordable, which equates to 45 dwellings. Based on the reduction to 109 units, this would equate to INSERT. According to the Planning Statement the applicant is offering 30% affordable housing which is in line with the IPS.

The IPS also states that the tenure split the Council would expect is 65% rented affordable units and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA. The tenure split should therefore be 29 dwellings as rented affordable homes, which can be provided as either social rent or affordable rent and 16 provided as intermediate tenure. Based on the reduction to 109 units, this would be amended to INSERT

The IPS 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 the affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

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, 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. Nevertheless, at the request of Environmental Health Officers, an Air Quality Assessment has been submitted by the developer and was being considered by Environmental Health at the time of report preparation. A further update will be provided on this matter prior to the committee meeting.

### **Noise Impact**

The site is located adjacent to the Crewe – Stoke railway line. Consequently there is potential for noise disturbance to the occupants of the proposed dwellings resulting from passing rail traffic. A railway noise assessment has been carried out for the development which concludes that:

- Noise measurement surveys have been carried out on the site and the daytime and night-time railway noise exposure values have been evaluated.
- The railway line is only lightly used by passenger trains and there are up to 12 - 15 freight trains passing the site per week during the daytime only. Therefore, railway noise exposures are low. However, we have recommended that proprietary acoustic fencing be installed for any private gardens within 5 metres of the southern boundary of the site not already adequately screened by dwellings themselves.
- The need to ensure an adequate scheme of acoustic fencing can be ensured by the use of an appropriately worded planning condition.

In addition, a vibration assessment has been carried out which concludes that the extrapolated daytime vibration values are below the threshold values set out in BS 6472.

Since there are only two trains in the whole of the night-time, corresponding night-time VDV's will be in even lower. Therefore, no special vibration isolation measures will be necessary.

Environmental Health has raised no objection. Network Rail have asked that details of the foundation design for the acoustic fencing be submitted for approval, to avoid the potential for the structure to fall on to the railway. All works, including the foundation design, which form part of the recommended scheme of mitigation, can be easily secured by condition.

### **Drainage and Flooding**

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). In summary, it states that:

- Part of the site lies within EA flood zones 2 and 3, at medium to high risk of fluvial flooding from Valley Brook, a tributary of the River Weaver. Detail Hydraulic Modelling has been undertaken to better define the flood zones and risks from Valley Brook.
- The FRA has informed the proposed development layout. Dwellings are proposed to be located outside Flood Zones 2&3. Criteria for geometry of the culvert, arrangement of the proposed access road and the proposed Brook realignment have been considered.
- The existing site is 6.2 hectares and is predominantly Greenfield. Site-specific Greenfield runoff rates have been calculated as  $Q_{bar}=14l/s$ . The proposed impermeable area is 2.89 hectares. The FRA demonstrates it will be feasible to drain the proposed development and limit the discharge of surface water runoff to Valley Brook to the Greenfield rate by means of attenuation.
- It has been demonstrated the proposed development will address the residual risk of surface water flooding and will not increase risk of flooding to neighbouring properties.

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, Design and Public Right of Way**

An indicative site plan has been submitted with the application which shows a main entrance to the site, from the end of Hall Drive, running through the middle of the site, with dual-de-sacs extending to each side. Properties are shown facing on to the access roads and the public right of way running through the site, as well as the public open spaces creating active frontage to all principle routes and public areas within the development, whilst retaining the majority of the existing hedges along the boundaries.

2 pedestrian accesses are proposed through the existing public open space to the east of the site, via the public footpath to the south and west and through the Swallow Drive play area to the north, as well as via the main vehicular access, which will allow permeability through the new development for pedestrians. This will allow pedestrian access for residents of the new development and the existing Hall Drive estate to Crewe Road, and facilities such

as the railway station and medical centre, in Station Road, as well as the town centre. This is considered to be a positive aspect of the design.

The proposed layout shows properties fronting on to the new paths so that they are well overlooked with an open aspect, which would encourage use and prevent it becoming a target for antisocial behaviour.

It is also noted that the Council's Public Rights of Way Officer has welcomed the development, as it will improve pedestrian and cycle connectivity in the area subject to a number of provisions relating to the detailed treatment of the of the route. In particular details the shared use of the route between cycles and pedestrians and its status and maintenance need to be agreed. Given that layout is a reserved matter, these matters could be addressed at a later stage, whilst maintenance would be dealt with via the management company established by the Section 106 Agreement.

To turn to the elevational detail, the surrounding development comprises predominantly modern cul-de-sac development from the 1990's / 2000's radiating from Hall Drive to the north. There are also a number of isolated vernacular farm properties set within the open countryside to the south. 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 although some are hipped.

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**

With regard to Children and Young Persons Provision, three options have been put forward by the Council's Greenspaces Officer, taking into account the proximity to the adjacent substandard play area at Swallow Drive:

1. CEC acquire Swallow Drive and the developer provides a contribution of £ 32,965.20 to upgrade the site and a further £ 107,460.00 to maintain it.
1. The Developer acquires and upgrades the Swallow Drive play area and it is then subsequently maintained by a private residents management company.
2. The Developer provides a new play area elsewhere on site.

At the time of report preparation a decision had not been taken by the Council on whether to adopt the Swallow Drive play area, and it has not been confirmed as being within the control of the developer, although they have indicated that they have an option to acquire it. Therefore it is recommended that any Section 106 Agreement makes provision for all three of the above as alternative options to be finally agreed at Reserved Matters stage. Members may recall that a similar approach was taken in respect of the adjacent Crewe Road site.

Turning to amenity greenspace, the proposed development would generate a requirement for 3600m<sup>2</sup> of new Amenity Greenspace based on 150 dwellings. Taking into account the reduction to 109 dwellings, referred to above, the requirement is reduced to 2616m<sup>2</sup>. As detailed above, substantial area of Open Space, amounting to INSERT square metres, has



been created in order to comply with the requirements of the HSE. As with the Children and Young Persons Play Provision it is recommended that the Amenity Greenspace be transferred to a private residents management company as part 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.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that 109 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.

109 dwellings, is lower than the 150 applied for, but on the basis of the indicative layout submitted, it has not been demonstrated that 150 dwellings could be accommodated on site. Therefore it is considered to be appropriate to impose conditions on any approval, limiting the number of dwellings to 109.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

### **Landscape Impact**

The site consists of 6.2 hectares of agricultural land located off Hall Drive, on the southern edge of Alsager. The area to the immediate north of the site is residential and this is separated from the site by the Valley Brook, which meanders along the site boundary. To the south is the Crewe – Stoke-on-Trent railway, the boundary fence of which forms the southern boundary of the site. The Lodge is located along the southern boundary of the site and an access track that leads to The Lodge leads to a small tunnel under the railway line and to the area to the south.

The site itself is open farmland with a pattern of hedgerows, the play area to the west of Hall Drive has a small woodland area associated with it and there are also a number of trees along the northern boundary in particular, as well as a single mature Oak located in the central part of the site.

There are no landscape designations on the application site and the Landscape and Visual Impact Assessment correctly identifies the baseline landscape character, and that it is largely located within the boundary of Character Type 10: Lower Farms and woods, specifically in the LFW 7: Barthomley Character Area. The area immediately to the north lies within the urban character area of Alsager. Although the assessment indicates that 'the scheme will seek to enhance the pre-existing natural features, such as the single mature

oak in the heart of the site', this oak is not shown on the illustrative layout scheme, and the layout shown would not allow sufficient space for the retention of this tree.

The site has the landscape capacity to accommodate future residential development, providing that it is well planned and designed and takes due account of the existing landscape features of the site, but more consideration needs to be given to the design and mitigation in the area adjacent to the south of the site along the Crewe – Stoke-on-Trent railway line.

### **Trees and Forestry**

This is an outline application for residential development on land to the south of Alsager. There are a number of trees and lengths of hedgerow in the vicinity of the site.

The application is supported by a Tree Survey Report prepared by Solum Environmental dated October 2012. The report indicates that the survey has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to construction.

BS 5837:2005 has been superseded by *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. The new standard 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. The Standard requires a greater level of robustness and confidence to ensure the technical feasibility of a development in respect of the successful retention of trees.

This means that at 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.

Whilst it is accepted that this is an outline application with access included and all other matters reserved, the Council needs to be able to assess the potential impact of the proposed development on trees and the capacity of the site to accommodate the number of dwellings proposed. The submission is inadequate in the following areas:

- The submitted tree survey does not accord with the current BS 5837:2012.
- There is no scaled tree survey plan. (Tree symbols only are provided on the Phase 1 Habitat Plan).

- The Design Proposal Plan ref 05 is not to scale and again shows only indicative tree symbols.
- The submission does not provide a scale plan with tree constraints and root protection areas.
- Other than a brief reference in Section 5 of the Tree Survey Report there is no assessment of arboricultural impacts.

As a consequence it is not possible to determine the direct or indirect impact of the proposed layout on retained trees. The applicant has been made aware of the above requirements and further information was awaited at the time of report preparation. Members will be updated in respect of this matter prior to their meeting.

## 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 application and commented that the submitted ecological survey report is broadly acceptable however the following additional information is required to enable a full assessment of the potential impacts of the proposed development to be made:

- Plan showing all ponds referred to within 500m of the proposed development.
- Complete phase one habitat survey plan showing all target notes
- Confirmation as to whether any trees on site were considered to have potential to support roosting bats.
- Confirmation as to whether any field signs of otter were recorded during the survey of the stream.

This information has been requested from the applicants and a further update will be provided to Members prior to their meeting.

### Bats

Notwithstanding the above outstanding information the site appears to support relatively low levels of bat activity. Providing no roosting potential is lost the potential impacts of the proposed development upon bats are likely to be low.

### Reptiles

Slow worm are known to occur on the Crewe – Derby railway line which is located to the south of the proposed development. No reptile survey/assessment has been undertaken as part of the submitted ecological report. As the bulk of the proposed development site is utilised for arable farming it is unlikely to support reptile species. However the narrow band of tall ruderal habitat along the southern boundary of the site and the hedgerow to the west of the development site may offer potential habitat for this species.

Consequently the submitted ecological report should be amended to include an assessment of the potential impact of the proposed development upon slow worms and mitigation proposals for address any potential adverse impacts. This information has also been requested from the applicants and a further update will be provided in due course.

### Stream

The stream to the northern boundary of the site has nature conservation value in the local context. The stream be safeguarded within an 8m undeveloped corridor of retained habitat. This matter may be dealt with by condition.

### Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. The hedgerow along the western boundary of the site should be retained and enhanced and additional new native species hedgerows should be incorporated into any open space provision.

### Breeding Birds

Standard conditions are required to safeguard breeding birds.

### **Education**

The Council's Education Officer has examined the application and concluded that considering the proposed development cumulatively with others identified in the Draft Development Strategy, and previous approvals, there will be a requirement for a contribution towards primary school places for 150 dwellings of £260,311. Based on the reduction to 109 units, this would equate to INSERT. There will be places available in the local secondary school to accommodate the proposed development. Therefore no secondary education contribution is required in this case.

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

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

- *Access to the site will be provided from an extension to the southern end of Hall Drive and will provide a 5.5m wide carriageway width and 2m wide footways on both sides of the access road. The existing standard of Hall Drive and its junction with Crewe Road has been reviewed and found acceptable in terms of carriageway width, footway provision, lighting and levels of visibility.*
- *Pedestrian and cycle access to the site will be provided at the same location as the main vehicular access from Hall Drive. In addition, the proposed development will provide improvements to public rights of way to the east of the site which links onto Cedar Avenue. These will provide pedestrians and cyclists with a safe traffic free route between the site and Alsager town centre.*
- *The personal injury accident data for the most recently available three year period for the most recently available five year period has been reviewed and does not represent a material concern in the context of the proposed development.*
- *The development is compliant with local, regional and national policy as it will promote sustainable modes of travel and reduce the number of car trips to local facilities. In particular, the site has been found to exceed the accessibility requirements set out in CEC's interim planning policy for the release of housing.*
- *It has been demonstrated that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle. A good frequency bus service is available within acceptable walk distance of the site. Policies to encourage travel by sustainable modes are also developed further within the Interim Travel Plan that accompanies this application*
- *The impact of the traffic arising from the scheme has been tested in detail at all the junctions in the TA study area in an opening and future assessment years of 2014 and 2019. These assessments are carried out on a robust basis, incorporating traffic growth and committed development.*
- *The assessments show that at the majority of the junctions there is either sufficient spare capacity to accommodate the proposed development or the development will not have a material impact on the operation of these junctions.*
- *It is therefore concluded that there is no reason on highway or transport grounds why the development proposals should not be granted planning permission.*

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 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. Previous concerns related to the proximity to the explosives plant at Radway Green have been resolved through the submission of amended plans.

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 grade 4, 3a and 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.

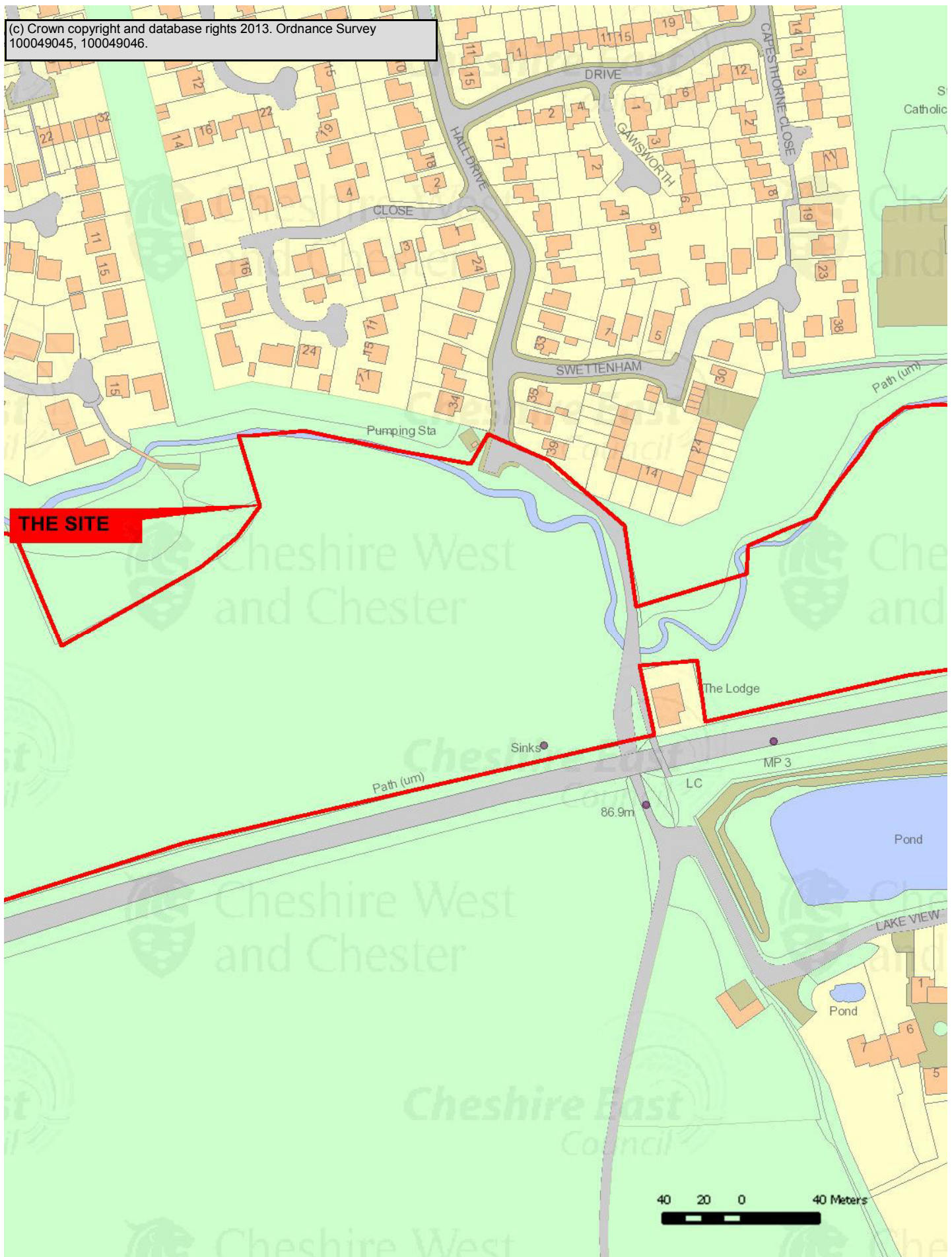
## **10. RECOMMENDATION**

**REFUSE for the following reasons:**

- 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: 12/3016C

Location: Rectory Farm, OLD KNUTSFORD ROAD, CHURCH LAWTON, ST7 3EQ

Proposal: Outline Application for New Residential Development and Access Roads for up to 31 residential units.

Applicant: Northwest Heritage C/O

Expiry Date: 02-Nov-2012

**SUMMARY RECOMMENDATION**

**APPROVE subject to conditions and S106 legal agreement**

**MAIN ISSUES**

**Planning Policy And Housing Land Supply**  
**Sustainability**  
**Character and Appearance**  
**Landscape Impact**  
**Ecology**  
**Highway Safety and Traffic Generation.**  
**Affordable Housing**  
**Drainage and Flooding**  
**Open Space**  
**Residential Amenity**  
**Education**

**REFERRAL**

The application has been referred to Strategic Planning Board because it is a major development and a small parcel of the site is outside of the settlement limits and therefore constitutes a departure from the Development Plan.

**1. SITE DESCRIPTION**

This application relates to the former Rectory Farm situated to the northwest of Church Lawton and to the east of the Town of Alsager. The site lies partly within the infill boundary line for Lawton Gate, which is a small settlement over washed by Green Belt. Rectory Farm and its associated outbuildings fall within the infill boundary line of the adjacent settlement

with the remaining part of the site to the north, falling within Green Belt as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is bound to the north by a brook beyond which there is the Trent and Mersey Canal which occupies an elevated position relative to the northern end of the site. The site is bound to the east and south by residential properties forming the Lawton Gate settlement. To the west is Old Knutsford Road, which runs parallel with the A50. The southern portion of the site accommodates the main rectory farm dormer bungalow, a detached dormer ancillary outbuilding and some detached barns / stables towards the rear.

The levels of the site drop away significantly where the curtilage for Rectory Farm ceases. The land slopes downwards towards the brook where there are some trees and planting. This part of the site is open with views afforded across the site from the adjacent canal towpath to the north.

## **2. DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of up to 31 dwellings. Approval is also sought for means of access with all other matters, including appearance, landscaping, layout and scale, reserved for a subsequent application.

## **2. RELEVANT PLANNING HISTORY**

None relevant to this application

## **3. PLANNING POLICIES**

### **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

### **Policies in the Local Plan**

PS6 Settlements in the Open Countryside and the Green Belt  
PS7 Green Belt  
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

**Other relevant planning guidance:**

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

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

##### **Environment Agency**

The Environment Agency has no objection to the updated Flood Risk Assessment subject to the following conditions:

- Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD, has been submitted to and approved in writing by the local planning authority.
- Submission of 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.
- Submission of scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

##### **United Utilities**

No objection, subject to the following conditions:

- This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to the watercourse

as stated within the drainage strategy and with the prior consent of the Environment Agency.

- A public sewer crosses the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

### **Campaign to Protect Rural England (CPRE):**

Object on the following grounds:

- Development not essential to local needs or rural economy
- Development is outside of the settlement boundary and constitutes an intrusion into Green Belt
- Sustainability – whilst most of the facilities referred to are within the required distance, they cannot be reached without crossing the busy A50
- No measures to assist pedestrians
- Limited visibility from second proposed access
- Loss of wildlife and habitats – full otter and vole surveys should be carried out and various mitigations should be proposed

### **Highways**

No objection - This application has seen revision and now proposes just one point of access onto Old Knutsford Road to serve up to 31 dwellings. Old Knutsford Road used to be part of the A50 but is now by-passed and downgraded in status as it serves just a handful of properties and is very lightly trafficked. It currently has a derestricted speed limit, though the actual approach speeds natural to the site are low.

The submitted Transport Statement has been written on the basis of the original application detail for 40 dwellings and therefore the figures taken from it are in excess of the 31 dwelling proposed. As such, the actual traffic impact figures will be lower than those outlined in the TS.

No objection, subject to the following:

1. Notwithstanding the details on the submitted plans, the developer will provide an amended and detailed scale plan for the proposed junction which will show a 4.8 metre carriageway and two standard footpaths entering the site
2. The developer will provide an upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres.
3. A streetlighting scheme for Old Knutsford Road to a convenient point north of the proposed access and include for 30mph speed limit signs to the southern approach
4. The developer will provide a capital sum for appropriate upgrades to the local bus shelter facilities. This will be in the sum of £21,000 and will be used to improve bus shelters local to the site (in accord with Transportation Unit estimates). This funding will be provided via a S106 agreement.

### **Canal & Rivers Trust**

Canal & River Trust is satisfied that the risk to the proposed development as a result of a failure of the canal infrastructure has been adequately assessed. The Trust therefore has no

objection to planning permission being granted, subject to financial contributions towards improvements to the access to the canal towpath. The applicant has indicated their agreement with our request to improve the means of access to the canal towpath.

### **Archaeology**

No objection - The 19<sup>th</sup>- century Ordnance Survey maps show the application area in some detail, including the actual rectory. This structure is the one shown in the photo included in the Design and Access Statement, which looks no older than mid-19<sup>th</sup> century. It is likely, however, to be the latest in a long line of rectories going back into the medieval period and, significantly, the 1839 tithe map shows an earlier structure on a slightly different alignment, which is surrounded by extensive 'pleasure grounds'. The sites of both structures lie partially within the application area and will, inevitably, be affected by the development.

The evidence is not sufficient to generate an objection to the development on archaeological grounds or necessitate any pre-determination work. However, a developer-funded watching brief would be appropriate in order to record any remains of the rectories (especially the earlier one) and the associated pleasure grounds. Any such watching brief would be limited to the areas referenced above and would need to be maintained during relevant groundworks (topsoil stripping, excavation of foundations). The work may be secured by condition.

### **Environmental Health**

No objection, subject to conditions restricting hours of construction / piling, submission of an environmental management plan, scheme for dust control and contaminated phase II survey.

### **Sustran**

- Could a direct pedestrian/cycle access from the site to the National Cycle Network Route 5 on the adjacent canal towpath be created?
- Can a site of this scale make a small contribution to further improvements on the towpath?
- The design of any smaller properties should include storage areas for residents' buggies/cycles.

### **Education**

No objection - the Council's Education Department and it has been confirmed that there is sufficient capacity within the local schools to accommodate the proposed development.

## **5. VIEWS OF THE CHURCH LAWTON PARISH COUNCIL**

The Parish Council has objected to the proposals on the following grounds:

- Proposal is not in accordance with the development plan
- Proposal is outside of an identified settlement boundary
- Proposal would compromise the openness and strategic functions of the Green Belt
- The site is not sustainable
- The relevant local plan policies are up to date and consistent with the NPPF

- NPPF does countenance refusal of planning permission for inappropriate development in Green Belt
- There are no 'special circumstances' to justify approval
- There is no guarantee that the second phase for the adjacent residential development included this site
- The adverse impacts of the development would not outweigh the benefits of the scheme
- Increased risk of flooding
- Increased traffic and access
- Lack of available school places
- Impact on residential amenity
- Impact on Ecology
- Impact on the Trent and Mersey Canal Conservation Area
- Impact on Drainage and Foul Water
- A Number of Omissions in application
- Geological impacts

Odd Rode Parish Council has also commented. They have expressed concern about the extra traffic and state that if permitted, a pedestrian crossing for an extension of the footpath to and from Rode Heath.

## **6. OTHER REPRESENTATIONS**

Over of 140 letters (including letters from Rectory Farm Action Group) have been received in response to the original and the revised application. The grounds for objection are summarised as follows:

- This is a Green Belt site
- Proposal is contrary to local policy and the NPPF
- There are no special circumstances to justify the development and is therefore inappropriate
- Proposal would not make a substantial contribution to the Council's housing shortfall
- Other Brownfield sites should be used e.g. Twyford
- There is no demand for such houses
- There are already vacant properties which cannot be sold in the area
- Permission for hundreds of houses has already been permitted in Alsager
- Nearby Kidsgrove Brook already floods
- Increased risk of flooding from more surface and drainage water in the area
- Traffic Levels along A50 and approach roads would be increased
- The junction with the A50 is dangerous
- Local roads are narrow and the nearby aqueduct may be affected by increase in traffic and larger vehicles
- Local roads are congested when there is an accident on M6
- Would result in the loss of a green space
- Would not amount to an infill development
- Would impact detrimentally on the character and appearance of the area
- Impact of protected species and local ecology

- Impact on flooding and drainage
- Quality of the land not brilliant hence why it has not been built on previously
- Loss of views
- Loss of privacy
- Swallows, bats, badgers and other wildlife regularly use the site / meadow
- Proposed protected species mitigation is not acceptable
- The area is enjoyed by walkers
- The site is prominent from the adjacent canal
- Loss of property values
- Disturbance to neighbouring amenity
- Schools in the locality are oversubscribed (Cherry Lane School has been closed for years)
- Proposed houses would not be in keeping with the area or adjacent low level bungalows
- There are several shafts in the lower field
- United Utilities discharge effluent into the Kidsgrove Brook
- Smells and contamination from sewerage as local network cannot cope
- There is a main sewer running through the site
- Subsidence
- Loss of trees and hedgerows
- Lack of local amenities and infrastructure, the nearest are in Alsager
- Lack of consultation – they have disregarded local opinion
- There is a covenant on the land
- Resident's will not be able to get insurance due to flooding
- The site is overlooked by public footpaths
- Impact on adjacent Canal conservation area
- Landowner is deliberately letting the site degenerate
- Inaccuracies made by agent
- Rectory Farm has a well and a spring
- Amended proposals show a higher density of development
- There is no local employment to warrant this development
- The amended proposals would still encroach into Green Belt
- The proposed open space is not suitable
- Proposals will result in a cramped development
- Evidence of Red Ash in area

18 of the letters are written in support of the application and state:

- These house are much need and would be a great boost for the area
- Would provide affordable housing including starter homes for first time buyers
- Proposal would see a positive impact on local wildlife
- Would provide homes for those with mobility problems
- The developers have tried to keep the local community informed
- The site is enclosed and should have been developed before

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

- Floor Risk Assessment (Updated)
- Landscape and Visual Assessment
- Planning Statement
- Design and Access Statement
- Transport Statement
- Ecological Assessment
- Arboricultural and Tree Impacts Assessment
- Letter Responding to Objections

## **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, landscape impact, ecology, amenity, open space, drainage and flooding, sustainability and education.

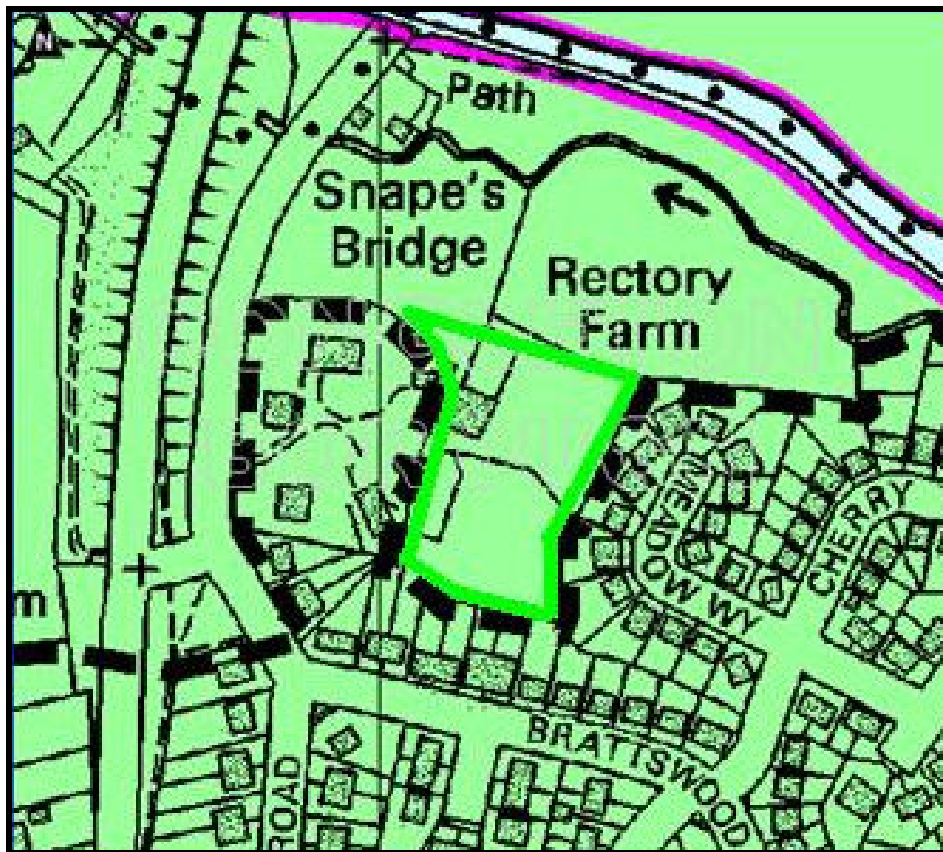
### **Planning Policy and Housing Land Supply**

The site lies predominantly within the infill boundary line of the settlement known as 'Lawton Gate', where local plan policy PS6 is relevant. Policy PS6 states that the principle of new development within the settlement will be permitted where it is limited and is appropriate to the local character in terms of use, intensity, scale and appearance.

The rear portion of the site falls just outside of the infill boundary and therefore is designated as Green Belt in the adopted Congleton Borough Local Plan First Review 2005. The Infill boundary line is shown on Figure 1 below and is denoted the dotted line. The part of the site within the Green Belt is denoted by the solid line.

### **Figure 1.**





Within the Green Belt, local plan policy PS7 states 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 which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The area designated as Green Belt amounts to a small parcel of land which is surrounded on 3 sides by existing development. Development of this part of the site would represent a natural 'rounding off' of the settlement and the development of this small parcel would not affect the openness of the surrounding green belt. There is a clear distinction between this part of the site and where the adjacent paddock / field drops away and slopes down towards the north. Consequently, it is not considered that the loss of this part of the site would undermine the openness of the Green Belt or for purposes of including land within it.

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 8<sup>th</sup> February and the Portfolio Holder on 11<sup>th</sup> 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 30<sup>th</sup> 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.”*

## **Conclusion**

- The site is predominantly within the infill boundary line of Lawton Gate with only a small parcel located within the Green Belt. As such, the principle of the development is deemed to be acceptable.
- 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 proposals that are not policy compliant does not apply.
- The proposal does accord with the emerging Development Strategy.
- 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**

Being located on the built up edge of Church Lawton, the site already benefits from existing local facilities. These include: a primary school, local store at Lawton Gate, which are within 500 metres of the site and facilities at Rode Heath including: a primary school, doctors surgery, and a few shops. There are three public houses (2 in Rodeheath), and a petrol filling station locally as well. Lawton Gate is easily within walking distance on footpaths and Rodeheath can be accessed by the well used canal towpath or connecting roads. The scheme proposes alterations to the footpaths along the frontage of the site which will improve the existing poor provision and will also benefit existing residents.

Bus services are available with two services having stops within the 500 metre requirement advised by the former North West Development Agency sustainability toolkit. These services are hourly or two-hourly, although there is a third service with a 20 minute frequency but this is a little further away.

Overall, the site is considered to be sustainable. Nonetheless, there is a need to upgrade the local bus stops that would enable the development to more widely accessible to the neighbouring towns and villages.

## **Character and Appearance**

An indicative layout plan has been submitted with the application. This shows the main entrance to the site situated in between the properties referred to as 'Rectory Bungalow' and 'Rectory Lodge'. Given that the site is situated to rear of existing properties, with a single point of access, and because the site is self contained, there is little opportunity or need for frontage onto Old Knutsford Road.

Within the site, the proposed layout would introduce a cul-de-sac development with a main spinal road running through the site. Views would terminate on a semi-crescent cul-de sac with dwellings situated along the northern and the eastern boundaries. The pattern of the development would follow the shape of the site and details how 31 units could be laid out within the site. The indicative layout would not deviate or harm the character or appearance of the area. As such, it is deemed to be acceptable.

Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies of the local plan.

## **Landscape Impact**

The application site is located to the north of Church Lawton, some of it within the boundary of the Green Belt, to the south of the Trent and Mersey Canal Conservation Area. No baseline information has been submitted with the application, but in the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. In the Cheshire Landscape Character Assessment 2008, adopted March 2009, the site is identified as being located in Landscape Type 17: Higher Farms and Woods; within this character type the application site is located within the Little Moreton Character Area: HFW2. In the Former Congleton Borough Council, Congleton Landscape Character Assessment 1998, the area is located within the Cheshire Plain Landscape, one that is identified as being 'of good quality'. This is a pleasant rural landscape having a reasonable distribution of semi-natural features'.

The application site covers an area of approximately 1.19ha and has a number of existing buildings located on it including a large detached house, a double garage and some barns. To the north of the application site is an attractive area of undulating agricultural land bound to the north by Kids Grove Brook and further to the north by the Trent and Mersey Canal. The access road to the application site is flanked by a number of existing bungalows and generally the area can be described as of rural nature with modern residential developments. There are existing residential properties to the south and east and the Knutsford Road forms the western boundary. The Trent and Mersey Canal is located to the north of the application site and the elevated location of the canal, in relation to the application area, offers extensive views across the whole of the application site from Footpath 41 (Odd Rode), which follows the canal towpath at this location

This Council's Landscape Officer has stated that as this is an outline application and the layout shown is illustrative, it is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This would be secured at the reserved matters stage. Subject to this, the provision of 31 units would not materially harm the landscape character of the area when viewed from areas generally accessible to the public and would not impact on the openness given that it would amount to infill and the majority of the site is previously developed.

## **Ecology**

It must be demonstrated that proposed developments and their infrastructure must not impact on designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010.

The application is supported by an ecological assessment undertaken by a suitable qualified and experienced ecologist. The Council's ecologist has examined the assessment and commented that, evidence of a minor roost of common bat species has been recorded within one of the buildings on site. However, the usage of the buildings by bats is likely to be limited to a small number of animals using the buildings for short periods of time during the year. The loss of the buildings and associated roost in the absence of mitigation is likely to have a minor impact upon a small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The development could however lead to the disturbance/killing/injuring of any bats present when the work was undertaken and therefore whilst the roost is minor in nature, its loss should be compensated for.

Where a European Protected Species has been recorded on site and is likely to be affected by the proposed development, 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
- the favourable conservation status of the species will be maintained

The applicant has submitted an acceptable outline bat mitigation method statement. The Council's Nature Conservation Officer is satisfied that if planning consent is granted the favourable conservation status of the species of bat concerned will be maintained. However, given that the application is only outline, it is advised that a condition is required to ensure any reserved matter application is supported by a revised bat mitigation method statement. The proposal would assist in the Council's 5 year housing land supply, there are no suitable alternatives and the favourable conservation status of the bat species identified would be maintained.

Following the completion of further survey work, reptiles and other species groups are unlikely to be present or affected by the proposed development.

With respect to breeding birds, the site has the potential to support breeding birds including the more widespread Biodiversity Action Plan (BAP) species which are a material consideration. The Council's Nature Conservation Officer has confirmed, that subject to conditions that require a survey to be carried out if works are to be undertaken during the bird breeding season and the incorporation of features into the scheme for breeding birds and the planting of native hedgerows.

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

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes a single point of access off Old Knutsford Road positioned directly in-between Rectory Farm Bungalow and Rectory Lodge. The Strategic Highways Manager has confirmed that the visibility splays offered are in accordance with the requirements of Manual for Streets. Added to this, Old Knutsford Road is a lowly trafficked local semi-rural road and, as such, the traffic generation from 31 units would not give rise to local traffic issues.

Subject to conditions, improvements to the local bus stops, footways and the provision of street lighting along the frontage, the proposal is deemed to be acceptable in terms of highways and compliant with local plan policy GR9.

### **Affordable Housing**

The proposed development will provide 9 affordable units (6 social rent and 3 for intermediate tenure) within the proposed 31. This provision accords with the Interim Affordable Housing Statement requirements that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. Subject to the developer entering into a Section 106 Agreement as detailed above, it is considered that the proposal would comply with Local Plan Policy and the provisions of the Affordable Housing Interim Planning Statement.

### **Drainage and Flooding**

The applicant has submitted with the application, a detailed Flood Risk Assessment (FRA). The site is largely located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources. The proposed development is outlined. As such, the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1.

Suitable mitigation and appropriate siting of the development can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of the NPPF. Data obtained from the FRA also places the site at low risk of flooding from other sources.

In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water.

United Utilities have also 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.

### **Open space**

The Council's Greenspaces Officer has stated that there would be a deficiency in both Amenity Greenspace (open space) and Children's and Young Persons provision (play equipment) if the development were to be approved. As such, it has been recommended that an area of 744m<sup>2</sup> open space would be required with financial contributions of £8,797.80 required for the future maintenance. It has also been recommended that within the POS, at least 5 pieces of play equipment be provided with financial contributions of £28,656 for the future maintenance.

It would appear that these requirements have been borne through the lack of existing provision within Church Lawton generally. However, the needs of existing residents should not be borne through this application. The proposed development should only be expected to mitigate for the effects that it has and therefore should only be based on the increase in residents created by the development and the adopted local standards set out in the Open Space Study, being fairly and reasonably related in scale and kind to the proposed development. It is considered that such requirements are not fairly or reasonably related in scale to the proposed development, which is for only 31 dwellings.

The requirements recommended by the Council's Greenspaces Officer are not considered to meet the tests in the Community and Infrastructure Levy regulations. The Greenspaces Officer has been asked to revisit the calculations. a further update on this matter will be provided to Members prior to the meeting.

### **Residential Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The layout and design of the site are reserved matters. However, the proposed layout enjoys adequate separation with the nearest neighbouring properties and demonstrates that up to 31 units 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.

## **Education**

The Education Department has assessed the primary schools within 2 miles and the secondary schools within 3 miles of this proposal. Based on current forecasts and having regard to other developments which impact on these schools, no contribution is required. Consequently, it is considered that there is adequate space within local schools to accommodate the proposed development.

## **Conclusions**

The site is largely previously developed and lies predominantly within the infill boundary line of the 'Lawton Gate' settlement where there is a presumption in favour of limited sustainable development. Whilst the rear portion of the site falls within the Green Belt, it is surrounded on 3 sides by existing development and is partly previously developed. Development of this part of the site would represent a natural 'rounding off' of the settlement and the development of this small parcel would not affect the openness of the surrounding green belt or undermine the purposes of including land within it.

Overall, the site is considered to be sustainable subject to the upgrade of local bus stops and so far as this application is outline, it is not considered that the proposal as amended would materially harm the character or the appearance of the area or the surrounding landscape. The proposal would assist in the Council's 5 year housing land supply, there are no suitable alternatives and the favourable conservation status of the bat species identified would be maintained and would not impact detrimentally on other species protected by law.

As amended, the proposal would not impact detrimentally on highways, neighbouring residential amenity, drainage or flooding and would not require any education provision as there is sufficient capacity. With respect to public open space, some provision will be required, but the exact requirements suitable to this development will be determined and updated to Members by way of a written update.

## **9. RECOMMENDATION**

**APPROVE** subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below that authority be given to the Head of Planning and Policy to grant approval subject to the imposition of the following:

### **Heads of Terms for Legal Agreement**

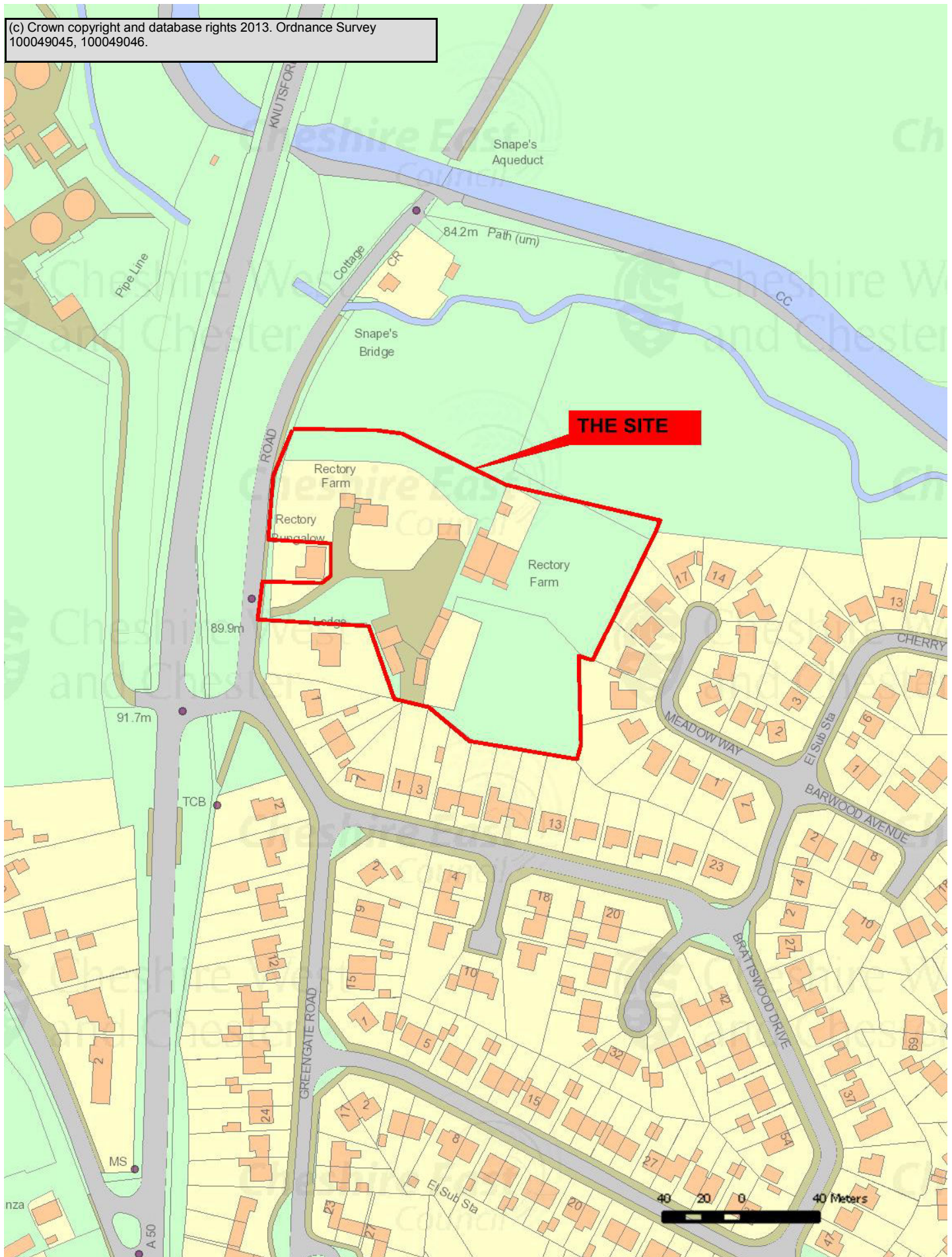
1. Provision of public open space and CYPP and ongoing maintenance of the facilities to be determined.
2. Delivery of 9 affordable units (6 social rent and 3 for intermediate tenure).
3. Financial contribution of £21,000 for the Upgrade of Bus Stops
4. Upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres



**And the following conditions**

- 1. Standard outline**
- 2. Submission of reserved matters**
- 3. Approved plans including amended plans and access detail**
- 4. Contaminated land Phase II investigation to be submitted**
- 5. Hours of construction**
- 6. Details of pile driving operations**
- 7. Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD**
- 8. Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD**
- 9. Scheme to limit surface water runoff**
- 10. Submission of scheme to manage the risk of flooding from overland flow**
- 11. Sustainable Urban Drainage System**
- 12. Only foul drainage to be connected to sewer**
- 13. Retention of important trees**
- 14. Updated Protected species survey to be submitted with any subsequent Reserved Matters applications**
- 15. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 16. Scheme for incorporation of features into the detailed scheme for use by breeding birds**
- 17. Archaeological developer-funded watching brief to be carried out**
- 18. Environmental management plan including scheme for dust control to be submitted**
- 19. A streetlighting scheme for Old Knutsford Road to a convenient point north of the proposed access and include for 30mph speed limit signs to the southern approach**

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Application No: 12/3869W

Location: EATON HALL QUARRY, MANCHESTER ROAD, CONGLETON, CHESHIRE, CW12 2LU

Proposal: Variation of conditions 5 (b), 5 (c) (relating to hours of working) and 6 (relating to traffic movements) of approval 5/06/1782P for the erection of plant, machinery and utilisation of the former garage and lorry parking facilities for bagging and storing dried ready mixed concrete, mortar and turf dressing products

Applicant: Tarmac Building Products Ltd

Expiry Date: 17-Jan-2013

#### **SUMMARY RECOMMENDATION**

Approve

#### **MAIN ISSUES**

- Principle of development
- Impact upon the existing highway network
- Impact upon amenity in terms of noise
- Impact upon amenity in terms of the creation of dust
- Ecological issues

#### **REASON FOR REPORT**

The application is within a major minerals site, and as such the application is brought before the Strategic Planning Board.

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

Eaton Hall Quarry is located approximately 1 mile to the north of Congleton and is accessed via the A34.

The site was originally opened in 1973 and in 2005 planning permission was granted for an extension to the quarry, making available a further 5.75 million tonnes of sand reserves to the quarry. In 2006 planning permission was granted for additional plant equipment and machinery on site.

#### **DETAILS OF PROPOSAL**

The operator of the site has provided a supporting statement outlining the main reasons for the application being made to vary the condition. Essentially, the dry pack operations have been in use since 2007. Despite the current economic climate and downturn in the construction industry, the dry packing business at Eaton Hall Quarry has grown substantially over the last twelve months. The existing operations on site have seen an increase in demand over the last twelve months and as such, operations are currently at capacity.

In order for the operator, (Tarmac) to meet the current demand for products from the dry packing plant, an additional shift is required on site. The additional shift would enable production levels to be increased in order to meet demand.

In order for the additional shift on site to be available, the existing conditions would need to be altered, consequently the planning application before you is a section 73 application to vary condition 5(b) & (c) attached to planning permission 5/06/1782P.

Condition 5(b) and (c) currently reads;

*'The operation of the development hereby approved shall be restricted to the following periods:*

- A) for vehicle movements unloading and loading – at all times between 04.00 Monday to 18.00 Saturday;*
- A) for sand processing and drying – 07.30 to 23.00 Monday to Friday, 07.30 to 18.00 Saturday (April to September); 06.30 to 24.00 (midnight) Monday to Friday 06.30 to 18.00, Saturday (October to March)*
- B) for maintenance – 07.30 to 18.00 Monday to Friday, 07.30 to 12.30 Saturday only*

The applicant seeks to vary the condition to the following;

*The operation of the development hereby approved shall be restricted to the following periods:*

- A) To remain as existing*
- A) For sand processing and drying – 06.00 to 18.00 Monday to Saturday (all year)*
- B) For maintenance 07.00 to 19.00 Monday to Saturday (all year)*

Condition No.6 attached to the existing consent reads as follows;

*The permitted vehicle movements related to this development shall not exceed a maximum of 26 (13 in, 13 out) Heavy Goods Vehicles movements on any working day is averaged out over the calendar month. Of these, a daily maximum of 6 (3 in, 3 out) Heavy Goods Vehicles movements shall be permitted for the importation of materials as averaged out over the calendar month. The vehicle movements permitted by this development shall remain within the overall limit of vehicle movements for the site at all times as specified in condition 15 of planning permission 5/APP/2004/0012.*

Planning condition 15 attached to permission 5/APP/2004/0012 restricts vehicle movements for both the dry packing plant element of the site, and the original soil / peat / soil mixes that originated at the quarry.

The application seeks to amend condition No.6 as follows;

*The permitted vehicles movements related to this development shall not exceed a maximum of 42 (21 in, 21 out) Heavy Goods Vehicles movements on any working day is averaged out over the calendar month. Of these, a permitted daily maximum of 14 (7 in, 7 out).*

## **RELEVANT HISTORY**

5/06/1782p Erection of plant, machinery and utilisation of the former garage and lorry parking facilities for bagging and storing dried ready mixed concrete, mortar and turf dressing products

5/2004/0012 Extension to quarry

## **POLICIES**

### **North West of England Plan Regional Spatial Strategy to 2021**

DP4: Make the Best Use of Existing Resources and Infrastructure

DP7: Promote Environmental Equality

EM7: Minerals Extraction

### **Local Plan Policy**

#### ***Cheshire Replacement Minerals Local Plan (1999)***

Policy 12: Conditions

Policy 15: Landscape

Policy 16: Plant and Buildings

Policy 17: Visual Amenity

Policy 26: Noise

Policy 27: Noise

Policy 28: Dust

Policy 34: Highways

Policy 36: Secondary Operations

Policy 37: Hours of Operation

#### ***Macclesfield Borough Local Plan (2004)***

NE11: Nature Conservation

GC5: Countryside Beyond Green Belt

DC3: Amenity

DC8: Design and Amenity – Landscaping

DC13: Noise

### **Other Material Considerations**

#### ***National Planning Policy and Guidance***

National Planning Policy Framework (2012)

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

#### **Highways:**

The current permission (5/06/1782P) limits HGV movements to an average 26 per day (13 each way), of which no more than 6 are for the importation of materials. These are totals for both directions. These movements are included for the overall vehicular limits conditioned under permission 5/APP/2004/0012 of 400 (200 each way) per week during March to May and August to October and 200 (100 each way) during other months.

This application request an extension of working hours, and increase in permitted vehicle movements. If granted this would increase the maximum HGV movements to 42 (21 each way) daily and a daily maximum for the importing of materials of 14 (7 each way) These totals would exceed the total movements permitted of 200 per week during six months of the year. The applicant therefore requests that the movements for the dry pack operation (which is responsible for the increase) be treated separately from those for the sand/soil/peat blending business in terms of setting movement ceilings. They consider there to be no capacity issues at the access of the site onto the A34.

The requested hours of operation and extended working times into hours when traffic is lighter. Access is taken from a modern purpose built junction on the A34 which has sufficient capacity to handle greater turning flows.

#### **Environmental Health:**

Have had the opportunity to examine the application and confirm that the service has no objections to the proposal – subject to the details contained within the submitted Noise Assessment document which was undertaken and produced by AMEC Environment & Infrastructure UK Limited (2/10/12) in relation to the proposal – to extend the production hours for the Eaton Hall Quarry dry pack plant.

In section 6 (6.2) of the report, it is stated that Tarmac Building products have proposed the following noise mitigation measures as a means to further decrease the effect of the proposals on the local environment. The service would therefore recommend that the proposed options are included as conditions of a planning approval :-

- 1) Background adjusting reversing beepers or the use of broadband or 'white noise' reversing beepers shall be used during the night time hours on mobile plant which manoeuvres around the Eaton Hall plant.
- 2) An acoustic booth will be erected around the dust extraction unit within the dry pack plant.

### **The University of Manchester**

No comments to make

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

Eaton PC: The Parish Council has no major planning objections to raise they would wish to stress that any noise, particularly outside social hours, should be kept to an absolute minimum - particularly reversing beepers

### **OTHER REPRESENTATIONS**

None received

### **APPLICANT'S SUPPORTING INFORMATION**

A noise assessment was submitted as part of the application and can be viewed on file.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The proposal relates to varying two conditions attached to 5/06/1782p which is associated with the dry plant facilities on site. The principle of the quarry has been long established. As such, the main focus of the report is whether the variation of the conditions is acceptable.

The proposal seeks to vary condition No.5(b) & (c) and condition 6 relating to the number of vehicle movements into an out of the site, and also the working hours for the dry plant packing and processing.

#### **Policy**

Policy 36 within the Cheshire Replacement Minerals Plan (1999) seeks to ensure that products produced within mineral sites are predominantly from the mineral site itself, a measure of 50%. The proposal would ensure that more than 50% of the products produced on site are from the quarry itself. As such the proposal would comply with the policy.

#### **Highways**



The original application was for the dry packing function of the site was granted in 2006. At this point in time, the operator was able to operate within the limits on vehicle numbers proposed. From looking into the planning history and consultation responses received during this application, no reasons were given for the restrictions to be in place around vehicle movements.

The supporting statement received along with the application identifies that the operator of the site: Tarmac, have seen an increase in business over recent months, to the degree that the existing restrictions on the vehicle movements into the site have become restrictive. The operator has seen a large increase in orders for the dry packing element of the business consequently they seek an increase in HGV movements into and out of the site from 26 (13 each way; 6 importation of materials) to 42 (21 each way; 14 for the importation and exportation of materials). As such, the total number of vehicle movements would be 400 per week between March and May, and 200 movements between August and October. June, July, November and February are limited to 100 vehicle movements.

The Strategic Highways manager has viewed the proposal, and does not envisage the increase in the number of HGV vehicle movements causing any adverse impact upon the existing access from the A34, or the wider highway network.

Similarly, the proposal seeks to increase the working hours of the plant into off-peak hours. It is not considered that the proposal would have any adverse impact upon the highway network on these grounds either.

Overall the proposal would comply with the guidance within Policy 34 (Highways) of the Cheshire Replacement Minerals Local Plan (1999)

## **Amenity**

### **Noise**

A noise assessment was submitted as part of the application. The noise assessment concentrates on how the additional night time working on site would impact upon the amenity of the area.

The noise assessment has concentrated its findings on the closest sensitive receptors, the Wagon and Horses (345m north of the plant), and the two nearest neighbouring dwellings: Oakley (275m west) and Midway House Farm (475m south west). The noise report submitted states that the proposed extension to working hours would not result in an adverse impact to the amenity of these receptors.

The following measures would be taken in order to mitigate any potential adverse noise disturbance as a result of the development;

- Aggregate drier – the equipment would only work between 0700 – 1900
- Sand supplies – Between the hours of 2300 – 0700 only two lorry loads of sand would be transported from the Quarry to the dry pack plant
- Dust extractor – An acoustic booth would be fitted
- Fork lift trucks - Noise suppressors to be fitted



The Environmental Protection Officer has viewed the proposal, and raises no objections to the additional working hours, subject to the acoustic booth being erected around the dust extractor, and restrictions being in place around reversing beepers for vehicles within the site.

It is considered that whilst the proposal includes additional working hours during anti-social periods (0600 – 1800 all year) the proposal would not result in an adverse impact upon the nearest residential properties. The existing measures in place on site, plus the additional mitigation measures proposed as part of the application, would prevent any noise disturbance.

Overall the proposal is considered to comply with policies 26 & 27 within the Cheshire Replacement Mineral Plan (1999) and policy DC3 within the Macclesfield Borough Council Local Plan (2004).

### ***Dust***

Whilst the proposal would result in an increase in operations at the site, it is considered that the existing controls and mitigation measures would prevent any adverse impact in terms of the creation of dust at the site. The existing storage silos on site are equipped with protection systems to ensure that no dust egress into the atmosphere.

In these circumstances the proposal would comply with the guidance within Policy 28 (Dust) of the Cheshire Replacement Minerals Local Plan (1999) & DC3 (Amenity) within the Macclesfield Borough Council Local Plan (2004).

### ***Visual Amenity / Landscape Impact***

The proposal to increase the number of vehicle movements into and out of the site, and to alter the working hours at the site, would have no impact upon the visual amenity of the area. The proposal would have no impact upon the existing landscape. It is of merit to note that the dry packing plant aspect of the quarry is located well into the site, and sufficient planting is in place around the, site thus preventing any views from public vantage points.

### ***Ecology***

The site is known to provide a habitat for great crested newts. Under application 5/06/1782p a protection and mitigation assessment was provided as part of the application, and a Natural England license is in effect at the site. The previous controls implemented at the site are considered sufficient to prevent any adverse impact to the protected species on site.

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

This section 73 application seeks to vary conditions covering the number of vehicle movements from the site, and the operating hours of the dry packing part of the quarry.

The appraisal of the development plan and other material planning considerations demonstrates that the proposed development at Eaton Hall Quarry is in accordance with the Development Plan, RSS, CRMLP and MBLP.

The key issues for consideration relate to the prolonged impacts of traffic and transportation, impact upon residential amenity from operations issues such as noise and dust. The previously attached conditions to 5/06/1782p would also remain in place.

It is considered that the proposal would have an acceptable impact on any sensitive party. As such, planning permission should be granted.

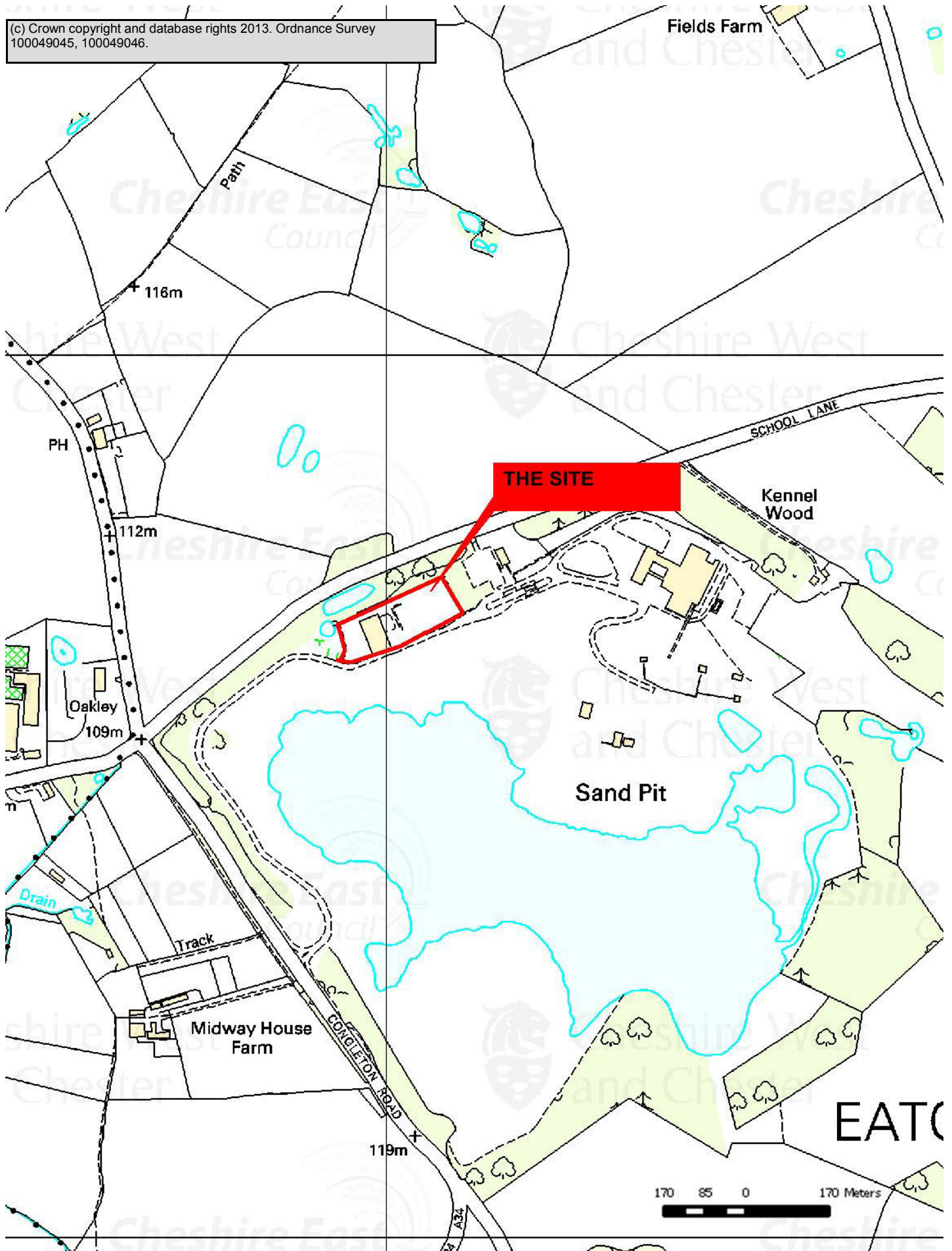
**Approve; subject to conditions attached to 5/06/1782p, and varied conditions as follows;**

- **The operation of the development hereby approved shall be restricted to the following periods;**
  - a) **for vehicle movements unloading and loading – at all times between 04.00 Monday to 18.00 Saturday.**
  - a) **For sand processing and drying – 06.00 to 18.00 Monday to Saturday (all year)**
  - b) **For maintenance 07.00 to 19.00 Monday to Saturday (all year)**
- **The permitted vehicles movements related to this development shall not exceed a maximum of 42 (21 in, 21 out) Heavy Goods Vehicles movements on any working day is averaged out over the calendar month. Of these, a permitted daily maximum of 14 (7 in, 7 out).**

**And additional conditions;**

- **Background adjusting reversing beepers or the use of broadband or ‘white noise’ reversing beepers shall not be used during the night time hours on mobile plant which manoeuvres around the Eaton Hall plant.**
- **An acoustic booth will be erected around the dust extraction unit within the dry pack plant.**

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## **CHESHIRE EAST COUNCIL**

### **Committee Strategic Planning Board**

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<b>Date of Meeting:</b>	13 <sup>th</sup> March
<b>Report of:</b>	Head of Strategic Planning and Housing
<b>Subject/Title:</b>	Local Plan Annual Monitoring Report 2011/12

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#### **1.0 Report Summary**

- 1.1 This report sets out the findings in the Annual Monitoring Report 2011/12. The Annual Monitoring Report shows the progress with the preparation of the Local Plan and reviews the Local Development Scheme and considers how the policies set out in the development plan were delivered during the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012.

#### **2.0 Recommendation**

- 2.1 That the Strategic Planning Board notes findings of the Annual Monitoring Report 2011/12 for information.

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

- 3.1 Planning authorities are required to monitor the progress in the preparation of their Local Plan and the effectiveness of their planning policies.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 The report contains statistical evidence on the performance of existing development plan policies which will be crucial in the formulation and process of policy making and implementation of the Local Plan.

#### **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1 There will be no costs involved with the publication of the Annual Monitoring Report; it will be published on the Council's website only.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Under the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, every planning authority must prepare reports containing prescribed information regarding:
- a) Implementation of the Local Development Scheme and
  - b) The extent to which the policies set out in Local Development Documents are being achieved is a statutory requirement imposed by s35 Planning & Compulsory Purchase Act 2004.

## **9.0 Risk Management**

- 9.1 The Local Development Scheme is being revised to ensure that sufficient time is included in the timetable to enable members to give full consideration to the proposals to be included in the draft Local Plan. The Local Development Scheme sets out the risks associated with the preparation of the Local Plan.

## **10.0 Background and Options**

- 10.1 This is the fourth Annual Monitoring Report for Cheshire East Council. Every local planning authority has to make an annual report containing information on the implementation of the Local Development Scheme and the extent to which the policies set out in local plans are being achieved. The Government has removed the requirement for local planning authorities to submit their annual monitoring report to the Government but has retained the overall duty to monitor. It is now a matter for each council to decide what to include in their monitoring report.
- 10.2 The Executive Summary to the Annual Monitoring Report is set out in Appendix 1. It gives the extent of development and progress throughout the Borough highlighting the main conclusions from each of the chapters. The full report is available on the Council's web site:  
[http://www.cheshireeast.gov.uk/environment\\_and\\_planning/planning/spatial\\_planning/cheshire\\_east\\_local\\_plan/annual\\_monitoring\\_report.aspx](http://www.cheshireeast.gov.uk/environment_and_planning/planning/spatial_planning/cheshire_east_local_plan/annual_monitoring_report.aspx)
- 10.3 The current Local Development Scheme came into effect on April 30<sup>th</sup> 2012 and covers the period 2012/14, setting out the key milestones, identifying target dates for the various stages of each document. In the last year, the council have been continuing to put together the evidence base Compilation of evidence base for the Core Strategy
- Town Strategies Consultations
  - Open Space Assessment completed
  - Employment Land Review completed
  - Development Strategy and Emerging Policy Principles completed

The key milestones set for 2011/12 have been met. A separate report will consider the revisions to the Local Development Scheme and review the timetable.

- 10.4 The national economic position is having an effect on development in Cheshire East in terms of the amount of new development for housing, employment, town centre and other shopping developments and also on the amount of mineral extraction.
- 10.5 For the first time in four years the number of housing completions in Cheshire East has risen from 466 to 534 (net)
- 10.6 The Government requires all planning authorities to be able to demonstrate a five year supply of land available for new housing development. The Cheshire East SHLAA Feb 2013 Update (base date 31<sup>st</sup> March 2012) shows that Cheshire East has a 7.5 year supply of homes on 'deliverable sites' within the period 1-5 years. Incorporating the 5% buffer this becomes 7.15 years.
- 10.7 Employment floor space completions were 33,353 sqm gross. This was an increase from 10,600 sqm gross in the previous monitoring period. Unemployment rates remain below the regional level at 6.1%. Employment Land Supply is 328 ha. This is an increase from last year's figure of 296 ha.
- 10.8 Cheshire East's visitor economy is estimated to be worth £608 million. Visitor numbers have increased to nearly 12 million, with tourists spending 5% more than the previous year. Cheshire East's Visitor Economy Strategy continues to set ambitious targets for growth in this sector, including a target to increase Tatton Park visitor numbers to 1 million by 2015.
- 10.9 Progress continues on protecting and conserving our Built and Natural Heritage. The Green Infrastructure Strategy is now complete and the Open Space Strategy was published in March 2012. Air Quality Management Areas are showing improvements and initiatives to protect heritage crime incidents have been created.
- 10.10 Aggregate production across Cheshire increased by about 10% on the previous year from approx. 0.9 to 1 million tonnes. This reflects a slight upturn in construction activity. There has been a decline in the overall household waste arisings. 52.9% of waste is now recycling/ composted an increase from 50% in 2010/11. Recycling rates have risen in 2011/12 following the implementation "sorted in one" silver bin kerbside recycling scheme across the Borough.
- 10.11 It is imperative that the Council continue this monitoring as monitoring provides a crucial method for feedback, highlighting where adjustments and revisions are necessary. The information forms evidence for the development of policies for the Local Plan process. With the withdrawal of the government requirement, it is up to each Council to decide what will be included in future annual reports. This Council will continue to monitor on a more focussed list of

indicators that link to either corporate performance measures or key planning policies.

#### **11.0 Access to Information**

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

Name: Pamela Cunio  
Designation: Principal Planning Officer  
Tel No: 01270 6855641  
Email: [pam.cunio@cheshireeast.gov.uk](mailto:pam.cunio@cheshireeast.gov.uk)

#### **Appendices**

##### **Appendix 1 Executive Summary**





## Chapter 1: Executive Summary

**1.1** This is the fourth Annual Monitoring Report (AMR) produced by Cheshire East Council. Previous monitoring reports were produced to comply with Section 35 of the Planning and Compulsory Purchase Act 2004. This AMR responds to the Government's amended requirements as set out in Section 113 of the Localism Act 2011 and Section 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Local planning authorities are required to report on the implementation of the Local Development Scheme and the extent to which policies set out in the local development documents are being achieved. Local authorities may choose which targets and indicators to include in the report, as long as they align with relevant UK and EU legislation. The primary purpose of this report is to share the performance and achievements of the planning service with the local community.

### Local Plan progress

**1.2** In the last year the Council has continued to gather the evidence base and has carried out extensive consultation across the Borough to shape the emerging Local Plan, as follows:

- Place Shaping Consultation (July - September 2011)
- Rural Issues Consultation (October - November 2011)
- Minerals Issues Discussion Paper (March - April 2012)
- Various Town Strategy Consultations (March, April, May, September 2012)
- Revised Local Plan Sustainability Appraisal Scoping Report (March - April 2012)
- Strategic Housing Land Availability Assessment Update Call for Sites (March - April 2012)

**1.3** Following consultation early in the year, Town Strategies were approved for the Neighbourhood Planning Vanguard towns of Alsager, Congleton, Middlewich and Sandbach. The Wilmslow Town Strategy was also approved. A further round of consultations has resulted in the production of draft Town Strategies for Crewe, Handforth, Macclesfield, Middlewich, Nantwich and Poynton.

**1.4** The following documents/evidence have been published/completed:

- Town Strategies for Alsager, Congleton, Middlewich, Sandbach and Wilmslow
- Draft Town Strategies for Crewe, Handforth, Macclesfield, Middlewich, Nantwich and Poynton
- Rural Issues Summary Report
- Minerals Issues Discussion Paper
- Revised Local Plan Sustainability Appraisal Scoping Report
- Employment Land Review
- Local Development Scheme 2012-2014
- Strategic Housing Land Availability Assessment Update
- Over Peover SPD
- Prestbury SPD



**1.5** As proposed in the previous AMR, the Local Development Scheme was updated, and adopted in April 2012. Progress with the preparation of the Local Plan in 2011/12 has been made in accordance with the key milestones set out in the revised Local Development Scheme, ( LDS) however consideration is currently being given to a revision of the current LDS which will be reported on in the next AMR.

## Housing

**1.6** Housing market conditions for 2011/12 are more optimistic than in recent years, with completions rising in Cheshire East for the first time in four years. Almost a quarter of completions were in Crewe and Macclesfield, with Key Service Centres receiving an 11% increase in their share of housing completions, indicating that opportunities to access new housing are spreading equitably across the borough. A significant proportion of completions were houses, and there has been an increase in the proportion of larger family homes. Affordable housing provision increased by 5% over the monitoring period. The number of empty homes has fallen again this year following action taken by the Council.

**1.7** The Government requires all planning authorities to be able to demonstrate a five year supply of land available for new housing development. This requirement has taken on added importance with the publication of the National Planning Policy Framework (NPPF). The Cheshire East Strategic Housing Land Availability Assessment (March 2012) identifies 3.94 years supply of housing in the Borough. An update has recently been finalised, demonstrating that the Borough has a housing land supply in excess of five years.

## Population

**1.8** Statistics now available from the 2011 Census indicate that the population of Cheshire East has grown by 5.1% in the ten year period from 2001 (352,000) to 2011 (370,100). Mid-year estimates for 2012 show that the population of the Borough is expected to increase by 19,000 people to 2021, to a total of 389,700. At 5%, this represents a greater increase than that predicted for the North West (4%) but less than is expected for England overall (9%).

## Economy

**1.9** Although global economic uncertainty persists, signs of recovery are emerging. Prominent retailers and major companies have located and invested in Cheshire over the monitoring period. Gross employment floorspace completions are significantly higher than the previous year, representing an almost-threefold increase. The loss of land in existing employment use to other uses has increased over the monitoring period. Cheshire East maintains a high supply of employment land, much of which is allocated or committed for mixed use development, however, much of the supply is constituted by a small number of very large sites concentrated in a small number of settlements.

**1.10** The town centres of Cheshire East are weathering the challenging economic conditions better than most: whilst the national shop vacancy rate increased over the monitoring period by 3.3%, Cheshire East saw only a 0.7% increase, with six centres



increasing the number of occupied units. There have been some new retail and office developments in town centres, including two superstores. There have also been new leisure developments including football pitches in Sandbach.

## Tourism

**1.11** The visitor economy in Cheshire East constitutes a very significant aspect of the overall economy of the Borough, being worth approximately £600 million, and attracting nearly 12 million visitors, each year. Through the implementation of the Visitor Economy Strategy; inclusion of policies in the emerging Local Plan; and several grant and accreditation schemes, Cheshire East is working in partnership to ensure that sector remains strong, and tourism-related employment continues to grow.

## Minerals

**1.12** Sand and gravel aggregate sales have increased in the Cheshire sub-region<sup>(1)</sup>. In relation to the previous monitoring period, this represents a slight upturn in construction activity in the region. Sales of crushed rock have remained stable. The Cheshire sub-region is producing below its annual aggregate apportionment and landbanks have fallen since the last reporting year, with sand and gravel now below the 7 year national policy indicator.

**1.13** The revised sub-regional apportionment figures, which set lower levels of aggregate supply for the Cheshire sub-region in the period up until 2020, are now split between Cheshire East and Cheshire West and Chester. Cheshire East is severely deficient in its sand and gravel landbank, although its crushed rock reserves exceed national targets. At silica sand sites, a landbank of at least 10 years is not being maintained at all sites as indicated in national policy, although an application is pending which indicates a demand for silica sand.

## Waste

**1.14** Household waste arisings in Cheshire East have decreased since the previous year. Recycling/composting rates have increased and now exceed Government targets due to the implementation of a revised collection scheme for recyclables. This reduces levels of residual waste sent to landfill. There have been no grants of planning permission for new waste management capacity in Cheshire East.

## Environment & Climate Change

**1.15** Conserving the natural environment and our built heritage continues to be of importance to Cheshire East Council. Two buildings, one listed at Grade I, were removed from the English Heritage At Risk Register during the monitoring period. The increase in Heritage Crime in the Borough is to be addressed through a new Heritage Crime Initiative and several other proposals.

**1.16** A number of studies have been undertaken regarding green infrastructure in the Borough which will inform and be integrated into the Local Plan.

<sup>1</sup> Cheshire Sub-Region includes the regions of Cheshire East and Cheshire West & Chester



**1.17** Actions taken in Air Quality Management Areas are having a positive effect with improvements being seen at almost all monitoring areas.

**1.18** Cheshire East Council has been working closely with Cheshire West and Chester and Warrington Councils to promote renewable energy. A number of studies and handbooks have been produced to inform the Local Plan and to assist developers interested in low carbon sources of energy. Extended permitted development rights mean the majority of domestic renewable schemes no longer require planning consent, hence monitoring is unfeasible. No major schemes have been submitted in this monitoring year.